

Regular & Work Session Meeting Minutes - August 17, 2009

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 17, 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
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

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

Lloyd Nippins - Presentation to Council of CALEA Accreditation

Mayor Beck said there was a special presentation to the Police Department and Township for meeting all 112 CALEA (Commission on Accreditation for Law Enforcement) standards.

Mitchell Sclar explained the accreditation for the Police was much like accreditations for colleges, hospitals, etc. He said it was a long, complex process and high honors. He said only 4 in the County had it out of 34 in New Jersey.

Mr. Lloyd Nippins said it was something to be proud of and the accreditations usually took 2-3 years to meet the standards. He said 2 Assessors perform an on site assessment for 3 days which consist of a 20-25 page report.

He said Lower Township's onsite assessment was so good they were using it as a model for other agencies.

Mr. Nippins said they would be back in 3 years and it was something that was earned it was just given to them. The benefit to the Township was they would get a discount on the insurance cost for the Police. A certificate was presented the Chief and Mayor.

Mayor Beck said the police should feel a sense of pride. He thanked the Police for a job well done and said Township Council was very proud.

WORK SESSION

Review of Consent and Regular Agenda Items

No comments from Council.

Public Questions on Consent Agenda and/or Regular Agenda Items

No comments.

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Consent Agenda

Approval of Minutes	August 3, 2009
Res. #2009-227	Payment of Vouchers, \$1,574,305.40
Res. #2009-228	Approval of Seashore Church of the Nazarene's Application to Conduct a Flea Market on October 17, 2009
Res. #2009-229	A Resolution Requesting Release of Demolition Bond for Block 748, Lot 18.01, Laurence A. Wietsma, 4092 Bayshore Road, Cape May (return of construction escrow)
Res. #2009-230,	Authorization for Refund of Taxes (2 properties - 1 duplicate payment & 1 paid on wrong property)
Res. #2009-231,	Approving Yorkshire Place Application to Conduct A Flea Market for August 28 & 29, Rain Date September 4 & 5
Res. #2009-232,	Certification of Lot Clearing Charges to the Tax Collector (5 properties)
Res. #2009-233,	Award of Purchase Through State Contract for Four (4) Digital Video Recording Systems (Cameras) to Be Installed in Police Vehicles
Res. #2009-234,	Bid Acceptance and Award for ADA Upgrades to the Municipal Building (Eagle Construction \$289,014.00 funded in through County Interlocal funds and Small Cities Grant)
Res. #2009-235,	A Resolution Requesting Release of Maintenance Guarantee for Admirals Court Subdivision; Block 753.01, Lot 7 and Block 753.20, Lot 1; Escrow #P01-03-12
Res. #2009-236,	Issuance of Limousine and Operator's License to A Sharper Limousine (3 Limo licenses & 1 Operator)

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

Regular Agenda

Public Hearing - Grant Application for Naval Air Station Wildwood (Required for grant application process)

Gordon Dahl, Director of SJ Economic Development District was in attendance to brief everyone on a project for the Naval Air Station Wildwood. He read the public hearing notice that was part of the Small Cities Public Hearing process. He said it included improvements to the NASW at the CMC Airport.

Dr. Salvator thanked Council for the support in the past and felt they were part of a community in addition to being a museum. They petitioned the DCA for a grant to improve the ADA codes. He said the building was built in 1943 and many of the materials were there for some time. He hoped to improve things to meet ADA compliance.

Councilmember Conrad felt he should get all the support needed.

Councilmember Mazurek said he did a wonderful job there and had his full support.

Councilmember Douglass agreed as well as Deputy Mayor Lare.

Mayor Beck said it was unanimous. He said what Mr. Salvator and his wife Annie did was fabulous and said whatever they could do to help they would.

Joe Winters of the Villas asked if the grant was just for the museum?

Mr. Salvator said yes.

Gordon Dahl said Len Desiderio was in support of it and would do so at the County level.

Councilmember Mazurek read the list of improvements to be done.

Mayor Beck said the people of Lower Township needed to go see the museum and also visit the Vietnam Museum.

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Res. #2009-237, Approval of Voucher, Lower Township Rescue Squad - \$10,000 (part of contribution)
Councilmember Mazurek motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, abstain , Councilmember Mazurek, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck , yes .

Res. #2009-238, Appointment to the Lower Township MUA
Deputy Mayor Lare 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 , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck , yes .

