

Regular & Work Session Meeting Minutes - December 1, 2008

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on December 1, 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 from Council.

Public Comment/Questions on Consent Agenda Only

Martinelli Contract

Ed Butler of 7 Delaware Bay Drive inquired about the Martinelli Resolution and was that to do with the outfall pipes. He asked if it would be terminated and a new bid would be done. Mayor Craig said it was terminated due to non payment of the sub-contractors. Manager Jackson added they did not pay for all the material used.

Mandatory Water Connection

Mr. Butler questioned Resolution #2008-26, Mandatory water hook up. Mayor Craig said it was for where water was available and where it would be in the future. Mr. Butler asked if it would be further discussed in areas to be done and the fees involved.

Consent Agenda

1. Approval of Minutes, November 17, 2008
2. Resolution #2008-264, Payment of Vouchers, \$169,992.03
3. Resolution #2008-265, A Resolution Authorizing Termination of the Contract Between Martinelli Construction LLC and the Township of Lower (Contractor for Outfall Pipes)
4. Resolution #2008-266, Transfer of 2008 Appropriations, \$112,000
5. Resolution #2008-267, Certification of Lot Clearing Charges to the Tax Collector
6. Ordinance #2008-26, An Ordinance Approving Mandatory Connection by all Properties

Regular & Work Session Meeting Minutes - December 1, 2008

7. Ordinance #2008-27, An Ordinance Amending Chapter 591-12 of the Code of the Township of Lower, Permitting A Posted Fee Schedule in Taxi Cabs in Lieu of A Meter, 1st rdg. (Allowing meter or set fee schedule) 2nd rdg. Dec. 15 2008

Councilmember Nolan motioned to adopt the consent agenda items #1-7, 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

Ordinance #2008-24, An Ordinance Amending Chapter 600 of the Code of the Township of Lower Entitled "Towing and Storage" was presented for second reading and final adoption.

The Clerk announced the ordinance summary had been posted and copies were made available to the public.

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

There were no public comments on the ordinance.

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

Ordinance #2008-25, An Ordinance Repealing Section 400-41, In Its Entirely , Entitled Wind Energy Conversion Systems as added by Ordinance #81-14 adopted July 27, 1981 from the Code of the Township of Lower, was presented for second reading and final adoption.

The Clerk announced the ordinance summary had been posted and copies were made available to the public.

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

Bob Olivio, 300 Woodland Avenue asked why the resolution was rescinded instead of updated and amended.

Councilmember Conrad said it would be coming back up as soon as it could be modified to meet the issues that were raised at a prior meeting.

Mr. Olivio said wind energy was like real estate and Lower Township was a great place to advantage of the winter winds across the bay. He said the ordinance was on the books since 1981 and that was phenomenal. He thought there was a lot of panic regarding the project that had recently caused concern.

Mr. Olivio said it was residential units not commercial, it needed to be updated technically not the body of the ordinance.

Regular & Work Session Meeting Minutes - December 1, 2008

Joe Karca of Solar Wind said he represented the applicants that precipitated the Township's action. He agreed the ordinance needed to be revamped. He felt it should not be deleted. He said he had a model ordinance that addressed fall zones and had information for the board to look at. He said he wasn't there to discuss the applicant.

Councilmember Conrad said he wasn't against wind energy but they had to think of safety.

Mike Sheehan of Crawford Road said he wasn't up to speed and asked if they were putting a halt on windmills.

Councilmember Mazurek said procedurally it was better to delete the ordinance and re-write it. He said they hoped to have something by February and they were going to look at other ordinances and take the best ones to work with.

Mr. Sheehan asked if they would have an open meeting as the ordinance that was being formulated. He said he was planning extensive renovations and was looking to go green.

Councilmember Mazurek explained the process of an ordinance.

Councilmember Conrad said vertical turbines were not addressed at all.

Debbie Johns of Woodland Avenue said she lived near Mr. Olivio's windmill and had no problem with it at all, there was no noise and it looked nice. She felt the current ordinance should be amended instead of a whole new ordinance. She said the process would cost the residents thousands in application fees, lawyer review etc. She said currently it was a permit fee and engineering for the footing.

A resident also said they had a windmill and it worked well and their electric meter went backwards now.

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", Councilman Nolan, "yes" Mayor Craig, "yes".

Administrative Reports

October Reports - Police and Treasurer

Council Comments

Councilmember Conrad said December 12th there would be a service at Mulligan Field for the service men and women. He asked everyone to attend if possible.

