

Regular & Work Session Meeting Minutes - November 15, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on November 15, 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

**WORK SESSION**

Review of Consent and Regular Agenda Items

No Council comments.

Public Questions on Consent Agenda and/or Regular Agenda Items

Ed Butler, 7 W. Delaware Bay Drive asked about the money to be passed to the airport. He said he would like funds to go to the Fishing Creek School. He felt it wasn't helping the Township to keep passing money through other nonprofit organizations and he asked to consider Friends of Fishing Creek School next year.

Tom Firisoli of E. Jacksonville Avenue said in the early 1990's he worked on grants for the Fishing Creek School and asked what happened?

Mayor Beck said there was nothing done with the building until a year ago. He said the Grant Coordinator applied to the Historic Trust for the Fishing Creek School.

Ed butler said the current grant was for \$49,000.00 and was for the school not the ground or anything else. He said they should be helped out.

Mayor Beck recommended the Friends of Fishing Creek School Board make a formal recommendation.

**Consent Agenda**

Approval of Minutes	November 1, 2010
Res. #2010-283,	Payment of Vouchers, \$212,536.55
Res. #2010-284,	Approving Seashore Church of Nazarene's Application to Conduct Flea Market (Dec 11)
Res. #2010-285,	A Resolution Requesting Release of Maintenance Guarantee for Seashore

Regular & Work Session Meeting Minutes - November 15, 2010

- Res. #2010-286, Campsites, Inc. : Block 501, Lots 9.01 & 12; Escrow #P05-09-09  
Transfer of 2010 Appropriations (\$9,000.00)
- Res. #2010-287, A Resolution Requesting Release of Performance Guarantee and Maintenance  
Guarantee for Del Camino Mobile Home Park; Block 443, Lots 15.01, 15.02, 16 &  
17; Escrow #P00-06-01
- Res. #2010-288, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 (Body Armor Grant - \$3,811.57)
- Res. #2010-289, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 (Body Armor -Federal \$2,869.25)
- Res. #2010-290, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 (Sustainable Jersey Small Grant - \$1,000.00)
- Res. #2010-291, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 ( Homeland Security Emergency Management Performance Grant -  
\$5,000.00)
- Res. #2010-292, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 (Over the Limit Under Arrest - \$5,000.00)
- Res. #2010-293, Insertion of Special Item of Revenue, Pursuant to N.J.S.A. 40A:40-87, Chapter  
159 (Small Cities CDBG Grant Wildwood Aviation Museum for ADA Compliance-  
\$232,000.00)
- Res. #2010-294, A Resolution Requesting Release of Performance Guarantee for Lake Laurie  
Campground; Block 510, Lot 4.01, Escrow #P09-10-05

Councilmember Mazurek 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. #2010-295, Payment of Voucher - \$300.00

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, abstain , Deputy Mayor Lare, yes , Mayor Beck, yes .

**Administrative Reports**

Personnel Action Report

October Reports Animal Control, Clerk, Construction Official, Court, Dog Licensing, Engineer s  
Report, Fire Safety, Tax Collector, Vital Statistics

**Council Comments**

Councilmember Conrad thanked everyone for his reelection.

## Regular & Work Session Meeting Minutes - November 15, 2010

### Budget

Councilmember Mazurek said he was very distressed that the Township budget information got out to the public and the Press. He thought it was being discussed in private but apparently it had gotten to the papers.

He said six months ago the Township had received preliminary numbers and the way it looked was the Township was coming out about 1million thirty-six thousand short but that wasn't locked in stone until they had the final numbers.

Councilmember Mazurek said they had some closed sessions to discuss the matter. He suggested looking at the budget as a whole and see what each departments portion of the budget they represented. He stated if a department was 30% then they would be asked to cut \$300,000.00. All agreed it was a good idea assessing each department their part of the budget. He said they were at the beginning of the process and the information had been leaked out and now rumors were flying all over the place. He again said the numbers were preliminary and could change by the end of the year. He felt no one should be in a panic mode and he also mentioned the employees were working with them.

Councilmember Douglass thanked everyone for coming out to the meeting.

### Thanksgiving

Deputy Mayor Lare said Seashore Church was having a Thanksgiving Dinner for those in need at the Erma Holiness Camp. He wishing everyone a Happy Thanksgiving and hoped people would attend.

### Mayor s Advisory Board

Mayor Beck said the terms were coming up for the MAB and there were nine openings.

### Tree Lighting and Hospitality Night

He mentioned the Rotary Tree Lighting would be held on November 30<sup>th</sup> at 7:00pm, the Hospitality Night would be held on December 3<sup>rd</sup>.

He read a statement on behalf of Council thanking those who helped within the community and served on the various boards also the employees and the veterans. He wished everyone a Happy Thanksgiving.

### Public Comment

#### Seashore Community Church

Joe Boyle asked where the Seashore Community Church was.

Deputy Mayor Lare explained.

#### Water Conservation Ordinance

Joe Winters asked why the water conservation ordinance was pulled.

Mayor Beck said it needed to be revised and it would be listed on the December 6<sup>th</sup> agenda.

#### Closed Session Minutes

Fred Long asked about Res. #2010-296, closed session and what it was.

Mayor Beck said he didn't know yet.

Mr. Long asked when they would be available to the public.

Solicitor Monzo said they were available after the matter was resolved.

Clerk Kammer explained to Mr. Long how the minutes could be released.

Mr. Long inquired did a member of the public have to go to Council to ask.

Clerk Hammer said the closed session minutes were not online because some things had to be redacted.

## Regular & Work Session Meeting Minutes - November 15, 2010

Mr. Long asked was it decided by Council.

Solicitor Monzo said as long as it was an ongoing matter they could not be released. He said it had to be reviewed on a case by case matter.

Councilmember Mazurek explained how things had been discussed in a close session and been leaked out, closed session minutes were to remain closed until the matter was resolved.

Mayor Beck said on sensitive issues they would have to look at the Solicitor for guidance.

Mr. Long said the only way for a member of the public could get copies were to request it and you couldn't make an intelligent request because you didn't have any way of knowing what it was.

Solicitor Monzo said there were exceptions beyond when a matter was resolved that the minutes couldn't be released.

He suggested Council, Clerk and Solicitor put together a process for people to know how to request closed session minutes. He asked to be notified when he could get a copy of the closed session of the meeting.

Brian McEwing he agreed with Mr. Long's suggestion. He said he would like to know what the litigation was listed as well as what the personnel was perhaps some additional information was needed.

### Fund Transfer

Mr. McEwing questioned the transfer of funds to the election line.

Clerk Kammer explained until the money was received from the County it covered the election cost.

### Engineer's Report

Mr. McEwing asked about the Engineer's Report.

Manager McPherson said work was being done at Township Hall and the parking lots were being reconfigured.

Colleen Hughes said Station Road was dangerous and was concerned with Councilmember Mazurek's comment about the information being put out. She asked if it was a violation of the Faulkner Act.

Councilmember Mazurek said it wasn't.

Solicitor Monzo said it would be a violation of the Open Public Meetings Act but the information was also discussed with the unions.

### Agenda

Mr. Winters asked how did a resolution get listed on the agenda and who decides to pull it off.

Mayor Beck said sometime resolutions were pulled from the agenda.

### Closed Session

Joe Winters said at least one person knew what went on in a closed session.

Deputy Mayor Lare said he requested the closed session through the Solicitor.

Res. #2010-296, 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 (Negotiations and Personnel)

Councilmember Conrad 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, Deputy Mayor Lare motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal ayes at 8:39 p.m.

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Mayor  
Approved: December 6, 2010

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Township Clerk