

## Regular & Work Session Meeting Minutes - January 20, 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 20, 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.

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**

#### Cape May County - Freeholders Beyel & Bakely

Mayor Beck said they were happy to have Freeholders Beyel and Bakley present for a mini town meeting. Freeholder Beyel thanked Council for the invitation and said they were concerned also about the water situation and the water shed. He said it was the third wettest year since records had been kept. He said normally there was a 40" rainfall in our area and we had a 60" rainfall this year and that was about a 50% increase in rain. He said the ground could only do so much. He said he would turn things over to the Assistant County Engineer, Kent Schellenger to give an overview of things that were happening. Kent Schellenger said he became involved when complaints started to come in. He said he looked at the Fishing Creek watershed which was about 10 square miles and extended to the lower portion of Whitesboro. He said the watershed had been closed off at the bay since 1935 and the records show a tide gate had been installed which had isolated it from tidal flow. In the 1960's a pump station had been built and was run by the Mosquito Commission. He said one reason they were involved is that they had a number of new tools and technology.

Mr. Schellenger said he was asked about the efficiency of the pump station and the various ditches that drain the watershed and the pump system was adequate. He explained the rainfall and how it ran off and eventually found its way to a ditch. He did verify that the pumps ran almost constantly and it was suggested that a monitoring system be installed. He reviewed the elevation levels in the various ditches around the Township.

Mr. Schellenger showed an aerial from the 1930's with an overlay of the streets and the problem area was the northeasterly section of the Villas which was the Florida streets.

Mayor Beck asked if the 3 foot elevation behind Tampa Avenue was normal and did they check that each year.

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Mr. Schellenger said the Township helped the County do a storm drain inlet program where all the drains were labeled and they were able to look at the data and see where there were ditches. He said they went out with the survey GPS and took elevations on Tampa Avenue and compared it to the data they had and were able to find out there were 2 gullies.

Mayor Beck said the flooding that took place on Tampa Avenue was that different than the problem on Pacific and was it due to building homes in low areas? He asked if draining some of the water out of the creek back there would help.

Mr. Schellenger said the lower the elevation in the marsh the more gradient you put into the ground water table and it would slope high to low. He said what the creek was primarily pumping was water seeping into the sides of the ditches and around the edges of the creek. He said when there was no rain it went down about ½ per day.

Joe Winters of Florida Avenue asked how many pipes transported the water across Bayshore Road to the pumping station.

Mr. Schellenger said there were three 24" to 30" pipes across the Bayshore Road culvert.

Harry McCloy of 215 East Tampa Avenue asked how much water did the watershed area hold?

Mr. Schellenger said he didn't want to conjecture.

Mr. McCloy said the water at Bayshore Road was very high over the weekend. He said if there was a category 2 hurricane he would have 5 ft. of water around his home.

Mr. Schellenger said what was in the creek bed could be pumped out in a matter of hours, its when it goes over the banks that you had a large volume of water. He said what people were experiencing now was ground water.

Mayor Beck suggested Mr. McCloy contact the County directly.

Fred Long of Cold Spring asked the Mayor about the Planning Board meeting he had attended if there was anything to address the increased ground cover, run off and building in areas that should not be built in. He said there was still a lot of open space around.

A brief discussion on addressing the areas that should not be built on in the Township ensued.

Freeholder Beyel said years ago Assemblyman Gibson put in legislation to do a water study in Cape May County. After 2 years the money ran out and it stopped. When Governor McGreevey was in office he re-instituted the program and it was stopped in 2 years. He said a lot of information had been gathered but they had no conclusion because they hadn't been able to do any kind of analysis.

Mayor Beck said he had seen water where he never saw it before.

Mr. Schellenger said there was a real time monitoring system in Rio Grande and it was above the 80% range and off the scale. He mentioned other monitoring gages in different areas that were twice the average.

Mayor Beck said he wanted to switch to a few other issues and asked if the Freeholders could address the Library and paving.

### Library

Freeholder Bakely said the Library was undergoing extensive renovations and were hoping for a completion date sometime in May. He said the parking lot was going to be reconfigured and paved from the intersection to States Avenue.

Freeholder Bakely said they were enlarging the building, adding some new computers and when

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completed it will be a nice building. He said they did have an asbestos abatement situation but that shouldn't hold them up.

Lois Grimes asked why the work was started in the winter when the kids in school had projects and needed to use the library.

Freeholder Bakely said Cape May City was having their renovations done now as well as Upper Township and Sea Isle City. He said all the complexes were being done now.

Ms. Grimes said he didn't answer her question.

A brief discussion on the reasons the work was started now and the affect on the school year ensued.

Freeholder Beyel said part of the school year would have been impacted with a project of this size and they were aware of the inconvenience, however, when the funding was available they had to move on it.

Mr. Schellenger said the site work was a factor and did realize some part of the school year would be impacted. He explained how they were trying to schedule the concrete and paving work to be done.

### Sidewalks

Janet Pitts of the Lower Township Taxpayers Association said she understood there was a campaign in the area to have sidewalks where there weren't any. She also inquired if there were any plans to continue the sidewalks along Bayshore Road connecting North Cape May to the Villas. She also asked if there were plans to repave some of the roads.

Mr. Schellenger said generally the sidewalks weren't done by the County unless it was related to a County road project. He said it was cost prohibited for the County to do the sidewalks. He said Filling Mill Road was in the design phase and Bayshore Road had a 2<sup>nd</sup> and 3<sup>rd</sup> phase and they were going forward but couldn't give a date yet.

Mayor Beck thanked the Freeholder for attending the meeting and their input. He said he would like to keep the lines of communication open.

### Eric Gundrum, Remington & Vernick - Presentation of Mission Statement for Rural Sustainability Plan

Mr. Gundrum said his firm was contracted by the Township to do a Rural Sustainability Plan which was endorsed by the Office of State Planning and Office of Smart Growth. He said the plan provided plans and recommendations and if the Township was expanding in environmentally sensitive areas they needed to pull back. He said the plan suggested a density transfer program in those areas where people were having problems and wanted to move out. He said the plan was a guidance document that could be used as part of the master plan and the Planning Board could use it as a tool to re-examine the zoning ordinance and land use ordinance. He said he was present to ask for endorsement and approval by resolution for the vision statement which was part of the Rural Sustainability Plan. He said the plan could be incorporated into the master plan.

Councilmember Mazurek said he had a comment about one section in the plan and felt it was important. It was about the expansion of the Middle Thorofare Bridge which he was glad to see in there. He felt it would increase commercial fishing. He said they needed to encourage the State to work on getting that bridge replaced and glad it was included in the plan.

Mr. Gundrum said the sub-committee did identify the Two Mile Bridge as very important to the future growth of the Township and as a hurricane evacuation route.

### Review of Consent and Regular Agenda Items

No comments.

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Public Questions on Consent Agenda and/or Regular Agenda Items

Ed Butler, Vice President of the Lower Township Taxpayers Association asked about Resolution #2010-45 which was the change order for the ADA work.

Manager McPherson said it was for new door locks and heaters for the bathroom.

Joe Winters of Florida Avenue questioned why the locks weren't bid with the doors?

Manager McPherson explained it wasn't part of the original bid.

There was a discussion back and forth about the doors and why the doors would not be electronic.

Outfall Pipes

Lois Grimes asked if Channel Company was the company that started the job on the outfall pipes in 2008.

Manager McPherson said no, it was a new company.

**Consent Agenda**

Approval of Minutes	January 4, 2010
Res. #2010-40	Payment of Vouchers, \$1,662,460.56
Res. #2010-41,	Authorizing Execution of Enrollment Form and Contract with Energy Curtailment Specialists, Incorporated with the Township of Lower
Res. #2010-42	Authorization for the Issuance of a Duplicate Tax Sale Certificate
Res. #2010-43,	Resolution Approving Settlement of Tax Appeal Litigation Known as Richard S. Piotrowski and Mary F. Piotrowski v. Lower Township
Res. #2010-44,	Resolution Approving the Mission Statement of the Rural Sustainability Plan for the Township of Lower
Res. #2010-45,	Approval of Change Order #2 for Municipal Building ADA Project (Inc. of \$5,005.00 for new door locks & baseboard heat for 2 rooms)
Res. #2010-46,	Resolution Requesting the Camden Diocese to Reconsider the Decision to Close Wildwood Catholic
Res. #2010-47,	Resolution Accepting Bids & Awarding the Contract to Supply Asphalt for 2010 (Seashore Asphalt Corp.)
Res. #2010-48,	Approval of 2010 Rotary Towing License - Cape Harbor Auto Repair, Inc. & Clark's Auto & Towing LLC (Annual renewal)
Res. #2010-49,	Issuance of 2010 Limousine, Taxi & Operator's Licenses (Annual renewals -Aarts, AA Plus Cab & High Roller, Off Shore)
Res. #2010-50,	Authorization for the Payout of Accumulated Sick Leave (per contract - 2 employees)
Res. #2010-51,	Transfer of Appropriations, \$11,450.00 (from gasoline to natural gas, street lighting & electric)
Res. #2010-52,	Acceptance of Bid and Award of Contract for Delaware Bay Shore Outfall Extensions (Channel Marine Construction, Inc. \$465,150)
Ord. #2010-01,	Salary and Benefit Ordinance for the Township of Lower, 1 <sup>st</sup> rdg. (Annual ordinance establishing salary ranges for all titles and authorizing benefit plan) (2 <sup>nd</sup> rdg. & public hearing Feb. 17)

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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**

Res. #2010-53, Appointment to the Lower Township MUA (5 year term beginning Feb. 1)

Mayor Beck asked if there was anyone present that had put in an application for the MUA Board. Ed Butler and Ken Mann stood up.

Mayor Beck asked Ed Butler and Ken Mann a few questions regarding the MUA.

Ed Butler said he was appointed 6 or 7 months ago. He said he had been on the board since that time to help the rate payers as he could. He said he didn't have any relatives at the MUA.

Mayor Beck asked if Mr. Mann had attended any MUA meetings previously.

Ken Mann said he hadn't attended any MUA meetings. He said he had coached in the community.

Mayor Beck asked if he had any relatives at the MUA.

Mr. Mann said yes.

Mayor Beck said he had a problem with that and elaborated a little further on his reasons.

Deputy Mayor Lare commented he was impressed that it was the 3<sup>rd</sup> or 4<sup>th</sup> Council MUA appointment and now the Mayor had implemented a new process which the rest of Council was unaware of.

Mayor Beck and Deputy Mayor Lare exchanged views on the policy issue and the appropriate way to handle interviewing the applicants.

Councilmember Mazurek said Council had never grilled anyone before in public and said he suggested a different process a few months ago. He said he would be abstaining from the vote. He recommended the process should be all applicants submit a resume with their. Council would then review them and rank the their first, second and third choice with first choice given 3 points etc. The points would then be totaled and the one with the most points would be selected.. He said that way everyone would get a fair shake.

Councilmember Conrad agreed with that process for the future.

Councilmember Douglass also agreed and said the resume was a good idea and should be instituted.

Mayor Beck said he didn't feel the process should be something future Councils had to follow. He said if was something this Council wanted to do, that was fine. He said he didn't think that any deliberation could be done in the back room felt it should be done in public. He asked the Solicitor if that was correct.

Solicitor Monzo said he would have to check to see if Council could discuss applicants in closed session.

The Solicitor said it wasn't like hiring an employee where fall under a closed session exceptions.

Mayor Beck asked for a nomination.

Councilmember Lare nominated Kenn Mann and motioned to adopt the resolution, seconded by Councilmember Douglass.

Mayor Beck said they had to open it up to the public first before a vote.

Ed Butler said his application had been submitted back in December and the form had been instituted a year ago. He said everyone on Council voted for him the last time. He asked Councilmember Douglass what changed his mind?

Councilmember Douglass said he looked at the applications and felt Mr. Mann was a better candidate.

Mr. Butler asked Deputy Mayor Lare what had changed his mind?

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Deputy Mayor Lare said he felt Mr. Mann was a better candidate and told Mr. Butler he felt he did a fine job on the Planning Board.

Mr. Butler asked each remaining Councilmember what their reason for the vote was.

Councilman Mazurek indicated he would be abstaining on the resolution as he felt the appointment process should be changed. He felt there should be a clear process.

Councilman Conrad noted he agreed with Councilmember Mazurek but felt action should be taken on the current appointment as the MUA s reorganization meeting was coming up.

Mr. Butler expressed his dismay, noting he felt nothing in the Township had changed.

Nels Johnson, MUA Board Member, said becoming a member was very important. He said he found it harder than he thought it would be. Mr. Johnson said he felt good and competent people who understood budgets and other issues were necessary.

Joe Winters said it didn t make any sense. He said people should know something about what was going on and Mr. Mann hadn t attended any MUA meetings. Mr. Winters state he felt things were going well the way they were.

Janet Pitts said she hoped the appointment didn t have anything to do with the dismissal of the two employees at the MUA and if it did, that would be a terrible statement. She said she felt the MUA members and the Executive Director all felt Mr. Butler did a good job. She said nothing said justified what was Council was doing. She felt it was retribution and nothing else.

Councilmember Conrad said Council had not done anything yet as the vote hadn t been taken yet.

Joe Mento said he resented the comments made; it wasn t retribution. He said he worked with Mr. Butler and also knew Kenn Mann well. Mr. Mento commented the Board needed someone with a good background in business.

Mr. Mann gave a brief background of himself stating he was a local builder and as such had been before the MUA Board several times. He said there would be no favoritism, he was a straight shooter.

The resolution was adopted by the following roll call vote: Councilmember Conrad, yes , Councilmember Mazurek, abstain , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck, no .

Res. #2010-54, Payment of Vouchers, \$15,000. (LT Rescue Squad - Contractual)

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 .

### **Administrative Reports**

Personnel Action Report

November Reports - MUA

December Reports - Animal Control, Construction, Dog Licensing, Engineer, Municipal Clerk, Municipal Court, Municipal Judge, MUA, Tax Collector, Vital Statistics

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### Council Comments

#### Budget

Deputy Mayor Lare said the Manager presented a preliminary budget which included a 1.5 cent increase, noting it was just preliminary.

#### Skate Night

Mayor Beck announced Family Skate Night at Mulligan Field on January 23<sup>rd</sup> from 6 - 8 p.m.

#### Census

The Mayor emphasized the importance of the upcoming census and urged everyone to fill out their forms.

#### Closing of Wildwood Catholic School

Mayor Beck said he wanted to mention the resolution to save Wildwood Catholic School and the many reasons the school should stay open. He said he had been in Catholic education for 14 years and was upset at the dosing and this was his last year of teaching. He went over the various scenarios of where those who had been in the school could go noting the majority would probably end up in the public school system. The Mayor expressed his concern on the financial impact it would have. He said he felt a better plan would be to pass a resolution to have the State offer a voucher program to families wishing to send their children to private schools.

Jack Sparks said he wanted to point out the read the first thing on the agenda for new Education Director was vouchers.

Councilmember Mazurek said he wasn't in agreement with a resolution that would imply the Township as a whole supported vouchers. The Councilman expressed residents who support the voucher program should contact the State on their own.

Council discussed briefly the pros and cons of the voucher system.

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### Public Comments

#### Closing of Wildwood Catholic

Ed Butler said it was time to help the taxpayers. He said all those students would end up in public school and it would end up costing the taxpayers. He said they had to get the cost of education down throughout the State, and he felt the kids weren't getting any smarter and the teachers were getting richer.

Councilmember Mazurek said the teachers weren't getting richer and the kids were doing well.

#### Flooding Problem

Harry McCloy asked Council what they thought of the pictures he showed them.

Councilmember Douglass said he felt there was a little advancement from the meeting with the County. He suggested an electronic device that would let them know when a pump wasn't working. He said the communication was open with the County.

Mr. McCloy said there were a lot of discrepancies, he said the County couldn't agree on the amount of water that came out of the pipes.

Mayor Beck said the County was aware that many people were concerned. He said they had contact numbers to call if the pumps weren't working.

No further comments, the public portion was closed.

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Res. #2010-55. 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

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 .

Council returned to open session and there being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal ayes at 9:35 p.m.

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Mayor

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Township Clerk

Approved: February 1, 2010