Councilmember Douglass said December 2nd would be the Christmas Tree Lighting at Township Hall and on

December 5th was Hospitality Night and they were enjoyable events. He said then in 2 weeks the Christmas Parade

would be held.

Councilmember Nolan also mentioned the December 12th candle light program at Mulligan Field and asked the

people to support the troops.

Mayor Craig congratulated Matt Szur for his great game and he made the Township proud.

7:30

Public Comments

Contract Awards

Joe Winters said he would like Council to hold off on Resolutions #2008-268 & #2008-272 until the new

Regular & Work Session Meeting Minutes - December 1, 2008

administration was in.

Mayor Craig said the contracts had been negotiated for the past months and wasn't prepared to hold off.

Councilmember Nolan said he was prepared to discuss it in closed session.

Mr. Winters asked if they were going to make the contract awards public.

Mayor Craig said action would be done.

Mr. Butler asked the other Councilmember if they felt it should be held off.

Councilmember Conrad said he agreed to proceed if necessary.

Councilmember Mazurek said he was prepared to listen and vote if there was sufficient information.

Councilmember Nolan wanted to clarify that it wasn't the first discussion on the contracts. He said they had been

discussing them in closed session and prior meetings as negotiations proceeded.

Ed Butler said he just wanted to see what they said as people were concerned with the passage since 2

Councilmembers would be changing.

Councilmember Nolan said 3 Councilmembers were there for 2 more years and he felt the Solicitor had looked at the

best possible outcome for the employees and Township.

Mandatory Water Connection

Steve Sheftz said he didn't think the public's or Council's questions could be answered in 15 days. He said

had been a professional engineer for 44 years and there were many questions and issues to be resolved yet. He

said the new appointment should be carefully considered. He mentioned he had a 5 year plan for water that was

never carried out. He said people wouldn't connect if it wasn't a reasonable rate.

Mr. Sheftz said Council should delay the ordinance until they were satisfied it would work. He said some properties

had been identified years ago as people who were not connected for valid reasons such as no buildings and they

need to do it right. He also said they could refurbish wells.

Sal Riggi of East Miami Ave. said he would like to comment on the MUA ordinance.

Mayor Craig said not yet he could address it at the next meeting.

Contract Awards

Bill Greenfield said some contracts were to expire in 2011 and it is tough economic times right now. He asked about

public input on the contracts as they only had the dates and no information what was in it. He said residents found

out after the contracts were approved what was awarded.

Solicitor Baldini said the contracts were negotiated contracts in the same way all other contracts in the Township

and County were. He said the statute allowed not to be under public scrutiny.

Mr. Greenfield asked if the unions were aware of the details.

Solicitor Baldini said yes.

Regular & Work Session Meeting Minutes - December 1, 2008

Mr. Greenfield said he felt the public should be aware of the details before it was voted on. John Herman, 25 Fieldview Drive pointed out Councilmember Mazurek said he would listen and if he was alright with it he would vote. He said they had been negotiating for over a year and trusted the elected officials.

Ed Butler said the residents were concerned with the amounts that might be given. He wanted to be sure the increase wasn't over the CAP or too high for the people to pay.

Resolution #2008-268, 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 - PBA, Superior

Officers, Teamster's & Supervisors & Pending Litigation (Fondacaro)

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

Return to Open Session

Councilman Nolan made a motion to adjourn the closed session, seconded by Councilman Douglass.

The motion was approved by the following roll call vote: Councilmember Conrad, "yes", Councilmember

Mazurek, "yes", Councilmember Douglass, "yes", Councilman Nolan, "yes" Mayor Craig, "yes".

Resolution #2008-269, Ratification of Contract With Teamsters Local Union #676 For The Years 2008-2010

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

The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember

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

Resolution #2008-270, Ratification of Contract With Lower Township Supervisors Union For The Years 2009- 2011.

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

The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes",

Regular & Work Session Meeting Minutes - December 1, 2008

Councilmember

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

Resolution #2008-271, Ratification of Contract With The Lower Township Superior Officers

Association

PBA Local #59 For the years 2008-2011

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

Resolution #2008-272, Ratification of Contract With PBA Local #59 For The Years 2008-2011

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

Resolution #2008-273, 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. (Matters related to employment)

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", Councilman 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 Douglass the meeting unanimously adjourned by verbal "ayes" at

9:46 p.m.

Regular & Work Session Meeting Minutes - December 1, 2008

Mayor

Township Clerk

Approved: