

Regular & Work Session Meeting Minutes - June 4, 2007

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 4, 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
Absent - Joseph Jackson

WORK SESSION

Women's Community Club of Cape May - Animal Rescue Equipment Program

Two representatives from the Women's Community Club of Cape May were in attendance to give to the fire houses animal breathing apparatus to aid in saving pets lives. They stated they could not have done it without the help of Cape May Vet and wanted Dr. Panaccio & Dr. Moffatt.

Review of Consent and Regular Agenda Items

No comments.

Consent Agenda

1. Approval of Minutes May 21, 2007
2. Resolution #2007-131, Approval of Vouchers, \$371,376.49
3. Resolution #2007-132, Authorization for the Payout of Accumulate Compensatory Time
4. Resolution #2007-133, Authorizing Red White & Blue Freedom Riders Motorcycle Club Application to Conduct A Flea Market For July 22, Rain Date July 28 at Villas Auto Parts Store
5. Resolution #2007-134, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Cops in Shops)
6. Resolution #2007-135, Cops in Shops Program
7. Resolution #2007-136, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Communities)

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8. Resolution #2007-137, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Domestic Violence)
9. Resolution #2007-138, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities)
10. Resolution #2007-139, Lower Township Shall Release Jonathan Sachar from Performance Surety Bond No. 1003158 for Improvements on the Property Located at Block 748, Lots 6.01 and 6.02 and Will Return the Amount of the Professional Engineering Escrow Not Retained in Accordance with the Necessary Township Ordinances
11. Resolution #2007-140, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (CMC MUA Mini Grant)
12. Resolution #2007-141, Resolution Authorizing the Application to USDA Housing Rehabilitation Grant Program
13. Resolution #2007-142, Acceptance of Bid & Award of Contract for HVAC
14. Resolution #2007-143, Acceptance of Bid & Award of Contract for Overhead Garage Doors

Councilmember Douglass motioned to adopt the consent agenda items #1-14, 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".

Regular Agenda

Resolution #2007-144, A Resolution of The Township of Lower To Openly and Publicly Reaffirm The Policy That No Township Property Is To Be used For Private Purposes.

Mayor Craig asked that it be placed on the regular agenda and put it to rest. He read the resolution in full.

Councilmember Mazurek said the policy manual should be updated to match the resolution.

Solicitor Baldini said he would speak with the Manager regard the policy manual.

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

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, 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.

Mayor Craig opened the meeting for comment on the ordinance.

Eileen Crossman, Evergreen Avenue said she was present on behalf of the animals. She stated she was glad to see the Fire Companies equipped to help save the animals. She

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thanked the police for addressing the issue of speeding on her street and said all employees contributed to the quality of life here.

Ms. Crossman said she heard one of the ACO's resigned. She said she hoped he would be replaced ASAP. She said the 2 of them had done an amazing job and had made a tremendous difference. She hoped they would consider appointing someone full time so it would not cause a problem.

Mayor Craig said Council was aware of the issue and the Manager was looking into options. He said everyone was aware of the great job Steve and Don had done.

Ed Butler of Delaware Bay Drive asked what the Ordinance was.

Mayor Craig explained the ordinance and stated it set the rules and regulation for the use of the recreation facilities.

Mr. Butler asked if it included Ponderlodge.

Mayor Craig said no it wasn't included.

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 - May Report - Code Enforcement
Certificate of Determination & Award BAN Sale, Personnel Action Report

Council Comments

Councilmember Conrad said he attended a seminar on Pensions & Benefits and some of the changes may help the State budget.

Councilmember Mazurek said there was some vandalism at Canal Park. He said the Township was considering some concrete enclosures to keep the toilets from being tipped over.

Councilmember Douglass said the meeting with the Engineer regarding Bennett's Project went well and they should have more information soon. He said Villas Fire Company recently responded quickly to a fire and wanted to commend them on it.

Councilmember Nolan said on Memorial Day he attended several ceremonies in the Township and County. He was glad to see they were well attended and was happy to see young people there.

Mayor Craig said he went to the Civil Union War Cemetery where the Little League Team volunteered to clean up the property. He mentioned the Recreation Department put together some nice summer camp programs. He said the football coach from Villanova would be coming here to the camp.

Mayor Craig said Dr. & Annie Salvatore were recognized as outstanding volunteer in the State.

Public Comments

Canal Park

Bob Rizzo of Mickels Run thanked Councilmember Mazurek for getting Canal Park cleaned up and the broken porta potties taken away. He also thanked him for the new signs that were put up. He suggested getting bags put at the entrance of Canal Park for picking up the dog feces. Councilmember Mazurek said some more improvements were coming.

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Construction Ordinance Amendment

Elaine Schiano, 7 Clay Court wanted to speak about Ordinance #2007-12 addressing the hours of construction, she said she was surprised and unhappy about it. She said she sent the Clerk an email and the Clerk responded with the information she requested on filing a petition. She stated she only had 8 days to get the signatures.

Mrs. Schiano called other towns and some didn't allow construction on Saturdays.

Mayor Craig said the ordinance did not add Saturday it just tightened up the language. He said the intent was to redo the code to take away any ambiguity and tighten it up.

Councilmember Mazurek said the other way it looked like it allowed Sunday. He said they wanted to make clear only Saturday not Sunday.

Solicitor Baldini said it was confusing and the ordinance was to clarify that they could work in Saturday. He said it was always permitted but the existing language was unclear as to what was the "weekend". He said the ordinance was written in a positive sense.

Councilmember Nolan said clearly Sunday was out.

Solicitor Baldini said it was a clarification of when you could work.

Tina Zacardi of 314 E. Jefferson Ave. said she lived next to the Grande project and asked Council to consider a later start on Saturday. She stated it was a resort area and people were on vacation. She said she wasn't opposed to work on Sunday and said she would prefer a later start on weekends.

Bennett's Project

Helen Thompson of 44 E. Delaware Parkway said at the May 21st meeting the dirt for Bennett's Project was discussed and it was said to be fill dirt. She read from a memo of former

Councilmember Beck's which said it was top soil.

She asked if it was fill dirt or top soil.

Councilmember Nolan said he was at the site the day after the ball field was complete. He said he saw 2 big piles of dirt that was what he would call fill dirt, it contained rocks, clay etc.. He said in his opinion it was fill dirt not top soil. He said he was familiar with Mr. Beck's memo and maybe someone thought it was top soil. He said he saw fill dirt not top soil.

Ms. Thompson asked who's signatures were on the checks that paid the contractor.

Councilmember Douglass said that had been farmland for years and the dirt was a mixture of things. He said the dirt had been turned over and over again. He said it was a mixture of sand, clay, corn crops etc.

Ms. Thompson asked if the dirt was delivered there.

Councilmember Nolan said to his knowledge the dirt was from the site and not aware of any dirt being delivered.

Mayor Craig said an Engineer was hired to design and track the project and she could contact them. He again went over the project and what had happened. He said the Township had relied on the Engineer who was hired to oversee the project. He said as far as the dirt the Engineer had reports and he read excerpts from that which provided certain mixes of soil.

Mayor Craig said certain mixtures of soil were needed for different types of fields to provide proper drainage. He said the Township now had a forensic report.

Vouchers

Ed Butler questioned the list of vouchers.

Mayor Craig said they used a consent agenda in which the vouchers were included and they were all the bills the Township had to pay. He said if they did it one by one they would be there all night.

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Mr. Butler said there were 22 homes for sale from Miami to Spruce Avenues.

Animal Control

Sally Flemming of 710 Willow Lane, said she was having problems with racoons and called Animal Control. She said finally last Thursday traps were dropped off and there were 2 racoons that came near the sandbox where her grandkids were playing. She trapped the racoons and got no response when she called animal control for hours, she said the police finally came. She asked who she should call if this happened again.

Mayor Craig said Don Montgomery resigned unexpectedly but they were going to have someone during the day.

Eileen Crossman said there was an epidemic of distemper among the racoons. She said Middle Township also covered Cape May Point, West Cape May and Stone Harbor.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 8:02 p.m.

Mayor

Township Clerk

Approved: