

Regular & Work Session Meeting Minutes - March 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 March 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 and Manager Joseph Jackson

WORK SESSION

Review of Consent and Regular Agenda Items

Mayor Craig said Leon Costello was present to give an overview of the budget.

Mr. Costello said it was the introduction of the budget and the process started. He stated the budget was sent Trenton for review by the State and the public hearing would be on April 2nd. He said the budget showed a 52 cent decrease which was due to the ratable change. He said everyone knew the decrease was not true and by April 2nd they should have the numbers and be able to make a positive number on the tax rate itself.

Mr. Costello said it looked like a 1.01 potential rate increase. He said the assessed value was 4.7 billion up from 1+ billion it was a sizeable change. He said the budget increases were in places you normally saw them, the 20% phase in pension costs. He said there was 1 more year on the police and 2 years on the PERS. He said there was no option but to pay it because it was dictated by the State.

Mr. Costello said the debt service was up \$137,000 due to projects and would see an increase in the reserve for uncollected taxes due to the reval and potential appeals. He said the fund balance continued to shrink but the Township did get additional State Aid of \$38,428, however on a 21 million dollar budget that wouldn't help. He stated the schools did get more which should help. He said it was the initial process and need three to say yes to more forward.

Consent Agenda

1. Approval of Minutes February 21, 2007
2. Resolution #2007-64, Approval of Vouchers, \$1,911,640.49
3. Resolution #2007-65, Authorizing Pay Out of Terminal Leave (J. Hughes)
4. Resolution #2007-66, A Resolution Requesting Release of Demolition Bond For Block 338, Lot 16; 25 Evergreen Avenue, Villas; Lorraine E. Calverley
5. Resolution #2007-67, Amending Resolution #2007-09 Which Appointed Official For

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- Joint Insurance Fund and Municipal Excess Liability Fund
6. Resolution #2007-68, Contact Person for the Employment Practices Liability Attorney Consultant Service For The ACMJIF
 7. Resolution #2007-69, Authorization for Refund of Taxes
 8. Resolution #2007-70 Authorizing Pay Out of Accumulated Compensatory Time (J. Boyle)
 9. Resolution #2007-71, Authorization To Increase The Change Fund for The Tax Collector's Office
 10. Resolution #2007-72, Appointment to Lower Township Zoning Board (At. # 3 and Alt. #4 Members)
 11. Resolution #2007-73, Aggressive Driver Enforcement Program, \$35,600
 12. Resolution #2007-74. Introduction of 2007 Municipal Budget
 13. Ordinance #2007-05, An Ordinance To Exceed The Municipal Budget Appropriation Limits and To Establish A Cap Bank (N.J.S.A. 40A: 4-15.14). 1st rdg/ (2nd rdg. & public hearing March19)
 14. Ordinance #2007-06, An Ordinance Amending Chapter 400, Section 16 of the Code of the Township of Lower, Establishing Regulations in R6 and R6/H Multiple-Family Residential and Hotel-Motel Resort Overlay Districts, 1st rdg. (2nd rdg. & public hearing Mar. 19)
 15. Ordinance #2007-07, An Ordinance Amending Chapter 400, Section 32 of the Code of The Township of Lower, By Adding a Subsection Permitting Six Foot Fences Along State or County Highways, 1st rdg. (2nd rdg. and public hearing March 19)
 16. Ordinance #2007-08, Ordinance To Establish A Fee for the Performance of Ceremonies, 1st rdg.
 17. Ordinance #2007-09, Bond Ordinance Providing A Supplemental Appropriation of \$660,000 For The Bennet's Crossing Recreation park Project In and By The Township of Lower, In The County Of Cape May, New Jersey and Authorizing the Issuance of \$627,000 Bonds Or Notes of the Township For Financing Part of The Appropriation, 1st rdg. (2nd rdg. & public hearing March19)

Councilmember Douglass motioned to adopt the consent agenda items #1-17 seconded by Councilmember Conrad. 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".

Administrative Reports

Attached and made part of the minutes is the Personnel Action Report and Receipt of Certificate of Achievement - 2006 Safety Incentive Program - \$1,000

Council Comments

Mayor Craig congratulated the Recreation Wrestling Team on winning their championship. He

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said at the next meeting the team would be recognized.

Mayor Craig said last year the Township received from the County \$178,000 towards projects and this year would only be receiving \$71,000. He said the school aid should help offset the tax burden.

Mayor Craig opened the meeting for public comment at 7:07.

Public Comments

Reval

Mr. Butler of 7 Delaware Bay Drive said he had 1,548 signatures including the previous petition he dropped off. He asked if Council, Manager and Solicitor read the letter and petition that was handed in. He said there was a problem with the reval and wanted Council's help. He said he attended a meeting in Strathmere on the reval with CLT. He said many appealed to the County and received reductions. He said Assemblymen Vandrew, Senator Asselta and the Mayor of Upper Township were in attendance and it was a very interesting meeting. He said he heard Upper Township was suing CLT and were it true, could the Township Attorney look into it.

Mr. Butler asked Council for comments on the reval situation.

Councilmember Conrad said there were some discrepancies along the bay with the land values and didn't know where they were getting the numbers.

Councilmember Mazurek said he felt 90% of the residents were happy with the reval and wasn't sure what he wanted from Council. He said if Mr. Butler was asking for them to scrap the reval and get another one, it wasn't going to happen. He said the Township couldn't spend another 2 million to redo it. He said it was not an exact process. He said they couldn't throw the whole reval process out.

Mr. Butler said no one was asking Council to throw out the reval just look into the company.

Mayor Craig said only 30% of the people who appealed were successful.

Councilmember Mazurek asked what he proposed.

Mr. Butler asked Solicitor Baldini to look into it. He said the average person in the Township didn't know how to fill out the forms. He said the appeal forms should be available at the Township. He questioned what did CLT do to warrant the court case in Upper Township.

Councilmember Nolan said he was concerned with the way the reval was done. He said he had an idea of what Mr. Butler meant. He said he was disgusted with the process of how the Township got stuck with the low bidder. He said with the low bidder you might not get the best work and good work costs.

Councilmember Nolan said he would like to look into Upper Township's suit and see what the grounds were and see if the Township could join. He said he would like to hold off on their payment until some things were clarified. He said he would not support another reval, but would support further review.

Councilmember Mazurek had a question for Mr. Costello on the reval and properties being over evaluated and what effect it would have on the budget.

Mr. Costello said for every person who appealed and won, that shortfall would be passed along to the other taxpayers.

Mr. Butler said the reval was not done by market value. He went over the areas that went up and said when the fire tax was added you would hear the people.

Councilmember Nolan said he could not agree with that, some values were attributed to the property.

Councilmember Douglass said to date he had no complaints from the people in his ward. He

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said he understood Mr. Butler's point and said if there was something in that program with Strathmere that could help maybe they could look into it.

Mayor Craig said he knew there were discrepancies out there and was aware of some reductions by CLT. He said a League article said the people should be referred to the Assessor and file with the County Tax Board.

Mr. Butler said you needed to be a realtor to fill out the forms.

Mayor Craig asked the Manager to check with the Assessor to set up some kind of workshop to help the public with the forms for appeals.

Mr. Butler thanked Council for their help.

Councilmember Nolan said Mr. Erthal dropped off a copy of the forms to him. He agreed the form was difficult to fill out. He said he went through the same process and it was frustrating. Solicitor Baldini said he would contact the Upper Township Solicitor. He said the remedy Mr. Butler was looking for was at the State level. He said a shortcut to filling out the paperwork was to concentrate on the center of the form. He said you needed pre October sales and also get addresses.

Margaret Spencer, 101 Cliffside Road agreed the process was subjective, that was 1 flaw of the system. She said she didn't come to complain about her assessment although she was very unhappy with it. She said she came mainly to offer some things that could be done. She told the Solicitor she was unclear about comparable sales.

Solicitor Baldini said you didn't have to accept CLT's findings.

Ms. Spencer said they need the information for the criteria what constituted comparable sales.

Solicitor Baldini said walk the neighborhood and get the sales information.

Ms. Spencer said the system was against the longtime homeowner. She said it wasn't just Lower Township that were inconsistent it was the County and State. She pointed out there were States that reval homes when they were sold. She said the State needed to change the system and there were problems with the volatile changes in the real estate market. She stated there were things Council could do.

Ms. Spencer suggested Council hold a public meeting with CLT and the Assessor to explain what formulas were used to re-evaluate property. She also questioned how they came up with the ratio for land and home.

Solicitor Baldini said there was no ratio for land and building.

Ms. Spencer asked what was done to assure consistency and what was done when the values dropped.

Solicitor Baldini said a 15% deviation up or down the County ordered a reval. He said people resisted revals in a negative marked because they may have problems with the banks.

Ms. Spencer said every year the County did a equalization ratio. She said it should be looked into on a Township level. She read a prepared statement which is attached. The statement went over some of the discrepancies with the reval. She went over the difficulties with the paperwork and suggested meetings with Legislators to make changes in the process. She commented the people that lived here didn't make the kind of money in the cities and couldn't afford the high taxes. She felt the town was for sale to the highest bidder. She suggested the Township make a room available 1 or 2 nights a month for a taxpayer group.

Ms. Spencer asked that Council hold the line on the budget except for mandated increased.

Mayor Craig said the reval just relocated funds and the Township was below the cap considerably. He said the only increases were the mandated things and wanted to see a stable community.

Alice Rogan of Evergreen Avenue said she looked at the Township website and saw a press

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release. She asked if she could get the CLT data because she wanted to use it for her appeal.

She said she was told it would be e-mailed to her. She asked the Solicitor if she could copy the information to a disk. Solicitor Baldini said he didn't think it was a problem.

Ms. Rogan read a letter on the Assessor's website and it seemed like an advertisement for CLT. She said she was denied the information at the Assessor's Office. She said there were a lot of seniors here and they needed to have more information available to them.

Councilmember Nolan said they had the information within 48 hours and they did get it for them. Mayor Craig said people were contacted and every effort was made to see to that.

Bob Rizzo of Mickels Run said that when someone's taxes go down others go up. He said there was a property tax freeze program and review some of the qualifications. He said the first year the paperwork was a little difficult, but after that it was fine.

Video Taping Township Meetings

Mr. Rizzo asked again about taping the Township Meetings.

Councilmember Nolan said the Manager was looking into it and was trying to work with the schools on it.

Mr. Jackson said the school couldn't do it but the school may have a camera. He said he would let Bob know on Thursday.

Library

Mr. Rizzo asked about the \$135,000 for the library.

Mayor Craig said he meet with Freeholder Bakley and spoke about redoing the parking area and an addition on the back of the library building.

MUA Building

Mr. Rizzo said he went to the new MUA building and said the grand opening should be in April and the Township should publicized it.

Resolution #2007-75, 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 Bennetts)

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".

CLOSED SESSION SEPARATE

Council returned to open session and there being no further comment, Councilmember Nolan motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 9:30 p.m.

Mayor

Township Clerk

Approved: March 19, 2007