

Regular & Work Session Meeting Minutes - January 19, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 19, 2011 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The 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 Erik Simonsen
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath

Presentation to Charlotte Beheler, ALS Hope of Cape May County

Mayor Beck said they had a presentation to Charlotte Beheler on behalf of the ALS Hope of Cape May County and Councilmember Conrad would give a little explanation about it.

Councilmember Conrad said a grass roots group started a basketball tournament in recognition of Tom Beheler to try and get funds for a traveling team and also funds for ALS. He said the Mayor would be presenting a check and he wanted to thank the board members, coaches and sponsors for the traveling teams.

Mitch Plenn of the Recreation Center went over the teams and where they had traveled in the tournaments. He said the Greater Elks of Cape May County were involved with the worthwhile cause. John Herman, Chairperson first wanted to thank the Mayor and Council for their support and attending some of the games.

Work Session

Manager Report to Council

Manager Voll said he had been Township Manager for two weeks and had met with members of the Taxpayers Association and he told them the Manager's office was always open to work through issues and had told the employees that as well. He attended the Lower Township Chamber of Commerce luncheon and had met with various boards. He said Council had voiced concern about the fence on Bayshore Road in front of Ponderlodge and he had contacted Lee Widjeskog, and was told it would be replaced by May. He added a gate would be put up at Fourth Avenue in the back of Ponderlodge to be opened and closed as needed.

The Township website would be upgraded and the Recreation Center was working on a great 4th of July Celebration and he encourage all the vendors to attend.

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Manager Voll said on a sad note a police officer was killed in Ocean County and the Honor Guard would be attending the funeral to represent Lower Township.

Discussion on Mayor s Advisory Board

Councilmember Conrad said the board had been doing a good job but Council didn't know what was going on and wanted to make it more Council friendly. His thoughts were that Council each had two picks, but they needed to interact with Council because right now they didn't know what they were doing or looking into.

Councilmember Simonsen said as Chairman of the MAB it was a great experience and the board had done a lot of work for the Township. He would like to see it remain and if things needed to be revised that could be discussed.

Councilmember Douglass said he reviewed the information on the MAB and felt it should be more of citizen advisory to Council. He wanted to see the board stay together and each member of Council have two selections for the board. He said the Mayor and Deputy Mayor could choose two each from ward throughout the Township. He said if one member would resign then another person from that ward would be chosen to fill the vacancy.

Deputy Mayor Lare said he would like to see it expanded to ten members also and felt he was one of five co-equals and it was a strong Manager form of government. He felt it was good they each had two picks and they all chose the chairman.

Mayor Beck said it was no surprise that he was going to defend the MAB.

Councilmember Conrad said no one was attacking the board.

Mayor Beck said a statement was made that high hopes were not met.

Councilmember Conrad said that was about a meeting with Council where he said there was a misunderstanding. He said the board did very good work.

Mayor Beck said they ran on a platform that supported the MAB and encouraged participation in government. He said whether it was taken out of context or not he had received a lot of emails about it. He said when it was put together there was already a board on the book and there were twenty-five members which the Mayor chose each one of them.

Deputy Mayor Lare said in fairness that board was set up under the old form of government with a strong Mayor form.

Mayor Beck felt the whole thing was unfortunate and wish it hadn't come out the way it did and it wasn't doing any good. He proposed to do it in a positive way and leave the board alone, but create mini boards for specific areas that would be responsive to the individual Council people. He gave an example that in Ward 1 he could have a five member board that he could meet with and address local issues the MAB wouldn't.

Mayor Beck said as far as communication went the minutes were put on the website. He felt the solar energy thrust they were in the middle of was due to the MAB. He said they reached out to the DRBA and actually sat down with them and spoke about some regional efforts together. He said the board had been successful.

Councilmember Conrad said they were not getting ride of the board but just changing the name and putting it out to Council. He said he brought up the board regarding the solar panels yet they were moving forward with that in 2008 then the ball was dropped. He said then it was picked up again and he had been

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pushing for that for two years and miraculously without the rest of Council knowing it was picked up by the MAB.

He said grant it they were the MAB and they advised him but in this form of government it was a Council as a group.

Mayor Beck said they were the ones who reached out to the MUA.

Councilmember Simonsen said make it the Mayor and Council Advisory Board, would that make everyone happy.

Fred Long of Cold Spring said there had been concern expressed about not knowing what was going on with the MAB. He wanted to remind Council the ordinance they had signed made all of Council a member yet no one had attended the meetings.

Mayor Beck and Councilmember Simonsen said they had attended.

He said if there was a problem of not knowing what was going on; attend the meetings.

Mr. Long said the ordinance that established the board stated it was to provide advice to the Mayor and Council. He said when they gave budget suggestions it was given to the Mayor and Council so he didn't understand the concern and the basis to make a change.

Councilmember Conrad asked when was the solar initiative provided to Council.

Mayor Beck said it was in the minutes. He said it came to Council when it was wrapped up and ready to show they had done something.

A brief discussion ensued between the Mayor and Councilmember Conrad on what stage the solar project was at.

Mayor Beck said they were working on the specs to provide to Council and it was moving ahead.

Mr. Long said the MAB couldn't take any action.

Janet Pitts said she was also a member of the MAB and agreed with Mr. Long that was their fault they could have attended the meetings to see what was going on. She said the Chairperson of the board gave reports. She told Councilmember Conrad and Deputy Mayor Lare they attended the RAB meetings and she had yet to see or hear a report from the RAB.

Mrs. Pitts also stated the MAB hadn't spent any money. She told Councilmember Conrad that his issue with the board was the name and felt that was petty.

Colleen Hughes said she was the former recording secretary of the MAB. She said Councilmembers Douglass, Conrad and Deputy Mayor Lare had never attended a meeting only the Mayor and Councilmember Simonsen attended. She said she went into great detail with her minutes and they were posted on line for each of them to read about the good work they had done with solar energy, the Green Fair, the Block Party and Cop Stop Program. She asked what didn't they see? She said they had no clue what was going on with the MAB and asked if they even read the minutes.

Councilmember Conrad said he had no problem with the board and most of the people on it would stay.

Lee Marcott 411 Beach Drive said he had been on the MAB since its inception and took exception to Councilmember Conrad's comment that the board had violated the Faulkner Act.

Councilmember Conrad said not the board itself.

Mr. Marcott read a quote from Councilmember Simonsen's resignation letter from the MAB. The letter said he had worked with a group of dedicated members of the Township. The letter stated as a group they had tackled many issues to make Lower Township a better place to live. The board had also worked with the DRBA on the possibility of having the Airport developed and later found out it wouldn't work out.

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Jack Sparks said the MAB was not being disbanded but expanded. He said there would be two people from each district and if it was going to be equal then they all should have equal representation. He said a majority of the board was from the Villas. He didn't see where there was a large problem. He felt most of the people would stay on the board and be reappointed.

Janet Pitts wanted to add to what he said; she said they had a good group regardless how they were selected but they covered demographics, business community and people who had children and it was a great cross section.

Ed Butler asked Councilmember Conrad what was the bottom line and what was his problem.

Councilmember Conrad said he wanted to change the name and make the board more equal. He said he wanted more interaction with Council as a whole.

Request for Continuation of No Passing Zone on Rte. 9, S. of LCMR

Manager Voll said the Clerk had a request for the continuation of no passing on Route 9 and the Police investigated and recommended the no passing zone.

Clerk Kammer said they had a letter from Lou Dwyer and the request was to continue the no passing south on Route 9. She said due to it being a State Highway the Township would have to pass a resolution supporting the extension of the no passing zone.

Councilmember Douglass said he went out to look at the area and it was a hazard and with the State taking some of the property it was a good safety measure and felt the Township should support it.

Councilmembers Conrad and Simonsen were in agreement.

The Clerk said she would put a resolution on for the next meeting.

Review of Consent & Regular Agenda Items

Councilmember Simonsen said on Resolution #20110-06 he would like to nominate Ron Gelzunas for Prosecutor and Councilmember Conrad seconded the nomination.

Consent Agenda

Approval of Minutes	January 3, 2011
Res. #2011-06	Appointment of Municipal Prosecutor for the Year 2011 (tabled Jan. 3, 2011)
Res. #2011-30,	Payment of Vouchers, \$1,639,562.34
Res. #2011-31,	Authorizing Pay Out of Terminal Leave (J. Becht - retiring from Fire Safety Bureau, (\$2783.76)
Res. #2011-32,	Cancellation of Tax Sale Certificate (Property in bankruptcy - tax sale fees & interest to be returned to lien holder in the amount of \$3,797.30)
Res. #2011-33,	Transfer of Appropriations, \$4,900 (from Phone to Street Lighting)
Res. #2011-34,	Approval of Place to Place Transfer - Extension of Premises, License #0505-31-030-001 t/t Greater Cape May Elks Lodge No. 2839 (expanding - adding 31 x 54 unit adjoining existing licensed area)
Res. #2011-35,	Authorization for the Payout of Accumulated Compensatory Time (T. Whittington -)
Res. #2011-36,	Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Holmes Avenue Outfall Modifications (Cost for Bid preparation, bid award & construction administration

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- services, \$4,200.)
- Res. #2011-37, A Resolution of the township of Lower Approving An Agreement with the County of Cape May for Shared Services (Township will provide Heavy Equipment Fleet Maintenance for County equipment used in the southern end of the county - \$65.00 hour for an estimated 536 hours)
- Res. #2011-38, Issuance of a Duplicate Tax Sale Certificate (original lost)
- Res. #2011-39, Appointment to Zoning Board (Alternate Member - 2 year term)
- Ord. #2011-01 Salary and Benefit Ordinance for the Township of Lower, 1st rdg. (Annual ordinances establishing salary ranges, longevity, reimbursement for use of private cars, benefits etc.)
- Ord. #2011-02, An Ordinance of the Township fo Lower Amending Chapter 345, Fire Zones, Lanes and Areas, of the Code of The Township of Lower, 1st rdg. (Increase in for Plan Review by Fire Safety Bureau) 2nd rdg. Feb.7
- Ord. #2011-03, An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, of the Code of the Township of Lower, 1st rdg. (Increase in fees for fire inspection by Fire Safety Bureau) 2nd rdg. Feb. 7
- Ord. #2011-04, An Ordinance of the Township of Lower Amending Chapter 3, Administration of Government, of the Code of the Township of Lower, 1st rdg. (Amendment to Section 3-15 which permits Council to waive requirement that Solicitor maintain an office or residence in the Township)

Councilmember Douglass motioned to adopt the consent agenda seconded by Deputy Mayor Lare. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, yes , Councilmember Simonsen, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck yes .

Regular Agenda

- Res. #2011-40, Resolution Waiving Residency Requirement for the Township Manager (as permitted by Sec. 3-21 of the Code and NJSA 40A:69-92)

Mayor Beck opened the meeting for comment on the resolution.

Joe Winters of Florida Avenue asked how did they have a new Township Manager then adjust the law and do the same thing with the Solicitor. He said the Township law required the Manager to live in the Township; he was appointed and being paid and that was a violation.

Solicitor Donohue said the ordinance allowed for a waiver of the requirements for the Manager and the State statutes indicate that if you had a residency requirement and appoint someone they had a year to gain residency then if not they would get 6 month notice to try. He said under the Faulkner Act with regards to the Manager to pass an ordinance that had a specific wavier provision that was done by resolution and that was already in the ordinance.

Mr. Winters asked why wasn t it done prior to him being hired.

Deputy Mayor Lare said do you waive residency requirements then hire someone from out of town, would he then stand up and say it was a back room deal? He said they couldn t waive the requirement until they hired someone.

Mayor Beck said it was done, he was here and it had been done before.

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Michael Horton of 108 E. St. Johns Avenue said the last meeting was out of order and the proper procedures weren't followed.

Manager Voll said under the Faulkner the Manager didn't have to live in the Municipality. He mentioned Bill Sturm who didn't live in the Township when he was Manager.

Solicitor Donohue said the ordinance contained a provision for the waiver. He said under Statute 40A:9-1.5 if a town hired someone from out of town they had a one year period to take up residency.

Mr. Hornton said they went out of order and no decision should have been made. He said the other issue was the internet.

Colleen Hughes said she read in the paper about Mr. Corea who put in an application and the applications were never gone over.

Mayor Beck said even though they were discussing the Manager they were specifically discussing the residency resolution.

Paul Reese of Bayside Village said he understood he was already hired he said his problem was with the \$50,000 retainer fee.

Mayor Beck said that was another issue, the discussion currently was about the residency resolution.

Mayor Beck closed the public portion for comment on the resolution.

Councilmember Conrad motioned to adopt the resolution seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes, Councilmember Simonsen, yes, Councilmember Douglass, yes, Deputy Mayor Lare, yes, Mayor Beck yes.

Res. #2011-41, Appointment to the Lower Township MUA (Annual appointment, Regular Member - 5 year term)

Councilmember Conrad said he wanted to reappoint Pete Bitting, Councilmember Simonsen seconded the motion.

Mayor asked Council for comments and there were none.

Mayor Beck said Pete was a good friend but there was no way he would vote for him. Mayor Beck said it was a five year appointment, if you had ideas you should get them out within the five years and there was no reason to give someone 10 years on a board. He said he would nominate Bob Rizzo.

Mayor Beck opened the meeting for public comment on the resolution.

Don Munno said he felt Pete was a good nominee.

John Armbruster said Pete Bitting was part of the problem.

Bob Rizzo said he applied to the board last years and this year. He had serve as a union representative in the past. He said from attending the meetings he felt he was just as qualified and would like to be considered.

Joe Winters asked how many applications they had for the MUA.

Mayor Beck said six had applied.

Mr. Winters said Pete had served his time. He said it was time to move on it wasn't time for paybacks and they needed to pay attention to the people. He felt it was like they never considered anyone else.

Councilmember Simonsen said he disagreed with his statement. He said he had gone through the applications and for Mr. Winters to say that he felt he was out of order.

Mr. Winters said Councilmember Simonsen had done his homework and the others hadn't.

Councilmember Douglass said he would like to nominate Edith Kopsite.

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Mayor Beck said he felt it would be a conflict since she worked for the City of Cape May. Joe Notofrancesco of the Villas said the MUA was a thorn in his side. He said the people on the board should be able to make constructive decisions. He said there were senior citizens that couldn't afford to apply to hook up and pay. He said the prices kept going up and whoever they put on the board should have knowledge of the process.

Councilmember Conrad motioned to adopt the resolution seconded by Councilmember Simonsen. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes, Councilmember Simonsen, yes, Councilmember Douglass, no, Deputy Mayor Lare, yes, Mayor Beck no.

Res. #2011-42, Payment of Vouchers, \$339.00

Councilmember Douglass motioned to adopt the resolution seconded by Deputy Mayor Lare. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes, Councilmember Simonsen, yes, Councilmember Douglass, yes, Deputy Mayor Lare, yes, Mayor Beck no.

Res. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc as the Provider of Emergency Medical Services in Lower Township (Annual resolution setting forth Township's contribution and requirements)

Mayor Beck asked if the 2009 audit was received.

Manager Voll said they should have it any day the Auditor was finishing up on it.

Mayor Beck said he would like to table the resolution. He said the contract called for the audit and felt they should hold off until it was received.

Deputy Mayor Lare asked the Solicitor if it was tabled would that cause an interruption of service.

Councilmember Conrad said he usually abstained but he wanted to say it would not cause any interruption in service.

Solicitor Donohue said as long they were willing to continue to run but he would get it done quickly.

Mayor Beck said they weren't talking about 2010, they were talking about 2009.

Manager Voll said he would get on it.

Mayor Beck said the Township contributed \$100,000 and they had a responsibility in government and they hadn't provided the audit and hopefully by next meeting they could approve it.

Councilmember Simonsen asked if it had been done and just not received yet.

Manager Voll said yes. He said he would call Mr. Costello, the Auditor tomorrow.

The resolution was tabled.

Administrative Reports

December Reports	Animal Control, Construction (Lower), Construction (West Cape May) Dog Licensing, Engineer, Fire Safety Bureau, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics
Miscellaneous Reports	Annual Report - Variances Heard by Zoning Board 2010 2010 Report Fire Safety Bureau

Council Comments

Councilmember Conrad thanked the Police Department for the cases they had solved recently and DPW had done a good job in the last storm.

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Councilmember Simonsen thanked the NAACP who put on an event for scholarships and wished everyone a safe two week until the next meeting.

Councilmember Douglass also thanked the Police and DPW for a fine job they had done with the winter storm. He said he had been receiving calls on an article that had been written by Rich Degnar about creating 22 additional acres of wetlands at Ponderlodge. He said he would look into it and speak to Rich about it. He said he had some questions on the proposal at Ponderlodge.

