

## Regular & Work Session Meeting Minutes - February 1 , 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 1, 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 Pledge of Allegiance and Moment of respect was led by BSA Troops 62, 63 and 87

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

The Mayor introduced a Proclamations Celebrating the 100<sup>th</sup> Anniversary of Boy Scouts of America followed the presentation of a Certificate of Recognition for Zachary Donald Heron who earned the Arrow of Light award.

Mayor Beck also presented a proclamation for the 2010 National Wear Red Day for Women which designated February 5 as the day for women to wear red to call recognition to the magnitude of cardiovascular disease in women.

### Discussion on Plan Endorsement Centers

Bill Galestok gave an update on what had been going on with the centers. He said it started back in the early 90's with the State starting the Redevelopment Plan. He said over the next 10 years there were many scenarios and Lower Township had two centers in the plan, North Cape May and Villas. He said it sounded simple, however, they had to apply for the two centers even though they were in the plan.

Mr. Galestok said in 2000 DEP moved ahead on their own and the Township received a CAFRA two interim coastal centers and in five years they would decide where the centers would be. He said they fought to get in Schellengers Landing but they would not go for Ocean Drive and Diamond Beach. He said the County was recommending to go in for center designation and Mr. Galestok recommended against it and gave his reasons.

He explained what happened over the next 5 years with the centers and changes. He said DEP had added Diamond Beach in on their own. In 2005 DEP withdrew the coastal centers and the Township was left with one area Diamond Beach. He said then the Township went to Interim Plan Endorsement which took about a year and they were deemed complete and it was extended for another year.

Mr. Galestok said from 2005 until now he had been working on the centers. He said DEP had sent back a map and a report. Mr. Galestok reviewed the report and said it was complicated. He also pointed out that you could only have sewer in centers and that was another complication. He said another thing to consider was they were involved in this because it may affect future grants. He mentioned that the State had a new governor now which may change

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the process. He said at this point the Township should wait and see what happened.

Mr. Galestok said the process was complicated and just wanted to review it. He said the Township couldn't use it yet because they would have to complete their action plan which consisted of 19 items and a few other things.

Mayor Beck asked Council if they had any questions.

Councilmember Conrad asked about the proposed changes for DEP centers did that mean the 208 plan would be in the centers so did that mean there might be an expansion of sewer.

Mr. Galestok said the WOMP was set to expire in 2007 he worked with the County and got a new plan in under the old rules. He said in April 2008 the Township received a denial letter and reviewed what it consisted of. He said the WQMP had been extended another year, but when it did expire they would not allow any expansion of sewer service until everything was in compliance. He recalled a situation a few years ago on Willow Drive and the problems they had there.

Mr. Galestok said they were trying to plan ahead, but sometimes it wasn't possible.

### WORK SESSION

#### Review of Consent and Regular Agenda Items

Councilmembers Conrad, Mazurek, Douglass and Deputy Mayor Lare had no questions on the consent agenda.

Mayor Beck said resolution #2010-67 had to do with appointments to the Recreation Advisory Board. He said Council had discussed some type of system to make the appointments. He said he felt it should be an open system. He said government wasn't always neat it was messy sometimes.

Mayor Beck felt doing things over the internet didn't seem to meet the criteria. He asked Council to postpone the appointments until the next meeting and come up with a program and let the public add input. He said the policy should be put on paper first.

Councilmember Conrad said he felt the way it was done didn't violate any OPMA and said no Councilmember contacted each other.

Councilmember Mazurek said he brought it up several meetings ago the idea of ranking the applicants. He said in the past seven years he didn't feel any appointments were done in the open. He said he suggested the process a few meetings ago and had no problem with brainstorming.

Councilmember Mazurek said he felt Council should know when appointments were coming up at least a meeting or so ahead of time. He said Council was elected to make the appointments and didn't feel they should be discussing the candidates in the open.

Mayor Beck said he appreciated his opinion. He felt if they had some information that Council should be aware of they could ask for a closed session. He felt they had the right to bring out issues in public.

Councilmember Douglass said he took Councilmember Mazurek's idea and sent an email out to all of Council. He listed the names and suggested each Councilmember rank them. He sent the information to the Clerk and suggested the others do that also. He did agree that they needed a process and needed it in writing.

Mayor Beck said he would support what Council decided and felt it should be done in public and wasn't sure about sending an email to the Clerk.

Councilmember Douglass asked Solicitor Monzo if board appointments came under closed session.

Solicitor Monzo said if Council could go into closed session to discuss privacy issues, but then Council would have to come into open session to discuss it.

