

Regular & Work Session Meeting Minutes - February 17, 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 17, 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

The Mayor read the Proclamation for Read Across America -NJ
Proclamation - Youth Art Month - March 2010

The Mayor presented Certificates of Commendation to the following in appreciations for their dedication and hard work during the February 2010 blizzards.

Mayor Beck said the true heroes were those who took food to neighbors, shoveled snow and helped push cars. He said it was an epic storm and he rode with the police the first night and wasn't sure if they were driving on the road. He thanked the Police, Fire Bureau, LT CERT, Rescue Squad, Fire Companies and many more. He said two people from the Red Cross left North Jersey at three o'clock in the morning to come down and help.

Mayor Beck named many individuals and groups who helped at the shelters and said they did the best they could. He said the police did a reverse 911 and made all residents aware of where the shelters were located. He said the fire companies helped to get residents from their homes to the shelter. He said it was a once in a lifetime storm. He said everyone did a great job and wanted to thank them for their services. Councilmember Conrad said to all the volunteers and paid personnel, thank you. He also thanked the families of the volunteers.

Councilmember Mazurek said he was present in the 70's when they had a bad storm and couldn't get out for a week. He said the power was out and the schools were closed. He said there would be some complaints, but felt everyone did a great job.

Councilmember Douglass said he also remembered the storm in 1979, he was a Special Officer and said at that time the plows didn't do the streets. He said they just got the Police to where they had to be. He said the Township did a terrific job with the equipment they had. He said the Township worked with

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commercial contractors and everyone did what they could, it was a tremendous storm. He said it was a storm that you couldn't keep up with and he felt with the resources and people they had they did an outstanding job.

Deputy Mayor Lare said she also remembered the 1978 storm and felt they did a good job with this one. Mayor Beck presented the certificates to the volunteers that were present.

Re-Assessment

Art Amonette said the reassessment was done in time, under budget and the notices were mailed last week and hopefully would be posted on the website next week. Overall the assessments last year were 4.8 billion this year they were just under 4.1 billion which is approximately a 700 million reduction. He said it was about a 15% reduction in assessment overall, that didn't mean everyone's went down. He said there was a change overall about 400 properties went up in assessment, 15,500 went down in assessment and a couple stayed the same.

Mr. Amonette said as far as how that would affect taxes that wouldn't be known until the budget was done. Deputy Mayor Lare asked if there would be an informal appeal process.

Mr. Amonette said no, that was part of saving money they would have to file an appeal with the County Tax Board.

Mayor Beck asked about the reassessments that went up.

Mr. Amonette said some areas when the reval was done three years were undervalued from what they should have been. He said one area in particular every house that sold was sold for more than the assessed value.

Mayor Beck asked if there were any questions from the public.

Joe Winters asked if the assessment was 100% or 105%.

Mr. Amonette said it was 100%.

George from Seashore Road asked about the tax rate.

Mr. Amonette said the tax rate would change and go up, he didn't know how much until the budget was done.

George questioned the appeal process.

Mr. Amonette said the information was on the back of the card with your reassessment on it.

Discussion on policy/procedure for Board/Commission/Authority appointments

Mayor Beck said his theory was to keep everything out in the public, but he didn't think that was what they were looking at. He said if they had a plan to pre-evaluate the applicants before they come out to the meeting. He felt it should be done out in public. He said based on the last meeting and what was said he thought it was something they wanted to codify.

Councilmember Conrad said no they were not going to codify it. He said they agreed they didn't want it set in stone with a resolution. He said they wanted to set a policy and reviewed how it had been done. He said one person couldn't change it on their own they needed to do it as a group.

Councilmember Mazurek said he felt they had no logical procedure to choose candidates. He said the Faulkner Act gave Council the authority to choose people for different boards. He said he had been on Council for eight years and in the past there had been no real procedure. He said it was more of a

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consensus. He said it was time to come up with a procedure - get the resume ahead of time, get the information when the appointment had to be made and that would give Council time to look over the resumes. He said Council would select the top three candidates and then they would send their choice to the Clerk who would tally the selections and the person with the top points would get the appointment. Mayor Beck said he felt doing a group discussion in public would allow everyone to voice their opinions and thoughts. He felt if it was done over the internet it took away the opportunity to have a group discussion.

