

Regular & Work Session Meeting Minutes - October 6, 2008

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 6, 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

Proclamation - Put the Brakes on Fatalities Day - October 6, 2008

Mayor Craig read the proclamation for Put the Brakes on Fatalities Day.

Work Session

Review of Consent and Regular Agenda Items

No comments.

Public Comment/Questions on Consent Agenda Items Only

Bob Rizzo thanked Council for having the public comment on the consent agenda items.

Consent Agenda

1. Approval of Minutes September 15, 2008
2. Resolution #2008-232 Payment of Vouchers, \$ 1,578,961.67
3. Resolution #2008-233 Identifying Small Cities Fair Housing and Equal Opportunity Officer
4. Resolution #2008-234 Adoption of State Model Citizen Participation Plan for DCA Small Cities Program
5. Resolution #2008-235, Authorization for Refund of Taxes (3 properties)
6. Resolution #2008-236, Rejection of Bids for HVAC Replacement for Millman Center
7. Resolution #2008-237, Resolution Approving an Interlocal Services Agreement

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Between The Lower Cape May Regional Board of Education and the Township of Lower (Class II Officer as needed for security detail)

8. Resolution #2008-238, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159, \$46,442.79 Clean Communities
9. Resolution #2008-239, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159, \$1,500.00 CERT Trailer Grant
10. Resolution #2008-240, Public Facilities Grant Application for \$400,000 Repair Storm Sewer Outfall Lines
11. Resolution #2008-241, A Resolution Requesting Release of Maintenance Guarantee for North Cape May WaWa; Block 499.01, Lots 33.01, 33.13 & 33.16; Escrow #Z98-08-04

Councilmember Conrad motioned to adopt the consent agenda items #1-11, seconded by Councilmember Mazurek.

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 #2008-242. Approval of Payment to Lower Township Rescue Squad, \$15,000 (Expense Reimbursement)

Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Nolan. 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 #2008-19. An Ordinance Amending Section 475-1 (l) 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, 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.

There were no public comments made.

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".

Ordinance #2008-20. Bond Ordinance Providing For Various Capital Improvements of the Township of Lower,

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in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$795,000 Therefor and Authorizing the Issuance of \$755,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, 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.

There were no public comments made.

Councilmember Nolan motioned to adopt the ordinance, seconded by Councilmember Douglass. 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 #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" 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.

Joe Winters of 301 W. Florida Avenue asked about the cost associated with Resolution #2008-14. He said the first resolution was expensive to draft and the taxpayers should not have to eat the costs associated with it, money was tight. He said no one knew if it met state guidelines or not.

Solicitor Baldini said it did meet state guidelines and the DCA took issue with certain language and no one would have bid on it.

Mr. Winters asked the Solicitor if he would eat the cost of preparing the resolution.

Mayor Craig said Solicitor Baldini in good faith prepared it and it met State standards, but the DCA didn't accept the language.

Solicitor Baldini said he still thought he was right.

Mr. Winters asked Solicitor Baldini to eat half the cost.

Solicitor Baldini said he would.

Councilmember Conrad motioned to adopt the resolution, seconded by Councilmember Douglass. 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

Personnel Action Report (L Vito)
Department Monthly Reports (on 2nd mtg. of month)

Council Comments

Energy Alternatives

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Councilmember Conrad mentioned there would be no recycling this week the Township was back to the every other week schedule.

He spoke about going green and wanted to go electronic to eliminate the paper and have the agenda and information on the PEG Channel. He also wanted to look into solar panels, windmills and would be having someone speak on the cost involved with it.

Councilmember Conrad said another option was to look into leased equipment and save some money. He said he would be attending the League Conference in November and hoped to bring back some information.

Capital Budget

Councilmember Mazurek said he reluctantly voted for the Capital Budget. He said the original capital budget of 920,000 + he had requested cuts and got it down significantly. He said he felt to many items were purchased as capital items that should not be in the capital budget. Items that had a 5 year life span the Township was paying for them for 15 years after they were gone.

He said many towns did things that way but that didn't make it right.

Councilmember Mazurek said he felt thing such as weed wackers, etc. should be purchased from the operating budget. He understood there wasn't a lot of room for discretionary funds and had to use the capital. He would like to see the Township start to purchase things that didn't last long through the regular budget.

MUA

Councilmember Douglass said he meet with the Director of the MUA for setting a meeting for mandatory water hook up and service to the Townbank area. He said they would need some assistance from the Grants Coordinator. He said they were working on a date for the meeting.

Ponder Lodge Fire

Mayor Craig said a week ago there was a fire at Ponder Lodge and thanked the fire departments that responded and also the police for a good job they did.

Manager Jackson said they were waiting for the report from the State regarding the fire

Mayor Craig said October 18 was the Pumpkin Festival and parade. He said the Police were going through the accreditation process and asked the Chief to speak on it.

Chief Donohue said it was an involved process and when it was completed the Township would get a break on the JIF insurance.

Mayor Craig opened the meeting at 7:22 for public comment.

Public Comments

Accreditation Program

Joe Winters of Florida Ave. said it would have been nice if Council had been present at the meeting for the accreditation process.

Councilmember Nolan said he was at the hospital for the birth of his grandson.

Grand Beach Club Liquor License Application

Bill Greenfield of the Villas said he noticed in the Star and Wave that the Grand Beach Club had

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applied for a club license and reminded Council he was all for beach access. The Clerk said it was a new application filed and was still going through the review process. Mr. Greenfield said Council should consider Mr. Ciampitti's involvement as the past issue with him regarding beach access. Councilmember Nolan said it was Mr. Mita who was developing the Grande not Mr. Ciampetti and there would be ramps and fountains to the beach. Councilmember Conrad said Mr. Greenfield was confusing Raleigh Avenue with Rochester Avenue.

Safety Crosswalk Signs

Michael McGinnis of Shore Drive said in July he asked the Manager to look into the missing safety crosswalk signs and never did anything about it. Manager Jackson they didn't have the money, the bond ordinance just passed.

Outfall Pipe Project

Janet Pitts of Pinetree Drive said she sent a letter to the Manager regarding the outfall pipe work. She said she had asked Council to move forward with the emergency work. Manager Jackson said he wasn't pulling the contractor back now because it would cost too much for the work permitted under the emergency work permit. He said they were waiting to get the permit to do all the pipes and said it had to be done by December and was hoping to get the approvals.

Environmental Commission

Janet Pitts thanked Council for appointing Jackie Bell to the Commission.

Copy Charges

Janet Pitts asked Council if they made any headway on changing the cost for OPRA requests. She said there had been other municipalities that had been sued over that.

Grass Collection

Bob Rizzo of Mickles Run said Public Works wasn't picking up the grass with the trash. He said grass was sitting for months now. He suggested a truck follow the trash truck to collect it, but it really needed to be addressed. Councilmember Douglass said they had to take two people off of other details to collect the grass. He said the two people had to collect the grass for the whole Township. He said it was a new regulation and they were trying to work it out. Mr. Rizzo suggest it be done as the same day trash was collected.

Grants

Joan McGinnis of Shore Drive asked how many new grants were brought in by the grants office.

Manager Jackson said he would get the information for her.

Grand Beach Club Liquor License

Bill Greenfield asked if language could be added to allow for public access to the beach. Solicitor Baldini said licensing was regulated by the State as to what could be attached to the

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license.

Councilmember Nolan said the plans went before the Planning Board showing a nice area with handicap ramps, etc..

Tax Refunds

Ed Butler of 7Delaware Bay said he noticed about every meeting there was a tax refund.

Janet Pitts suggested talking to the Tax Assessor before going to the County and eliminate some of the cost related to appeals.

The Clerk explained the refunds weren't due to tax appeals, it was from duplicate payments.

Storm Drains

Wayne Weissman of Beechwood Ave. asked for an update on the drainage problem on Beechwood Avenue.

Manager Jackson said he would get an update from Gary, DPW Superintendent and let him know.

Ponder Lodge

Wayne Weissman asked if the State was supplementing the Township for the services that were provided for the recent fire at Ponder Lodge. He mentioned it could happen again.

Mayor Craig said he wanted to see all the buildings torn down and wanted the State to make good on what they said they were going to do.

Wayne Weissman said it was a nice park and it was falling apart.

Janet Pitts said Ponder Lodge was a fire hazard and asked if the State could cut a fire break. She said a fire could get to the neighboring homes since they were so close.

Manager Jackson said the State planned to plant more heavy growth and take the road out and plant more trees.

Water Tower in the Villas

Steve Bertino said he had received a letter about a year ago regarding putting up a water tower next to the Millman Center.

Mayor Craig said the letter was from the MUA.

Councilmember Conrad said it was an MUA project and it was for getting the water pressure up. He said the new MUA Director may be looking into eliminating it.

Mr. Bertino said it shouldn't be put next to a wildlife refuge. He said they should consider putting it somewhere else, the Villas was considered a ghetto already. He said he didn't want it there.

Councilmember Conrad said there was a problem with the pressure in the north end and the fire department had a problem with water pressure.

Mr. Bertino said Council had to think outside the box.

Resolution #2008-243, 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 - Supervisor's, Litigation - Van Note Harvey)

Councilmember Nolan motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember

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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 Douglass the meeting unanimously adjourned by verbal “ayes” at 8:59 p.m.

Mayor

Township Clerk

Approved: Oct. 20, 2008