

Regular & Work Session Meeting Minutes - September 3, 2008

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 3, 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: Paul Baldini, Solicitor and Joseph Jackson, Manager

WORK SESSION

Review of Consent and Regular Agenda Items

No comments.

Letter From Freeholder Beyel re: Lower Twp. as Lead Agency for WQMP

Bill Galestok, Planning Director said the County wrote a letter in detail explaining the problems. He said the service area would be withdrawn in 9-12 months. He said the County had been the lead agency since the early 1980's and the County wanted assurance from the municipalities that it was ok for the Township to have them. He said the letter said the Township was on its own or have the County do it. The Planning Board recommended the County stay as the lead agency.

Mayor Craig said the key issue was indemnification.

Mr. Galestok said the County felt they had no local jurisdiction over local zoning. He said the Solicitor would have to review it. He said if the Township did nothing the State would cancel the areas to be sewered in the future.

Mayor Craig said to reach out to the County about it.

Consent Agenda

1. Approval of Minutes August 4 & August 18, 2008
2. Membership Application NJ Firemen's Association Membership Application - Zackary A. Magnavita to Townbank Fire Co.
3. Resolution #2008-212, Payment of Vouchers, \$535,265.17
4. Resolution #2008-213, Council Request to Tax Collection to Remove From The September 29, 2008 Tax Sale the Properties Commonly Know As Block 410.01 Lots 36.15 and 36.17 Airport Building 96 Units 9A & 10A Located in the Cape May County Airport and Industrial Park

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5. Resolution #2008-214, Rejection of Bid for the Furnish & Supply Rubber Bill Check Valves
6. Resolution #2008-215, Acceptance of Bid and Contract Award for Two (2) 2009 Dodge Chargers with V8 Hemi Engines with Police Package
7. Resolution #2008-216, Acceptance of Bid and Contract Award for Various Auto Parts
8. Resolution #2008-217, Authorizing Profession Service Contract with Blauer Associates, Inc. (Application of Small Cities CDBG)
9. Resolution #2008-218, Submission of a Small Cities Housing Rehabilitation Application, \$200,000.
10. Resolution #2008-219, Authorization to Cancel Uncashed Checks
11. Resolution #2008-220, Resolution Authorizing Interlocal Service Agreement with the County of Cape May for Animal Sheltering Services (2009 through 2015)
12. Resolution #2008-221, Capital Budget Amendment
13. Resolution #2008-223, Issuance of a Temporary Operators License to Theodore Harris, Jr.
14. Ordinance #2008-19, An Ordinance Amending Section 475-1 of the Code of the Township of Lower, Eliminating the Prohibition Against Being Under The Influence of Intoxicating Beverages While in a Public Park or Recreation Area, (2nd rdg. Oct. 6)
15. Ordinance #2008-20, Bond Ordinance Providing for Various Capital Improvements of the Township of Lower, In The County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$795,000 Thereof and Authorizing the Issuance of \$775,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

Councilmember Douglass motioned to adopt the consent agenda items #1-15, 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 #2008-222, Approval of Payment in the Amount of \$10,000.00 to the Lower Township Rescue Squad

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

Ordinance #2008-18, An Ordinance Amending Ordinance #2007-01, Salary & Benefit Ordinance for the

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Township of Lower, 2nd rdg. 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.

There were no comments on the ordinance.

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

Administrative Reports

Personnel Action Report

Year to date Treasurer's Report

Council Comments

Councilmember Conrad said Angel Food Ministries were back and there was still time to sign up. He said Mulligan Greens were doing a good job.

Ponder Lodge

Councilmember Mazurek spoke on Ponder Lodge since some of the old issues had resurfaces. He said 2 years ago he had gone to Trenton to try and convince them in holding off for a few months and get groups together to try and save the buildings. He said time came and went and no one came up with a plan or any money. He said the State bought the property at the time the Township was looking into purchasing with the County. He said some Councilmembers were upset but he felt it was saved from developers.

Councilmember Mazurek said the State submitted a draft plan and Council reviewed it, he said it was a good plan if they stuck to it. They had a grand opening and since then, there had been no improvements there. He read excerpts from a letter from the State on their plans for Ponder Lodge. He said 22 acres were to be replanted, wildlife meadows, 6 acres of shrubs and native plants, reforest 18 acres and plans for ponds and other improvements. The plan called for various trails also facility restoration and demolition of some buildings. He said the property could have been a show place. He said they had a proposed budget and read the break down which totaled \$1,420,000 . Council's consensus was the State needed to do what they said they would. His advice to the public was to go talk to the State, there wasn't anything Council could do at this point. He said maybe they needed community pressure.

Councilmember Douglass said school was open and be careful.

Councilmember Nolan reiterated what Councilmember Mazurek said. He said they had been in negotiations with the State to acquire it for the Township. He said the plan hadn't come to fruition. He mentioned the Officer of the Year Award Ceremony would be held on Sept. 9th. Mayor Craig said the State had drafted a plan for Ponder Lodge which was provided to the Township by a reported. He said the State had received a grant of \$800,000. He said if the people wanted to save Ponder Lodge they needed to hold the State to their plans. He said Jackie Bell was appointed to the Environmental Commission and they were a group that really received no recognition.

Public Comments

7:25

Mayor Craig said he knew people were here for the stormdrain issue on the beach front and he didn't want to rehash what had already been said. He said the same thing went for Ponder Lodge.

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Ponder Lodge

Barbara Skinner asked Council if they would entertain a resolution to request postponement by the State. She said they had a petition online to save Ponder Lodge. She felt a delay would help others to look into other uses.

Mayor Craig said the Township had 3 meetings and also met with the Freeholders and there was always dialogue with the State and nothing ever happened. His fear was that the State would take her issue and delay taking any action which may lead to more problems since there were issues of drinking and vandalism.

Councilmember Nolan said Mr. Flynn was present at the time for Commissioner Jackson. Mr. Flynn told Council that DEP would either give it to Fish and Game or Parks and Recreation. He said it went to Fish and Game so the Township lost. He said the assignment came from the State.

Ms. Skinner said it might still be possible for a 9 hole organic golf course and it could be the first in the State. She said it would also help deter vandalism.

Councilmember Nolan said they were in her position a year ago or so. He said they worked hard with plans for a large recreation area and maybe some nature trails, but the State made it clear they would do as they saw fit. The Township feared it would be another Higbee or Magnesite Plant with no oversight. It was said the State had funds for acquisitions but no money for maintenance.

Councilmember Nolan said he supported her efforts but felt it may be a losing fight.

Outfall Pipe Project

Diane Rickards of Florida Avenue said people still had questions on the outfall project. She said they asked to meet with Council and were denied and understood there wasn't a lot of dialogue. She asked about the bidding process and wanted to see the contract. She wanted to know if it was a multi phase project and would like more information.

Mayor Craig said that wasn't correct about the meeting being denied.

Manager Jackson said the only person asked to meet with him was Jim Dougherty.

Mayor Craig said Councilmember Douglass and Councilmember Nolan would meet with Mr. Dougherty. He said at the last meeting the Engineer was present to answer questions. He said the Township had a maintenance permit which the State said was valid. He said the plan was to move forward with the project once all proper permits were received. He said people needed relief from the flooding.

Ms. Rickards asked if they looked into other options.

Mayor Craig said the project in Avalon to redirect a few pipes cost 2 million and that was a lot of money.

Ms. Rickards asked how many people had problems with flooding.

Gary Douglass of DPW said one person was too many as far as he was concerned.

Ms. Rickards asked to see the analysis and how many people were flooding was it 1, 2, 5 or 15. She said she didn't know the scope of the project. She said it went to North Cape May and wasn't aware of any flooding there.

Councilmember Mazurek said there were streets in his area that flooded, it wasn't a new project the study was done years ago when the pipes were installed. He said the problem was that the bay had changed over time. He said the pipes were clogging and the State said the Township could maintain to the original foot print of the plan. He said they may have to go out further than the original foot print and no additional permits may be needed.

Gary Douglass said the repairs could be done to the original pipes and lengths.

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Ms. Rickards asked what was the original date of the plan they were referring to and do they have any other approach to this.

Councilmember Conrad said it was illegal to tie into the sewer drain.

Ms. Rickards asked why was it illegal and where were the exceptions and have they tried for an exemption.

Councilmember Nolan said if she had any ideas why didn't she submit something.

Ms. Rickards said she wasn't an engineer. She read from a 2007 notice on bills passed by the legislators. She asked why didn't the Township apply for some aid.

Councilmember Nolan said they had pipes clogged that needed to be fixed. He said it was cheaper and more efficient to fix them.

Ms. Rickards asked if Council would meet with the group and questioned if they looked at any grant programs.

Ed Butler of 7 Delaware Bay Drive thanked Council for trying to fix those problems. He said it had been a problem for years and he invited anyone to his home to see the beach area where he lived. He said the pump house was next to his home and it drained 45 homes which weren't expensive bay front homes. He said it wasn't an issue they should be arguing about. He said the pipe near his home was extended twice. He said they couldn't spend more money, they fought hard to keep the budget down.

Mr. Butler thanked Council and said he wanted to save his property as well as others.

Jim Dengler of 2685 Bays Drive asked Council if they asked the Army Corp if they could do what they were doing.

Councilmember Mazurek said they didn't have to ask, they had a maintenance permit. The Township pipes needed to be expanded and would require additional permits. He said they had the permit for years.

Mr. Dengler said he would have to get a permit to replace the sand he had lost over the years.

Janet Pitts of Pinetree Drive asked if the Township was doing something different than any other town. She said Cape May, North Wildwood, etc. had outfall pipes.

Councilmember Mazurek said Middle Township didn't have them because they were mostly inland.

Ms. Pitts said it appeared that the Township wasn't doing anything unique that other shore communities had done for years. She said the Township was being responsible by acting in the need of repair. She said what would FEMA say if they found the Township wasn't protecting their citizens. She applauded their efforts, it needed to be fixed now not another study and funding that would take 2-6 years. The system needed repair and needed an immediate fix not a long term plan.

Councilmember Conrad said they were also concerned that if there was a problem, FEMA funds may not be available if it was proven the Township didn't take proper steps.

Ms. Pitts asked for a cost analysis after it was done with all the delays involved.

Beach Clean Up

Kathy Trainer of Beach Drive said there had been a lot about medical waste washing up in Avalon, etc. and asked what was being done to check along the bay.

Councilmember Mazurek said it was a 2 part issue. He said the drains were clogged and damaged due to water back up which caused the pipes to collapse. He said there wasn't a program regarding the syringes on the beach. He said basically they relied on the citizens to call if they saw anything. He said the Township beaches were user beware.

Mrs. Trainer said Cape May had resources to test for ecoli and bacteria.

Councilmember Conrad said he recently had a report and the readings were good, in the single

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digits.

Councilmember Mazurek said we were the last town so pollution came down, but the good thing was the water washed out often.

Outfall Pipe Project

Mrs. Trainer said she didn't want to see "us vs them", everyone used the beach and would like to have a meeting with the taxpayers, bay front owners and residents.

Councilmember Nolan said he would put the offer out there that he and another member of council meet with them. He said he would like the Manager to organize a meeting. He said he was told the pipes would be clean and some type of capping would be put on the ends to prevent the clogging. He said it would let water out and not sand and debris in.

Councilmember Mazurek said aesthetic ideas suggested such as a boardwalk but someone else complained that it would draw kids.

Councilmember Nolan suggested the Manager poll all of Council to see who would be available on what dates and pick one and they would make every effort to attend the meeting.

Doug Todd of Captains Court asked what was the policy for collecting the grass clippings and yard debris. He said he saw the truck driving around looking for grass clippings and felt they needed a definite schedule.

Gary Douglass said the State put out new regulations and you couldn't put grass with the trash anymore. He said what was being done was they asked the people to bring it to the yard and then people complained about that. He said the best they could do was to put a truck out there when available and that was usually a day or two after trash day.

A discussion ensued and Gary said they were doing the best they could with the new regulations and manpower.

Councilmember Nolan said they were trying to come up with ways to handle it with the help they had.

Ocean Drive

Joan Dean asked who was responsible for the road from the Parkway to Wildwood Crest, it was full of trash.

Manager Jackson said he would call the County.

Ponder Lodge

Nicolette Winfield of 87 Millman Lane said she was pleased to hear about the Ponder Lodge efforts in the past and was disappointed the Township didn't get it. She said the Friends of the Delaware Bay felt they were not given any consideration and information in time. She said they just wanted time to look into the issue and alternative ways and everyone was concerned with the flooding.

Mandatory Water Hook-Up

Joe Winters of Florida Avenue asked about the mandatory water hook-up and what were they doing about it.

Councilmember Conrad said he would be meeting with the MUA and said it would be soon but didn't have a date yet. He said if they had any questions they wanted answered bring them to him.

Mr. Winters said for Council to stop dragging their feet.

Mayor Craig said they weren't dragging their feet and the new director had a proposal.

Signs

Bob Rizzo asked Council to look into signage for the Millman Center for next year. He said there was a plethora of signs around the Township and it needed to be addresses.

Councilmember Mazurek asked the Manager to have the mile marker sign removed it was at

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eye level and you couldn't see oncoming traffic.

Council Meeting Schedule

Mr. Rizzo asked that future Monday holiday meetings be changed to another day than Wednesday since it conflicted with the MUA meetings.

Resolution #2008-224, "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 Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Mazurek. 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".

Council returned to open session and there being no further comment, Councilmember Mazurek motioned to adjourn the meeting, seconded by Councilmember Nolan the meeting unanimously adjourned by verbal "ayes" at 8:30 p.m.

Mayor

Township Clerk

Approved: September 15, 2008