

## Regular & Work Session Meeting Minutes - March 2, 2009

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 2, 2009 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  
Deputy Mayor Kevin Lare  
Mayor Michael Beck

Also present: Anthony Monzo, Solicitor and Kathleen McPherson, Manager

Absent: Councilmember Douglass

### Certificates of Recognition - Arrow of Light

Mayor Beck presented certificates of recognition to the following Cub Scouts: Eddie Hayes, Gabriel Gallagher, Trevor Coleman, JT Costillo, Bendan Baughman, Austin Elkins, Zachary Kelly for Arrow of Light

## **WORK SESSION**

### South Jersey Gas Update - Villas Project

Todd Gordon, salesman for South Jersey Gas Company said they were here last in September 2008 to let the Township know about the plan for gas in the Villas area. He said they began marketing in 2008, and construction would begin West of the Airport down Breakwater to Fishing Creek then to Bayshore. He said they hoped to begin construction in March.

Mr. Gordon said they would still be marketing to the homeowners and business owners and it had been successful so far. He said 450 residents were interested in converting. He stated the officials were supportive of their efforts.

Mr. Gordon said there would be an informative meeting held at the Township Municipal Building on March 14<sup>th</sup> at 10:00a.m. - 1:00 p.m.. He said Heather McCarty also of South Jersey Gas would be assisting with the process. He would like to be a partnership with South Jersey Gas and the Township in promoting the benefits of gas. He stated they planned to be here a long time.

Councilmember Conrad said many people were excited about the gas line coming through and knew of areas along the way that wished to be connected such as Bayside Village.

Mr. Gordon said the development would go from the main off of Bayshore Road and said people could take the opportunity to sign up. He also stated that applications would help with how the hook ups would be determined.

Councilmember Conrad asked if he could have some application to put in Township Hall.

Deputy Mayor Lare asked how the lateral lines would be determined.

Mr. Gordon said they took a look at who was interested and evaluate where the interest was and a cost analysis was done.

## Regular & Work Session Meeting Minutes - March 2, 2009

Deputy Mayor Lare asked if they knew how long Bayshore Road would be torn up. Mr. Gordon said as construction took place it would be restored as they went along. He said they would be meeting with the Engineers on March 3<sup>rd</sup>. A brief discussion back and forth on the time frame for completion. Mayor Beck again mentioned the informational meeting at Township Hall on March 14<sup>th</sup>.

### Review of Draft Windmill Ordinance

Councilmember Conrad asked how deep of an engineering study would be required. He said he was looking at the cost of it to the residents.

Bill Galestok, Planning Director said it would be before the Planning Board and said in the proposed ordinance it would require the Township certify, certification from the windmill company and certify that it met the requirements of the State of NJ.

Councilmember Conrad said a resident brought up the cost and inquired about a vertical windmill.

Mr. Galestok said the ordinance didn't address the type of windmill.

Councilmember Conrad said the vertical ones were smaller and better for the homeowner.

Councilmember Mazurek asked how the 50 decibels would be measured.

Mr. Galestok said the current ones were certified by an Engineer. He said the Township would have to have DEP certify the ordinance, then the County Health Department would measure the decibels. He said in order for the Township's noise ordinance to be legal, DEP would have to approve it then the County Health Department would measure when a noise complaint was filed. Councilmember Mazurek asked if the Township would be able to measure it.

Manager McPherson said the County would measure at no cost as long as DEP had approved the ordinance.

Mr. Galestok said it would be hard to deal with depending on the various conditions. He said you needed someone schooled in it.

Councilmember Conrad said he felt Mr. Galestok addressed all his concerns.

Deputy Mayor Lare said if it had to be certified by an Engineer at the owners expense at the time of application, it seemed to burden the taxpayer to pay to certify 50 decibels.

Mr. Galestok said the Engineer Certification was for all things not just noise, it was for setbacks and the foundation for it.

Deputy Mayor Lare asked if the homeowner would have to get the engineer to put in the windmill.

Mr. Galestok said absolutely, the base was the key to the structure being stable.

Deputy Mayor Lare asked where the 50' height limit came from as some would say that wasn't high enough to get wind to generate.

Mr. Galestok said he would recommend Council send their ideas to the Planning Board with all their directions and let them work on it some more.

Councilmember Conrad asked if the ordinance could be changed to say a certain size property could have a higher windmill.

Mr. Galestok said the Coast Guard Base was doing a large windmill project.

Mayor Beck asked Mr. Galestok if he had looked at vertical wind turbines.

Mr. Galestok said he read about them and stated they were supposed to be quite, better for birds and less subject to turbulence.

Deputy Mayor Lare said maybe look at different zones and heights.

Solicitor Monzo said he felt the setback requirement would address the height issue. He suggested a height limit.

Regular & Work Session Meeting Minutes - March 2, 2009

Mr. Galestok said also added was street right of way.

Mayor Beck asked what was the height limit of the FAA.

Mr. Galestok thought it was 85'.

Manager McPherson suggested Council email her their ideas and she would combine them and forward the suggestions to Mr. Galestok.

Adopt a Road Program - Deputy Mayor Lare

Deputy Mayor Lare asked Council to consider a committee to put together "Adopt a Road Program". He said he would like a resolution at the next meeting if possible. He felt various civic groups and the Boy Scouts would want to help. He said signs would be put up for those who did the clean up of that specific area.

Deputy Mayor Lare said they could have various clean up days. He asked anyone interested to contact the Township.

Councilmember Mazurek asked about the liability and what it meant to the Township if someone were hurt.

Solicitor Monzo said they wouldn't be employees and there were certain protections under the statutes for government. He would check into it further and get back to Council.

Deputy Mayor Lare asked anyone interested to contact the Township.

Council Review of Consent & Regular Agenda Items

Councilmember Conrad explained Resolution #2009-85, was the Township would get planning by FEMA by helping the County with the plan. It would open it up for the Township to get future funds.

Councilmember Conrad said he would like to recommend Mary Calfina for the Recreation Advisory Board.

Public Questions/Comments on Consent Agenda Items

Joe Winters of Florida Avenue, asked why the Township needed a resolution to clean-up and would it cost money.

Deputy Mayor Lare said it wouldn't cost the Township any money.

Joe Winters asked who Art Treon was.

Councilmember Conrad said Mr. Treon had been involved with Emergency Management.

Mr. Winters said he was being designated and would like to know who he was.

**CONSENT AGENDA**

Approval of Minutes February 18, 2009

Res. #2009-78, Payment of Vouchers, \$1,422,571.89

Res. #2009-79, Resolution Declaring the Gypsy Moth a Public Nuisance and Authorizing Gypsy Moth Suppression in Designated Area (Baywood Park area & portion of wooded area along the southeast side of Crawford Road across from Summer Circle)

Res. #2009-80, Award of Contract to Thomas Planning Associates, LLC for the C.O.A.H Plan (\$13, 500)

Res. #2009-81, Bid Acceptance and Contract Award for GMC W5500 Diesel with Sign Aerial Lift Kit (Mobile Lifts, Inc. \$74,850 part of Bond Ord. #2008-20)

Res. #2009-82, Resolution Authorizing Shared Services Agreement Between Lower Township and Cape May County for Historic Document Conservation Contract (Conservation of certain old Township records)

Regular & Work Session Meeting Minutes - March 2, 2009

- through PARIS grant funds received by the County in joint application with the municipalities)
- Res. #2009-83, Authorization for Refund of Taxes (1 refund - property owner granted total exemption - refunding payment made to mortgage company)
- Res. #2009-84, Transfer of Appropriations, \$200
- Res. #2009-85, Resolution Authorizing the Cooperation of the Township of Lower and Cape May County and Recognizing the County as Lead Agency for the Duration of the FEMA Funded Countywide Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Planning Project (Art Treon, Emergency Management Coordinator designated as the Township Representative)
- Res. #2009-86, Resolution Supporting S 2425 / A 3697 Making Changes To The "Fair Housing Act" (Would provide more senior housing to count towards fair share obligation, eliminates the 2.5% residential development fee, extends COAH plan deadline to 2010, excludes real property in coastal area from COAH requirement)
- Res. #2009-87, Approval of Rotary Towing License - Cape Harbor Auto Repair, Inc. (Police Emergency Towing Contractor)
- Res. #2009-88, Authorization to Cancel Uncashed Checks (Five checks totaling \$31.22)
- Res. #2009-89, Resolution Approving Project Proposal Between Hatch Mott McDonald and the Township of Lower for Engineering Services Related to Ohio Avenue Pump Station Outfall Replacement (Contract \$10,350)
- Res. #2009-90, Resolution Approving Proposed Contract for Purchase of Land From the Trust for Public Lands and Subsequent Conveyance of that Land to the County of Cape May, Subject to the Passage of Ordinance (Resolution authorizing Twp. to contribute Green Acres grant funds received to the Trust for Public Land towards the acquisition of Chamberlain Property 13+ acres to be sold to County)
- Ord. #2009-04 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-15.14) 1<sup>st</sup> rdg. (2<sup>nd</sup> rdg. March 16, 2009) (Required by State to be adopted prior to budget adoption & permits Township to increase the 2 ½ % cap by 1% if necessary and permits the banking the unused excess)

Councilmember Mazurek motioned to adopt the consent agenda, seconded by Councilmember Conrad. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

**REGULAR AGENDA**

- Res. #2009-91, Appointment to Recreation Advisory Board (Appt. to fill vacancy - term to expire June 2010)

Councilmember Conrad motioned to adopt the resolution, seconded by Deputy Mayor Lare. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

**Administrative Reports**

Regular & Work Session Meeting Minutes - March 2, 2009

Personnel Action Report

Monthly Reports - January - CFO and Municipal Judge

Council Comments

Councilmember Conrad said he wanted to discuss the Villas Wildlife Management Area. He said he had preliminary approval for the Boy Scouts to plant fruit trees. He also wanted to send condolences to Andy Hilvert of the Villas Fire Co. on the loss of his mother and to the Rothenbiller family, also to the Rothenbiller family on the loss of Kim Rothenbiller also of the Villas Fire Company.

Road Department

Councilmember Mazurek said DPW had done a good job during the snow storm.

Mayor Beck agreed and said they were out working on the roads around 10:00 at night.

COAH Plan

Deputy Mayor Lare said the plan passed and that was good news, it will provide protection for the Township and should be done in 5 weeks.

2009 Budget

Deputy Mayor Lare said the budget would be introduced at the next Council Meeting and a Special Budget Meeting would be held on March 30<sup>th</sup> at 6:00 p.m.

Mayor Beck said the March 30<sup>th</sup> budget hearing would be a place to see where the Township was bleeding. He said they would tear the budget apart and then figure out where to go from there. He said we were not the only town with problems. He said he wanted to show the residents why the Township was where it was. He said it would be online and wanted the public's input.

Planning Board Meeting

Mayor Beck asked the Solicitor if he could have someone attend the planning board meeting in his place. He had a conflict with an upcoming meeting and couldn't attend it.

Solicitor Monzo said he could appoint someone on an as need basis. He would suggest an appointment be made so the Board and the person would be known as the designee.

Mayor Beck said he would suggest a name for Council to review for the next meeting. He said there was a lot to the job as Mayor and had to attend a lot of meetings.

Public Comment

Ed Butler asked about Ordinance #2009-04 (est. a Cap Bank) and mentioned one was done last year.

Mayor Beck said it had to be done every year.

Mr. Butler asked about the Administrative Reports.

Manager McPherson said it was the monthly reports of money collected for all the departments.

Resolution 32009-92, "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 (PBA Grievance)

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", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Regular & Work Session Meeting Minutes - March 2, 2009

**CLOSED SESSION SEPARATE**

Council returned to open session and there being no further comment, Councilmember Mazurek motioned to adjourn the meeting, seconded by Deputy Mayor Lare, the meeting unanimously adjourned by verbal "ayes" at 8:40 p.m.

---

Mayor

---

Township Clerk

Approved: March 16, 2009