

Regular & Work Session Meeting Minutes - January 17, 2007

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 17, 2007 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 Wayne Mazurek  
Councilmember Glenn Douglass  
Councilmember Robert Nolan  
Mayor Walter Craig

Also present: Kathleen McPherson, Manager and Solicitor Baldini

Resolution #2007-35, "A 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." (Personnel & Litigation)

Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Council returned to open session and on motion by Councilmember Nolan, seconded by Councilmember Douglass, the closed session was recessed by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

**WORK SESSION**

Mayor Craig requested Resolution #2007-25, Approval of Vouchers \$2,000,427.20 be moved to the work session and address it.

Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "abstain", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Proposed Six Foot Fence In Front Yard - Ordinance Amendment

William Galestok submitted a draft ordinance to the Solicitor to permit 6' foot fences in the front yards where the property was on both a County and Township road and only for lots that had no access to County or State highway. He said this would permit each owner to do this without an individual variance. Mr. Galestok said the Planning Board wasn't in favor so they needed a majority vote. Solicitor Baldini said he had similar situations before the Planning Board. He said the board had found there was no

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way to provide relief to the individuals. He said the cost for individuals would be high.

Mr. Galestok said no bay front areas would be affected.

Councilmember Nolan said there was no problem with Council, but didn't want to see the residents come up with 4 different kinds of fence and colors he would like to ensure uniformity.

Councilmember Conrad said he felt the people just wanted stockade fences and it shouldn't be a problem.

Solicitor Baldini said he would meet with Mr. Galestok and discuss the options.

Lower Township Zoning Board Request - Expansion of Board to Include 4 Alternate Members

Bill Galestok said he would like to increase the Zoning Board to 4 Alternate Members permissible under the Municipal Land Use Law. He said they could try it and see how it went.

Solicitor Baldini said maybe Alternate IV would not come to all the meetings, but would provide another option for a majority.

Councilmember Nolan said they would appoint Alternate II that night at the meeting.

Solicitor Baldini said by enlarging to 4 Alternates it wouldn't harm the Township.

Mayor Craig mentioned that anyone interested in joining the board to stop by Township Hall for an application.

Councilmember Nolan motioned to have the Solicitor prepare the ordinance, seconded by Councilmember Douglass. The following roll call vote was taken: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Mayor Craig asked that Resolution #2007-38, A Resolution Authorizing the Township of Lower to Enter Into A Letter of Understanding be put on the Regular Agenda.

**Consent Agenda**

1. Approval of Minutes January 3, 2007
2. Approval of Application N.J. State Firemen's Association - Charles E. Belote, Jr. to the Townbank Vol. Fire Company
3. Resolution #2007-26, A Resolution Requesting Release of Demolition Bond for Block 285, Lot 24, 149 West Greenwood Avenue, Villas
4. Resolution #2007-27, Renewal of Taxi/Limousine License for High Roller
5. Resolution #2007-28, Renewal of Taxi/Limousine License for Aarts Transportation
6. Resolution #2007-29, Authorization for Refund of Taxes
7. Resolution #2007-30, A Resolution Authorizing the Township of Lower Acceptance of Memorandum of Understanding Between the Township of Lower and the Office of Smart Growth of the Department of Community Affairs of the State of New Jersey
8. Resolution #2007-31, Authorization for the Payout of Accumulated Sick Time
9. Resolution #2007-32, Transfer of 2006 Appropriations
10. Resolution #2007-33, Renewal of Taxi License for Ocean Cab Service
11. Resolution #2007-34, Appointment to Zoning Board (Alternate II Member D. Kelly)
12. Resolution 32007-36, Acceptance and Bid Award for Removal and Replacement of Mohawk and Siena Modular Type Carpet in Township Municipal Building
13. Resolution #2007-37 A Resolution Requesting the Cape May Airport be Designated as A Historic District in the Township of Lower

Councilmember Conrad motioned to adopt the consent agenda items #1-13, seconded by Councilmember

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Mazurek. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

**REGULAR AGENDA**

Resolution #2007-38, A Resolution Authorizing the Township of Lower to Enter Into A Letter of Understanding With Manager, Kathleen McPherson

Councilmember Mazurek said Manager McPherson resigned effective 1-18-07 and entered into a letter of understanding allowing her to go into another position, there was now a vacancy. He said he made a statement he was opposed to what had happened and it was not in the best interest of the Township. He couldn't discuss the other 4 members of Council reasons, but to spend more money didn't make sense. He felt Kathy was a terrific Manager and there was no reason on earth to replace her. He said the whole thing stunk.

Councilmember Nolan said he felt the Township needed to go in a different direction to enhance revenue. He said he had no negative statements towards her or the job she did. He said he would voted to accept her letter of resignation.

Mayor Craig said he was on par with what Councilmember Nolan had to say. The Township needed a different direction and it may save money in the long run. He said Kathy had a lot to offer the Township in her new position and felt a change was needed.

Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Conrad.

The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "no", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Administrative Reports

Attached and made part of the minutes are the Monthly Reports for Bureau of Fire Safety, Dog Register, Clerk's, Animal Control, BOCA, Code Enforcement, Police & Engineer's Report Annual Reports for Bureau of Fire Safety and Tax Collector and MUA Project Updates.

Council Comments

Councilmember Conrad said many people were present for the taxes and there wasn't much the Township could do. He said they would try to get some information for the people.

Mayor Craig said the previous administration entered into a contract with other Municipalities for the Reval.

Councilmember Douglass said they would work the best they could to get the information the people needed.

Councilmember Nolan said his assessment also went up substantially and they needed to work together to get through this and commented he lived near a water tower. He said there were only a few companies that did that work. He said that got the cost of the reval down from 1.5 million to \$850,000.

Mayor Craig again stated that they were ordered to have this done by the County. He said they got the price of the reval down and we weren't the only Township going through this. He asked the Assessor to work with the people and they would do the best they could but couldn't guarantee anything.

Mayor Craig said there was a housing project at St. John of God and it would be low income to moderate income. He said there was a brief problem with the turkey vultures. He said once that was resolved the DCA came along with some issues and it is moving slowly. He said he contacted Senator Asselta and Assemblyman Van Drew for some help to get it moving.

Public Comments

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### Reval of Township Property

Jacqueline Bell of 105 Millman Lane presented a letter to Council and questioned how the values were arrived at. She asked for public disclosure of the reval process. She said currently there was a petition circulating and stated the values of the homes were inflated.

Barry Winters of 301 W. Florida Ave. said he lived on the bay for 13 years and his assessment went up almost 5 times at a cost of \$200 extra a month. He said he would have to change his spending habits and go outside the Township to do his shopping. He said it was a trickle down effect.

Ed Butler of 7 Delaware Bay Drive said he came in and spoke to CLT and asked some questions and assumed the people were licensed appraisers. He said the property was worth zero because he wasn't selling. He said the prices were chasing the people out of the area. He said he couldn't afford the increase, the value of his property went from \$163,000 to \$697,000 with a tax increase of over \$2,000.

Mr. Butler said Medicare was taking more from his check and the people couldn't afford it, how will they survive. He didn't feel they were qualified appraisers and would like Council to look into it.

Councilmember Nolan said it seemed the people were interested to find out if the people were certified and qualified to do the work.

Councilmember Mazurek said there were 8 companies approved by the State and they had to meet some standards. The Township sent bids to all 8 companies and only 2 responded back. He said no State license was required, only needed to be State approved. He said the question was to see if the employees were licensed.

Mr. Erthel questioned the licenses of the company and employees.

Paul Baldini said both Wayne and Mr. Erthel were right and said each member of the firm had to be licensed but the firm was not required to be licensed.

Councilmember Mazurek reiterated what Solicitor Baldini said.

Mr. Erthel asked to see their licenses and also questioned why the Assessor wasn't at the meeting. He felt the Assessor had no respect for the people.

Mayor Craig said the avenue was open to all the residents, they had to make an appointment to meet with the company. He said he would try and get the assessor to put all the assessments together and be made available for public inspection.

Mr. Erthel said not everyone was born with a silver spoon. He said people were being pushed out of their homes and was asking for Council's help.

Mayor Craig said he had 3 children growing up and they wouldn't be able to live in Lower Township and he feared for the seniors and children. He said they would work with the people to see that everyone got a fair assessment.

Mr. Erthel said to let everyone have a copy of the assessments. He said he tried to research the company and couldn't find them.

Councilmember Nolan said what was most disturbing with government was that the Township was obligated to take the low bid.

Mr. Erthel said the company wasn't what they seemed to be.

Solicitor Baldini said the Township should be able to get copies of the licensed people and confirm that with the company. He said the people had 15 days for the one part of the process. He said then if they weren't satisfied they could appeal it through the County Board of Taxation.

Rich Crouthamel of 8 Beechwood Avenue said he had some insight to how those companies worked. He said they advertise in local papers to get people to work. He said he had applied for a job. He stated the people who come to you home just gathered the information the information was then reviewed by an appraiser.

Mary Haq of 240 W. Pacific Avenue said one of things that attracted her to the Township was the low taxes. She said it wasn't fair that a certain group had to carry the burden of the Township. She asked where the money would go.

Mayor Craig said some may pay more while some would pay less. He said it was all going to the budget there was

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no found money.

Mrs. Haq asked how that was possible.

Mayor Craig said it was against the law, the Township could not make any money on the reval.

Councilmember Conrad said there were people's taxes that had gone down.

Andrew Paskowsky of 19 Delaware Avenue said in 1974 he paid \$27,000 for his home and the next year it was assessed for \$26,000. He said that should be done on new homes. He said the new people should be charged at the old rate of 2.88.

Patience Carroll of 8 Columbia Avenue said she had an extensive conversation with the woman who came to her home to do the appraisal. She said the woman was a trainer at a riding academy and was only doing this for a summer job. She said the Township should call the company and see if they had the proper credentials.

Bob Hodson said he lived south of the canal and had a small 3 bedroom house. He said his appraisal went from \$94,000 to \$390,000 and said they were building mc mansions around his home.

Mr. Butler of 7 Delaware Bay Drive said looking over the increase he noticed it didn't include the fire district and asked if the budget was set.

Mayor said the budget was being worked on if the ratables were up the rate was down.

Mr. Butler sad the people were being penalized for the location of their homes and asked them to look into the certificatins..

Kim Allen of 200 Atlantic Avenue, NCM said her assessment went from \$100,000 to \$589,000 and bought the house in 2005. She wanted to see the value for the building and the value of the land.

Councilmember Conrad asked what she paid for the home.

She said she paid \$594,000 and the values had come down. She questioned why neighbors a half a block away were paying \$3,000 less.

She said they should be somewhat the same in value and said in a 3 block radius it differed by \$3,000.

Councilmember Nolan said he knew of a similar situation in the 700 block of Atlantic Avenue. He said the house was assessed for \$550,000 and it was a 3 bedroom rancher.

Ms. Allen said half a block from the bay had a \$3,000 difference in taxes and it gradually declined. She said they were not seeing a 30% - 40% increase in taxes but 100% and up. She said no one on a fixed income could afford it and the year round residents were being pushed out. She said the landscape was going to change and you would see rich people here 1 or 2 weeks a year. She asked that the reval be tabled due to terrible discrepancies and do an investigation. She said the reval was not accurate.

Joe Winter of Florida Avenue asked if the people received a letter explaining how they company reached the value of the properties and questioned who set the land values.

Solicitor Baldini said the Assessor was prohibited from interfering with the reval. The Assessor's role was not to do the assessments. He said could act as a go between but it was the company's job for the reval.

Mr. Erthel told Mr. Baldini what he said was false, Mr. Amonette, the assessor did the reval in West Cape May.

Solicitor Baldini said he wasn't doing the reval for Lower Township.

Mayor Craig said it wasn't fair to blame Mr. Amonette, he did not do the reval.

Councilmember Nolan said he would ask Mr. Amonette to go over a few of the assessments.

Mr. Erthel had 17 properties and he appealed all of them and only lost one.

Discussion ensued on the matter.

Mathais Prodoehl asked if it was correct that the County ordered the reval.

Mayor Craig said if the ratables dropped below a certain level the County orders a reval.

Councilmember Nolan said the State mandates that the County have a reval when the properties fall below assessed values.

Mr. Butler asked the interviewer how they reached the figures and was told it was the land value but they could not back it up with how they arrived at the figures.

Solicitor Baldini stated they should have had an answer for that.

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Helen Thompson 44 E. Delaware Parkway said she went up 77% in taxes. She asked what guidelines were used and what she could use to dispute it. She said she had a meeting on Monday with the reval company and they wouldn't give her the breakdown until the meeting. She spoke to the director of CLT and they refused to give the information. She said she called VanDrew's office and the Assessor but got the figures elsewhere. She said she felt the company was trying to deter the people and wouldn't schedule a meeting to far in advance. She said they tried to deter you so you would miss the 15 day cut off. She asked what exactly she needed to bring to the meeting.

Ms. Thompson said they weren't making it easy for the taxpayer.

Councilmember Conrad said to bring comparable sales or assessments.

Ms. Thompson asked how large an area was used in comparing properties. She said she couldn't get the information as to what she needed to bring to the meeting.

Councilmember Mazurek asked if it would help to get a letter from the assessor as to what could be used to fight the new assessments.

Ms. Thompson said she would like the radius also and as much information as possible.

Mayor Craig said the home wasn't the issue it was the land.

Bob O'Shefsky of Beach Drive said last year his taxes were \$3,800 and now they were \$7,000. He said he bought the property in 1985 as a retirement home they are both retired now and over 66 years old. When they purchased the property no one wanted bay front property. He said 25% of their income went toward taxes, they couldn't move and his wife was handicapped.

Mrs. Winter of 301 W. Florida Avenue said when she met with CLT Company they had a good meeting. She said the land went up sky high and nothing could be done about it. She said the values were determined by the neighborhoods. She said the bay was one neighborhood, from there to Bayshore Road was another, and the east was another one. She said she thought it was all one Township and felt the values should go up equally. Her property went up 5 times.

A woman on Evergreen Avenue said in Pennsylvania the reval was spread over 5 years. She asked if there could be a different rate for rental properties or a break for seniors.

Betty Somers of West Atlantic Avenue said here house was up for sale and she was now in a flood area. She said she was going to be stuck with it.

Wayne Weissman 22 Beechwood Avenue said if the taxes were frozen would they stay as is.

Mayor Craig said you had to apply each year, you had to pay the taxes and then the State reimburses you if the fund are available.

Joe Winters asked who determined the land value. He said he lived on the bay, yet you couldn't build on the bay so why are you taxed on it. He said something needed to be done and not just lip service.

Ms. Thompson said between Caroline and Hudson Avenues, etc. was deemed an area for grants and couldn't be compared to new homes in the area.

Solicitor Baldini said old homes were not assessed the same as new.

Mr. O'Shefsky of Beach Drive said in order to file an appeal he had to gather up past sales. He said he bought the home for retirement not an investment to sell for high dollars. He said the area was more like a retirement village.

Solicitor Baldini said the Governor was holding hearings on property tax relief. He told Mr. O'Shefsky he should be speaking before the Governor. He said the Township was obligated by law to do the reval, but they needed to send the message to the State.

Mayor Craig said his parents lived in Port Charlotte and they had the same issues there. He said property tax relief needed to come from Trenton.

George Gregor of 97 Millman Lane said it was another example of the rich dumping on the poor. He said he lived there 30 years and never complained about paying taxes. He said it was 4 times more than the last assessment. He said he had fixed it up over the years. He said the realtors were as bad as car salesmen.

Mr. Gregor said he paid \$58,000 for his home 30 years ago and now they said it was worth \$750,000.

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Manager

A man asked why they were replacing the Manager and questioned if she wasn't doing her job. Mayor Craig said it was a personnel issue and she resigned. He said the majority of Council wanted to go in a different direction. The man asked if she did her job or not. Mayor Craig said not to their satisfaction and not to the extent of her ability.

Reval

Mrs. Turlish of 401 Beach Drive said her assessment was \$700,000. She said when she moved here no one wanted to live at the bay. She said she worked 3 jobs to keep her home and put her 3 kids through school. Mayor Craig said he realized people were frustrated. He said they would do what they could and would make the information available to the people.

Resolution #2007-39, "A 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." (Litigation)

Councilmember Nolan return to Closed Session the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Council returned to open session and there being no further comment, Councilmember motioned to adjourn the closed session and regular meeting, seconded by Councilmember  
The meeting unanimously adjourned by verbal "ayes" at p.m.

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Mayor

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Township Clerk

Approved: