

Regular & Work Session Meeting Minutes - August 18, 2008

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 18, 2008 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: Rick Andrien, Solicitor and Joseph Jackson, Manager

Absent: Councilmember Nolan (sick)

WORK SESSION

Proclamation - Thomas Beheler Basketball Court

Mayor Craig presented a proclamation to Charlotte Beheler and she spoke about ALS and Parkinsons diseases. She said 20 people in Lower Township had ALS and she mentioned a local teacher who recently passed away from the disease. She said she had walked in the past for ALS and would like to see a local chapter here some day.

Mrs. Beheler said she hoped to have support for the walk on September 20th and thanked Council and the previous Council.

Mayor Craig said Resolution #2008-207 was being moved to the regular agenda.

Consent Agenda

1. Resolution #2008-206, Payment of Vouchers, \$2,689,984.89
2. Resolution #2008-208, A Resolution Accepting the Addendum to the Lower Township Office Worker's Association Contract for the Period Jan 1 2008 through December 31 2010. (Adding the title Building Inspector)
3. Resolution #2008-209, Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments & Recommendations (Annual requirement)
4. Resolution #2008-210, Certification of Lot Clearing Charges to the Tax Collector
5. Ordinance #2008-18, An Ordinance Amending Ordinance #2007-01, Salary & Benefit Ordinance for the Township of Lower, 1st rdg. (Adding title & range for Building Inspector) 2nd rdg. September 3, 2008

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Councilmember Conrad motioned to adopt the consent agenda items #1-5 , seconded by Councilmember Mazurek. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, “yes”, Councilmember Mazurek, “yes”, Councilmember Douglass, “yes”, Mayor Craig, “yes”.

Regular Agenda

Resolution #2008-207, Resolution Amending Resolution #2008-42 entitled Designating the Lower Township

Rescue Squad as the Provider of Emergency Medical Services (reducing in kind donation to statutory limit)

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

Ordinance #2008-15, Ordinance Appropriating \$189,996 From Proceeds From An Interlocal Agreement With

The County of Cape May For Improvements to Municipal Hall In Order To Comply With ADA Requirements In and By the Township of Lower, In The County of Cape May, New Jersey, 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 comments on the ordinance.

There were no comments.

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 Mazurek, “yes”, Councilmember Douglass, “yes”, Mayor Craig, “yes”.

Ordinance #2008-16, An Ordinance Amending Section 400-80(A) of the Code of the Township of Lower,

Providing The Fees for Applications for Development, Site Plan Review, Variances and Conditional Uses in The Township of Lower, (increases applications fees and escrow fees variance applications, conditional use applications) 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 comments on the ordinance.

There were no comments.

Councilmember Conrad 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”, Mayor Craig, “yes”.

Ordinance #2008-17, An Ordinance Amending Chapter 400, Section 17 of the Code of the Township of Lower,

By Adding a Subsection Permitting Lodges & Clubs in the General Business Zone, 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.

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Mayor Craig opened the meeting for public comment on the ordinance.

Joe Winters of Florida Ave. asked why the Township needed another club in the general business district.

Mayor Craig said it was a request by the Elks Lodge.

Mr. Winters said it would challenge the local clubs in the area. He recited the local establishments in the area and said another one wasn't needed.

Solicitor Andrien said it was consistent with the zoning for the area where the other clubs were.

Mr. Winter said why couldn't they move to the airport.

Mayor Craig said he had been involved with the Elk's and they had been in touch with the DRBA. He said they had been looking around for the 3 years now.

Mr. Winters said it wasn't good for the area.

Jerry Krause of Dogwood Lane said he was the president of the Elk's and had been trying for 3 ½ years to get another location and mentioned most of the members were from the Villas. He said 25% had membership in the VFW and the Fishing Club. He said the Elk's were the largest charitable fundraisers.

Mayor Craig closed the public portion.

Councilmember Conrad 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", Mayor Craig, "yes".

Administrative Reports

June Reports - Municipal Court & Police

July Reports - Animal Control, Clerk, Construction, Dog License, Fire Bureau, Municipal Court, Tax Collector & Vital Statistics.

Council Comments

Councilmember Conrad said national night out was a success and he mentioned movie night at Mulligan Field.

Mayor Craig said the Red Cross was in need of blood and a blood drive would be held on August 25th at Township Hall and asked people to attend. He also announced the ALS walk on September 20th.

7:25 public portion

Public Comments

Outfall Project

Dolores Boyle said she received a letter from the Friends of the Delaware Bay and asked if it was going to be discussed.

Mayor Craig said at the last meeting there was an extensive discussion on it. He said Councilmembers Douglass and Nolan agreed to meet with residents concerned with the outfall pipe project.

Manager Jackson said he met with Mr. Dougherty and made it clear they would listen. He said they had moved forward with the emergency permit application to DEP to be in place if and when the project moved forward. He didn't see many other options.

Mayor Craig said Gary Douglass, Public Works Director and Arthur Chew from Remington & Vernick were present and asked them to speak on the project.

Lois Thomas of 210 Francis Avenue said she was aware of the project and asked if the

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Township had an emergency plan in place for flooding. She said Brigatine had a plan with vehicles and equipment that could be used to alleviate flooding. She said if the Township could come up with something it would be appreciated.

Howard Carl of 300 West Delaware Parkway said at the last meeting an offer was made to meet and discuss the project and he said that meeting hadn't taken place yet. He said calls by Mr. Dougherty were not returned. He said he realized there were problems and wanted to make sure other alternatives were being looked into.

Mr. Carl said to come up with a solution that would work for everyone. He said it may cost a lot of money and not even work.

Manager Jackson said Mr. Dougherty came in and met with him.

Mr. Carl said Mr. Dougherty did review the plans.

Councilmember Douglass said he was under the impression that the group would meet and then get back to Council. He said he didn't hear more from Mr. Dougherty and said he was willing to meet with them as well as Councilmember Nolan. He said he saw the pipe near Mr. Carl's house and it was under the water.

Mr. Carl said they were not addressing the true problem and that was flooding still existed. He said he took pictures of the last storm, the pipes were working, but Columbia Ave. still had flooded so something else may be the problem.

Mr. Carl asked if the pipes didn't solve the problem would the Township get the money back.

Mayor Craig asked the Engineer, Arthur Cherw to speak about the project.

Mr. Chew said the length of the pipe on Delaware Ave. was mostly underground. He said all outfalls were spread out and many were clogged. He said they wanted to fix all problems right away but it would help the Township move forward. He said they were working to improve the drainage.

Mayor Craig asked what other options were available.

Mr. Chew said they could do away with all of the outfalls and find a parcel of land and put in a detention basin.

He said 5 outfalls in Stone Harbor cost 2 million and Lower Township outfalls were much further apart.

Councilmember Mazurek said he reviewed the letter and it made it sound like the Township was doing something new. He said the pipes were already there and were being repaired. He said there could be other problems in the Township if it wasn't done. He said there were some problems in North Cape May and hopefully this would eliminate some of those issues.

Councilmember Mazurek said some references were made to pollution in the Delaware Bay. He said there were options such as putting filters on the pipes. He said Lower Township was the last town on the bay and pollutants from other areas wind up here. He said he went on line and printed out a stormwater practice plan from DEP and read some examples from it.

Gary Douglass said the Township had a stormwater management plan and did mail out some information at tax time.

Jackie Bell of Millman Lane said the information she had given Council wouldn't help with the pipes but were some suggestions for the future planning. She said not only was she disappointed that Council didn't read the information, but no member of the public inquired about it.

Councilmember Conrad said some of the issues she gave information on were already in place. Ed Butler said he was present to express his opinion on the outfalls and had one next to his property for 10 years. He said it had been extended 2 times over the years. He said he had been talking to DPW for over a year trying to get a plan. He said Shaw Meadows took the water

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from the street into the meadows.

Mr. Butler described how the dunes were deteriorating and current protection was being lost. He said the loss of the dunes could be more dangerous to people. He said kids play on the dunes and some of the holes were very deep and it was very dangerous. He mentioned between Ohio and New Jersey Aves. there were 45 homes and he cared about them and wanted them protected from the storms and needed a remedy now.

Susan Carl of 300 West Delaware Parkway said she knew the issue was environmental and another problem was the pilings and it had become a hangout for the kids. She said there were broken bottles and the kids standing on the pilings and she had some pictures to show Council. Councilmember Conrad said once the pipework was done the pilings would be cut down.

Mrs. Carl said the original pilings were much smaller.

Mr. Winters said look at the outfall pipes its septic tanks upside down. The Army Corp of Engineers did studies and recommended the pipes needed to be extended. He said some things just had to be done. He said Mr. Butler's property was dangerous and there were deep holes in the dunes.

Janet Pitts of 149 Pintree Ave. said she was used to seeing the outfall pipes, she wasn't used to seeing the storm drains and back filling. She said after the last storm it took the drains a long time to "wick out" and it was filled with a lot of sand. She said the big concern was water not getting out and wasn't sure what could be done.

Ms. Pitts asked if a group was going to be form she would like to participate.

Bill Greenfield of New Jersey Ave. asked if the areas that were flooding were they dry wells.

Mr. Chew said he didn't think they were.

Mr. Greenfield asked how many dry wells the Township had.

Gary Douglass said he wasn't sure, but most of them were on the East side.

Mr. Greenfield said maybe that should be investigated to see if that could be the problem. He said the beach front property owners should be concerned with the beach replenishment.

Debbie Johns of Woodland Avenue said she called the Township often when it was flooding and was assured by the Township it would be taken care of. She said her husband had dug out the outfalls with a shovel. She said if the Township could spend \$250,000 to fix it instead of 10 million then go for it, outfall pipes were part of the bay.

Mayor Craig said enough had been said on the outfall pipes. He said there was an emergency resolution to the DEP and were working to do what they could with DEP approval.

Nicola Wynnefield of 87 Millman Lane asked how the project would be completed.

Mr. Chew said the contractor would access the beach with existing access. Pilings were put in the ground 35' and would be cut down to where they were safe and to the new pipe. DPW decided the worst ones to be done first. He said flex valves would be installed to allow water in and out as needed.

Ken Hewitt of Caroline Avenue said he had concerns at Mulligan Field with drug problems and felt nothing was being done. He said the kids were destroying the hockey field and said there was no police presence in the area.

Chief Donohue said they had property checks and it was done 4-5 times a day.

Mr. Hewitt said the police were not getting out of their cars and the kids were hiding in the hockey rink.

Chief Donohue said there was not a big drug problem there and would be happy to speak with him after the meeting.

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Resolution #2008-211. 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.” (Labor Relations - LT Supervisor’s Union Grievance)

Councilmember Conrad 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”, Mayor Craig, “yes”.

Council returned to open session and there being no further comment, Councilmember Mazurek motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal “ayes” at 9:15 p.m.

Mayor

Township Clerk

Approved: Sept. 3, 2008