

Regular & Work Session Meeting Minutes -July 7, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 7, 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, Kathleen McPherson, Manager and Asst. Clerk Horwath

Certificates of Appreciation - Sponsors of the Independence Day Festival Fireworks

Mayor Beck said he had certificates for the sponsors of the Independence Day Festival. He said Deputy Mayor Lare had done a lot of the leg work. He said everyone pulled together for the event.

Deputy Mayor Lare said he couldn't express how proud he was to see all the people who attended. He said the real thanks went to the business owners who went into their pockets in the current economy to pitch in. He received calls for three days from the people who attended and supported the event.

WORK SESSION

Review of Consent and Regular Agenda Items

Councilmember Douglass asked that resolution #2010-184 be moved to the regular agenda.

Councilmember Conrad asked that resolutions #2010-178 thru 180 be moved to the regular agenda.

Public Questions on Consent Agenda and/or Regular Agenda Items

No public comment.

CONSENT AGENDA

Approval of Minutes	June 21, 2010
Res. #2010-174	Payment of Vouchers, \$1,535,233.71
Res. #2010-175,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Atlantic County JIF Grant, \$7,050.00)
Res. #2010-176,	Authorization for Payout of Terminal Leave (J Laskey, \$1455.57)
Res. #2010-177,	Over the Limit Under Arrest 2010 Statewide Crackdown Grant
Res. #2010-181,	Liquor License Renewals (Diamond Beach Beach Club & Acme)
Res. #2010-182,	Acceptance of Bid and Contract Award for Two (2) 2010 Dodge Chargers with V8 Hemi Engines with Police Package (Hertrich - Total cost \$43,618)

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Res. #2010-183, Resolution Supporting Lower Township Independence Day Festival for 2011& Authorizing All Donations Be Put Into Reserve Account For The Event

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

Res. #2010-178, Appointment to the Recreation Advisory Board (3 Regular Members & 1 Alternate)
Councilmember Conrad motioned to accept the applications of Ralph Osbourn, Frank Simonsen, Debbie Johns and Arthur Stig Blomkvest. Councilmember Mazurek 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".

Res. #2010-179, Appointment to the Planning Board (2 - Class IV and 1 Alternate)
Mayor Beck asked for Council comments on the resolution.
Deputy Mayor Lare said he would like to nominate Chris McDuell, Dan Senico and Paul St. John.
Councilmember Conrad agreed with it.
Mayor Beck asked why they were reappointing two and not the third one.
Mayor Beck asked for public comment.
Ed Bulter asked why his application wasn't reconsidered after spending two years on the planning board and certified by the State of New Jersey.
Councilmember Conrad said he went through every single one of them.
Mr. Butler said it was probably a political appointment like the MUA. He asked each of the Councilmembers why he wasn't reappointed.
Councilmember Conrad said he wanted a positive approach to the Township and he had been very negative.
Councilmember Mazurek said he represented Ward II and there had been no representation in his ward. He would vote for the change and then there would be representation from each ward.
Mr. Butler said Councilmember Mazurek was a lame duck.
Councilmember Mazurek said people from Ward II deserved to have representation on the planning board and a person applied who seemed to have good qualifications.
Mayor Beck said Mr. Butler had a tenancy to ruffle feathers, but would like to see him back on. He would like to put him back on but he didn't think it would happen.
Deputy Mayor Lare said frankly when Mr. Butler stood at the microphone and made the statement that the school boards were a farce and the teachers were getting rich and kids weren't learning anything in the schools, he couldn't support his candidacy.
Mr. Butler said look at the State it was a proven fact.
Councilmember Douglass said the statement Deputy Mayor Lare referred to was a negative statement. He said he reviewed all the applications and felt they chose the best applicant.
Mr. Butler said He would be as direct as he could be for the people of the Township.

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Councilmember 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".

Res. #2010-180, Appointment to the Zoning Board (1 Regular Member & 1 Alternate)
Councilmember Douglass nominated Ernest Utsch and Christopher Kobik.
Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Mazurek.
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".

Res. #2010-184, Certification of Lot Clearings (6 properties)
Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Mazurek.
The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "abstain", Deputy Mayor Lare, "yes", Mayor Beck "yes".

Administrative Reports

Personnel Action Report

Council Comments

Fireworks

Councilmember Conrad said Saturday was the grand opening of CVS and the Farmer's Market would be starting on Friday and the Whale of a Day would be on Saturday. He said he would not be at the next council meeting he would be away at boyscout camp.

Councilmember Conrad said he also received great feedback on the fireworks. He thanked the Police, Fire and Rescue.

Councilmember Mazurek said Deputy Mayor Lare and the Staff did a wonderful job in making the fireworks happen. Councilmember Douglass also thanked everyone and special thanks to the residents along Beach Drive who helped to make it festive. He said next year the residents along Beach Drive did ask if the fireworks could be held on he July 3rd or July 4th that would be better. He said Steve Russell needed to be thanked for all of his work as well. He also thanked the Public Works, Police, Sheriff etc.

Councilmember Douglass wanted to thank Sheri Hemingway for reaching out to the business.

Deputy Mayor Lare said he also wanted to thank the Police, Fire, Rescue, etc. for their support and help. He said there was a resolution on the agenda to support the Independence Day Festival for next year and they were going to have a meeting next week to discuss how to make things better and out of that would come a date. He said the date they were looking at July 3rd. He stated the Township received a rebate from JIF for having a good safety record and he thanked the people in house and the JIF Commissioner Claudia Kammer for a job well done.

Deputy Mayor Lare said since the money could be used towards events, and he would like to use \$2,000 toward an employee picnic at one of the local campgrounds who offered to have the event.

Council all agreed to it.

Mayor Beck said they would be going over the fee schedule for various services in the near future. He stated on the lot clearings only \$25.00 administrative fee was being charged and there was a lot of time involved in it. He said they needed to look at ways to collect revenue.

Mayor Beck mentioned the Farmers Market would be starting on Friday at 3:00 pm. He said the fireworks were fabulous and an event like that built community whether it was the block party or the Farmer's Market. He also

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added the Fishing Creek School looked great.

Public Comments

Negotiations

Janet Pitts, Lower Township Taxpayer's Association said she belonged to many organizations and one of the things they were looking at was the Open Public Meetings Act as it related to contract. She stated she would like to see the public have some knowledge as to what the union's were asking for and what the Township offered them. She said the union made the members aware of what the offer was and felt the public should be informed.

Solicitor Monzo said sometimes the discussions were in closed session which entailed the give and take and what the bargaining position was and what the bottom line was. He felt those type of discussions could be harmful to the Township if it was given to the public. He said if an offer was made then that type of information could be disseminated.

Janet Pitts asked what the unions told their rank and file.

Solicitor Monzo said it wasn't known what was discussed internally; they showed publically what they put out as a bargaining position.

A brief discussion ensued about the public attending negotiations.

Mayor Beck asked if when they sat at the table for negotiations would it be a problem if the public was there.

Solicitor Monzo said that would be difficult.

Ms. Pitts said just to give them an update.

Solicitor Monzo said the information discussed and the positions of the parties could be know without harm to the Township. He said a report could be given to Council as a public document.

Councilmember Mazurek didn't feel they needed to be that specific. He said as a negotiator for the Teachers he never gave a report after each negotiation. He gave a brief overview of the negotiating process. He could see giving an update towards the end of the process.

Mayor Beck discussed past negotiations and asked if there was a chance for the public to see the contract.

Solicitor Monzo said maybe a summary of the changes that were made to the contract.

Ed Butler, VP of the Taxpayers Association said the contracts were agreed upon by Council and no one knew until after it was done. He felt the Township should put that out prior to the vote as the taxpayers were paying the bill.

Mayor Beck said they were all committed to giving the information out and they had to think about it.

Outfall Pipe at Broadway

Carlos Alverino of the Villas asked for an update on the water pipe at the bay and Broadway . He said it was causing flooding in front of his property.

Manager McPherson said the work would be in the fall because they couldn't go on the beach right now.

Mr. Alverino said he was told by DPW to call the Police when it flooded.

Gary Douglass of DPW said they couldn't go on the beach now with the machine, he would get in touch with Hatch Mott the Engineers.

A discussion back and forth on not being allowed to go on the beach and what could be done now about the flooding.

Mayor Beck said they would reach out to the State and see if they could get permission to go on the beach.

Villas Wildlife Management Area

Joe Winters said Stockton College was supposed to do something there and they hadn't done anything yet. He said they were looking to purchase another property in Atlantic County.

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Mayor Beck said he tried to reach out to them but he wasn't successful. He did speak to Amy Kradick from DEP and she felt they were on the verge of signing a lease with them. He said they did send some people down and did some work there.

Mr. Winters said it had been dragging on and on. He mentioned the MUA received a nice grant.

Police

Mr. Winters asked if Council was notified in 2007 that the police paperwork wasn't up to date.

Mayor Beck said it was an ongoing investigation and would refer it to the Solicitor.

Mr. Winters asked how did the Township get accreditation.

Mayor Beck said he couldn't answer that.

Fishing Creek

Frank Serraco of E. Tampa Avenue asked if anything had been done about with Resolution #139 regarding Fishing Creek as maintenance or pumps.

Councilmember Conrad said they were waiting to hear from the County Engineer who claims he didn't receive the resolution.

Mr. Serraco said there was a drought now, but come the fall it could be too late to do any maintenance.

Councilmember Conrad said he would call Dale Foster, County Engineer again.

Councilmember Douglass suggested Mr. Serraco attend a County Planning Board meeting because various issues came up at those meetings.

Mr. Serraco said he had attended the County meetings.

Res. #2010-185, 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

Councilmember Mazurek 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".

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 8:42 p.m.

Mayor

Township Clerk

Approved: