

## COUNCIL MEETING MINUTES – February 1, 2021

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 1, 2021 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 Kevin Coombs  
Councilmember Roland Roy, Jr.  
Deputy Mayor David Perry  
Mayor Frank Sippel – Via GoToMeetings

Also present: Michael Laffey, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

### Work Session

#### Consent Agenda

Approval of State Fireman's Association Membership Application: J. McDevitt; Erma VFC & T.Dunlevy Jr., Villas VFC

Approval of Minutes/Closed Session Minutes January 20, 2021

Res. #2021-72 Authorization for the payment of Vouchers \$ 854,877.12

Res. #2021-73 Contact Person for the Employment Practices Liability Attorney Consultation Service, Atlantic County Municipal Joint Insurance Fund

Res. #2021-74 Authorizing the Disposal of Township of Lower Surplus No Longer Needed for Public Use

Res. #2021-75 Authorization for the Payout of Accumulated Sick Time (R.Moore \$12,449.68)

Res. #2021-76 Authorizing Payment of 2021 County Taxes (First and Second Quarters) and 2020 Added Taxes

Res. #2021-77 Amend Resolution #2017-119; Professional Service Contract with Parker McCay as Special Counsel Representing the Township in the FEMA Litigation

Res. #2021-78 A Resolution Authorizing the Township Manager and Clerk to Execute Any and All Documents Necessary in Order to Effectuate the Transfer of Title of Real Property Located at 9600 Seaview Avenue, Block 703, Lot 1

Res. #2021-79 A Resolution Designating Lower Township's Municipal Warming Centers

Res. #2021-80 Approval of an Addition to the 2021 Rotary Towing List (D.A.D.'s Towing Services)

Res. #2021-81 A Resolution Authorizing Competitive Contracting for Emergency Medical Services for the Township of Lower

Res. #2021-82 A Resolution Authorizing the Execution of an Addendum to the Memorandum of Agreement between the Township of Lower and the County of Cape May Regarding Code Blue Warming Centers

Ordinance #2021-03; An Ordinance Amending Chapter 432, