

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 2, 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

#### Presentations

##### Certificate of Recognition - Marvin Hume

Mayor Beck said Marvin Hume was recently recognized by CBS. He said Mr. Hume had 6,000 plus ceremonies at Sunset Beach over the past 38 years honoring the veterans who had given their lives. He said Mr. Hume was a credit to all the veterans and to Lower Township.

##### Certificates of Recognition - Fishing Creek School

Mayor Beck called Norris Clark up to assist with the presentation of the certificates and also to give an update on the Fishing Creek School.

#### **WORK SESSION**

##### **Fishing Creek School - Update & Presentation**

Mr. Clark thanked the Mayor and Council, Margaret Vitelli and Colleen Crippen for their help and assistance. He said they now had a nine-member board and have had seven meetings. He said Anco Home Center donated paint for the building and he was looking at a grand opening date of October 2, 2010. He said he had handed out brochures identifying Lower Township's historical treasurers. He said he would give Council updates as things progressed.

##### **Discussion of various license fees & proposed increases**

Mayor Beck said he would have the department heads give a brief explanation of the fee increases. He started by explaining the process Code Enforcement went through to place a lien on a property. The current administration fee was \$25.00 and felt it should be \$500.00 because there was a lot involved in placing a lien. He said the Township was acting as some people's lawn care service. He said in raising the fee it may wake some people up.

Bill Galestok said the money may not be collected for years.

Council all agreed to raise the fee to \$500.00.

Bill Galestok reviewed each of the fees that were charged for Zoning & Planning applications and the increases.

Mayor Beck asked what did the board look at when considering the increases.

Mr. Galestok said they did check with other towns.

Councilmember Conrad said considering the economy did the Township want to raise the fees to the max?

Mr. Galestok agreed and said they needed balance.

## Regular & Work Session Meeting Minutes - August 2, 2010

Councilmember Mazurek said he felt some of the increases were significant. He said many contractors were having a hard time due to the economy.

Councilmember Conrad said he would like to see what some of the other towns charged.

Manager McPherson said she did have some comparisons and she would give Council a copy.

Deputy Mayor Lare said he couldn't support it, he felt it was too high.

Mayor Beck said they would get more information and discuss it again.

Zach Zelwak, Recreation Director reviewed his current fees and proposed increases. He said other towns had charged more. He said the pool fee increased \$1.00 and there hadn't been an increase since 1985.

Councilmember Conrad said it sounded reasonable and he gave a good comparison with other towns.

Council agreed with his increases.

Mayor Beck reviewed the campground fees with the Township Clerk.

Councilmember Conrad said he wasn't sure he wanted to charge \$10.00 per site for the campgrounds. He said the owners paid a lot in real estate taxes.

Council settled on \$7.00 per site except Deputy Mayor Lare wanted to hear from the campground owners.

Council agreed for the fee of the Mobile Home Park to be raised to \$100.00.

Mayor Beck discussed the liquor license fees.

Clerk Claudia Kammer said they could raise the fees but the State had a maximum that could be charged. She said if all the fees were raised it would be a total of \$13,800.00.

Joe Winters asked when the last time fees were raised.

Councilmember Mazurek said to review the increases and then hear from the public.

Mayor Beck said he wanted to hear from the department heads and how they came up with the increases.

Deputy Mayor Lare said they were asked to increase the fees. He said many of the people paying the fees also paid taxes. He said the figures showed a dramatic increase.

Mayor Beck said they needed a starting point. He said after they heard from the Department Heads and the public; then Council could go back and rework the figures.

Clerk Kammer went over the fees for rental units. She then went over the fees for Marinas and the increases.

Mayor Beck said he saw room for an increase there.

Councilmember Mazurek said the marina owners had increased their slips for revenue and felt a little increase was necessary, not 100%.

Councilmember Douglass said he wanted to wait to hear from the public.

Deputy Mayor Lare said he would also wait to comment.

Mayor Beck said their backs were against the wall. He said they were people who came down here on the weekend and required the Township to provide them services.

Councilmember Conrad asked if they could get the information from the police department on the number of calls they received for the marinas.

Mayor Beck reviewed the current fees and proposed fees for apartments and hotels with the Clerk.

Mayor Beck asked Gary Playford to go over the fees for the Construction Office.

Mr. Playford said it was all driven by economics. He felt the Township should charge the State minimum since the Township fees were below that. He said other towns were currently at the state minimum.

Mayor Beck asked Gary Douglass to review the charges for Public Works.

Mr. Douglass said he wasn't proposing an increase but to charge for commercial trash collection. He said the fees were already established in the solid waste ordinance. He said his proposed fee would come to about \$6.00 per yard. He said there were businesses that received one pick up a week for a 30-yard dumpster. He said it would not be a savings to do away with that. He said he would charge \$125.00 per week and that was well under what it would cost if the Township didn't pick it up.

Mr. Douglass did state that most towns did not pick up commercial trash. He recited some of the towns that the businesses used private haulers.

Mayor Beck opened the meeting to the public comment on the fees at 8:05.

Joe Winters of Florida Avenue felt the fees did need to be raised. He said the Marinas didn't charge the same fees

## Regular & Work Session Meeting Minutes - August 2, 2010

every year just like the campgrounds. He said he didn't want to see people hurt. He said if someone didn't help it would be put on the taxpayers. He said the cost of everything went up and he didn't want to see anyone lose their job and the fees hadn't been raised in years.

Mr. Winters said he would like to see the increases.

Jay Sporal of Seashore Campsite and CMC Chamber of Commerce said he had a comment about the trash. He said years ago he put out 30 cans and they were collected. He said in the past they had their own trash truck and he didn't see a problem in having to pay for trash pick up. He said his assessment had gone up. He made a comment about the people who came here and said those people put money into the community by going to the stores, restaurants and marinas.

Mr. Sporal said the site fee increase to \$6.00 would be alright with him. He didn't want to hear campgrounds put down. He said he paid his fair share of taxes and they were paid on time. He said he would continue to do his fair share. He stated the campgrounds were locally family owned except for one.

Sheri Hemingway, Lower Township Chamber of Commerce President wanted to remind Council that most of the businesses were mom and pop businesses and second and third generations. She said they were constantly giving back to the community. She said there were a lot of empty stores already in Lower Township. She said all they were hearing was how the businesses could help, how about the Township helping.

Rick Weber of South Jersey Marina said he didn't mind a fee increase that was reasonable. He questioned the fee for a slip vs. a hotel room fee. He said they hadn't had a rate increase in two years and there wasn't one this year. He said the businesses weren't passing it on and a fair and reasonable increase would be alright.

Ernest Utsch of Utsch's Marina spoke against the proposed increases to the marinas and campgrounds. He said they hadn't increase their fees for the past three years. He said he hadn't had a full marina for three seasons. He said the name of the game was to hold on to customers. He said his workforce had been cut 30%; there wasn't the amount of business like before. He stated he never used the Township for trash pick up and shouldn't single out certain types of businesses.

Mr. Utsch said he had high real estate taxes and recently entertained offers and considered moving.

Bill Greenfield of Villas said raising the fee \$2.00 on a million dollar property wasn't bad. He said the businesses increased their fees every year. He said everyone needed to help.

Ralph Farrell of Snugg Harbor Marina said he hadn't raised his fees in three years and mentioned any increase was to cover expenses. He asked other than the trash expense what other expenses did the Township have at his marina?

Mayor Beck said the Township was taking on the expense of the people coming here and there were costs involved.

Mr. Farrell said he was assessed at \$3,000 per slip and he had to pay for his store; if they needed to charge, charge fairly.

Mayor Beck said in 1983 the slip fee was \$4.00 and twenty years later it was raised \$1.00.

Mr. Farrell said it was alright with some increases, but do it fairly.

Councilmember Conrad said the business owners were paying taxes.

John Fleming said the idea behind the Governor's 2% CAP was to discourage the municipalities from putting the burden on the taxpayers. He felt Council should look hard at what they were doing before they raised their fees. He said they had done a good job so far and should look harder.

### Review of Consent and Regular Agenda Items

No Council comments.

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

No public comments.

**Consent Agenda**

- Approval of Minutes July 7, 2010 & July 19, 2010  
Res. #2010-196, Payment of Vouchers, \$4,062,209.63  
Res. #2010-197, Renewal of Commercial Excavation (Gravel Pit) Licenses for A & H Mining & Recycling LLC (Annual renewal of 3 licenses)  
Res. #2010-198, Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments & Recommendations (Annual certification)  
Res. #2010-199, Authorization for Refund of Taxes  
Res. #2010-200, Resolution approving an Interlocal Services Agreement Between the Lower Cape May Regional Board of Education & the Township of Lower (Class II officers)  
Res. #2010-201, Authorizing of Pay Out of Terminal Leave (A. Flitcroft \$64,968.47)  
Res. #2010-202, Authorizing Pay Out of Terminal Leave (H. Carty - \$52,682.96)  
Res. #2010-203, A Resolution to Authorize the Submission and Acceptance of a DCA Grant for Americans with Disabilities Act Improvements to the Naval Air Station Wildwood Aviation Museum  
Res. #2010-204, Certification of Lot Clearing Charges to the Tax Collector (4 properties)  
Res. #2010-205, Issuance of Additional Limousine License to a Sharper Limousine  
Res. #2010-206, Application for 2011 Drug Enforcement and Demand Reduction (DEDR) Grant Funds (Annual Renewal)  
Res. #2010-207, Approval to Submit a Grant Application and Execute a Grant Agreement with the N.J. D.O.T. for the Wildwood Avenue Project.  
Res. #2010-208, Resolution Approving Project Proposal Between hatch Mott Macdonald and the Township of Lower For Engineering Services Related to NJ DOT Municipal Aid FY2011 Application for reconstruction of Wildwood Avenue (\$1500)  
Res. #2010-209, Garden State Historic Preservation Trust Fund Grant Application for \$43,200 for Rehabilitation of the Fishing Creek School

On motion by Councilman Douglass seconded by Councilman Conrad, the consent agenda was approved 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. #2010-07, An Ordinance of the Township of Lower Establishing A Separate Department to Implement the Enforcement of the Uniform Fire Safety Code Within the Township of Lower, was presented for second reading and final adoption.  
The Clerk announced the ordinance had been published and posted according to law.  
Mayor Beck opened the meeting to the public for questions on the ordinance.  
No further questions, Mayor Beck closed the public portion.

On motion by Councilman Douglass seconded by Councilman Conrad, the ordinance was approved by the following roll call vote: Councilmember Conrad, yes , Councilmember Mazurek, yes , Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck yes .

**Administrative Reports**

Personnel Action Report

Department Reports    May - Municipal Judge,  
                                 June - Fire Bureau & Municipal Judge  
                                 Tax Collector's Certification of Mailing

**Council Comments**

Councilmember Conrad mentioned the NJ Clean Energy Program and gave the website for different programs and rebates to make their homes more energy efficient.

Deputy Mayor Lare said he felt everyone benefitted from discussions like they had. He wanted to stay away from the Robin Hood Theory of taking from one and giving to another. He said the small business owner made the County go and they had to be careful they didn't create a slippery slope.

Mayor Beck said it was very difficult and it was their responsibility and just like budget time sometimes it was difficult to make decisions. He said it wouldn't be to everyone's liking. He said they were not rushing the ordinance through. He announced some upcoming events such as National Night Out, Coombs Douglass Run and family Movie Night would be starting this month.

Mayor Beck said Steve Sheftz asked him to announce that Jerry Keehler would be at the next meeting to explain the Township Water Loan Program.

**Public Comments**

Cinnamon Kelly said she had attended to talk about Mulligan Field playground. She said one of the machines were broken and the mulch was gone from under the swings. She said two years ago she had received a grant from the NPP, but she never signed off on the loan due to many problems with the work. She was still waiting to hear back from the contractor.

Zack Zelwak said he was working with Colleen Crippen on a grant to redo the playground.

Res. #2010-,210    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 Lare the meeting unanimously adjourned by verbal ayes at 9:35 p.m.

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Mayor

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Township Clerk

Approved: August 16, 2010