

Regular & Work Session Meeting Minutes - February 5, 2007

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 5, 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: Solicitor Paul Baldini

Presentation of Certificate

A certificate of recognition was presented to Michael A. Krueger for his achievements made towards his Arrow of Light Award.

Resolution #2007-55, 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)
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 Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Councilmember Nolan motioned to adjourn the closed session, seconded by Councilmember Conrad. The following roll call vote was taken: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

WORK SESSION

Request from Jim Cannon, Construction Official - Re: Community Rating System

Mayor Craig said Jim Cannon meet with a representative of FEMA to look into a program to reduce flood insurance. He said the Township had to meet specific levels and according to FEMA the Township was at a level 8. He if the Township participated it would reduce the insurance between 5% & 20%. He was looking for approval and mentioned it was no cost to the Township. Mayor Craig recommended to let him go ahead with it. Solicitor Baldini said it was a good program and said go ahead and fill out the application it was good for the citizens of the Township.

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Review of Consent and Regular Agenda Items

Councilmember Nolan questioned Resolution #2007-44, Rotary Towing. He said there were 3 companies listed and asked about Eddies Auto Body and Just in Time Towing. The Clerk said he hadn't turned in his applications yet, but it could be added later.

Consent Agenda

1. Approval of Minutes January 19, 2007
2. Resolution #2007-38, Approval of Vouchers, \$3,462,771.72
3. Resolution #2007-39, A Resolution Requesting Release of Maintenance Guarantee for Omnipoint Communications Enterprises, L.P; Block 500.01, Lots 38 & 39; Escrow# Z01-09-08
4. Resolution #2007-40, Authorization for Refund of Taxes
5. Resolution #2007-41, Appointment of Broker of Record for 2007-2008 (Mark Senior)
6. Resolution #2007-42, A Resolution Requesting Participation in a Cape May County-Led Records Management Needs Assessment
7. Resolution #2007-43, Identifying the Fair Housing Officer
8. Resolution #2007-44, Approval of 2007 Rotary Towing Licenses for Cape May Riggins North, Cape Harbor Auto Repair, In. and Off Shore Getty
9. Resolution #2007-45, Issuance Ice Cream Peddling Licenses for the Year 2007 For Summer Daze & Fudgy Wudgy
10. Resolution #2007-46, Approval of Precious Metals License for Adele Christensen t/a Adele's Jeweled Treasurers for the Year 2007
11. Resolution #2007-47, A Resolution Commemorating the 20th Anniversary of the Atlantic County Municipal Joint Insurance Fund
12. Resolution #2007-48, Transfer of 2006 Appropriations \$7,300
13. Resolution #2007-49, A Resolution Requesting Release of Demolition Bond for Block 368.04, Lot 7, 40 Vacation Road, Villas
14. Resolution #2007-50, Acceptance of Bid & Award of Contract for Cleaning Services for Various Township Locations
15. Resolution #2007-51, Resolution Authorizing Mayor to Request Grant From Commissioner of DCA
16. Resolution #2007-52, Appointment to the Lower Township MUA (5 year term)
17. Resolution #2007-53, Resolution Rejecting Bids for HVAC
18. Resolution #2007-54, Resolution Accepting the First Addendum to the Interlocal Services Agreement Between the County of Cape May and the Lower Township Police Department Adopted Pursuant to Resolution #2002-33
19. Ordinance #2007-02, An Ordinance Amending Section 400-67, "Board of Adjustment Established" Of the Code Book Of The Township of Lower, 1st rdg. (2nd rdg. & public hearing Feb. 21)

Councilmember Nolan motioned to adopt the consent agenda items #1-19, 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".

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Regular Agenda

Ordinance #2007-01, "Salary & Benefit Ordinance" was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

The ordinance would be amended and would be reintroduced at the February 21, 2007 meeting.

Councilmember Conrad motioned to adopt the ordinance as amended, seconded by Councilmember Nolan. The ordinance was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "no", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Resolution #2007-56, Appointment of Township Manager

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

Councilmember Mazurek said he would be voting no on the resolution. He knew the applicant and had no problem with him it was with the process and the salary. He said he didn't understand why an additional person was needed. He said it was from a financial aspect and had nothing to do with Joe Jackson.

Mr. Butler asked if he could speak. He said when it was done then it was done, he felt as a resident and taxpayer he should be able to speak.

Mayor Craig said not at the present time it would be opened to the public later. He said the prior Manager was picked from the office that she worked in. He said had it been advertised it would have cost \$125,000 and the majority of Council wasn't happy with the performance of the current Manager.

Mayor Craig said Mrs. McPherson was moved into a new position where she was qualified. He said Mr. Jackson meet the qualifications, was a local resident and had a financial background. He served on many boards and could provide financial direction for the Township.

Mr. Butler inquired if he would resign from the School Board. He said he wasn't looking to put the person down, but as a taxpayer he shouldn't be put through anymore financial burden.

Councilmember Mazurek said he would assume Joe Jackson would be hired under the old salary ordinance. He said at the next meeting it would be the final decision on the Manager's salary and that would be when public comment would be appropriate.

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".

Mayor Craig introduced Joe Jackson and said coffee and refreshments would be served after the next meeting.

Administrative Reports

Attached and made part of the minutes are the Personnel Action Report and the December 2006 report for the Municipal Judge.

Council Comments

Councilmember Conrad said they were trying to save the Township money by being a part of the Joint Insurance Fund.

Councilmember Mazurek said Tom Brown was now on the MUA Board and there was the critical issue of water facing the Township. He said he didn't want the Township to be like Cape May with a Desal Plant and higher rates. He said he felt the water recharge project was dragging and hoped that Tom could get the MUA to move on it.

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Ponder Lodge

Councilmember Mazurek said once things resumed they had a lot of work to do and he meant Ponder Lodge. He said he would like to see a citizen committee formed and meet with the Township to get their ideas. He mentioned the parking lot was a mess and maybe it could be paved.

Councilmember Nolan asked if the State had come forward yet.

Councilmember Mazurek said the State wasn't sure where they wanted to go with it and received no direction from them. He felt the Township could get what they wanted, but needed to let the State know what it was. He said the Township needed to make a decision. He mentioned he was against spending \$30,000 for engineering fees.

Councilmember Mazurek said if they wait too long, things would be unmanageable. He said the State claimed a wildlife group was interested in the large building.

Councilmember Nolan asked if the State was going to make a commitment to the Township for the ground.

Councilmember Douglass agreed with the idea for a Citizens Advisory Board for Ponder Lodge. He said he recently was informed that Haven House was moving along. He agreed that the Township needed a memo from the State regarding the ground at Ponder Lodge.

Garden State Parkway & Route 109

Councilmember Nolan said Chief Donohue had made attempts to contact Governor Corzini's office for signs at the end of the Parkway due to fatalities there. He said many lives had been lost there and was trying to get the State and Turnpike Authorities involved.

Mayor Craig said Assemblyman Van Drew had a meeting pending on that matter. He said there was good news concerning Haven House ground breaking would be in 10-14 days and it was a well needed project.

Mayor Craig opened the meeting to the public at 8:07.

Public Comments

Ponder Lodge

Bob Rizzo asked if the salary ordinance could be viewed after the meeting. He mentioned Steve Sheftz didn't win the election but could be a winner with the Ponder Lodge issue. He said he would be happy to be on the board and said he missed seeing Council Meetings on TV.

Councilmember Mazurek said he was against the taping at first, but he did receive a lot of positive feedback.

Mr. Rizzo said former Mayor Larry Starnes would be missed. He also mentioned the flags could go back up now.

MUA Appointment

Bill Thomas of 19 Davis Place asked who the new member of the MUA was and what credentials he had.

Mayor Craig said he was a local builder and resident with a lot of good ideas.

Mr. Thomas said he had been involved in water with a large company for a number of years. He said Jack Jansen turned the MUA Board around and thanked Mr. Jansen for his service. He said Council should congratulate him for all his work.

Mayor Craig said Mr. Jansen's work had not gone unnoticed.

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Fence Ordinance

Rich Crouthmal of 8 Beechwood Ave. questioned Solicitor Baldini on the status of the fence ordinance. Solicitor Baldini said he was working on the ordinance trying to create uniformity and would try to have it finished by the next meeting.

Beechwood Avenue Traffic

Wayne Weisman of 22 Beechwood Ave said there were 25 houses on the block and had 15 signatures on a petition to make it one - way on his block. He said it was a 90 degree angle on his block and there had been several accidents in that angel. He mentioned there was a 25 MPH sign but people still flew down the street. He said he would like to see it one-way from Village to 4th Avenue. He said traffic was getting worse. Mayor Craig said he would have the Police do a traffic study.

Reval

Alice Rogan of Evergreen Avenue said at the last meeting was told the Assessor wasn't asked to attend the meeting.

Mayor Craig said he didn't think it was relevant that Mr. Amonette, the Assessor be in attendance since he was available during the day. He stated Mr. Amonette didn't have the authority to change the numbers.

Ms. Rogan said the information was on a lap top and appointment were given to use the computer. She said she brought a disc in to copy the data and use at home and she wasn't able to copy it. The Clerk explained that corrections were still being made.

Discussion ensued on if and when the data would be available to the public.

Ms. Rogan said at the last meeting she heard others speak about the disparity with neighbors and how various inspectors handled the review. She asked the Township's position on CLT's error rate and what rate was acceptable to them.

Mayor Craig said the average appeal rate was 15% and CLT said it was less than 10% last week. He said if she wasn't satisfied with CLT then she could appeal it to the County Tax Board.

Councilmember Mazurek said the Township would have no way of knowing if errors were made if no appeals were filed.

Ms. Rogan read a notice that was on the Assessor's web page.

Councilmember Nolan said if an error was made in favor of the resident, they wouldn't complain so how was the Township to know.

Ms. Rogan read an excerpt from a Reader's Digest article stating tax values.

A discussion ensued on the assessment process.

Mayor Craig said less than 10% of the residents filed appeals or requested information.

Solicitor Baldini had contacted CLT on some issues that were brought up.

Councilmember Mazurek said it was a subjective process and Council couldn't go over every assessment.

Councilmember Nolan said the Township had to go with the low bid.

Ms. Rogan asked when the next reval would be.

Councilmember Nolan said when property values skyrocket.

Solicitor Baldini said State statute dictates the method of the reval.

Mr. Butler said there were a lot of problems out there. He said he never received a letter from CLT it was one month ago he complained about a discrepancy with his assessment. He said there was a time limit and he had to try and get it straightened out.

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There being no further comment, Councilmember Nolan motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 8:45 p.m.

Mayor

Township Clerk

Approved: