

Regular & Work Session Meeting Minutes - September 21, 2009

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 21, 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

WORK SESSION

Review of Consent and Regular Agenda Items

Mayor Beck asked Manager McPherson to explain the grant awards listed on the agenda.

Manager McPherson said the 3 Special Item of Revenue were the Clean Energy Grant (\$20,133) the cost was \$26,844.00. She said the BPU would pay 75% of the cost if any of the recommendations were done. The second grant was the JAG Grant that the Lower Township Police and others had received as part of the stimulus funding. The Police would use the money to purchase ammunition and a car. The third grant was a Small Cities Grant which was part of the American Recover and Reinvestment Act. She said it would be used for the 7 outfall pipes in the Villas. There was no total yet for the cost of the project since it was being worked on.

Manager McPherson said the public comment period would end on October 1st.

Councilmember Conrad said they were looking to cut fixed costs.

Public Questions on Consent Agenda and/or Regular Agenda Items

Jay Witmoyer 407 Shore Drive said with the previous administration there had been discussions regarding the Grants Coordinator. He asked if the grants person had worked on getting those grants?

Manager McPherson said yes, the JAG grant was done by North Wildwood and the other 2 were through the grants office.

Mayor Beck said Margaret Vitelli had worked on the energy grant also.

Robert Rizzo had asked the status of the fine regarding the outfall work?

Solicitor Monzo said there hadn't been any final decision yet, it would probably go to mediation.

Joe Winters asked if all the money from the Small Cities Grant would go to the outfall pipe work.

Mayor Beck said yes.

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Consent Agenda

- Approval of Minutes September 9, 2009
- Resolution #2009-253 Payment of Vouchers, \$2,135,694.76
- Resolution #2009-254, A resolution requesting release of Maintenance Guarantee for Dr. William Weisberg, Cape Urgent Care; Block 776, Lots 21-24; Escrow P05-02-04
- Resolution #2009-255, Awarding the Clean Energy Audit to the Firm of Steven Winter Associates for \$26,844.00 (Clean Energy Grant)
- Resolution #2009-256, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Energy Grant \$20,133.00)
- Resolution #2009-257, A Resolution Requesting Release of Maintenance Guarantee for Seapoint Associates, LLC, Ibis Condominium; Block 719, Lots 3.02 & 3.02; Escrow Z05-05-02
- Resolution #2009-258, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Justice Assistance Grant, \$31,275)
- Resolution #2009-259, Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities ARRA, \$262,388.)

Councilmember Mazurek motioned to adopt the consent agenda, seconded by Councilmember Douglass. 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.

Administrative Reports

Personnel Action Report

July Report - Treasurer

August Reports - Animal Control, Clerk, Construction, Dog Licensing, Engineer, Fire Safety, Municipal Court, Municipal Judge, MUA, Police, Public Works, Tax Collector, Treasurer, Vital Statistics

Council Comments

Councilmember Conrad announced a fundraiser breakfast for the Shelton family next Saturday. He said the food banks were low and mentioned a few churches and places where food could be left. He said Angel Food Ministries were also in operation again.

Councilmember Mazurek said the Animal Control Officers were checking the beaches for dogs off leash and everything was alright.

Councilmember Douglass said Animal Control was doing a good job. He said he attended the September 11th ceremony at Sunset Beach and it was very nice.

Deputy Mayor Lare said the Grand Hotel had been assessed for a pro-rated share. He said it was substantially less than what was anticipated, but it would mean \$405,000 in local purpose taxes. He said he was approached by a group to use Bennett's field for a fundraiser for the Shelton family. He said he should have a resolution for the next meeting. He said he would like Council to support it.

Mayor Beck said they were all on board.

Garden Club

Mayor Beck said many times he had come to Township Hall early and saw the Garden Club members working. He read the names of the volunteers who took care of the garden and was grateful for their work.

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Public Comments

Outfall Pipe Project

Lois Grimes of 210 Frances Avenue said she had a conversation with the Manager regarding the outfall pipes. She did say they were further along than last year.

Ms. Grimes said they had been tap dancing around the problem for years. She said Friday September 11th was the closest she had ever been to a total disaster, 6 more inches and it would have been covering her floors. She said Public Works had spent hours pumping water from under her house and when they had left there was still 4 inches of rain still there. She said her health and safety was at risk and also added there was 6 inches of rain in her garage. She ask they keep the pressure on to get it fixed.

Mayor Beck said Council was committed to moving ahead. He said the right permits weren t secured last year.

Delores Trendinnick, 143 Ridgewood Avenue said the water problem had taken a toll on Ms. Grimes health and well being and asked why it was taking so long?

Mayor Beck again said last year the wrong permits were applied for.

Manager McPherson said only 1 permit was received and they also needed a Tidelands , CAFRA and Army Corp. permits and said public comment period was until October.

Ms. Trendinnick said as a friend of hers they would appreciate all that could be done.

Mayor Beck said if they were in favor of the work to let DEP know by email.

Peggy Wright of Cape May Crossing asked if the property had been their s would they have moved faster? She asked how much longer could it take and was there a time limit?

Mayor Beck said they had been on it and again the right permits were not applied for and he didnt blame her for being upset.

Manager McPherson said they couldnt put in the pipes until they had the permits.

Ms. Wright asked were there permit fees involved.

Deputy Mayor Lare said they didnt have the right permits and the Township was fined \$72,000.00.

Manager McPherson said the CAFRA permit was \$8,300.00.

Scholarship Funds

Jay Witmoyer of Cape May Beach Property Owners Association said they had a great Whale of A Day event and made about \$22,000.00. He said they gave out many scholarships and would like to use some additional funds left for youth organizations to maybe sponsor for t-shirts or something.

Councilmember Conrad said to contact Mitch at the Recreation Center.

Grand Assessment

Mr. Winters asked if the resolutions for the agenda could be in by Thursday. He asked Deputy Mayor Lare what he meant by pro-rated taxes on the Grand.

Deputy Mayor Lare said in January the would get the full benefit of the full assessment.

Outfall Project

Mr. Butler said what was needed on the outfall project was a lot of email and comments to DEP to support the project.

Bill Greenfield said they received grant money for the outfalls so what happened to the money that was in the budget for it?

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Manager McPherson said it would be used for other drainage issues.

Township Employees

Charlotte Loper of 201 Cedardale Avenue said she loved her trashmen and they did a great job. She said she needed to call the police because she was fearful for her life and Officer Perry was right there and made her feel comfortable.

Mayor Beck said the employees were number one and thanked her for the comments.

Resolution #2009-260 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. (Fondacaro v Lower Township) Councilmember Conrad motioned to adopt the ordinance, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck yes .

Council returned to open session and there being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal ayes at 8:03 p.m.

Mayor

Township Clerk

Approved: October 5, 2009