

Regular & Work Session Meeting Minutes - December 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 December 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 and Joseph Jackson, Manager

Certificate Presentation to Nan LaCorte, RMT Band Director

Mayor Craig said it was an honor and privilege to honor Nan LaCorte who was a music teacher who taught for over 32 years. He said she made Lower Township proud of what she had accomplished with the kids.

WORK SESSION

Review of Consent and Regular Agenda Items

No comments.

Public Comment/Questions on Consent Agenda Items Only

Joe Winters of Florida Avenue questioned the resolution regarding the development easement of the Catherine Taylor Pascali Farm.

Mayor Craig said they had received a letter from the County Open Space to purchase the property south of the canal.

Vehicle Purchases

Mr. Winters also inquired about the purchase of vehicles for the Police and BOCA and asked if it was in the capital budget.

Mayor Craig said yes.

Removal of Township Manager

Jim Ridgeway said he didn't see a place on the agenda to asked questions pertaining to the regular agenda items.

Mayor Craig explained the process.

Mr. Ridgeway said 2 years ago when Joe Jackson took over as Manager there was a big push to make the transition, now 2 years later he read in the Press Council wanted to oust him 10

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days before Christmas. He said he came to the meeting to find out why, was it just cause and what about severance there were a lot of questions that needed to be answered.

Councilmember Nolan said he wasn't aware of it and heard about it from the Coast Radio. He said his 3 colleagues must have discussed it. He said with change of government came changes.

Mr. Ridgeway said he was surprised about it.

Councilmember Conrad said the resolution started the process for the 90 days. He said if in 20-30 days if the Manager wanted a hearing he could have a public hearing. He said it was opening up for new Council to make decisions, it was just the start of the process. He said Mr. Jackson would be the Manager tomorrow, and next week.

Mr. Ridgeway asked if all of Council should have been made aware the resolution was going on the agenda.

Councilmember Conrad said it started the process.

Mr. Ridgeway said the Mayor and Councilmember Nolan should have known prior to the meeting, Councilmember Nolan said he heard it on the radio.

Councilmember Conrad said he didn't notify them it came about fast. He again explained the time frame involved in the transition.

Nancy Ridgeway asked Councilmember Conrad who were the "we" he was referring to.

Councilmember Conrad said he was asked to place it on the agenda and advised

Councilmember Douglass and another member of the new Council. He added there wasn't a quorum to discuss it.

Janet Pitts of Pinetree Drive said it wasn't the first time this came up and then rescinded. She said she didn't know if it was a new initiative or not.

Mayor Craig said there was no official action. He said it would be foolish to not think there would be change.

Ed Butler of Delaware Bay Drive said he felt the taxpayers and people should have been aware of it. He said hopefully they would have an open government and only two months ago they were allowed to ask questions regarding the consent agenda.

Bill Greenfield of Villas said hopefully if they were replacing the Manager they would get an outside person really qualified like the MUA did.

Consent Agenda

1. Approval of Minutes December 1, 2008
2. Resolution #2008-274, Payment of Vouchers, \$798,749.52
3. Resolution #2008-275, Resolution of the Mayor and Council of the Township of Lower Authorizing the Mayor to Execute a Jurisdictional Agreement with the New Jersey Department of Transportation
4. Resolution #2008-276, A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan; Block 377.01, Lot 3
5. Resolution #2008-277, Transfer of 2008 Appropriations, \$27,720.00
6. Resolution #2008-278, Authorization to Pay In Lieu of Benefits
7. Resolution #2008-279, Resolution Supporting the Over the Limit Under Arrest 2008 Year End Crackdown
8. Resolution #2008-280, Confirmation of Reappointment of Tax Collector
9. Resolution #2008-281, A Resolution Requesting Release of Maintenance

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Guarantee for Roy W. Hartle, Jr. Block 683, Lot 9, Escrow #P98-12-02

10. Resolution #2008-282, Resolution Reaffirming the Review and Final Approval of the Application and Purchase of the Development Easement on the Catherine Taylor Pascali Farm
11. Resolution #2008-283, Acceptance of Bid and Contract Award for Two (2) 2009 Black Dodge Durangos (Police)
12. Resolution #2008-284, Acceptance of Bid and Contract Award for Three (3) 2009 Dodge Durangos (BOCA & Police)

Councilmember Nolan motioned to adopt the consent agenda items #1-12, 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 #2008-285, A Resolution of The Township Council of the Township of Lower Removing the Township

Manager

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".

Ordinance #2008-26, An Ordinance Approving Mandatory Connection by all Properties in the Township, to the Lower Township Municipal Utilities Authority Water System, 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.

Mayor Craig announced the consensus of Council was that no action would be taken on the ordinance.

Sal Riggi of 35 E. Miami Avenue said even though they weren't adopting the ordinance a few things should be considered. He said under the current water allocation permit Lower Township had a surplus of 30 million gallons per month. If 5,000 homes were added as discussed with 4 people in each home at 100 gallons a day there would be a shortage of 30,000 million gallons a month. He said they could apply for more allocation but wouldn't get approval and the other way was to buy water.

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Mr. Riggi said there were some areas with contamination and by adding more homes it would stress the aquifer. He said the contamination areas needed to be identified. He spoke about saltwater intrusion would be a problem in the future. He said he had no problem with telling new homes to hook up. He said existing home with contaminants could get federal funding to help them. He stated he still wasn't sure the government could tell owners with good wells they had to tie into the system. He again said he wasn't against hook ups, just concerned with the approach and the impact to the aquifer.

Joe Winters of Florida Avenue asked if the resolution was tabled as written and didn't feel the Township could tell the MUA what to charge.

Lynn Kaelin of 47 Trotterway said she had water but most of the people in her neighborhood haven't hooked in. She said what they were charging to hook in was outrageous. She said they needed to look into recharging the aquifer rather than pull water out of the ground. She said she agreed with Mr. Riggi that it wasn't well thought out.

Bill Thomas of North Cape May said Mrs. Kaelin said to look into recharge, the MUA did try and they signed on with DEP on a project to go for a recharge plant. He said at DEP there was a change in administration and they were told the money would not be spent in Lower Township.

Councilmember Mazurek said the DEP had a program that would offer money for towns interested in recharge. No one wanted a recharge plant except Lower Township. He said he went to DEP to get all the allocation to the Township if they signed on. He said DEP was doing a study for the plant and that was the last he had heard about it. He said if they signed the mandatory hook up there should be a component in having it tied to a recharge plant.

He said he would keep pushing for it and he thought Mr. DeMarcantonio was doing a good job at the MUA.

Councilmember Conrad said the MUA did provide definite costs and plans for areas and financing.

A resident from Seashore Road said he was concerned with mandatory hook up, he felt it was wrong. He said not long ago they wanted to disband the MUA and now they are giving them too much power. He said he couldn't afford to hook in at the prices.

Councilmember Conrad said if the water was out in front of your home and you were not hooked in the bank wouldn't let you refinance your home without hooking in. He said they can't extend the water lines without mandatory hook up. The resident said most of the people were summer residents.

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Councilmember Conrad said it had been discussed for the last 5 - 10 years and the grant was going to expire if it wasn't done in the time frame.

The resident said for the Township to stand up to the State, it was a loan. He said 75% wasn't a grant and asked if it could be put on the ballot it was more than the vote of 5 people. He wanted to drink the water he had. He said he read an article that said a portion of the Township's waster came from a well in Cape May that had contamination.

He said the wells were only tested every 2 years and felt that was to long. He asked if the well was contaminated who was responsible for it.

Mayor Craig said he should be addressing the MUA with those questions he said it was just the public hearing on the ordinance.

Lois Grimes of 210 Francis Avenue said before starting on another project could they finish the stormwater project.

She said with all the recent rain her yard was flooded again.

Councilmember Nolan motioned to adopt the ordinance, seconded by Councilmember No second, the ordinance wasn't adopted.

Ordinance #2008-27, An Ordinance Amending Section 591-12 of the Code of the Township of Lower, Permitting A Posted Fee Schedule in Taxi Cabs in Lieu of A Meter, 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.

No public comment 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", Councilmember Nolan, "yes", Mayor Craig, "yes".

Administrative Reports

Personnel Action Report

November Report - CFO

December Reports - Animal Control, BOCA, Bureau of Fire Safety, Clerk's Office, Court , Dog Licensing, Police, Tax

Collector, Vital Statistics

Council Comments

Councilmember Conrad thanked the people who attended the vigil at Mulligan Field. He wished

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everyone a Merry

Christmas.

Councilmember Mazurek presented Mayor Craig and Deputy Mayor Nolan with plaques for their years of service.

Councilmember Douglass said Happy Holidays and don't forget to think of others.

Councilmember Nolan said it had been a pleasure working with everyone and good luck to his successor and

offered his assistance if needed. He thanked everyone for attending the meetings and had seen a lot of public

participation. He said there were some ups and downs along the way and looked forward to his retirement.

Mayor Craig said it had been a pleasure, he loved Lower Township and chose to make it his home. He said

sometimes it had been difficult, but he enjoyed his term as Mayor. He thanked the employees, Police and Fire

Departments. He wished Mike Beck the best of luck and it had been a pleasure serving.

7:55

Public Comments

COAH Plan

Joe Winters asked where the Township stood on the COAH plan and had any paperwork been submitted.

Mayor Craig said he thought there was a meeting in Avalon the following week and the intent was to fight it.

Manager Jackson said Bill Galestok had been working on it.

Mr. Winters asked if it was going to hurt the Township or not.

Mayor Craig said the rules were not clear when they were given to them.

Mr. Winters asked if the Township had a plan.

Mayor Craig said the Township asked for an extension.

Mr. Winters asked if Remington and Vernick was working on it.

Property Transfer

Frank Serraco of East Tampa Avenue said the paper reported a property purchased from the Township for 2 million.

Mayor Craig said that wasn't Township money, that was a property transfer that was in Lower Township.

Mrs. Grimes asked the status regarding the DEP permit for the outfall project.

Manager Jackson said he called DEP and couldn't get through. He said Remington and Vernick were trying to

check into the permit status.

Code Enforcement

Mrs. Grimes said Code Enforcement drove down the street where there was a problem with a boat in the street and

asked if you had to call in a complaint or did Code Enforcement just looked for violations.

Bennetts Field

Mr. Winters asked if Mr. Zelwack from the Recreation Department every got the water problems straightened out at

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Bennetts Field.

Manager Jackson said a french drain was going to be put in.

Mr. Winters commented that Mr. Zelwack was supposed to over see the project.

Colleen Hughes of Idaho Avenue said she was at the field and was up to her ankles in mud and commented the

field wasn't fixed.

Manager Jackson said they were waiting for the season to end to work on it.

Resolution #2008-286. 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 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".

Council returned to open session and there being no further comment, Councilmember Mazurek motioned to adjourn

the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 8:55

p.m.

Mayor

Township Clerk

Approved: