

Regular & Work Session Meeting Minutes - May 21, 2007

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 21, 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 Glenn Douglass
Councilmember Robert Nolan
Mayor Walter Craig

Also present: Paul Baldini, Solicitor and Joseph Jackson, Manager
Absent: Councilmember Mazurek

Certificate of Recognition - Eagle Scout

Mayor Craig said he would be sending Kevin Whitten a certificate of Recognition for his achievements in the Eagle Scouts.

Certificate of Recognition - RSVP Female Volunteer of the Year

Mayor Craig said a few words about Mary Donegan and all she was involved in and he would be sending her a certificate of recognition for her work as a RSVP volunteer.

Proclamation - Myasthenia Gravis Awareness Month

Certificate of Recognition - St. Raymond's School

Mayor Craig said St. Raymond's wasn't just a school. He said it had been part of the community for years and was a loss and he had a lot of memories from there. He presented one of the Sisters with a certificate. She thanked everyone and said they had to celebrate the last 45 years and all their achievements.

WORK SESSION

Review of Consent and Regular Agenda Items

No comments.

1. Approval of Minutes May 7, 2007
2. Resolution #2007-122, A Resolution Requesting Release of Demolition Bond for Block 564, Lot 4.82 Atlantic Avenue, North Cape May
3. Resolution #2007-123, Authorization to Transfer Funds From the Tax Premium Account
4. Resolution #2007-124, Authorization For The Payout of Accumulated

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Compensatory Time

5. Resolution #2007-125, Authorizing Pay Out of Terminal Leave
6. Resolution #2007-126, Enhanced 9-1-1 Grants Program
7. Resolution #2007-127, Approval for Vineland Fireworks Company Inc. to Load and Unload a Fireworks Barge in Lower Township
8. Resolution #2007-128, Issuance of Ice Cream Peddling Sales License (M. Flannery)
9. Resolution #2007-129, Resolution Designating a Stop Intersection at Beach Drive & Pinewood
10. Ordinance #2007-13, An Ordinance Amending Section 475-1 of the Code of the Township of Lower, Providing the Rules and Regulations for Parks and Recreation Areas in the Township of Lower, 1st rdg. (2nd rdg. June 4, 2007)

Councilmember Douglass motioned to adopt the consent agenda items #1-10, seconded by Councilmember Conrad. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Regular Agenda

Resolution #2007-121, Payment of Vouchers, \$414,859.42

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 Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Ordinance #2007-12, An Ordinance Amending Section 4416B(6) of the Code of the Township of Lower Permitting Construction and Demolition Between the Hours of 7:00 a.m. and 6:00 p.m. on Saturday, was presented for 2nd 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.

Mayor Craig opened the meeting for comment on the ordinance.

No public comment on the ordinance.

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

Administrative Reports

Attached and made part of the minutes are the Personnel Action Report January Report - Tax Collector, February Report - Judge, Tax Collector, March Report - CFO, Judge, Tax Collector April Reports - Animal Control, Clerk, Dog Licensing, Fire Safety, Municipal Court, Police, Tax Collector, Vital Statistics.

Council Comments

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Councilmember Conrad thanked the Cub Scouts for the clean up they did at Ponderlodge. He said they did a wonderful job and it was something the community needed.

Mayor Craig congratulated the Golf Team of LCMRHS who won the South Central Group 2 championship and also the LCMR Track Team also won the championship 1st place, they hadn't won since the 1970's.

Public Comments

Mike Beck of Villas, thanked Council for the proclamation for St. Raymonds. He had two things he would like to talk about, the use of the Township vehicle and missing dirt. He asked if they knew there was a policy about the vehicles.

Councilmember Conrad said the issue was done and over. He said as soon as the Manager found out about it he took care of it.

Mr. Beck said he saw the policy was mentioned in 3 separate spots. He said also there had been a memo on it and it was in the Township Personnel Manual.

Mr. Beck said Council had received a memo in 2005 that said top soil may be left over and could be used in other Township areas. He said the Township should have known those things. He said the missing dirt should not have anything to do with drainage. He said the email didn't indicate the dirt was stolen.

Mr. Beck said in both cases they should have been aware of the policy. He said Council received monthly reports.

Mayor Craig stated no one in official capacity said the dirt was stolen. He said he felt that people may have thought it was stolen from prior views. He said the dirt was brought to the Township MUA and mixed with leaves and other things to be used for other purposes.

Mr. Beck said they were going round and round about the dirt. He didn't feel that the dirt was stolen and asked was the drainage issue due to sod vs seed.

Mayor Craig said they were looking at litigation on the matter. He said prior to being sworn in office they were questioning the engineering whether the job was being managed properly or not.

Mr. Beck said there was a history of emails regarding it. He said in a matter of 3 weeks the Recreation Board went from a unanimous decision to support seed then put sod down. He said there was a rush on the job.

Mr. Beck said on the matter of the Township vehicles it was obvious there was a policy, it was written down.

Councilmember Nolan said they were not aware that had been going on.

Mr. Beck asked if it was being investigated.

Councilmember Nolan said it was an ongoing investigation. He said the Chief would do an internal investigation also. He said Mr. Jackson emailed everyone regarding the use of vehicles.

Mr. Beck said the point was he didn't have to email, it was in 3 separate policies in the Township, ethics code, in a memo and the personnel policy manual.

Mayor Craig said the contract was awarded a year before he took office. He said the contract was awarded in Sept. 2003, then a 90 day extension was granted. He said the Recreation Board recommended the extension.

Councilmember Beck said the sod was down when Mayor Craig took office. In both cases there was paperwork regarding it he said.

Councilmember Nolan asked Mr. Beck about the email.

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Mr. Beck again said it was in the paperwork they had.

Councilmember Nolan said in the email it referenced the dirt was there. He said the whole thing was due to the lack of a good Project Manager.

Mr. Beck said the memo indicated the grading was complete and there was extra dirt. He said he wasn't saying the Mayor was first to say the dirt was stolen. He stated he was trying to say it didn't look good for the Township and mentioned there was a policy regarding the use of vehicles. He questioned how the investigation was going.

Councilmember Nolan said that was why the Manager sent all the department an email to stop it.

Mayor Craig asked Mr. Beck if he believed that didn't happen while he was on Council.

Mr. Beck said it was a violation of policy and if discipline was warranted it should be given.

Councilmember Nolan said no justification was given, just an explanation.

Mr. Beck said a lot of people are watching to see what happens.

Councilmember Conrad said they had to work on the public's perception of what management was doing.

Ponderlodge

Lorinda Desrosiers, Beechwood Ave. wanted to thank all of those who should be thanked for Ponderlodge it was beautiful. She asked what was going to happen with it she was there recently and couldn't find a parking spot. She heard the buildings were going to be leveled there.

Councilmember Nolan said the State was being very closed mouth about it and not providing any information.

Mayor Craig said the article in the Gazette said the State didn't feel the buildings fit into the natural habitat.

Councilmember Nolan said the Township was spending their resources with the Police patrolling there.

County Bike Path

Lorinda Desrosiers thanked mayor Craig for prior help with getting the grass cut at Sally Marshall crossing. She said she contacted the County about cleaning up the bike path but had not results.

Bennett's Project

Bob Hartman, Cold Spring said he was going to ask about the dirt situation, but his questions were answered.

Township Prescription Plan

Bob Hartman told Council the new prescription plan seemed to be working well.

Manager Jackson said it had already saved the Township \$9,000.00.

Appeals

Bob Hartman said he appealed one of his properties, and came to an amicable agreement and the Assessor was doing his job.

Bennett's Project

Helen Thompson of 44 E. Delaware Parkway asked Councilmember Nolan what the dirt was used for.

Councilmember Nolan said Manager Jackson would be able that since he had the information. Manager Jackson said he sent a memo to Zack in the Recreation Dept. and he didn't have any use for it and DPW didn't need it. It was taken to the MUA where it was mixed with mulch.

Ms. Thompson questioned what she read in the paper needing more dirt at Bennett's project and the cost of it. She said now the Township needed to spend \$6000,000 to do the fields.

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Councilmember Nolan said they needed topsoil at Bennett's.

Councilmember Conrad said it wasn't \$600,000 worth of dirt, that included engineering fees, etc.

Ms. Thompson said she felt if the fields needed additional dirt it should have been in the original plans.

Councilmember Nolan said the dirt at the site wasn't conducive to growing sod.

A brief discussion on the Bennett's Project drainage problems.

Mr. Beck said the Recreation Advisory Board voted unanimously to approve Fondacaro's extension.

Mayor Craig said he didn't attend that meeting.

Mr. Beck said perhaps he should had been at that meeting.

Mayor Craig said Council agreed to the extension and said the Recreation Advisory Board was only an advisory board.

There being no further comment, Councilmember Nolan motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 7:53 p.m.

Mayor

Township Clerk

Approved: June 4, 2007