

Regular & Work Session Meeting Minutes - October 4, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 4, 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

Proclamation - Put the Brakes on Fatalities Day (Oct. 10th)

Mayor Beck read a Proclamation for Put the Brakes on Fatalities Day on October 10.

WORK SESSION

Discussion - Request of First Assembly of God to Accept Management of Parcel

Mayor Beck said Pastor Newell was present to discuss the request from First Assembly of God.

Deputy Mayor Lare said Pastor Newell had sent a letter to Council about six weeks ago asking if the Township wanted to maintain a parcel of land the church wanted to sell to the County.

Pastor Newell said the County wanted some type of maintenance agreement before any action would be taken.

Solicitor Monzo said he hadn't spoken to Barbara Ernst from the County, but what he understood the Township as a condition of the sale through the Open Space Program would lease the parcel for a public purpose and within that would be some responsibility for maintenance of the ground. He said it would be owned by the County but leased to the Township for those purposes.

Mayor Beck said in wanting to support Pastor Newell there was the issue of cost to the Township. He said the property appeared to be in a natural state now and it was a beautiful piece of ground. He said he understood the County wanted the Township to take it over because of the distance it would be for them to maintain it. He asked Pastor Newell if maybe the church could cut the grass a couple times a year.

Mayor Beck also mentioned the issue of insurance if a child would get hurt on the property. He said they would like to help him out with it.

Pastor Newell said it wouldn't be a problem to help with the grass cutting.

Councilmember Mazurek asked if they had done anything with the property in the past.

Pastor Newell said it had been farmed.

Councilmember Mazurek asked if the Township would be able to lease out the property for farming.

Regular & Work Session Meeting Minutes - October 4, 2010

Solicitor Monzo said he would check into it and see if bidding was required and they could write specs.
Mayor Beck said he would like to check with JIF and see what the cost would be and also make sure they could get an easement.
Councilmember Conrad said all his questions had been answered.
Councilmember Mazurek and Douglass were in agreement with it.
Mayor Beck said they would check into those couple things and then reconsider it.

Review of Consent and Regular Agenda Items

Councilmember Conrad made a motion to postpone Res #2010-263 & #2010- 264.
Solicitor Monzo said if they were being removed they would have to amend the agenda.
Councilmember Conrad motioned to amend the consent agenda ,Seconded by Councilmember Mazurek.
The motion carried by the following roll call vote: Conrad yes , Mazurek yes , Douglass, yes Lare, yes Beck, yes .
Deputy Mayor Lare asked about Res. #2010-261, was it required as part of the application for the grant.
Manager McPherson said it told Colleen Crippen how to administer the program.
Deputy Mayor Lare asked if there were restriction with the grant on the inspector and why were they using a another inspector instead of the Township inspector?
Manager McPherson stated that was who Colleen had been using and he was paid through the grant.
Deputy Mayor Lare asked if our Construction Official could do the inspections ?
Manager McPherson said she would speak to Colleen about how the person was selected.
Deputy Mayor Lare motioned to table Resolution #2010-261, seconded by Councilmember Douglass. The resolution was tabled by the following roll call vote: Councilmember Conrad yes , Councilmember Mazurek yes , Councilmember Douglass, yes Deputy Mayor Lare, yes Mayor Beck, yes .

Public Questions on Consent Agenda and/or Regular Agenda Items

Ed Butler asked for clarity on Resolution #2010-258 regarding the Elks.
Manager McPherson said there would be a basketball tournament at Christmas time.
Mayor Beck said all proceeds would be shared between the Recreation Center and the ALS Hope of Cape May County.

CONSENT AGENDA

Approval of Minutes	September 20, 2010
Res. #2010-255,	Payment of Vouchers, \$1,792,782.27
Res. #2010-256,	Authorization for Refund of Taxes (1property State Tax Appeal)
Res. #2010-257,	A Resolution Requesting Reduction of Performance Guarantee for Cape May Mobile Estates Major Site Plan; Block 510; Lots 14.01, 15.01 & 16; Escrow # P07-09-04
Res. #2010-258,	Resolution Supporting the Greater Cape May Elks Tom Beheler Youth Basketball Tournament
Res. #2010-259,	Authorizing Pay Out of Terminal Leave (P. Felder \$3,895.31)
Res. #2010-260,	Resolution Approving Professional Services Contract Between White and Williams, LLP and the Township of Lower and Authorizing the Execution of a Professional Services Contract for Same (Re:Fondacaro v Twp.)
Res. #2010-261,	Small Cities Housing Rehabilitation Program Policy and Procedural Manual

Regular & Work Session Meeting Minutes - October 4, 2010

- (required by grant) **tabled**
- Res. #2010-262, Awarding Delaware Bay Shore Outfall Extensions Contract No. M-3(Broadway, Shadeland Ave., Beverly Rd., Emerson Ave., Lincoln Blvd.)
- Res. #2010-265, A Resolution Authorizing the Sale of Surplus Vehicle (Sale of 2005 Crown Victoria to WCM for Fire Police

Councilmember Douglass 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 .

Regular Agenda

Ord. #2010-10, An Ordinance Amending Chapters 185, Brush, Grass and Debris; 206, Unfit Buildings; 235, Uniform Construction Code; 400, Land Development; 432, Mercantile Licenses; 500, Property Maintenance; 570, Solid Waste, to Update the Fees Related to Each Chapter
The Clerk announced the ordinance notice had been posted and copies of the ordinance had been made available.

Mayor Beck opened the meeting for comment on the ordinance.

No public comment.

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

Personnel Action Report

August Reports - Municipal Court, Treasurer

Council Comments

Councilmember Conrad said Emergency Services took part in a drill recently and had their plans tested. He said it was stated they were some of the best plans in the area.

Run for the Forgotten Warriors

Mayor Beck said they had the honor last weekend of having the Gold Star Mothers come down for the Forgotten Warriors Run . He said they attended the Flag Ceremony at Sunset Beach and it was incredible. He said it started out as an email and Eileen Kreis took the ball and ran with it. The VFW Post held a dinner for them on Friday night. He said the race took place on Saturday.

Mayor Beck said it was a bitter sweet day.

Deputy Mayor Lare said Eileen put in a lot of time and deserved the credit.

Atlantic Cape Community College

Mayor Beck said the college would be holding open house on October 13th from 2:00 - 6:00 p.m. at the Cape May Court House campus.

Regular & Work Session Meeting Minutes - October 4, 2010

Public Comments

Eileen Kreis thanked Council for their kind words and also thanked the business and everyone who supported the event. She said it would be an annual event and would always hold the run on the last weekend in September.

Bob Rizzo - Councilmember Conrad Exchange

Bob Rizzo of Mickles Run said he had been a resident since 2001, a graduate of Temple and a teacher for 34 years. He said he had initiated an after school program for children and it was successful. He said his love for children and their physical well being was obvious. He said Councilmember Conrad made a statement at the last meeting comparing him to Al Sharpton. He felt it was unwarranted and made no sense. He said he should ask for an apology and said he forgave him for the comment.

Mr. Rizzo said Councilmember Conrad s comment never appeared on the television so the public never heard it.

Library Parking Lot

Mr. Rizzo said his daughter wrote a letter about the kids on bikes and hanging out in the library parking lot. He said the Librarian and the Police had been notified about the kids.

Manager McPherson said she met with the Library Director and the Police to get some ideas of what could be done. She said it was mentioned that maybe the Sheriff's Department could patrol at night.

Mayor Beck said cameras were being installed at Township Hall.

Manager McPherson said the recreation aides were going out at night and checking.

Cellphones

Mr. Rizzo asked if something could be done about people talking on their cellphones while driving.

Mayor Beck said there seemed to be a disregard for that law and he would talk to the police about it.

First Assembly of God - Management of Parcel

Fred Long of Cold Spring asked if the request came from the County about maintaining the church property?

Manager McPherson said the County had asked them to maintain it because it was to far away.

Res. #2010-266. A Resolution 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 (Litigation, Negotiations, Atty. Client)

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 Mazurek motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal ayes at 8:38 p.m.

Mayor

Township Clerk

Regular & Work Session Meeting Minutes - October 4, 2010

Approved: October 18, 2010