

## Regular & Work Session Meeting Minutes - September 15, 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 15, 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 & Joseph Jackson, Manager

### Presentation to Council from Patrolman Vanaman

Mayor Craig welcomed back Patrolman Vanaman who served in Iraq. Chief Donohue said he served from 1996-2000 in the Army and was deployed to South Korea. He had top secret clearance and had been deployed last July to Iraq. He received a bronze star while he was there. He was presented a certificate from the Chief Donohue. Patrolman Vanaman promised when he left he would fly the flag there. Patrolman Vanaman presented Mayor Craig with a flag.

## **WORK SESSION**

### S.J. Representatives - Presentation on Upcoming Expansion of Gas Lines to Villas

Debbie Spinella of South Jersey Gas Company also welcomed back Patrolman Vanaman. She gave a short presentation and turn the meeting over to Todd Gordon a sales representative. Mr. Gordon said they wanted to extend service in the Villas and were reviewing the final plan to run a main along Bayshore Road. He said they hoped to start hookups in 2009 and surveys would be going out to all the residents and business owners. He pointed out it was important to fill out the survey and send it back. He said they would follow up with the Township as to where the concentration of interest was.

Mr. Gordon said he wanted to make the people aware they would be seeing South Jersey Gas trucks in the area.

Councilmember Mazurek said they were trying to get water in the Villas maybe the two could get together on it so the road would only have to be opened once.

Manager Jackson asked when they expected to start and finish.

Mr. Gordon anticipated to start towards the end of the year and would be starting on Breakwater Road.

Councilmember Conrad said he was all for natural gas. He asked what the gas rate was.

Mr. Gordon said 1.59 a therm or 100,000 BTU while propane was 3.50 a gallon or 92,000 BTU's. He said they also had financial programs. He mentioned there were no charges for service or meters the only cost would be conversion. He said in early 2009 representatives of

## Regular & Work Session Meeting Minutes - September 15, 2008

South Jersey Gas Co. would be going door to door and would have identification badges on and wanted to make the people aware of that.

Councilmember Conrad asked if it would be extended to Fishing Creek and the Sheridan Tract.

### Review of Consent and Regular Agenda Items

Mayor Craig asked that Resolution #2008-230 be removed and that Resolutions #2008-17, #2008-18 and #2008-227 be moved to the regular agenda.

### Consent Agenda

1. Approval of Minutes September 3, 2008
2. Resolution #2008-225 Payment of Vouchers, \$2,337,427.71
3. Resolution #2008-226, Authorization for Refund of Taxes (overpayments on 4 properties)
4. Resolution #2008-228, Approval of Change Order #2 for the Extension of Various Storm Sewer Outfalls
5. Resolution #2008-229, Contract award for Actuarial Services for Gasby 45
6. Resolution #2008-230, Establishing the Annual Municipal Service Fees for 2009
7. Ordinance #2008-21, an Ordinance Repealing Ordinance #2008-14 Entitled "An Ordinance Authorizing the Township of Lower to Enter into a Reimbursement Agreement with Diamond Beach Development, LLC for Reimbursement of the Costs Associated with the Inspection of "The Grand" Resort at Diamond Beach" 1<sup>st</sup> rdg.

Councilmember Mazurek motioned to adopt the consent agenda items #1-7 , seconded by Councilmember Nolan. 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 #2008-227, Resolution Appointing Deputy Emergency Management Coordinators (Conrad, Perry, Wehner)

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".

Resolution #2008-217, Authorizing A Professional Contract with Blauer Associates, Inc. (tabled 9/3/08)

Councilmember Nolan said not too long ago they had a full house when they wanted to eliminate the grants position. He said now there was a request that could cost up to \$1,500 for a grant application and up to \$16,000 to administer. He asked if someone could explain it to him.

Councilmember Nolan said the full time coordinator should be doing the application.

Colleen Crippen, Grant Coordinator said as coordinator she assisted, she explained it was a public facilities grant and had applied 5 times and received it all 5 times. She said it required

## Regular & Work Session Meeting Minutes - September 15, 2008

some technical information and an environmental impact study. She again said she assisted with the application and it was paid for under the grant, the only money the Township paid was \$1,500.00 and that was budgeted for.

Ms. Crippen said if all components were ready she had a better chance of receiving the \$400,000 grant.

Councilmember Mazurek 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".

Resolution #2008-218, Submission of a Small Cities Housing Rehabilitation Application, \$200,000 (tabled 9/3/08)

Councilmember Mazurek 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".

### Administrative Reports

July Report - MUA

August Reports - Animal Control, Municipal Clerk, Construction Official, Dog Licensing, Fire Safety, MUA, Tax Collector, Vital Statistics

### Council Comments

Councilmember Conrad said if anyone had any problems they could contact him on his cell phone at 780-7020 and he also gave his email address.

Councilmember Mazurek said he was glad to have Patrolman Don Vanaman back.

Councilmember Douglass said he met with an association of West Rio Grande Avenue and said they had some parking issues and also a cat problem. He said he directed them to the proper Township Officials.

Councilmember Nolan said he had a call from Jack Fichter regarding some rumors regarding the Manager. He said no rice notice was given so he wouldn't discuss the Manager. He and the Mayor were left out and the other 3 Councilmembers had received some concerns regarding the Manager.

Councilmember Douglass said he checked with the Manager that he contacted the MUA to get a meeting set up.

Mayor Craig thanked the Emergency Management and the Police regarding the anticipated storm.

7:35

### Public Comments

#### Public Comment on 1<sup>st</sup> Rdg. Ordinance

Joe Winters of Florida Avenue asked if he could comment on Ordinance #2008-21.