Councilmember Mazurek said he recalled some appointments listed on the consent agenda.

Deputy Mayor Lare said all professional appointments were on the consent agenda.

Solicitor Monzo said reappointments could be on the consent agenda but if it was an open spot it could be on the regular agenda.

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Councilmember Mazurek said since the topic had been discussed he had been checking on the internet and found nothing definitive. He said the resolution stated Council to review the applications.

Mayor Beck said he felt they could still do the scoring but felt it should be done in the open.

Solicitor Monzo said Council may provide for the manner of appointment. He said it did enable Council to develop the process by resolution or ordinance which could be codified.

Mayor Beck said he didn't want to do anything in the back room, again he felt it should be done in public.

Deputy Mayor Lare said he shared Mayor Beck's vision of open government. He objected to his statement of doing it the right way. He said all emails he sent were open to the public. He said they should not bring any personal issues up in public.

Mayor Beck asked what would be considered personal and if it was personal they could go into closed session.

Councilmember Mazurek said the public had never been privy before to any information for an appointment to a board.

Mayor Beck said the public had the right to know who was being put on a board.

Councilmember Conrad said Councilmember Mazurek suggested a process weeks ago.

Mayor Beck said he would like the appointments postponed and taken off the agenda.

Councilmember Douglass said he disagreed. It would be a lengthy process and felt it could cause the boards some problems due to the process took time.

Mayor Beck asked the Solicitor if the process used this time was alright.

Solicitor Monzo said if the emails were sent directly to the Clerk it would not be a violation.

Mayor Beck asked if implementing the process was a violation.

Councilmember Douglass said he sent out the email to the other Councilmembers and said he was sending his choices to the Clerk.

Mayor Beck motioned to table the resolution.

Deputy Mayor Lare said the Recreation Advisory Board asked the seats be filled before their reorganization meeting. No second to the motion.

Solicitor Monzo said there had been no process adopted and it did not dictate who got appointed.

### Public Questions on Consent Agenda and/or Regular Agenda Items

Mayor Beck opened the meeting to the public for questions on the consent agenda.

Jack Sparks said he had comments on the MUA.

Mayor Beck said this was for questions on the agenda.

Barry Felice said the Citizens Act required the Clerk to have on file a list of board members.

Janet Pitts said she wanted to talk about the appointments. She said there were 8 boards and would venture to say that they would be looking for something different on each board. She suggested to come up with some criteria for the boards and score accordingly.

Councilmember Conrad said he agreed the forms were generic and also Councilmember Mazurek suggested a resume be attached.

Ms. Pitts said to let the board come up with the criteria.

Bill Galestok, Planning Director and Secretary to the Zoning Board said the boards had a mix of people. He said the Class IV members were to be from the public not professionals. He said it was difficult to get people on the boards.

### **Consent Agenda**

Approval of Minutes      January 20, 2010

Res. #2010-56,              Payment of Vouchers, \$3,913,306.90

Res. #2010-57,              A Resolution Requesting Release of Demolition Bond for Block 752.01, Lot 18.05, 1080

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- Res. #2010-58, Seashore Road  
Authorization for the Payout of Accumulated Compensatory Time (D Vanaman, \$4244.63)
- Res. #2010-59, A Resolution Affirming Lower Township s Support of and Partnership with the 2010 Census
- Res. #2010-60, Authorizing the Person to Person Transfer of Liquor License #0505-33-003-006 Molly O Tooles Beverages Inc. to Buttonwood Manor Inc. (t/a The Bayshore) (New owners - same location)
- Res. #2010-61, Transfer of 2009 Appropriations, \$500 (From gasoline to street lighting)
- Res. #2010-62, Bid Acceptance & Contract Award for Pipe and Pipe Supplies (per item basis awarded to four vendors)
- Res. #2010-63, Bid Acceptance & Contract Award for Tide Flex Check Valves or Equal (Caterina Supply Inc. - Itemized)
- Res. #2010-64, Authorization for Villas Fire Company to Conduct Outdoor Flea Markets in 2010 (Last Sunday of the month - April through September)
- Res. #2010-65, A Resolution Requesting Release of Maintenance Guarantee for S & F Gas Works, In.; Block 11, Lots 32-34; Escrow P96-09-05
- Ord. #2010-02, An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-15.14) (Annual ordinance)
- Ord. #2010-03, An Ordinance of the Township of Lower Amending Chapters 359 and 432 of the Lower Township Code and Regulating the Lower Township Farmers Market, 1<sup>st</sup> rdg. (2<sup>nd</sup> rdg. Feb. 17, 2010) (Adding licensing provisions for farmers market peddlers)

Councilmember Conrad 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 .

### **Regular Agenda**

Res. #2010-66, Payment of Voucher, \$555 (to LT. Rescue Squad for CPR training for Twp. Employees)  
Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Mazurek. 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. #2010-67, Appointment to the Lower Township Recreation Advisory Board (2 Reg. Member positions)  
Deputy Mayor Lare motioned to appoint Lonnie Bedell and James Ridgeway.  
Councilmember Lare motioned to adopt the resolution, seconded by Councilmember Douglass. 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 .

### Administrative Reports

The following reports were presented and made a part of the record.

Personnel Action Report  
December & Year End - Fire Bureau  
2009 Annual Report Tax Collector

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### Council Comments

Councilmember Conrad said the Green Fair was coming up and would cost the Township little or no money in the end. He announced there would be breakfast coming up from 8:00 am until noon at the Church of the Nazarene and the cost would be six dollars. He also said the church would be having a used clothing sale.

Councilmember Conrad mentioned the passing of Bob Caulkins who was very involved with sports in the community.

Councilmember Douglass agreed with Councilmember Conrad. He said their hearts went out to his family. He said he attended the meeting at Wildwood Catholic School last week and the program was well organized and hopefully more people would get involved.

Deputy Mayor Lare said the electronic newsletter for February was out.

Mayor Beck said the Chief was present and he had a very busy week. He thanked public works for their efforts on the surprise snow storm. He mentioned there would be a dance at the Villas Fire Hall on February 13<sup>th</sup> and the proceeds went towards the beautification of Bayshore Road.

### Public Comments

#### Board Appointment Process

Jack Sparks of North Cape May said he attended the last meeting, he then watched 3 replays of the meeting and became more disturbed. He said Mr. Butler was a member of the Planning Board.

Mr. Sparks said Mr. Butler made the comments that teachers were getting richer, the students weren't any smarter and the school board was a farce. He said the teachers were the lowest paid in the County. He felt to say the kids were not learning wasn't right. He said his question to Council was if they were in agreement with Mr. Butler?

Mayor Beck said he didn't feel anyone on Council was in agreement with what was said. He said microphones gave people a chance to make a mistake. He said there had been a lot of anger at the meeting that night and they don't necessarily agree with what people said but it wasn't their place to get into arguments with them.

Councilmember Conrad said they didn't agree. He said anger would cloud people's judgement but they had the right to speak and he may have said things that he really didn't mean.

Jack Sparks said sometimes people spoke the truth in anger.

Councilmember Mazurek said he had a special feeling about schools and sometimes people say things to get to you.

Councilmember Douglass said he also disagreed with the comments that were made, his family had served on the school board. He said his second son had been accepted at Virginia Tech and felt the schools here did an outstanding job.

Deputy Mayor Lare said his wife was a school teacher and they had two children in the school system and felt they did a good job.

Ed Butler of Delaware Bay Drive said he felt the meeting said a lot of what the Township was doing. He said the Township now had a Mayor that wanted transparency in government. He said they were having backroom deals done again. He said schools were controlled by schools and no one came out to vote, the same as fire districts. He said it wasn't just in Lower Township it was everywhere.

Eric Simonsen of North Cape May said if people stated opinions at public meetings they should know the facts. He said he had been a teacher for 16 years. He said Township teachers made 3% less than the State average and the classes had more students than average.

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Rural Sustainability Plan

Frank Seracco asked Mr. Galestok if the map had anything to do with rural sustainability?

Mr. Galestok said yes and explained how the two blended together.

Mr. Seracco said his understanding about rural sustainability was to bring everyone together in a clump.

Mr. Galestok he said not only rural sustainability the centers concept was high density in certain areas.

Mr. Galestok and Mr. Seracco continued to discuss the plan and there was still no guarantee.

Councilmember Conrad said the State wasn't asking the Township what they wanted.

Budget

Mr. Winters asked Council if they received a copy of the preliminary budget and asked if Council figured out how to pay for all the contracts they had given out.

Mayor Beck asked what contracts he was referring to?

Mr. Winters said the employee contracts.

Mayor Beck said the budget process was long. He said he was hoping to have the budget hearing like they did last year and have Leon Costello the Auditor present.

Resolution #2010 -68, A Resdution Providing for a Meeting Not Open to the Pubic in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

Councilmember Mazurek motioned to adopt the ordinance, 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 Mazurek the meeting unanimously adjourned by verbal ayes at 9:03 p.m.

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Mayor

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Township Clerk

Approved: February 17, 2010