

Regular & Work Session Meeting Minutes - January 4, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 4, 2010 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.

Mayor Beck led the Pledge of Allegiance, followed by a moment of respect.

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

Certificate of Recognition - Matt Szczur

Mayor Beck read the certificate of recognition for Matt Szczur who attends Villanova.

Councilmember Conrad said Matt had been helpful with little league and it was nice to see someone from here do good elsewhere.

Councilmember Mazurek said all you heard were bad things about the youth and this was a good thing and hoped other kids followed in his footsteps.

Councilmember Douglass said for him to keep up the good work and he was a roll model for the community.

WORK SESSION

Council Review of Consent and Regular Agenda Items

No comments.

Public Questions on Consent Agenda and/or Regular Agenda Items

Joe Winters of Florida Avenue questioned if the contractor would be using his own equipment for the Township grounds work?

Manager McPherson said yes, he would be using his own equipment.

Mr. Winters said he wanted to be sure so the Township equipment wouldn't be damaged.

Manager McPherson said the contractor would be responsible.

Janet Pitts of the Tax Payers Association asked about the tax map revisions.

Manager McPherson said there were additional changes the State had sent down and hoped this would be the final things that had to be done outside of Remington and Vernick's contract.

Manager McPherson said the Township now had an ordinance that when a subdivision was done money was set aside in a separate fund to update the tax map.

Bill Greenfield thanked Council for getting the property on West New Jersey Ave. torn down.

Consent Agenda

The Clerk read the list of resolutions and items on the Consent Agenda.

- Resolution #2010-01, Appointment of Municipal Solicitor for the Year 2010 Pursuant to Non-Fair and Open Procedures (Anthony Monzo)
- Resolution #2010-02, Appointment of Municipal Engineer for the Year 2010 Pursuant to Non-Fair and Open Procedures (Hatch Mott McDonald Engineers)
- Resolution #2010-03, Appointment of Municipal Auditor for the Year 2010 Pursuant to Non-Fair and Open Procedures (*Ford Scott Seidenburg & Kennedy*)
- Resolution #2010-04, Appointment of Bond Counsel for the Year 2010 Pursuant to Non-Fair and Open Procedures (*Mc Manimon & Scotland*)
- Resolution #2010-05, Appointment of Municipal Prosecutor for the Year 2010 (Mary Bittner)
- Resolution #2010-06, Appointment of Municipal Public Defender for the Year 2010 (Christopher Gibson)
- Resolution #2010-07, Appointment of Emergency Management Council for the Year 2010 (Annual Required Appointments)
- Resolution #2010-08, Appointment of Class III Member to the Planning Board (Kevin Lare)
- Resolution #2010-09, Appointment of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (Annual Resolution)
- Resolution #2010-10, Appointment of JIF Risk Management Consultant, (B. Weigand, NIA Group, LLC)
- Resolution #2010-11, Establishment of Council Meeting Dates and Times (1st & 3rd Mondays except holidays)
- Resolution #2010-12, Setting the Interest Rate for Delinquent Taxes (Statutorily regulated)
- Resolution #2010-13, Designation of Official Depositories
- Resolution #2010-14, Designation Of Official Newspapers for Legal Advertising for the Year 2010 (Star & Wave & Herald)
- Resolution #2010-15, Authorizing Payment of 2010 Debt Service
- Resolution #2010-16, Annual Approval of Petty Cash Funds (Police Dept. & Treasurer s Office)
- Resolution #2010-17, Adopting Cash Management Plan (annual adoption)
- Resolution #2010-18, Resolution to Defer The Regional School Tax (annual resolution)
- Resolution #2010-19, Adopting 2010 Temporary Current Budget
- Resolution #2010-20, Approving 2010 Contract with Cape Assist (EAP Program)
- Resolution #2010-21, Authorizing Clerk to Issue Bingo & Raffle Licenses Throughout the Year to Qualified Organizations
- Resolution #2010-22, Authorization for Public Bidding (Annual resolution for bidding throughout the year)
- Resolution #2010-23, Designation of Public Agency Compliance Officer for the Township of Lower (M. Vitelli)
- Resolution #2010-24, Transfer of 2009 Appropriations, \$17,000
- Resolution #2010-25, Authorization for the Payout of Accumulated Compensatory Time for 2009 (\$425.78)
- Resolution #2010-26, Authorization for the Payout of Accumulated Sick Leave (\$33,943.75)
- Resolution #2010-27, Authorizing the Payment of 2009 Vouchers, \$67,334.47
- Resolution #2010-28, Approval of Rotary Towing Licenses for 2010 (annual renewal)
- Resolution #2010-29, Authorizing Pay Out of Terminal Leave (H Bitting - \$34,082.01)
- Resolution #2010-30, Authorizing Pay Out of Terminal Leave (J Koeck - \$460.01)
- Resolution #2010-31, Acceptance of Bid & Award of Contract for Maintenance of Township Grounds & Parks (Bayshore Landscaping - \$55,450)
- Resolution #2010-32, Certification of Lot Clearing Charges to the Tax Collector (1 property - \$3890)
- Resolution #2010-33, Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for Engineering & Surveying Services Related to Formal Inspection of the Tax Map (\$22,900 - for additional list of changes to tax map not included with original contract for the reval with R & V)
- Resolution #2010-34, Payment of 2010 Vouchers, \$3,076,699.44
- Resolution #2010-35, Rejection of Bids for Delaware Bay Shore Outfall Extensions (1 bid - over budget)
- Resolution #2010-36, Approval of Change Order #1 for Pad & Pour Gymnasium Floor Over Existing Floor

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	(additional \$1830 for base molding)
Resolution #2010-37,	A Resolution Authorizing the Imposition of a Lien on Block 146 Lot 58 Pursuant to Chapter 206 of the Code of the Township of Lower (Demolition of 115 W. New Jersey Avenue)
Resolution #2010-38,	A Resolution Authorizing the Imposition of a Lien on Block 432 Lot 8 Pursuant to Chapter 206 of the Code of the Township of Lower (Demolition of 247 Breakwater Road)
Approval of Minutes	December 21, 2009

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

Resolution #2010-39, A Resolution Designating the Lower Township Rescue Squad, Inc. As The Provider of Emergency Medical Services in Lower Township

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

Ordinance #2009-15,An Ordinance Approving a Grant of Conservation Restriction/Easement Between the Township of Lower and the DEP for Public Access to the Waterfront From the Street Ends Included in the Outfall Pipe Maintenance Project was presented for second reading.

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

Mayor Beck opened the meeting to comments on the ordinance.

Janet Pitts said she thought there were easements at the end of every street for public use, was this something different?

Solicitor Monzo said it was a DEP requirement for the issuance of a CAFRA permit. He said they were easements that the Township would have to maintain.

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 .

Council Comments

Councilmember Conrad said Happy New Year to everyone and the Angel Food Ministries order forms were available at the reception desk at Township Hall.

Councilmember Douglass said Happy New Year and stay warm.

Mayor Beck also said Happy New Year and have a safe and peaceful one.

Public Comments

Joe Winters of Florida Avenue asked if the Township had a maintenance permit for the beaches.

Manager McPherson said they were in the process of renewing it.

Police

Jack Sparks of NCM said everyone had seen the articles in the past week and year about the increasing police salaries. He said there was a report in the Herald, then the Press did an article and in last Fridays Press there was an article about the Hamilton Township police department. He said the Township employees were willing to accept a 2% decrease from their increase and the police didn't want any part of that and he felt it was an error on their part. Mr. Sparks said he had thought about the issue and had an idea given to him about a year ago about the police salaries. He mentioned the presentation by the Auditor which showed the employees salaries rose slightly for the last 5-10 years and the police salaries rose significantly and it was getting to the point the Township couldn't afford

it. It was a problem all over the state. He said some police departments were laying off or taking furlough. He said it was a short term answer to the solution. He said another way was a second tier contract, the people here now would maintain their level of income and wouldn't be affected. The next people hired would be at a lower level of what was in existence.

Mr. Sparks said it was done in business all the time and other agencies in the area also did it. He said the police would have to agree to open the contract which they declined a year ago. He said it wouldn't affect the people presently here it would only affect the new hires. He said if nothing was done the salaries could put the Township over the 4% CAP which could be a tremendous problem. He said the second tier wouldn't answer the immediate problem on next years budget or the following one but would help over the long haul when existing officers retired. Mr. Sparks said the police salaries were out of wack with all the other employees salaries. He said something had to be done, laying people off wasn't the answer just for short term and eventually you would be at a place where you couldn't lay off you needed a police department. He said the answer was to bring them in at a more reasonable salary. He said it would mainly help down the road and felt this answer was for the long term.

Mr. Sparks had also been in contact with the newspapers and giving presentations around the County. He said the Police use in negotiations Cape May got this much, Middle got this so we should get that. He said they feed off each other and that's how it went. He said he hoped Council would consider it and talk to the police and see what they did and hopefully come to a good conclusion.

Mayor Beck said he was correct they did speak to the union last year to see if they could reopen the contract when they first came in last year and that didn't work. He said they were doing things now that they couldn't speak about. He said things couldn't continue this way. He said they didn't want to be the first town in New Jersey to go bankrupt. Mayor Beck said they set the tone for the budget coming up last year by eliminating positions. He said he was waiting for the final numbers to come in as far as what they were faced with coming into the budget. He said he supported what Mr. Sparks was saying, they couldn't keep paying those salaries. He said the salaries ranged from \$80,000 to \$100,000 and then 3.75% on top that was a lot of money and then try and stay under the 4% CAP. He said he did appreciate the service of the police. He said the soldiers in Iraq and service people got paid \$30,000.00 because that all we could pay.

Mr. Sparks said he knew the State was having hard times and he heard the Governor was going to ask the Judges to take a decrease in salary. He said the State was going to have to do something he said it was a long term problem.

Mayor Beck said the State wanted to do something they needed to get control of the binding arbitration.

Joe Winters said Mr. Sparks had some valid points and felt the people of Lower Township didn't need a tax increase.

Beach Erosion

Fred Swoope of 19 Redwood Avenue said he appreciated the time he had been allowed to share the past few weeks, but things had gotten worse. He had sent a letter to Mayor and Council.

Mayor Beck said they had read the letter and bottom line was that DEP had turned them down. He said DEP recommended they start putting sand in.

Mr. Swoope said that was correct, that was the permission DEP had given the residents towards the project. He said he had received the official denial from DEP. He said he starting seeing articles regarding FEMA money. He said the residents were asking Council to make a request for some of that money.

Manager McPherson said the Emergency Management Coordinator had a meeting scheduled with FEMA next week and they would find out if the Township was eligible to apply for funds.

A discussion on Art Treon representing the Township and who owned the beach.

Mr. Swoope asked what if FEMA didn't recognize that the bay side needed as much funding as the ocean side which received more attention. What could the Township do to replenish the beach.

Mayor Beck said it was a big issue and he was not sure this was an issue for the Township to take on. He said he wasn't sure there was enough support of Council to start replacing the beaches. He said there were home in low areas that were plagued with flooding.

Mr. Swoope gave a scenario about if the erosion continued and undermined the streets.

Manager McPherson said wait until Monday and see what came out of the FEMA meeting.

Mayor Beck said if the Grants Coordinatr could look into a matching grant or something if they were willing to come up with the match. He also suggested to reach out to the Senators Office who have the larger purses.

Ellen Green of Bay Drive requested that Council vigorously and quickly do whatever they could to help with the replenishment of the beaches. She said not only for the people but also for the wildlife and birds.

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Mayor Beck said one problem was DEP shot down the ability to put the bulk head in. He said DEP had sent someone down and it wasn't classified as an emergency. He said they were creating more problems by not solving a small one. He said maybe reach out to the Senator who had the ear of DEP. He said maybe they could get some kind of reversal on the decision.

Councilmember Mazurek asked Mr. Swoope about the denial letter that referenced a statute and asked if Mr. Swoope had read that statute and what was their definition of an emergency.

Mr. Swoope said the field representative did say the house was in immanent danger and that was how the process started. He said the pole would go before his foundation, but the transformer was on the pole and that may fall on his house.

Councilmember Mazurek said he didn't understand why they were giving him a hard time about putting up the bulkhead to protect his property.

Manager McPherson asked if he was filing an appeal.

Mr. Swoope said he wasn't sure because he would spend more in legal costs than the value of the retaining wall.

Solicitor Monzo said with their normal permitting process an appeal had an alternate dispute process. He explained the process of the appeal.

Mr. Swoope said if they partner their efforts he said he was willing to pay for the retaining wall. He said he wasn't willing to keep paying someone to put sand there and neither should Council.

Mayor Beck said they would make a call and Mr. Swoope should touch base with the Senator and ask him to come down and take a look.

Councilmember Conrad asked if he had a report from the field representative because that would be helpful if he could show that to the Senator.

Andrew Bulakowski 500 Hollywood Road, said from what he had heard everyone was on the right tract regarding the beach. He said everyone had to be a little more proactive. He said he didn't have the problem that Mr. Swoope had but who's to say he could have it next year. He said they had to approach FEMA to start thinking about the bay beach area.

Councilmember Conrad said the Army Corp had a project at one time but it was not funded.

Manager McPherson said it hadn't been funded and had been on the books for 10 years, it was a one time restoration that was mostly an ecosystem for the birds and horseshoe crabs. She said it was between the Army Corp and DEP but it still hadn't been funded and there was a Township match.

Mr. Bulakowski said they had to get the Senator and Congressman LoBiondo and let them know we needed help on this side.

Deputy Mayor Lare said he was stunned when he went to the Swoopes property and saw the amount of erosion. He said they needed to look at some of the money spent on the west side he had no doubt that they will have more people here with the same issue.

Mr. Winters said he agreed with the people that there was a problem on the bay side. He said the Army Corp did a study years ago but the Township didn't want to pay and maybe the Township was seeing the results of that.

Mayor Beck said it wasn't that the Township didn't want to match it the people came out against spending the money.

Deputy Mayor Lare said it was a sad note but wanted to add some levity to the situation if he replaced his house with a bird house they would get some funding for the beach.

Mayor Beck said the reality was it was an emergency situation.

Councilmember Mazurek said he was entitled to an explanation as to why they felt it wasn't an emergency situation.

Councilmember Mazurek motioned to adjourn, seconded by Councilmember Conrad. The meeting was adjourned by verbal ayes at 7:55 p.m.

Mayor

Township Clerk

Approved: January 20, 2010