Mayor Craig said he could at the next meeting which would be 2<sup>nd</sup> reading and public comment.

#### Juvenile Problems at Mulligan Field

## Regular & Work Session Meeting Minutes - September 15, 2008

Donna Peters of Langs Avenue said there were problems at Mulligan Field with juveniles and it was getting out of hand. She said they were smoking pot and using vulgar language and when she walked by with her dog they were making rude comments. She said they hang in the jungle gym and the younger kids can't use it and they broke it. She said the police did show up but the kids leave before the police get there.

Councilmember Mazurek asked what time were they there.

Mrs. Peters said around dinner time which was 5:30 - 7:00 and her friends wouldn't walk with her anymore because of the kids acting inappropriately. She said she enjoyed going to Mulligan Field and was asking for some help.

Lt. Mastrianni said for Mrs. Peters to contact him at the Police Department.

Councilmember Conrad said maybe they could have an extra patrol there at dusk.

Chief Donohue said to date they had done about 800 property checks. He said they have had some patrols on bikes and it really depended on the manpower. He said it is what it is.

### Outfall Pipe Project

Howard Carl of 300 West Delaware Parkway said he was invited by Athena Clark to view the situation. He said his question was DEP gave the permit to fix certain repairs. He asked what was the status of the emergency repairs. He said if it was an emergency you would think the work would have started.

Councilmember Conrad it would have been completed, but it was stopped and now they had to wait on the contractor to come back with his equipment.

Manager Jackson said the application was in the process which was 4 - 5 months.

Mr. Winters said he felt Mr. Carl and the complaints that were made cost the Township \$17,000 for demobilization, he commented it wasn't like they were destroying people's property.

Councilmember Nolan said it was \$17,000 to put the pipes back.

### Bennett's Field

Don Gipple of 212 States Avenue said he was a parent of a player and cheerleader. The 1<sup>st</sup> home game was played at Bennett's Field this past weekend and the whole stand area was a mess, they were up to their ankles in muck.

Mr. Gipple asked who supervised the repairs.

Mayor Craig said the football field was dry and the area around the drainage was wet.

Mr. Gipple mentioned there were no police presence or an ambulance there and said the recreation department was aware of that.

Mayor Craig said it had always been a policy that the recreation center was to coordinate with the ambulance and asked the Manager to contact Zack about it.

Mr. Gipple said it seemed to be a problem with the parents and some police presence would be helpful.

Chief Donohue said typically they didn't have the police at little guys games. He said they had a schedule and they could drive by.

### Grants - Outfall Pipe Project

Nicole Wynnefield of Millman Lane, said she was trying to get involved and asked if the Township had a Grants Coordinator.

Mayor Craig said yes.

Mayor Craig said the Township had permission to lay the pipe in the original footprint. He said it cost to demobilize the contractor.

## Regular & Work Session Meeting Minutes - September 15, 2008

Ms. Wynnefield said she realized that contractors jumped from job to job. She asked if it was possible to explore some grants.

Councilmember Mazurek said the contractor bid on the job with the idea that he would come and do the job all at once. He asked if they could get grants to assist with the cost.

Councilmember Conrad said the grant approved tonight was for some pipes in other areas. He pointed out what was approved was for next year.

Ms. Wynnefield said she did look at one of the pipes and it seemed to be working well.

### Neighbor Problem - Langs Avenue

Marie O'Connell of Langs Avenue said her neighbor threw out bird seed in her yard and was attracting a lot of birds. She said was attracting mice and rats. She called animal control and they didn't seem to do anything. She said the person had 4 dogs and 5 cats.

Councilmember Conrad said if the yard wasn't cleaned up the Township could address that.

Mayor Craig said Animal Control could look and see if the dogs were licensed and Code Enforcement could check the yard.

### Outfall Pipe Project

Debbie Johns of 233 Woodland Avenue said the reason the outfall pipes were working was DPW had cleaned them out on Friday and Saturday and she thanked them for that. She said her street didn't flood this time.

Ed Butler backed up what Mrs. Johns had said, DPW had come out on Friday and dug out 2 pipes by the pump house and made a path to the bay and it worked great. He checked on Sunday and the trench was completely full and it found the path of least resistance and it cut into the dunes. He said you couldn't believe what it looked like on Sunday.

### Public Comment on the Consent Agenda

Mr. Rizzo said he was surprised that thing were pulled from the consent agenda and 2 weeks ago they approved the consent agenda with 2 SUV's on it.

Mayor Craig said the SUV's were done through the budget process.

Mr. Rizzo said it was approved before the public could comment or ask questions on it. He said if the public could comment on it maybe some would change their minds.

Councilmember Conrad said if they had questions they could move it to the regular agenda.

Mr. Rizzo said other towns had comments first such as Cape May and West Cape May.

Solicitor Baldini said it was hit or miss through the County.

Councilmember Mazurek said the call to the public was probably for other than what was on the consent agenda.

Mr. Rizzo said that was the right way to do it.

Mayor Craig said he would put it on for the next meeting.

### Flooding on Beechwood Avenue

Wayne Weissman of Beechwood Avenue said he had concerns about his street. He said the storm drain had been cleaned out several times every time it rained. He said rain had gotten into his mother in law's garage. He said somewhere in the line there was a problem between 5 or 10 Beechwood Avenue where is backed up or something.

Manager Jackson said he would check with Gary at DPW and maybe they could put a camera down in the pipe to see what was going on.

Regular & Work Session Meeting Minutes - September 15, 2008

Resolution #2008-231, "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 Nolan motioned to adjourn the meeting, seconded by Councilmember Mazurek the meeting unanimously adjourned by verbal "ayes" at 8:15 p.m.

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Mayor

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Township Clerk

Approved: October 6, 2008