Deputy Mayor Lare read from an article about Matt Szczur and the National Bone Marrow Donor Match Registry which he had participated in. He said Matt would be signing people up on January 26th 7:00a.m. to 3:00 p.m. at the Lower Cape May Regional High School. He also congratulated Matt for signing on with the Cubs.

Mayor Beck also mentioned the great efforts of the Police and DPW with the recent snow storm.

Call to the Public

Support for Bill SCR 60 Consumer Price Index for Elderly Consumers Act of 2009"

Don Muno said he was in attendance to speak for the senior citizens and to ask for support with a bill presented by Senator Van Drew. He went over the cost of living and how things had gone up and how seniors were most affected because of the cost increase of their healthcare and medication. He said the seniors had not received a cost of living raise for the past two years and said electric, fuel and homeowners insurance had gone up. He said the bill was to change the way the Consumer Price Index was calculated especially towards seniors. He encouraged every senior to write their Congressmen and Senator to push the bill forward.

Mayor Beck said they would take a look at it and put it on the next agenda if Council approved.

Township Budget

Ed Butler said Mr. Muno was 100% right. He said he hadn't heard anything about the budget. He mentioned the tabled resolution regarding the Rescue Squad. He said the \$105,000 was a gift to them from the Township. He said he was very pessimistic not optimistic of what would happen with the budget, he felt it would be a heck of an increase this year. He said the \$105,000 could stay in the budget and could help a little with something else.

Councilmember Douglass said they were working on the budget and should have figures real soon.

Mr. Butler said the budget was an important item to the people in the Township. He said there were sale signs all over the Township because people couldn't afford to live here. He said the budget had to come in reasonable for the people.

Rescue Squad

Joe Winters asked if the Rescue Squad could also get the insurance policy that was required by State Law.

Councilmember Conrad said the certificate should be on file.

Manager Voll said he would check and get back to him about it.

DRBA Lawsuit

Joe Winters told the Solicitor the Township had an ongoing lawsuit with the DRBA about taxes and a

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member of his law firm had been appointed to the board.

Solicitor Donohue said the person had been nominated not appointed and it was being addressed internally.

Snow Removal

Joe Notofrancesco congratulated Council on getting ride of the snow from the storm. He said the east side of Bayshore Road was icy and needed to be salted. He said left for work at 4:00 a.m. and it was safety issue.

Condolences to Mayor Beck

Fred Long said he wanted to correct an omission and that was to give Mayor Beck his condolences on the loss of his father.

Manager Position

Paul Reese of Bayside Village said meetings had taken place at Starbucks and Clarys and those places were in Middle Township and felt they should be meeting in Lower Township.

Mr. Muno said to give the new Manager a chance and see if he did the job.

Manager Voll said he would do his best.

Rescue Squad

Dave Perry said he worked in health care and said if they held back on the donation for the Rescue Squad it was money they depended on for their budget.

Mayor Beck said hopefully the issue would be resolved. He said they had an obligation to make sure the money was spent wisely and again, they weren't talking about the 2010 audit.

Councilmember Conrad said it was just completed.

Manager Voll said no one would be denied a call.

Deputy Mayor Lare said absent a catastrophic issue he saw it being passed next meeting. He hadn't heard one complaint about the Rescue Squad.

Mr. Butler explained how medicare billed and paid. He said they were talking about the money the Township paid them and how it was spent.

Township Manager

John Skrowronski of Arctic Avenue said he was very embarrassed on how the hiring of the Township Manager was handled and he supported the Mayor and what he had said.

A resident asked what the motivation was to hire an out of town Manager and Solicitor.

Councilmember Simonsen said it had been done that way and now it was up to them to come up with a new process.

Mayor Beck closed the public portion.

Closed Session

Res. #2011-44

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Labor Relations; Personnel)

Councilmember Douglass motioned to adopt the resolution seconded by Councilmember Conrad. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes, Councilmember Simonsen, yes, Councilmember Douglass, yes, Deputy Mayor Lare, yes, Mayor Beck yes.

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Council returned to open session and there being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal ayes at 9: 35 p.m.

Mayor

Township Clerk

Approved: February 7, 2011