

Regular & Work Session Meeting Minutes - December 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 December 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: Paul Baldini, Solicitor and Joseph Jackson, Manager

Certificate of Recognition - Raiders Football Team

Mayor Craig presented the football team with certificates on the good season. He acknowledged the coaches as well for their good job.

**WORK SESSION**

Review of Consent and Regular Agenda Items

No comments.

**Consent Agenda**

1. Approval of Minutes December 3, 2007
2. Membership Applications NJ State Fireman's Assoc. Jerry Harper - Town Bank Fire & William Szemcsak - Erma Fire
3. Resolution #2007-292, Payment of Vouchers, \$589,586.77
4. Resolution #2007-293, Authorizing Payments Not Covered by the Salary Ordinance
5. Resolution #2007-294, Paris Grants Program For Shared Services with Cape May County
6. Resolution #2007-295, Authorization for Refund of Taxes
7. Resolution #2007-296, Authorization for Payout of Terminal Leave (B. Hinker)
8. Resolution #2007-297, Approval of Contract With Commerce Risk Control Services to Coordinate Alcohol and Drug Testing Services for the Year 2008 (Annual Renewal)
9. Resolution #2007-298, A Resolution Recommending Remington, Vernick, Walberg Engineers as Lower Township Consultants for The Smart Future 2007 Grant

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10. Resolution #2007-299, Renewal of Trailer Park Licenses for the Year 2008
11. Resolution #2007-300, Renewal of Junk Yard License for Cape May Used Auto Parts (2008 year)
12. Resolution #2007-301, Transfer of 2007 Appropriations, \$54,500
13. Resolution #2007-302, Acceptance of Bid & Award of Contract for Replacement Windows for Township Hall
14. Ordinance #2007-20, An Ordinance Amending Chapter 7, Entitled Traffic, of the Code of The Township of Lower, 1<sup>st</sup> rdg  
(Additional handicap parking spaces Schellenger's Landing Road)
15. Ordinance #2007-21, An Ordinance Establishing A Source Separation and Recycling Policy for Lower Township for Designated Recyclables and Amending Chapter 570-8 of the Code of the Township of Lower, 1<sup>st</sup> rdg. (2<sup>nd</sup> rdg Jan. 7, 2008 ) (New recycling ordinance & regulations)

Councilmember Nolan motioned to adopt the consent agenda items #1-15 , seconded by Councilmember Douglass. 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 #2007-30, Payment of Vouchers, \$8,593.00 (Lower Twp. Rescue Squad)  
Councilmember Mazurek motioned to adopt the resolution, seconded by Councilmember Nolan. 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".

Ordinance #2007-17, An Ordinance Amending Ordinance #2007-01, Salary & benefit Ordinance for the Township of Lower, was presented for 2<sup>nd</sup> reading and final adoption. (Minor correction & adjustment to two ranges) The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.  
Mayor Craig opened the meeting for comment on the ordinance.  
Councilmember Nolan motioned to adopt the ordinance, seconded by Councilmember Douglass. The ordinance was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Ordinance #2007-18, An Ordinance Amending Chapter 340 Fire Prevention of the Code of the Township of Lower, was presented for 2<sup>nd</sup> reading and final adoption. (Increase in inspection fees) The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.  
Mayor Craig opened the meeting for comment on the ordinance.

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

Ordinance #2007-19, An Ordinance Amending Chapter 345 Fire Zones, Lanes & Areas of the Code of the

Township of Lower, was presented for 2<sup>nd</sup> reading and final adoption ( Increase in plan review fees)

Mayor Craig opened the meeting for comment on the ordinance.

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

### Administrative Reports

Personnel Action Report

October - Municipal Judge

November Reports - BOCA, Code Enforcement, Clerk, Dog License, Fire Safety, Municipal Court, Police, Tax Collector, Vital Statistics

### Council Comments

Councilmember Conrad said it was the end of his first year and had learned a lot. He stated things were going well and wished everyone a Merry Christmas.

Councilmember Mazurek said Merry Christmas and Happy New Year and it had been a good year.

Councilmember Douglass said he had enjoyed his first year and was working hard to move the Township in the right direction. He said there was a meeting with the MUA on Wednesday and they were trying to get things worked out.

Councilmember Nolan said there were rumors that the MUA asked to meet with Council. He said the Solicitor of the MUA contacted the Township Solicitor and a meeting was set up for Wednesday. He said they should know more by the next meeting. He wished everyone a merry christmas and happy new year.

Mayor Craig said there were a lot of calls regarding the leaves and he said DPW was working overtime. He wished all the residents merry christmas and happy new year and best of health.

### Public Comments

Joe Winters thanked Council and the MUA for setting up the meeting and talking. He wished Council a merry christmas and happy new year.

Charles Garrison of Portsmouth Rd. Thanked Council for meeting with the MUA on Wednesday and mentioned it didn't hurt to have a member of the taxpayers association present and an employee since they were all concerned.

He said in reading the papers it looked like a done deal.

Bill Thomas a MUA Board Member thanked Council for meeting with the MUA on behalf of the MUA employees.

Bob Rizzo thanked Council for a good year and hoped next year would be the same.

### Planning Board

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Bob Rizzo said he attended a Planning Board meeting and didn't know who anyone was. He said he felt the attorney wasn't so nice. He said he was told by the Solicitor by State Law they couldn't accept the petition.

Councilmember Nolan corrected Mr. Rizzo and said the Solicitor said they couldn't speak on behalf of the people not present.

Mr. Rizzo said he could not get all 94 people present to attend. He asked about an application for a duplex.

Councilmember Nolan said the application didn't state a duplex was going to be built, but it was a permitted use in the R-3 Zone. He said the applicant wanted to preserve the right to build on if he wanted to.

Mr. Rizzo said the law should have been changed years ago. He said only one duplex was built in 20 years.

Councilmember Nolan said he had the right to build a duplex on his lot and the last lot put in would be deed restricted to a single family lot.

Solicitor Baldini said the original zones were created by council but periodically the master plan was reviewed and changes were recommended by the Board to Council.

Councilmember Nolan said the Planning Board did the Master Plan review and the State wanted more density. He said he agreed that more density wasn't a good idea and the water couldn't support it. He said out of Mr. Waterman's 3 lots two of them meet all the requirements and the last lot would be deed restricted.

Mr. Rizzo said the Villas couldn't be any more dense.

Joe Gariffo of 1 Widgeon Way said at the meeting on Thursday he felt the Solicitor was pompous. He said they attended to discuss the issue with Mr. Waterman and felt when he got to the meeting the deal was done. He said many of the board members knew Mr. Waterman and 3 sat with him and the appearance didn't look good.

Mr. Gariffo said if Mr. Waterman got the OK what stopped others for requesting the same variance.

Councilmember Nolan said a person had 10 acres and condensed it into 3 lots which met all the requirements so the board couldn't do anything. He said the final lot would be deed restricted and said Mr. Waterman said he really wanted to apply to open space.

Mr. Gariffo agreed that when you saw the 3 talking on the side it didn't look good.

Sal Riggi asked if the owner was applying to Green Acres for them to purchase.

Councilmember Nolan said the applicant applied to Green Acres.

Mr. Riggi said the Township should apply to Green Acres to get money to purchase the ground and put into the Township open space inventory. He said he felt the Township would have a better chance.

Councilmember Nolan said the land had a lot of wetlands and the person applied to the County.

Mr. Riggi clarified he applied to the County not the State.

Councilmember Nolan said that was correct.

Mr. Riggi said if the County didn't purchase they could go through the land trust program.

Mr. Rizzo asked the Mayor to speak to Barbara Ernst from the Open Space Program.

### MUA

Ed Butler of the Villas thanked Council and the MUA for the meeting that had been set up. He said between the two they control a lot of lives. He said he would like to see a conclusion to all of it and said merry christmas and happy new year.

### Township Meetings

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Wayne Weissman said for he last two years he had been attending Council meetings. He said he mostly sat and listened and there were times when he and maybe one or two more people were there. He said it was nice to see the taxpayers group and they were very knowledgeable. Mr. Weissman said he was happy to see the Township and MUA meeting and trying to work things out. He said there were a lot of State grants and maybe they could work on that for the Township.

Resolution #2007-304, 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 (Negotiations, Personnel)

Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Mazurek. 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 Nolan motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 9:30 p.m..

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Mayor

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Township Clerk

Approved: