

Regular & Work Session Meeting Minutes - January 7, 2008

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 7, 2008 at 7:20 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

CONSENT AGENDA

1. Resolution #2008-01, Appointment of Municipal Solicitor for the Year 2008 Pursuant to Non-Fair and Open Procedures (Paul Baldini)
2. Resolution #2008-02, Appointment of Municipal Engineer for the Year 2008 Pursuant to Non-Fair and Open Procedures (Remington Vernick Walberg Engineers)
3. Resolution #2008-03, Appointment of Municipal Auditor for the Year 2008 Pursuant to Non-Fair and Open Procedures (*Ford Scott Seidenburg & Kennedy*)
4. Resolution #2008-04, Appointment of Bond Counsel for the Year 2008 Pursuant to Non-Fair and Open Procedures (*Mc Manimon & Scotland*)
5. Resolution #2008-05, Appointment of Municipal Prosecutor for the Year 2008 (Michael Donohue)
6. Resolution #2008-06, Appointment of Municipal Public Defender for the Year 2008 (Christopher Gibson)
7. Resolution #2008-07, Appointment of Municipal Judge (David DeWeese)
8. Resolution #2008-08, Appointment of Emergency Management Council for the Year 2008
9. Resolution #2008-09, Appointment of Class III Member to the Planning Board (Robert Nolan)
10. Resolution #2008-10, Appointment of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (Annual Resolution)
11. Resolution #2008-11, Appointment of Broker of Record for 2008 (Mark Senior)
12. Resolution #2008-12, Appointment of JIF Risk Management Consultant (Barbara Weigand)
13. Resolution #2008-13, Setting the Interest Rate for Delinquent Taxes (Statutorily regulated)
14. Resolution #2008-14, Adopting Cash Management Plan
15. Resolution #2008-15, Resolution to Defer The Regional School Tax
16. Resolution #2008-16, Authorizing Payment of 2008 Debt Service
17. Resolution #2008-17, Annual Approval of Petty Cash Funds (Police Dept. & Treasurer's

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Office)

18. Resolution #2008-18, Adopting 2008 Temporary Current Budget
19. Resolution #2008-19, Designation of Official Depositories
20. Resolution #2008-20, Establishment of Council Meeting Dates and Times (1st & 3rd Mondays except holidays)
21. Resolution #2008-21, Approving 2008 Contract with Cape Assist (EAP Program)
22. Resolution #2008-22, Designation Of Official Newspapers for Legal Advertising for the Year 2008 (Star & Wave & Press of Atlantic City)
23. Resolution #2008-23, Resolution Approving Contracts with Horizon Blue Cross/Blue Shield for Extraordinary Unspecifiable Services (Group health and dental plans)
24. Resolution #2008-24, Resolution Approving Contract with Fort Dearborn for Extraordinary Unspecifiable Services (Group Life)
25. Resolution #2008-25, Transfer of 2007 Appropriations \$11,300.00
26. Resolution #2008-26, Authorization for Public Bidding (Annual resolution for bidding throughout the year)
27. Resolution #2008-27, *Resolution Authorizing Application to the New Jersey Department of Community Affairs for A Share Implementation Grant to Support A County-Coordinated, Regional Emergency Special Operations Response Team*
28. Resolution #2008-28, Authorization for Refund of Taxes
29. Resolution #2008-29, Authorization for Refund of Taxes due to State Appeal
30. Resolution #2008-30, Authorizing Payment of Compensatory Time for 2007
31. Resolution #2008-31, Approval of Vouchers \$460,191.96
32. Resolution #2008-33, Appointment to Planning Board (Edward Butler for unexp. term of C. Garrison)
33. Resolution #2008-34, Resolution Approving a Contract with Health Solutions Inc. for Extraordinary Unspecifiable Services (Prescription Plan)
34. Resolution #2008-35, Approval of 2008 Vouchers \$2,773,363.37
35. Ordinance #2008-01, An Ordinance Amending Chapter 101, Public Records, of the Code of the Township of Lower, 1st rdg. - 2nd rdg. Jan. 23, 2008 (Change in certified copy fee for birth, marriage & death records)
36. Ordinance #2008-02, An Ordinance Amending Chapter 432, Mercantile Licenses, of the Code of the Township of Lower, 1st rdg. - 2nd rdg. & public hearing Jan. 23, 2008 (Increase in license fees beginning with the 2008-2009 license period.)

Councilmember Douglass motioned to adopt the consent agenda items #1-37, 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 #2008-32, Approval of Change Order No. 3 for Freeman S. Douglass, Jr. Memorial Park Project.

Councilmember Mazurek stated the change order was to excavate and replace topsoil and for extra chain link fence. He said it was adding another \$38,580 to the already high cost. He felt a mistake was made by saying how much there was to spend, the bids came in under 585,000 and now there were 3 change orders and up to \$600,000 plus. He said they needed to put a stop to the change orders and live with what they had.

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He didn't understand how it wasn't part of the original price and wasn't sure it was necessary to replace the topsoil.

Mayor Craig asked Marc DeBlasio of the engineering firm about the change order regarding the soil and said they ran into a problem with the mix from the MUA and wasn't it actually lower price than bidding it.

Mr. DeBlasio said that was correct and the two other change orders were for additional work outside the original bid as requested by the Township.

Councilmember Mazurek said he was trying to save money.

Councilmember Nolan said he wanted it under \$660,000 as they originally told and hoped it stayed under.

Manager Jackson said there should not be any more changes since it was almost done.

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, "no", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Ordinance #2007-20, An Ordinance Amending Chapter 7, Entitled Traffic, of the Code of The Township of

Lower (Additional handicap parking spaces Schellenger's Landing Road), 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 .

There were no comments on the ordinance.

On motion by Councilmember Douglass, seconded by Councilmember Mazurek , the ordinance was approved by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Ordinance #2007-21, An Ordinance Establishing A Source Separation and Recycling Policy for Lower Township for Designated Recyclables and Amending Chapter 570-8 of the Code of 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 .

There were no comments on the ordinance.

On motion by Councilmember Nolan, seconded by Councilmember by Mazurek, the ordinance was approved by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Nolan, "yes", Mayor Craig, "yes".

Council Comments

Councilmember Conrad said if anyone had questions for him they could contact him on his cell phone at 780-0802.

Councilmember Mazurek said it appeared people wanted to discuss the MUA. He said he was away for Christmas and saw in the paper that Council said they wanted to take over the MUA. He said he never aspired to do that nor did Council discuss it.

He stated the idea started when the MUA requested mandatory hook-up, from that it went to take over. He said as an educator when there was a problem you had to identify it and then take steps to resolve it. He said the only problem so far was hook-ups and hadn't heard of any others yet. He said to start with the simplest problem and then to the most complicated and work from there, he felt more discussion and review was needed and there was a long way to

go. The problem was mandatory hook up and if the Township took over the MUA the problem still wouldn't be solved it would be on the Township's back instead of the MUA.

Councilmember Conrad said the MUA issue was an idea right now there were no definite plans and there were no back door meetings. He said people wanted water and couldn't get it and it was being looked into, it was just an idea. He said it might happen and it might not they were just looking into it for.

Councilmember Mazurek said the papers clearly stated that Council was taking over the MUA. Mayor Craig said the consensus of Council was that the Township was looking in the direction to dissolve the MUA.

He said he made a comment to Mr. Degnar that maybe the County could take over the sewerage and followed that by they were looking at all options.

Councilmember Mazurek said he could only make comments on what he saw or read in the paper. He said clearly he would take an oppositional stand.

Councilmember Douglass said he had been attending the MUA meetings and had taken some notes. He met with the employees to try and quell some of the rumors. He was told that the MUA side told people not to attend the meeting it was cancelled. He said the issue appeared to be put on Council and the prior Council as to not to mandate hook-up.

Councilmember Douglass said the mandatory hook up was brought to them back in February 2007 and at that time they said the numbers weren't reasonable. He stated Council felt the costs were too high and the people were not aware they could have long term payments. He had a list from the MUA with approximately 400 residents not hooked in.

Councilmember Douglass said Council also was being blamed for interrupting the appointment of the Executive Director with the discussion of the MUA dissolution. He said the Manager maybe the Interim Director to get things going as a temporary issue, not long term.

Councilmember Douglass said he picked up the magazine Garden State Law Enforcement Journal and it had a picture of Lt. Winters on the front cover regarding an article about raising the bar. The article spoke of Lt. Winters wanting to move forward.

Councilmember Nolan said he would take some heat since he brought up that maybe if the MUA couldn't get the hook ups and they weren't getting anywhere maybe the Township should take it over. He said people needed water and the recharge plant was an option that needed a lot more dialogue. He said he always felt the employees should be protected until all that was researched. He felt the ultimate goal was to provide more services and it was time to stop passing the buck. He still stood by the statement. He didn't want the MUA employees under duress or have members of the MUA Board threatening them it was unprofessional and he wanted to dispell myths and rumors about the MUA.

Councilmember Nolan said the last Planning Board meeting Charles Garrison resigned. He said he offered Ed Butler the chance to serve in the volunteer position. Mr. Butler after some consideration agreed to serve. He complimented Rich Degenar on an article about building disaster units. He wanted to propose a resolution for support. He said when the Two Mile Restaurant in the Township collapsed the Atlantic City Response Unit time was two hours and the Building Disaster Team was the State Police and response time was 4 hours. He said what the Chiefs of Police were looking at a CMC Building Disaster Team. He said being it was a lot of Volunteer Firefighters they realized they needed some funding and spoke to Frank McCall and Art Treon of CMC Emergency Management and was told funds were available and it needed to be initiated by the Commissioners of the three fire district. He said it was grant money and it wouldn't cost anything. He said they were looking to train some people in high angle rescue and types of disaster response so we would have one right in our County. He said the County had committed to \$350,000 for a vehicle for the team. He said they were working on a place for it to be house and central for the County. He thanked Council for support of a resolution.

Mayor Craig said Council had no ulterior motives other than to do what was best for the Township rate payers. He said on a good note Don Montgomery was appointed as Animal Control Officer full time. He said he received a letter stating how great Don was and said he took pride in the job.

Public Comments

Douglass Park

Joe Winters of Florida Avenue said he thought an Engineer Firm was overseeing the work at Douglass Park and asked why there was a problem with the dirt.

Mayor Craig said a firm was overseeing the job, the MUA ran out from the quantity that was requested. He said it was additional mix they had to purchase for the outfields so they would be graded properly.

Discussion back on forth on why they needed to purchase more mix.

Mr. Winters said if they ran out of soil then the Township should have money left for more.

Township Employees

Eileen Crossman of Evergreen Ave. said thank you to all who work for the Township and felt it was an exceptional group of employees. She said she was also glad to see Don Montgomery back he was kind, compassionate and a great guy. She stated she appreciated Councilmember Mazurek's common sense questions about the MUA. She said people came out to support Kathy as Manager and the Township snuck in a new Manager.

Ms. Crossman said people were speeding continuous on Evergreen Avenue and asked for speed bumps.

MUA

Bill Thomas of North Cape May thanked Councilmember Mazurek for standing up for the MUA. He said at the last meeting it was said there would be a meeting for the Township and MUA to hash out their differences. He said while he didn't attend the meeting but two board members and the attorney did attend. He said he got from the MUA board members was that Council said it was a done deal and to dissolve the MUA.

Mr. Thomas told Councilmember Nolan he didn't know how to run the MUA.

Councilmember Nolan said he was correct but he didn't think it was right to treat and threaten employees and was told a board member told a woman in the office that it was her fault the Township was doing this and she left in tears.

Mr. Thomas said that was him and Councilmember Nolan didn't know why he was in that office.

Councilmember Nolan said he was supposed to be a professional as a board member.

Mr. Thomas said he was and his responsibility was to the rate payers.

Councilmember Nolan said it wasn't responsible to take his family to Atlantic City overnight at the expense of the rate payers.

Back and forth on the Atlantic City trip and Council salaries.

Mr. Thomas said what he did was not illegal attending a seminar and could show the classes he attended were at no cost. He said in 2006 the DEP went to the County saying they had 7 million to spend as long as they could partner with someone for the recharge. The LTMUA said they would do it as long as they could have a feasibility study to see how much it would cost to run. He said it was now a dead issue.

Back and forth on things asked for and lack of cooperation.

Councilmember Nolan said he wanted more water connections.

Mr. Thomas said he didn't know what more they wanted. He said if they had mandatory connection they would have more.

Councilmember Nolan said to make it affordable for the residents.

Mr. Thomas said \$1,200.00 wasn't a lot, Lower Township had the lowest connection fee in the State of New Jersey.

He said when they were interviewing prospective applicants they asked what the rates were and Lower Township was the lowest. He said on page 72 of the 2001 report the State suggested the Township should have mandatory hook up and if not the MUA should not expand further.

Councilmember Nolan said that would be a reality at some point.

Mr. Thomas said why wait, do it now. He said at the request of Council they spent \$360,000 for

two streets in the Villas and only two people hooked up.

Councilmember Douglass asked if the Township mandated hook up and everyone took long term payment plans how would that help. He said it didn't generate funds to get going.

Mr. Thomas said the bonding company wanted to see it was in place so they knew then it was a continuous source of funding, then the MUA could get money. He said on the application is states mandatory hook up and asks for the resolution number.

Councilmember Mazurek stated he said he tried to be a spokesperson for Council and asked for a long-term plan and didn't get it. He asked for exceptions for people who could not afford it and didn't get it. He said the problem was that he still didn't have the information originally requested to let the people know ahead where the rates would be going.

Mr. Thomas said Councilmember Douglass came to the meetings and offered to have meetings with two board members and two Councilmembers but nothing happened.

Councilmember Douglass felt the MUA should come back to the Township with ideas as Council wasn't in a position to come up with ideas since it wasn't their area.

Discussion ensued on having the MUA do some hook ups.

Mr. Thomas said the MUA did discuss having their people do the hook ups, but didn't see when the employees would have the time.

Councilmember Douglass asked about a water improvement system project of the MUA and asked if they had received a USDA grant.

Cliff Gall said they received \$2.5 million but the USDA waived mandatory hook up since it was a storage tank not expansion.

Councilmember Mazurek said the issue raised by Mr. Riggi that the Township should find out what their allocation was because mandatory hook ups may be more than the allocation would permit.

Mr. Thomas said the MUA Engineer could give him that information. He said the DEP was actually trying to take water away from the Township and he attended a meeting in Trenton and the allocation was left alone. He spoke of the well in the airport and when they were giving allocations away to Lower Township, Cape May and Bordons. Lower Township was the only one that used the water. He said the MUA was now trying to get Cape May and Bordons allocation of water since they would not be using it but they weren't getting back with an answer. He said apparently years ago Cape May wanted to drill two well south of the canal and was told no it was the Township's water.

Mr. Thomas said the Gables development in Lower Township was being serviced by Cape May.

He said there was an old 2" line feeding 40 homes and only 11 hooked in. He said they wanted the Township to take over but it would cost \$550,000 to put in new infrastructure.

Mayor Craig said no member of Council had been adversarial about mandatory hook up. He didn't understand why the board would not bend over backwards to provide the information requested.

Mr. Thomas said he felt the MUA gave Council enough information but he could be wrong. He said to come back and talk to the board members. He didn't see any reason to dissolve the MUA. He said the paper stated that no one would lose their job, yet it said there were two jobs opened at the Township. He said on one line saying one thing and another something different.

Mayor Craig said it wasn't meant in that fashion, that should the dissolution happen there were two spots that could be filled.

Mr. Thomas said he didn't know how they could run the MUA with less people.

Mayor Craig said they weren't the ones that started the rumor about people losing jobs.

Mr. Thomas said it was Councilmember Nolan that started the rumor in the paper of selling the sewer system to the County.

Councilmember Nolan said once again he was inaccurate he said to look at other options and since then he found out the County rates were higher.

Discussion continued.

Mr. Thomas said Councilmember Nolan said two years down the line they may sell the water to

New Jersey American.

Councilmember Nolan said absolutely not. He said it came from the MUA.

Mayor Craig read some excerpts from the article.

Councilmember Conrad said he would not support any plan to sell sewer or water or have MUA employees lose their jobs.

Mr. Thomas said he wasn't at the meeting with the Township and MUA but heard after 15 minutes the Township told the MUA they were going to dissolve it. He felt he had done a good job as all his predecessors. He said the rate payers were a priority. He said there was no free water.

Sal Riggi said he printed out Lower Townships public water deficit surplus according to the file it was updated August 2007. He said the demand numbers hadn't been updated since July 2002. He said Lower Township had an allocation of 93 million monthly. He said based on the record monthly demand 55.975 million per month with a total peak use of 60 million gallon based on allocation numbers and demand there would be a 32 million gallon surplus. He said he would love to have public water. He said as a Hydro Geologists his concerns were water supply.

Mr. Riggi thought at the meeting when mandatory hook ups were discussed there were 5,000 new hook ups at 4 people per home, 100 gallon a day that added 2 million per day to the system. He said then multiply that by 31 days per month would put it at an extra 60 million gallons which would cause a 20 - 30 million deficit. He said he had concerns with the way New Jersey treated their water supply systems. He said the Coastal Plain aqua fir was the sole source. He said the Highlands region of the State could have no more connections or development the coastal plan aqua fir was crucial. He said he saw the State moving in that direction maybe in 10-15 years. He felt water supplies needed to protected and managed. Councilmember Mazurek said the MUA letter stated they could add another 5,000 accounts. Mr. Riggi said engineers like to use less than 100 gallons as a planning number but he used 100 gallon a day four people per house not going to go with lesser numbers that engineers liked to use. He said unless someone could show him different he was standing by what he said. He said maybe they could go into an agreement with a nearby town. He didn't think any town would sell allocation.

Bob Hartman asked why the amount for the change order wasn't on the agenda.

The Clerk said it was overlooked and it would be on there in the future.

Mayor Craig they would have a 4th change order coming to credit back for the amount not provided.

Mr. Hartman said the Township should not have to cover the additional cost of the dirt, the contractor should cover it.

Solicitor Baldini said the bid specs didn't include the soil mix, the Township was to provide it.

Chuck Slugg, 3 Bottlecreek Drive asked if they 5,000 home drawing from individual wells shouldn't it be a wash from what was being pulled from the aqua fir. He had a question regarding his address, the post office said it's Bottler Creek Road and the plot plan at the Township said Bottle Creek Drive. He asked who's responsibility was it to straighten out the post office. He also asked when the development would get street lights.

Councilmember Nolan suggested to have Mr. Galestok look into it.

Peter Smith, 302 E. Drumbed Road said he was a member of a Vineland engineering staff for years and said if a main was in front of a house the Township assessed based on the cost to install the water main, curb and sidewalk and it was put on your tax bill whether you hooked in or not.

Mr. Smith said he heard the Township was doing a study of paid volunteer fire departments.

All Council said no.

Mr. Smith said it was being picked up in the paper and if that was incorrect someone needed to do a retraction. He said in the Gazette December 27 stated Mayor Craig said they would dissolve the MUA.

Mayor Craig said it was the consensus of Council that they were moving in that direction.

Mr. Smith said if the Mayor didn't say that he should request it be retracted.

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Mayor Craig said the issue arose in 1990 and 2002. He said he always supported mandatory hook ups and didn't see why the MUA wasn't coming forward with the information requested.

Joe Winters said he protested the meeting and didn't feel it was advertised.

Frank Majane of Erma said he didn't have water or sewer and wasn't sure if it was a good idea or not. He didn't understand if hook ups were good then why not. He said Council should direct the Manager to get the information from the MUA and the MUA should direct the Executive Director to get the information.

Councilmember Douglass asked Mr. Majane if he proposed that question to the MUA.

Mr. Majane said yes, but he wasn't at the meeting.

Councilmember Douglass said the Manager was getting the information for Council.

Mr. Majane said he heard if the Township took over the MUA they would also assume the 20 million debt.

Mayor Craig said yes, it would not have to be paid right away.

After conclusion of the public portion, Councilmember Douglass motioned to adjourn the meeting at 9:00 p.m., seconded by Councilmember Conrad, and unanimously approved by verbal "ayes"

Mayor

Township Clerk

Approved: