

Regular & Work Session Meeting Minutes - June 4, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 4, 2012 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Assistant Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember Walt Craig
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: William Blaney, Solicitor, Michael Voll, Manager and Asst. Clerk Picard

Work Session

Discussion on Ordinance # 2012-11 An Ordinance Establishing Guidelines for Beekeeping

Mayor Beck stated the first item on the work session is to craft an Ordinance which will establish guidelines on bee keeping in Lower Township. The Mayor stated that both sides are represented here this evening and requested all speakers who wish to address Council state their names, address and speak clearly as this is a complicated issue.

Bill Eisley, President of the New Jersey Bee Keeping Association addressed Council and stated he represents approximately 150 members throughout New Jersey. He stated they are concerned that the proposed changes to the Ordinance may effect bee keepers all over the state. Mr. Eisley stated that the Association always suggests new keepers have two hives to see how each one progresses and is concerned that the new restrictions, which deviate from the state guidelines, limits the number of hives. Mr. Eisley stated he has done some research on Ordinances in other states and thanks this Council for taking the initiative to provide regulations and permitting hives on smaller lots. Mr. Eisley requested Council consider having two hives on 1/4 acre lot.

John Perille, 5 Misty Lane, addressed Council and stated he doesn't care what a neighbor does on his property as long as it does not endanger the neighbors. He stated he has no problems with beekeepers, except for if the hive swarms and makes a nest in his yard, who is responsible for removing it, who pays. Mr. Perille stated he would have no problem with one hive, but the neighbors should have been notified.

Joan Dougherty, Misty Lane, addressed Council and stated there are already bee hives on her street, but the person does not live at the property the hives are on. If a person wants to have hives, have them on the property where you live.

Mike McGurk, President of JCBA addressed Council and stated if the bees swarm and take up residence, his organization would remove them for free. Mayor Beck stated he thought they swarm when they hit a certain number. Mr. McGurk replied that is why many people split hives. Mayor Beck questioned the average number of bees in a hive. Mr. McGurk replied in the winter it could be 20,000 and the summer can reach 60,000.

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Joan Armstrong, North Cape May, addressed Council and stated her neighbor currently has two hives on the property and she does not appreciate it. She stated the hives have been there for 1 month and stated 43 people per year die from bee stings.

David Harrison, Misty Lane, addressed Council and questioned if something happens, who is liable? Attorney Blaney replied the Township would not be liable because they are not the Township's bees. Mayor Beck stated he was told some states require signs to be posted that there are bees on the property. Mr. Harrison questioned the number of signatures needed to repeal this Ordinance if it is passed.

Phyllis Smith addressed Council and stated bees do not require 24/7 supervision. She stated you can make sure the bees do not swarm by making sure they have the required room.

Carl Schneckeburger, Strawberry Lane, addressed Council and stated he noticed that this Township seems to ban things when a few people get up and complain. He stated a bee will sting when it is threatened. He stated that people want to see things banned for 22,000 people because a few people complain. He stated there are bees all over, without bees, there will be no food, no gardens, no winery. He also questioned why it only takes 3 people complaining to have something banned, but it takes over 700 signatures to change it.

Robert Steele addressed Council and stated he is a beginner beekeeper and the owner of two properties in North Cape May. He lives in one property and home schools his children, has his gardens and bee hives on the other. Mr. Steele stated he had tried to speak with the neighbors before regarding other issues, but did not get good feedback from them. Mr. Steele stated that beekeeping is educational for his children and the bees pollinate his garden and provide his family with food. Mr. Steele stated his children are afraid of the neighbors. He also informed all that the honeybee is the New Jersey state insect.

Gary Shemp, Middle Township resident and business owner addressed Council and stated he was the former owner of All Seasons Pest Management for 30 years and thanked Council for the public forum to speak on this issue. He stated nothing he can say will alleviate the concerns of the neighbors, but stated he has been a beekeeper for 5 years. He stated that honeybees are man-kinds most beneficial insect. Globally, there is a huge problem with the decline in the number of honeybees, but in New Jersey, you are helping to promote beekeeping. He stated you can find other sweeteners, but you can not find other pollinators. Mr. Shemp requested Council consider reasonable guidelines.

Pat Bowman addressed Council and stated she has been a beekeeper for 30 years in Lower Township. She stated education about beekeeping is very important and she would urge those who are fearful to join the beekeepers association and learn all about it. She stated she has five grandchildren and takes the proper cautions like making sure her colonies are fenced off. Ms. Bowman requested Council not litigate by fear. Mayor Beck stated it is a safety factor. Suppose your neighbor has 1/4 acre lot and has three hives on it, a neighborhood kid shoots a basketball and it accidentally hits the hive, you have a problem. Mayor Beck stated maybe there should be setbacks from houses, schools, playgrounds. Mayor Beck stated he understands the importance of honeybees and has read a lot on the subject, but if the ball hits the hive, do the bees come after the child. Ms. Bowman replied they would come out, but would probably go after the ball. Mayor Beck reiterated we all understand the need for honey bees, but is requesting Council place setbacks from schools and playgrounds. Mr. Easley stated regarding the ball hitting the hive, there would be a disruption to the hive, but the bees would calm down pretty easily.

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Councilmember Douglas stated he was in Lancaster over the weekend and did not even realize he was standing next to an observatory hive.

Councilmember Conrad stated he supports the Ordinance but believes it needs changes. He agrees that signage should be provided and likes the idea of setbacks and the maximum of two hived for small yards. He also agrees that the neighbors should be notified and fact sheets could be given out.

Councilmember Craig stated he believes there are safety issues and does not want to see over-regulation. He believes the Ordinance is a good compromise but could use some tweaking and perhaps some set-backs for some areas. He also agreed with proper signage and a limit of two hives for smaller lots. He also stated he would agree to grandfather in those who are already established beekeepers.

Councilmember Douglass stated there is a lot of information to digest and believes this Ordinance should be tabled and some of the suggestions of tonight be taken into consideration and a compromise be reached. Councilmember Douglass offered a motion to table the Ordinance until it is revised and then reviewed.

Deputy Mayor Lare questioned if the Misty Lane residents are looking for an outright ban. A resident replied they do not want a ban, but felt if hives are on a neighboring property, someone should live at the property. Deputy Mayor Lare stated this state is already over-regulated and over-taxed and this Ordinance itself is conflicted.

Council continued to discuss all aspects of beekeeping including the number of hives on a certain sized property, set backs, signage and after continued debate, it was agreed that the matter will be re-introduced at the next meeting with all the proper changes to the Ordinance.

Discussion on Proposed Fishing Pier - Mayor Beck & Councilman Conrad

Mayor Beck stated that he, Councilman Conrad, Manager Voll and Planning Director Bill Galestok met with DEP Representatives on May 8th to discuss the possibility of a fishing pier in Lower Township, and stated it was a good meeting. Mayor Beck reiterated that it takes a community to build a pier and this will take time. This meeting with the DEP was the first step and went better than expected. There were no red flags on the idea, and the DEP is actually excited about the project. Bill Galestok stated when you meet with the DEP and Army Corp, they generally go around the room and on this project we received positive input from everyone and they are looking forward to receiving the application.

Debbie Johns, Rec Advisory Board, addressed Council and stated the board met and is unanimously in favor of the project and suggested Council put a committee together to continue exploring the idea. Ms. Johns stated prior to moving forward, Council would need to authorize funding to take the project to the next level.

Mayor Beck stated that the Township went as far as it can go without having some specific ideas and costs. He stated the location would be part of the Bayshore Heritage By-way and would benefit not just our Township, but all near-by communities as well. The Mayor stated we are looking into if other levels of government can help with some of the funding for the project.

Councilmember Conrad stated this is a project that this Township can take pride in. Lower Township started as a fishing Community and we need to get people involved. This is a great idea for people of all ages.

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Debbie Colubiale, Lower Township resident and member of Chamber of Commerce, addressed Council and stated as a resident, she has seen tremendous growth in the Township and the pier would only add to it. Ms. Colubiale, as a realtor in the Township, has seen more and more people vacation here, buy second homes here and retire here. She stated as a member of the Chamber, she believes the pier will enhance economic growth in the area.

Mayor Beck stated he will reach out to the neighbors and address all their concerns.

Councilmember Douglass states he walks his dogs along the Bay and the response he has been receiving from the residents is tremendous. This community had many piers along the bay in years past and many people will come to the pier just to view the sunsets. Councilman Douglass stated he believes it is the perfect area and idea.

Deputy Mayor Lare stated he believes it is an outstanding idea we should move full steam ahead.

Mayor Beck stated he will speak with the engineer to get something to go shopping with. He stated this needs to be a community project any everyone needs to do their part. This project has to be done tastefully and done right.

Presentation on Roseanne Avenue Drainage - Hatch Mott Mac Donald

Mark Sray, Hatch Mott McDonald, updated Council regarding the drainage issue at Roseanne Ave and stated they have gathered a lot of information dating back to the installation of the pipe which was in the early 70's. In 1980, Council authorized an investigation and found inspections could not be done without de-watering the lines due to sediments. Mr. Sray referred to the map and explained the blue line indicated the sand level on 1986 and the red line indicates the level as of this past March. The diver, which was recently authorized by this Council, found some areas of pipe with less than 18" of open space. Mr. Sray summarized the findings stating the lines have lost 60% of their capacity due to sediment and the pipe was laid relatively flat. Mayor Beck questioned if the Cox Hall Creek Project will help this situation at all. Mr. Sray replied you may see some small improvement on small storms, but a big storm will still back the water up. Mayor Beck stated Council is aware of and appreciates the situation the neighbors are in and wants to help them. Manager Voll stated letters were sent out to all the neighbors regarding tonight's meeting and the mosquito control commission has also been out and cleaned some of the ends of the pipes out. Councilman Douglass questioned if the vac-all jet could be used to move some of the sediment out and then send the camera in. Mr. Sray replied there is over 14 tons of material in the line as well as some structural issues with portions of the pipe.

Sally Yerk, 229 Roseanne Ave stated she has been her house since 1979 and had a lot of work done in her backyards including french drains. Most of the residents on the street get water pumped out from their property. She stated she hopes what ever is done will not make the situation worse.

Jim O'Reilly addressed Council and stated there is very little movement of water near the outflow and needs to have his sump pump running continually.

Deputy Mayor Lare stated there is a health concern with stagnant water laying in the pipes, and a concern that the area

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is saturated when the rest of the town is dry. He stated this is going to be a very large expense for the tax payers, but this project has been kicked around for over 20 years.

Bill Rogers, Roseanne Ave, addressed Council and said the residents were told over 2 years ago that a high speed pump would be installed to help with the situation and was never done. Mr. Sray replied they had been looking into a pump design, but when the report surfaced with all the deficiencies, the project switched gears to see what was further upstream.

Tom Quiqq, Suzanne Avenue, addressed Council and stated he has replaced his sidewalks 3 times and the Township has paved his road 3 times, when it rains, moderate rain still accumulates on his lawn.

Councilmember Conrad requested the engineers recommendations. Mr. Sray recommended the Township start by getting the pipe cleaned out and have the sediment removed and disposed of. Mr. Sray stated he has been in contact with a company that is able to move 10 tons of material a day and a project this size would take approximately 7 months. Deputy Mayor Lare questioned if once the clean-out is started, and pipes need to be replaced, could the contract be structured to go to a reconstruction phase? Mr. Sray replied it could.

After a brief discussion, Manager Voll stated he would meet with Gary Douglass and the engineer to come up with a plan and get back to Council.

Review of Draft Sewer Service Area Map - William Galestok, Planning Director

William Galestok updated Council on the revised map which will be going to the County, showing the area that the DEP removed from the map. Mr. Galestok stated he and Mr. Ecker from the MUA reviewed the map and this is the version that will now be submitted to the County who will then submit it to the DEP and then they will return a marked up version to the Township.

Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes	May 21, 2012
Res. #2012-136	Payment of Vouchers, \$ 2,080,680.77
Res. #2012-137	Approval of Precious Metal License for Nicholas DiFrederico T/A Rt. 73 Gold & Silver and Nina Saffold T/A Lucky Finds (New licensees for annual license)
Res. #2012-138	Authorizing Pay Out of Terminal Leave (T. Will retirement - \$37,719.17)
Res. #2012-139	Authorization for Refund of Taxes (Refunds for overpayments on 2 properties)
Res. #2012-140	Award of Contract to Center of Community Arts (Summer art program for youth, not to exceed \$13,000)
Res. #2012-141	Approval of Cold Spring Presbyterian Church's Application to Conduct a Flea Market (June 23)
Res. #2012-142	Acceptance and Contract Award for Weight-Exercise Room Equipment (for the Recreation Dept. Award to Dynamic Fitness, \$18,043.95)

Motion to approve the consent agenda moved by Councilmember Conrad, seconded by Councilmember Douglass.

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	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG			X			
DOUGLASS		X	X			
LARE			X			
BECK			X			

Regular Agenda

Res. #2012-143 Payment of Vouchers \$35,000.00 (Rescue Squad per contractual agreement)
 Motion to adopt moved by Councilmember Craig, seconded by Councilmember Douglass.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD					X	
CRAIG	X		X			
DOUGLASS		X	X			
LARE			X			
BECK			X			

Ord. #2012--11 An Ordinance Amending Chapter 400 of the Revised General Ordinance of the Township of Lower 2012, 2nd rdg., (Establishing Guidelines for Beekeeping) and public hearing. Copies of the Ordinance were posted and made available to the public - Tabled from the May 21, 2012 Council Meeting

Motion to Table Ordinance #2012-11 moved by Councilmember Conrad, seconded by Councilmember Douglass.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG			X			
DOUGLASS		X	X			
LARE			X			
BECK			X			

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Ord. #2012-14 An Ordinance Amending the Code of the Township of Lower, Chapter 529, Secondhand Merchants and Dealers of Precious Metals, 2nd rdg. & public hearing (Changes to fees, bonding & other requirements) Copies of this Ordinance were posted on the bulletin boards and made available to the public.

Mayor Beck thanked the Police Department for all their help and input regarding second hand merchants and the sale of precious metals.

Public Comment -

Janet Fox, North Cape May addressed Council and told them about her nephew stealing her jewelry and what she had to go through to get it back. She stated the dealer received stolen goods and believes there should be stronger restrictions out in place.

Peter Wilson, North End Thrift Shop, addressed council and stated he is the owner of the North End Thrift Shop at 901 Bayshore Road. He thanked the Police for treating him with respect and courtesy and stated he holds merchandise for 20 to 30 days prior to re-selling it. He said he is in agreement with the stricter regulations but feels the time for holding merchandise should be perhaps not more than 30 days, but definitely more than five.

Desiree Spire, owner of Valentino's, addressed Council and stated they are in favor of the \$10,000 bond requirement. She stated that one troy ounce of gold as of today, is valued at \$1,600.00. She stated she is also in favor of background checks for all involved. She stated they work hand-in-hand with the police department and approximately 90% of the transactions are legitimate. Her business is 100% on board with the changes.

Motion to adopt moved by Councilmember Douglass, seconded by Councilmember Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
CRAIG		X	X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Administrative Reports

Manager Michael Voll gave a report of the happenings in the Township. Report attached

Council Comments

Councilman Douglass spoke on the Ferry Road project currently going on and stated the brochure about the project is

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available to the public. Manager Voll added this is a DRBA project.

Mayor Beck reminded all of the musical programs at the Fishing Creek School begin on Friday, June 15th. He also reminded everyone that Election is June 5th. He stated that June 8th is world ocean day and informed the public that the Lower Township pool is scheduled to open on June 23rd.

Call to the Public

George Dougherty addressed Council and stated the Outdoor Woodburners seem to be a hot potato issue. The Planning Board said they do not have the authority to change the Ordinance and will be sending it back to the Council. Mr. Dougherty stated there are residents who feel the only way to get the ban back would be to file a class action suit against the Township for failure to protect the Health and Welfare of the residents, but they will wait until after Council gets the issue back from the Environmental Commission and then see what happens prior to filing the suit.

Pete Wilson addressed Council and stated he owns a property at 9 West Webber Ave and the North End Thrift Shop on Bayshore Road and stated most of his business consists of house clean-outs. He stated his motto is recycle, reuse and re-purpose and sometimes leaves stuff out for non-profits to pick up at a later date. He requested Council change the current Ordinance to allow him to have sales at the property, he would confirm with the "no more than 3 per year" and would have the area cleaned up by Mondays. Manager Voll replied yard sale permits are for residential use and Mr. Wilson owns a commercial establishment. Manager Voll stated there have been complaints about the condition of his property, items all over the sidewalks – the Township is trying to clean up the area. Mayor Beck stated he has received complaints about items being left out. Mr. Wilson stated people are dumping stuff at his place. Attorney Blaney suggested maybe he install camera at the site.

Adjournment

There being no further business, motion to adjourn moved by Councilmember Douglass, seconded by Councilman Conrad. Motion to adjourn unanimous by verbal 'ayes". Meeting adjourned at 8:28p.m.


Mayor


Township Clerk

Approved: June 18, 2012