Ord. #2009-11, Bond Ordinance Providing for the Installation of Stormwater Outfall Extensions for Various Roads in and by the Township of Lower, in the County of Cape May, New Jersey, Appropriating the \$300,000 Therefor and Authorizing the Issuance of \$245,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (Road Program: Drainage Outfall Lines) 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 Beck opened the meeting for comment on the ordinance.

Ed Butler thanked the Council for the consideration of the MUA Board position.

Mayor Beck said he would do a great job.

Mayor asked for comment on the ordinance.

No comments from the public.

Mayor Beck closed the public portion.

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

Ord. #2009-12, Bond Ordinance Providing for Various Capital Improvements of the Township of Lower, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$436,000.00 Therefor and Authorizing the Issuance of \$335,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (Miscellaneous equipment & repairs) 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 Beck opened the meeting for comment on the ordinance.

Joe Winters asked why were they redoing the floor in the Recreation Center?

Deputy Mayor Lare said it was 20 years old and needed to be replaced.

Mr. Winters asked if the floor was dangerous?

Mayor Beck said it was past its life expectancy.

Mr. Winters said he walked the whole floor and found 2 small problems.

Manager McPherson said they would like to address it now before there were problems.

Mayor Beck said it was used a lot and basketball season was coming up.

Mr. Winters asked if they were replacing it with the same type of floor?

Mayor Beck said they would need to take a look. They didn t want to wait until a problem happened and then the kids couldn t play.

Councilmember Mazurek said he felt the things on the list were necessary.

Mayor Beck closed the public portion.

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

Ord. #2009-13, An Ordinance Replacing Chapter 400, Section 41 of the Code of the Township of Lower to Update and Clarify the Repealed Standards and Procedures For Approving the Construction of a Wind Energy Conversion System (also known as a windmill) in 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 Beck opened the meeting for comment on the ordinance.

Deputy Mayor Lare said Council had copies of the proposed amendments. He said it would change the setback from 15 feet to 5 feet and also waive the application and permit fees for conforming residential lots.

He also said it would waive fees for wind and solar permits and eliminate building for storage cells. There would be a sunset provision to consider by 2010.

Deputy Mayor Lare felt it was a good ordinance and Bill Galestok deserved a lot of credit for all his work.

Councilmember Conrad said he would like to see the 15 foot setback in the ordinance and see if it would work. He supported solar and green energy, but also needed to protect the neighborhood.

Councilmember Mazurek said he wanted to hear from the public on the ordinance. He said he was concerned with safety if the setback were changed. He said it wasn't like everyone would be running out and getting windmills.

Deputy Mayor Lare said the primary focus he felt would be on the bayfront. He wasn't sure what the 15 foot setback would do since an engineer's certification was needed for the foundation. He also said there was no documentation on windmills collapsing. He felt the change would not gain anything.

Deputy Mayor Lare said keeping the 15' in you would be knocking a lot of people out.

Mayor Beck agreed with Deputy Mayor Lare. He said the bottom line was whether it was 5' or 15' if it was going to fall it would go in the neighbors one way or the other. It had taken awhile to get to this and it was all new and it was an evolving piece of legislation. He said the way technology changed it was an ordinance that would be coming back from time to time.

Mayor Beck thanked Bill Galestok for all his help with the ordinance.

Janet Pitts of the Lower Township Taxpayers Association asked for clarification in layman's terms.

Mayor Beck said the size of the windmill determined the setbacks.

Joe Winters of Florida Avenue asked if it was correct that no site plan was needed.

Deputy Mayor Lare said for conforming residential no zoning board approval was needed.

Mr. Winters asked if it relieved the Township of responsibility?

Councilmember Conrad said he liked the word foundation in the ordinance to protect the Township.

Mr. Winters asked if you had to go before the Planning Board to put up a shed.

Solicitor Monzo said only a building permit was needed if it was conforming.

Mr. Winters said he wasn't for giving free passes on the fees. He said if they could afford a \$15,000 windmill you could afford to pay the permit fee. He felt the current ordinance should be tabled and Mr. Galestok should prepare one that was good for all the Township. He said he lived on the bay and would like to have a say if a neighbor wanted to put up a windmill.

Ed. Butler said he felt it should be reviewed more. He agreed that it should be postponed and have Mr. Galestok come up with a sellable proposal.

Mayor Beck said he spent plenty of time with Bill Galestok on the ordinance. He said it would be a living document and they couldn't be accused of rushing this. He said Mr. Galestok had been working with him and the Township side by side.

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Mr. Butler asked about the liability if one should fall?

Councilmember Conrad asked if he felt people shouldn't have windmills or solar panels.

Mr. Butler said no.

Councilmember Mazurek said he had a question for Mr. Olivio. He asked Mr. Olivio if homeowners insurance covered it if a windmill fell.

Mr. Olivio said yes.

Mr. Butler asked if he had proof of that.

John Stalford of East Atlantic Avenue said he was very much in favor of windmills since people had trouble with their electric bills. He said to go with it and redo it in a year if they had to.

Bill Greenfield said he usually complained but, it sounded like the ordinance would be alright and you couldn't please everybody.

Mr. Winters asked if it was amended he felt it should have another public hearing.

Deputy Mayor Lare said he wasn't sure if windmills were feasible for everyone. He said he was raising some good points but if it was conforming he felt it should not require additional costs.

Mr. Olivio, 300 Woodland Avenue said they were overlooking the fact that the Township had an ordinance for 27 years with 5' setbacks and it caused no problems. He said if they were increasing the setbacks for safety that wouldn't make a difference. He asked if anyone could explain what the 10' would do.

Councilmember Conrad said that was the national standard and it could just be psychological for the neighbors.

Mr. Galestok explained the reason for the 5' plus radius. He said he hadn't found any standard for the height.

Mr. Olivio said no one along the bayfront needed anymore than 45'. He said he had been involved since the ordinance was rescinded in December. He said had it not been for one person who wanted a 100' plus tower it would have just gone along. He said to keep it at 5' as it had been for the past 27 years.

Councilmember Mazurek said the packet Council had received recommended the setback as the height of the windmill plus ½ the rotor radius. If the windmill group made the recommendations why wouldn't the Township follow.

John Skrowski 607 Arctic Avenue felt the 15' plus the blade radius was a bit much and agreed with the 5'. He felt many changes were coming.

Mr. Butler said he lived along the bay and everyone couldn't put up windmills as they may need CAFRA approval. He said 20 years ago no one thought about windmills and they weren't for everyone. He asked how many years would it be to recover the cost.

Mr. Olivio said it took four years for him.

Mr. Butler said it should be reviewed more.

Solicitor Monzo said the vote was on the amendment only.

Mayor Beck closed the public portion.

Deputy Mayor Lare motioned to adopt the ordinance, seconded by Mayor Beck. The ordinance was adopted by the following roll call vote: Councilmember Conrad, no, Councilmember Mazurek, no, Councilmember Douglass, no, Deputy Mayor Lare, yes, Mayor Beck, yes.

Ordinance #2009-13 (without amendments) Motion: Conrad Second: Deputy Mayor Lare

Councilmember Conrad, yes, Councilmember Mazurek, no, Councilmember Douglass, yes, Deputy Mayor Lare, no, Mayor Beck, yes.

Administrative Reports

Personnel Action Report

Tax Collector's Certification of mailing of Tax Bills

July Reports - Animal Control, Clerk, Construction, Dog Licensing, Engineer, Fire Safety, Municipal Court, Municipal Judge, MUA, Police, Tax Collector, Vital Statistics.

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Council Comments

Deputy Mayor Lare sad he wanted to clarify his no vote and the reason was due to the 15' setback. He said he would not be at the Stockton meeting and was in full support of the college coming to the Township.

Mayor Beck said he was looking forward to Stockton and Ponder Lodge. He mentioned the movies in the park was relocated to the recreation center and thanked Eileen for her work with the movie night.

Mayor Beck said Lower Township had lost a true hero this past Thursday, Cass Clark who was a unique individual. He said she belonged to the Township and the animals. He read some of the various programs she had volunteered for.

Public Comments

Meeting Regarding Stockton College

Joe Winters of Florida Avenue asked if there would be enough room for the Stockton Meeting at Township Hall?

Mayor Beck said he felt it would be alright.

Ed Butler asked if there were to many in attendance would they still hold the meeting?

Mayor Beck said they would do the best they could to let the voices be heard and then possibly a second meeting.

Signs Around the Township

Bob Rizzo of Mickels Run had brought a sign with him and said that was one of many that had been taken down from Mickels Run.

Mayor Beck said signs were everywhere over the weekend. He said he had zero tolerance and the problem was the signs went up at night.

Mr. Rizzo said signs were getting ridiculous. He thanked whoever removed the dead tree off of Bayshore Road.

Mayor Beck said they would move on the signs.

Fishing Creek School

Wayne Weissman asked what was going on with the Fishing Creek School on Bayshore Road.

Mayor Beck said he would discuss it with him later.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Deputy Mayor Lare the meeting unanimously adjourned by verbal ayes at 8:30 p.m.

Mayor

Township Clerk

Approved: September 9, 2009