

Regular & Work Session Meeting Minutes -February 23, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 23, 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
Deputy Mayor Kevin Lare
Mayor Michael Beck

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

Absent: Councilmember Douglass

Read Across America - March 2, 2011

Mayor Beck read the proclamation stating March 2nd would be a national day of Reading Across America.

Certificate of Appreciation - Smeltzer & Sons Feed & Pet Supply

Mayor Beck presented Bob & Susan Smeltzer a Certificate of Appreciation for the work they had done by providing food and various items for animals in need throughout the Township. It was also mentioned that they had donated toward the 4th of July Celebration.

Work Session

Manager s Report

Manager Voll said he met with Joe Versaggi the Superintendent of the County Roads and discussed a clean up after the rough winter. He said the work on Bayshore Road had been delayed but spoken to Dale Foster, County Engineer and the work should start by the end of next week. The project on Seashore Road and Route 9 had started and was moving right along. The permits were received for the Holmes Avenue project and the balance of the outfall line were being applied for by the Engineer. Manager Voll said the Township would be receiving 75% of the cost for the project due to the November 2009 storm from FEMA. The Township also received \$700,000 in grant money to rehabilitate nine low income homes in the Township. He said \$500,000 was also received to help eliminate some of the flooding in the Villas through extensions and reconstruction of outfall lines. He had received a request from the County Administrator, Steve O Connor to cut through the parking lot behind the Senior Center on Bayshore Road it would help with parking and be a safer route for the school buses. He said there would be a shredding day on May 21st and the machine would be in the front parking lot. He mentioned on the same day there would be a bike rodeo and bike auction held in the parking lot behind the Municipal

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Building.

Manager Voll said he and Council had attended a ceremony for the anniversary of the death of Officer David Douglass. He said the employees of the Township were holding a food drive to help replenish the shelves at the local food banks and churches. He said Randy Duley a Township employee at Public Works had fallen on the ice and was currently at a rehabilitation facility and wished him well.

Discussion on Citizen Advisory Board Ordinance for 1st reading

Councilmember Conrad said he was happy with the way it was written and he was ready to go forward with it.

Councilmember Simonsen said he had reviewed the ordinance since the last meeting and was all for expanding and making it a stronger board. He said he would like a couple amendments to it. He said it stated the chairman be chosen from the ten members; he would like the secretary chosen from the members also. He said the secretary did a lot of work and wasn't a member.

Mayor Beck said he wished it could be postponed until after the budget. He said he didn't initiate it and would oppose it and gave his reasons. He wished they could disregard the board for the year and push it off for a couple months and then come back and look at it. He said it was ill-fated from the beginning. He said in the paper it said high hopes for the board were not met, he said the board had done phenomenal work. He said the Faulkner Act was listed as a reason yet everyone voted for it, communication was listed as an issue yet the minutes were on the website. It had been acknowledge that every Councilmember was a defacto member of the board and never attended a meeting over a two-year period except him and Eric who were on the board at the time.

Mayor Beck said it was the only board that came before Council and gave a report; no other board had done that. He offered a compromise to create individual boards for each Councilperson and leave the MAB alone. He felt with everyone having two picks he saw it being inundated with politics. He said the ordinance said each Councilmember had to choose two people from the ward they represented and he asked Councilmember Conrad why it was set up that way.

Councilmember Conrad said to make sure all areas were represented. He said it was a carryover from the MAB.

Mayor Beck said at a previous meeting someone stated that a majority of the board members were from the Villas and was that true?

Councilmember Conrad said he didn't say that but someone may have. He believed that there were three people from the Villas.

Mayor Beck asked Councilmember Conrad how many members were on the Zoning Board.

Councilmember Conrad said he wasn't there to be questioned about all the boards.

Mayor Beck said there were eleven and from Ward 1- one alternate, Ward 2 - one member and Ward 3 - 9 members. He said when the Zoning and Planning Board were added together there were twenty-two members. He said there were 4 members from Ward 1, 4 members from Ward 2 and 14 were from Ward 3. He felt the whole concept showed how they were focusing on the MAB.

Councilmember Conrad said he was just trying to get the board in line as quickly as possible.

Mayor Beck said the MAB got the solar project up and running. He asked the board to look into economic development and the board moved on it and had a meeting with the DRBA which led to dialogue with the

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County about getting jobs at the airport. He said in January when the new board met they would have had an economic subcommittee whose purpose was to look into the airport and try to develop it. He reached out to someone in the business community and were more than willing to come on board of the MAB to chair a subcommittee on economic development. He said after the person saw the article in the Herald about the disappointment in the MAB the person backed out because it was getting political. Mayor Beck said he didn't know of a single person that was on the MAB that would apply to be on the CAB. He said the whole thing had caused a lot of damage. He said it was politics, and he was the only one in the town that didn't have republican stamped on his foot. He said unless they could give him a good reason for doing it he believed they were trying to put him in a box. He felt the whole thing had been concocted and that was his belief.

Councilmember Simonsen said Council needed some counseling. He said he didn't have a problem with getting more people on and spreading out through the Township. He didn't care about the name they needed ten good people and maybe some of it would be political. He said the Faulkner Act said no one had power. He saw it as a reconstruction of the board and he and the ones who had served on the board were caught in the middle.

Mayor Beck said as far as getting more people involved they were talking about going from nine to ten. He said his compromise would have brought more people in at the ward level. He said there would have been more committees within the ward. He said the previous MAB had twenty-five members each appointed by the Mayor.

Deputy Mayor Lare said the twenty-five member board had been established prior to the Faulkner Act form of government which existed now. He said he didn't attend any meetings but he dialogued with Erik about it. He felt if a Councilmember was present at the meeting the board couldn't speak freely. He said as far as the airport he had attended a meeting with the previous Manager and Solicitor they all shared the same concerns about the airport and wanted to see a viable industrial park there.

Mayor Beck said the twenty-five member board was in effect during Mayor Conroy's term which was under this form of government.

Review of Consent & Regular Agenda Items

Joe Winters asked about Resolution #2011-67 and how many sites that included.

Mayor Beck said the resolution was done for fire service, and was done for one home.

Consent Agenda

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| Approval of Minutes | February 7, 2011 |
| Res. #2011-65, | Payment of Vouchers, \$1,595,718.94 |
| Res. #2011-66, | Bid Acceptance and Contract Award for Holmes Avenue Outfall Reconstruction, Contract M-4 (Channel Marine Construction, Inc. \$29,800) |
| Res. #2011-67, | Resolution to Accept Wissahickon Avenue Between Seventh Avenue and the Cape May Canal as Suitably Improved for Development |
| Res. #2011-68, | A Resolution Requesting Release of Performance Guarantee and Maintenance Guarantee for Lawrence A. Pray Builders, Inc.; Block 748, Lot 7, Escrow #P99-08-08; Cape May Estates, Phase I |
| Res. #2011-69, | Resolution Approving Project Proposal Between Hatch Mott MacDonald and the |

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Township of Lower For Engineering Services Related to Construction Observation
Holmes Avenue Outfall Reconstruction (Contract \$5,600 - Observation of
construction, daily construction reports, inspections and final inspection)

Councilmember Conrad motioned to adopt the consent agenda, seconded by Councilmember Simonsen. 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. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc. As the Provider of Emergency Medical Services in Lower Township (previously tabled)

Mayor Beck opened the meeting for comment on the Resolution.

Joe Winters asked if the Rescue Squad paid the electric and heating bills at the airport building and if so did it come out of the Township contribution.

Mayor Beck said he wasn't sure.

Mr. Winters asked if they could find out what they paid and what the Township paid.

Manager Voll said he would find out about the electric.

Tony Kapurelos said he maybe could answer some of the questions he had worked for the rescue squad for 21 years. He said as far as the money spent; up until 1997 they were a Township entity. He said the Township paid out about \$575,000 for salary and benefits. He said since then the amount had changed and bills had increased. He said the Rescue Squad had been here since 1950 and in 1997 they started to provide non-emergency services to the residents to help finance the service. He said a subscription program was provided to the residents and they maintain three vehicles at all times.

Mr. Kapurelos said at times there were six or seven ambulances on the road. He said all EMT s were certified through the State and the vehicles were certified. In 2010 they responded to 3,653 emergency calls in the Township; out of that they received 2.1 million from all sources and their operating expenses for the year were \$2,168,174.00 so they actually had a loss. He said the medicare reimbursement rates had gone down to near what was paid in 2008. He said Medicaid no longer paid the 20% co-pay for Medicare and that was a huge loss for the Rescue Squad. He said the average bill was \$850.00. He said they also provide assists and stand-bys which they receive no money for. He said they also are on stand-by when the Township had an event such as the fireworks.

Mr. Kapurelos said they provide CPR training and also had a food bank.

Janet Pitts asked what the Main Street facility was used for.

Mr. Kapurelos said it was a substation and they did maintenance work on the vehicles and equipment.

Mrs. Pitts asked about the Scott Avenue building.

Mr. Kapurelos said it was used for CPR training.

Colleen Hughes of Villas asked if the buildings were rented out.

Mr. Kapurelos said no they were not.

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

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Ord. #2011-05, An Ordinance Amending Chapter 340 of the Code of the Township of Lower to Provide for the Inspection of Fireworks Loaded Onto Barges or Vessels in the Township of Lower, was presented for 2nd rdg. and final adoption.

The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk s Office.

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

No comments.

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

Ord. #2011-06, An Ordinance Amending Chapter 3 Administration of Government, Article VII, Section 3-41 of the Code of the Township of Lower, 1st rdg. (Change from Mayor s Adv. Board to Citizen Adv. Board, increasing members & method of appointment) 2nd rdg. March 7th

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

Administrative Reports

Personnel Action Report

January Reports Animal Control, Clerk, Construction, Court, Dog Licenses, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad said he attended a Blue & Gold Dinner for the Scouts and it was nice to see the young families out.

Councilmember Simonsen congratulated LCMR wrestlers who advanced to the Regional 8 Tournament. He wished them the best of luck in the tournament. He wished they all could get along.

Deputy Mayor Lare wished the boys basketball good luck in the tournament. He said there was good news that the Township Municipal Aid would remain flat. He said the budget would be at 1.6% or 1.7% range but he felt they could do better. He read a letter to Chief Donohue from a family whose father died on December 28th in his sleep. The police showed professionalism on the call and the family felt they should be recognized for that.

Mayor Beck said the budget message would be on March 7th the meeting would begin at 6:00 p.m. and the Auditor would be there. He said the State Aid Certification would be the same. He said over the years they had slowly reduced the workforce it wasn t something they just started a few months ago. He said the patriotic flag would be at the Wildwood Convention Center March 30th the flag was designed to honor the men and women who died in the September 11th attack. He said the Fishing Creek School and Dominos were having a fund raiser March 6th - 8th 11:00 a.m. until midnight and a portion of the sales would go toward the repair of the school.

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Manager Voll said they were delight the state aid would be the same and also increased would be the state aid to the school which would also be helpful.

Call to the Public

Colleen Hughes of Villas asked Deputy Mayor Lare what would be happening at the airport and could he enlighten the residents.

Deputy Mayor Lare said he couldn't at that time.

Mayor's Advisory Board Changes

Ms. Hughes asked if they were reconstructing the MAB then they should do that to all the boards and felt that was the fair thing to do. She asked Solicitor Donohue while the Mayor was talking about economic development she asked what was he doing on his laptop and she hoped he was working on her OPRA request.

Solicitor Donohue said he was looking up statutes that pertained to a question he was asked before the meeting.

Janet Pitts asked Councilmember Conrad why they were making the Citizen Advisory Board different from other boards and they were required to come before Council four times a year.

Councilmember Conrad said it was something that was newly formed two years ago and they were just tweaking it. He said Council wasn't getting the information.

Ms. Pitts asked if all the boards were going to be required to give an annual report that would be fair.