Deputy Mayor Lare said sending an email to the Clerk wasn't binding. He said what was binding was the vote.

Mayor Beck asked why do the process, he seemed like you had it both ways.

Deputy Mayor Lare said you discussed legislation before the meeting to get ideas. He said there had been 27 appointments and all had been unanimous, only 2 had some issues. He didn't think parading volunteers in a public meeting and questioning them in a public forum was a good idea you would scare them away.

Councilmember Douglass said the Mayor had stated in the beginning of the meeting he was alright with the way it had been done before.

Mayor Beck said they had the right to discuss it in open. He told Council to do what they wanted to do.

Councilmember Douglass said up to this point no appointments had been done in the open, now the Mayor said he wanted them in the open.

Deputy Mayor Lare said he was all for doing it in a better way and what was the Mayor's proposal.

Mayor Beck said leave it the way it was. You come out to the meeting and if you had someone you wanted to go with you did. He said if he called Council and said he had a person he felt should be on and the consensus of Council was alright with it then it was discussed in public and that's who they went with.

Deputy Mayor Lare said to Mayor Beck he was building a consensus if it was his nomination before the meeting. He asked the Mayor about the process.

A brief discussion ensued on the process.

Councilmember Douglass said he collected all the names he had on file and sent an email to Council with the list then had each Councilmember choose their candidates and sent that to the Clerk. He said that way there were no group meetings and each could pick their preference. He stated there should be a cut off date and it was a fair way of doing it.

Mayor Beck again said he didn't like taking anything that belonged out front in the back. He asked what was the point of doing the vote. He said it wasn't mandatory the top vote was appointed and it was brought out front to be discussed.

Councilmember Douglass said there was no problem with discussing it, he didn't agree with drilling people.

Mayor Beck said there was a point to be made that night and it was important to him. He said he reserved the right to do what he thought was right for the Township.

Councilmember Mazurek told the Mayor he just said earlier that if he had someone he would call each Councilmember and see what they felt. He said now that was done in the back room or over the telephone.

A discussion continued further on the process of board appointments.

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Mayor Beck said go ahead and have the process he didn't want to take anything away from in front of the people.

Deputy Mayor Lare said they had made no greater appointment than that of the Township Manager and said the Mayor had spearheaded that process by contacting each member of Council.

Mayor Beck said they had a closed session meeting and after that the appointment was made.

Councilmember Douglass asked why the Mayor kept bringing up the internet and why was it so different than the way it had been done.

Mayor Beck said it was a whole new area where they were kind of doing straw polling. He said it was a system people weren't seeing. He said they were beating it up. He was where he was at and Council was where they were. He said they would continue the way it was.

Deputy Mayor Lare asked the Mayor what precluded a discussion between two members of Council prior to forwarding the scoring to the Clerk.

Mayor Beck his major concern was you could have three people of the same party that could monopolize that voting and that was dangerous in the back room. He said when he came out that night he wasn't sure what policy they were operating under.

A discussion further ensued on the policy for filling vacancies.

Mayor Beck asked what was the value to be number one if it didn't assure you the position, what was the point?

Councilmember Conrad said it gave you a name to work with. He said they would have the resumes now and rank them and the only person who knew how a person was ranked was the Clerk.

Mayor Beck said they could go round and round, he was against it and Council was for it.

Solicitor Monzo wanted to make a suggestion to take the information after it was provided to the Clerk, have it summarized at the Council table in front of the public so they knew what the evaluation process was before there was a motion for approval of that name on the resolution. He said after it was moved and seconded Council was free to discuss it. He also said that as long as there had been no communication between Councilmembers prior to the meeting he didn't see there was a violation of the Open Public Meetings Act.

Mayor Beck asked Solicitor Monzo how it would be summarized?

Solicitor Monzo said to give the whole ranking.

Councilmember Mazurek asked the Mayor which method he wanted to use?

Mayor Beck said the purest method and they probably shouldn't speak to each other period, just discuss it in front of their constituent.

Mayor Beck asked the Solicitor to give them some suggestions.

Review of Consent and Regular Agenda Items

Council had no questions on the consent agenda.

Public Questions on Consent Agenda and/or Regular Agenda Items

No questions from the public on the consent agenda.

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Consent Agenda

Approval of Minutes	February 1, 2010
Res. #2010-69,	Payment of Vouchers, \$1,692,897.30
Res. #2010-70,	Paris Grant Program For Shared Services With The County Of Cape May
Res. #2010-71,	Authorization for the Refund of Taxes (Veteran deduction)
Res. #2010-72,	Authorization for the Payout of Accumulated Compensatory Time (T Whittington, \$3000.75)
Res. #2010-73,	Authorization for Limousine & Operator s Licenses (A Sharper Rental, 4 Limo s & 4 Operators)
Res. #2010-74,	A Resolution Establishing the Seasonal Permit Fee Farmer s Market Vendors for the Year 2010 (Seasonal Fee \$225.00)
Res. #2010-75,	Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Holmes Avenue Beach Outfall (\$4400.00 FEMA Post Disaster Grant)
Res. #2010-76,	Approval of Change Order No. 1 for Delaware Bay Shore Outfalls, Contract M-2,

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

Ord. #2010-01, Salary and Benefit Ordinance for the Township of Lower, 2nd rdg. (Annual ordinance establishing salary ranges for titles and authorizing the benefit plan)
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 public comment on the ordinance.

There were no comments from the public.

Councilmember Mazurek motioned to adopt the ordinance, seconded by Councilmember Conrad. 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. #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), 2nd rdg. (Annual ordinance)

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 public comment on the ordinance.

Janet Pitts asked if the Township was allowed to establish a 1% CAP Bank with a negative CPI COLA.

Manager McPherson said yes, by ordinance they could go to the 3 ½ %.

Mayor Beck closed the public portion.

Councilmember Mazurek motioned to adopt the ordinance, seconded by Councilmember Douglass. The ordinance

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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. #2010-03, An Ordinance of the Township of Lower Amending Chapters 359 and 432 of the Lower Township Code and Regulating the Lower Township Farmer s Market, 2nd rdg. (Adding licensing provisions for farmer s market vendors)

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 public comment on the ordinance.

There were no comments from the public.

Councilmember Douglass motioned to adopt the ordinance, seconded by Councilmember Conrad. 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 .

Administrative Reports

January Reports Animal Control, Construction Official, Dog License, Engineer, Fire Bureau, Municipal Clerk, Municipal Court, Dog Licensing, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad thanked all of the volunteers and paid personnel who helped throughout the storm.

Councilmember Douglass thanked the Mayor for being out in the storm and everyone else who was out in it to help.

Deputy Mayor Lare reminded everyone at the Townbank Fire Hall tomorrow there would be a memorial service for David Douglass.

Mayor Beck said it was a heck of a storm and hoped they don t see another one.

Public Comments

Board Appointments

Joe Winters of Florida Avenue said when Council was talking about the policy and procedures keep in mind when considering someone they should attend meetings and help with some of the programs. He didn t want to see someone appointed just because they knew someone, look at the whole picture. He said we all had friends and sometimes friends weren t the best ones to put in that position.

Police

George from Seashore Road, asked if the Township was going to try the tier policy that he read about in the paper. Mayor Beck said that would be for new hires.

Solicitor Monzo said they were still trying to have some negotiations so he couldn t comment on it.

Winter Storm

George said a lot of people had problems with electric during the storm, maybe the Township could sit down with Atlantic Electric and discuss the possibility of underground electric.

Manager McPherson said the outages were all over.

Councilmember Douglass said at one time there were at least 50 trucks from other states coming here to help.

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He said it was a real good program and the trucks were disbursed to other areas to help. He felt they did what they could for our area.

Mayor Beck said he was shocked they had the power up in a week. He again said it was a heck of a storm.

Joe Kremp of 304 Frances Avenue asked if there would be a branch pick up. He asked about the storm drains because some of them were blocked.

Manager McPherson said they were working on both problems.

Board Appointments/ Beach Replenishment

Janet Pitts said she felt the Township could come up with an objective criteria for each of the boards.

Councilmember Conrad said they had to change the form they had a generic form currently.

Ms. Pitts asked about the beach replenishment issue .

Manager McPherson said she was having a discussion with FEMA right now and trying to get money for Township owned beaches.

Ms. Pitts said Amy Kradick was still with the DEP and she pushed for the horseshoe crab moratorium. She said also part of that was protecting their habitat through beach replenishment.

Manager McPherson said it was a joint effort of DEP and the Army Corp.

Board Appointments

Ed Butler said he wanted clarity on Councilman Douglass sending an email to the Clerk with his recommendations of new appointees.

Councilmember Douglass said not his recommendations his scoring value.

Mr. Butler asked if each Councilmember did it.

Councilmember Conrad said yes , Deputy Mayor Lare said yes , Mayor Beck said no .

Township Clerk Kammer said it wasn t done for the MUA.

A discussion ensued regarding the scoring system for the recreation board and the emails.

Clerk Kammer explained the emails she received and those she didn t receive.

Walter Miller 1518 Mian Street, he saw in the paper about not violating the open public meetings act and said he didn t believe that

Councilmember Conrad said what they don t do is talk as three people. He said he directed all emails one on one. He said everything was sent to the Clerk. Nothing was sent between Council.

Mr. Miller said to Council they didn t want to do this in public because they didnt want to air anyones dirty laundry. He said he wanted to know if someone had dirty laundry if they were going to be on a board or have anything to do with the town. He said everyone should be the same.

Councilmember Mazurek said they were asking people to volunteer, he felt as a Council they didn t believe if a person was going to be grill by Council they may not get a lot of volunteers. He said in the past no one had been grilled. He said in the past a member of Council called another one and said I d like to appoint this certain person to the board is that O.K.

Councilmember Mazurek said now they were trying to change the process. He said he agreed with Ms. Pitts in that they want to change the application process to make it conducive to people explaining what their qualifications were for the board. He reviewed the scoring process again.

Mr. Miller asked if it was done when the appointment to the MUA was made?

Councilmember Mazurek said no .

Mr. Miller said he didn t know either applicant for the board, however he had known that Mr. Butler was on the Zoning Board when they were going through the process with CVS. He said only one person on that board, Mr. Butler had worried about the people on Main Street and the neighborhood. He said Mr. Butler had proven to him that he cared about the people.

Mr. Miller asked why wasn t his qualification good for the MUA compared to Mr. Manns and why was he chosen over

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Mr. Butler who had experience and why wasn't that taken into consideration?

Mayor Beck said he did take that into consideration and they were going in circles with it.

Mr. Miller asked what was the vote was on it?

Councilmember Mazurek said the vote was 3- 1 and he abstained.

Winter Storm/ Rescue Squad Building

Mr. Miller thanked the Police Department for their assistance with the storm. He thanked the Township Manager for helping with the construction problems at CVS. He felt the noise ordinance should be changed. He said he saw 11 plows with two men pass his house with the plows up. He said they did a poor job.

Mr. Miller said he had a problem with Mr. Conrad and he had gone to him about the Rescue Squad Building. He said the people who work there speed up and down the road.

Councilmember Conrad said to call the police if he sees people speeding down the street.

John O Rourke of Main Street said many people had done a good job. He said Public Works was a joke.

Resolution #2010-77, 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 (Litigation - Fondacaro)

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 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 Deputy Mayor Lare the meeting unanimously adjourned by verbal ayes at 9:25 p.m.

Mayor

Township Clerk

Approved: March 1, 2010