Deputy Mayor Lare said there was merit to the suggestion of considering combining the planning and zoning board many towns did that. He said there were pros and cons that should be considered. He said he would like to see the Recreation Advisory Board come and give a report to Council.

Councilmember Simonsen said while on the MAB one of their projects were to upgrade the ordinance for board appointments.

Doug Henderson of North Cape May wanted to urge Council to vote on it and change the MAB; they weren't a dictatorship. He asked the Mayor why he didn't want representation from every area.

Mayor Beck said he was more concerned with the quality of people on the board not so much the area. He said Council had voted unanimously for the board.

Mr. Henderson asked as a taxpayer why wouldn't he want the board equally represented. He said there were problems in the Township and they had talked about the MAB for hours on end. He was upset as a taxpayer they were wasting so much time on the issue.

Mayor Beck asked Mr. Henderson why he wasn't present two years ago when they spoke about it.

Mr. Henderson said it didn't make sense.

Colleen Hughes said to Mr. Henderson if they did the math there were three republicans even though Deputy Mayor Lare was voted in as an independent they knew where his loyalty lied with the republican party. She said there would be eight members on the CAB with a republican agenda and two with an independent agenda so what were they able to accomplish as a Township being ran by a party.

Deputy Mayor Lare said he ran as an independent republican.

Brian McEwing of Townbank Road he didn't feel it was a republican or democrat issue; it was an issue of the Councilmembers believing the board wasn't working and needed a change.

Councilmember Simonsen felt it had been working but it was an effort to improve it by giving more

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representation to the people in the Township.

Trash Pick-Up

John Skowronski of North Cape May said Feb. 11th was a holiday and his trash day. He said people had put out their trash and it wasn't picked up. He said it was windy and the trash had blown all over the streets. He said the DRBA had picked up the trash along Lincoln Boulevard. He asked when they had bad weather could they get a call at home like the reverse 911 calls so it didn't occur again. Manager Voll said he could look into it. He mentioned that he would have the Recreation Board give a report the second council meeting of the month.

Ponder Lodge

Joe Winters asked what was being done about Ponder Lodge?

Mayor Beck said the contract was awarded and the demolition should begin any day. He said he heard the State accepted some of the Township's suggestions about the pathways.

Mr. Winters asked if Fish and Wildlife would contribute toward the cost of police and fire protection?

Manager Voll said no, every State owned property in the Township had the same situation. He said there was property in Diamond Beach that they were going to ask for help within the summertime with rescue and a police substation.

Manager Voll said the demolition at Ponder Lodge should start any day and they did say the fence along Bayshore Road would be replaced.

Townbank Volunteer Fire Company Fire Boat

Mr. Winters said Townbank Fire Company had in their budget about a fire boat and he asked if anyone could elaborate on that?

Councilmember Conrad said that was a fire district issue.

Arthur Treon of North Cape May and a member of Townbank Volunteer Fire Co. for 35 years said he didn't know who put it in the paper but, no it wasn't in the budget for a \$600,000.00 fire boat. He said keep in mind the marina owners and people who lived along the water deserved the same fire protection.

Councilmember Conrad asked Mr. Treon to explain that the Coast Guard did not put out fires.

Mr. Treon said the Coast Guard didn't participate in firefighting, all they provided was life safety they would get you off the boat. He said they didn't put out dock fires. He said firefighting fell upon the local fire departments. He said they had a boat and it had problems so they were trying to seek grants to get a boat.

Township Manager's Vehicle

Joe Will of Fishing Creek asked the Manager why he had the Township seal removed from his car.

Manager Voll said there were municipal plates on the car.

Mr. Winters asked if it was going to be put back on because the taxpayers paid for it.

Closed Session

Res. #2011-70

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.
(Matters related to Collective Bargaining)

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

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Simonsen, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck, yes .

Councilmember Conrad motioned to authorize the Solicitor to proceed as discussed in closed session, seconded by Deputy Mayor Lare. Council approved by verbal ayes .

There being no further comment, Deputy Mayor Lare motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal ayes at 8:50 p.m.

Mayor

Township Clerk

Approved: March 7, 2011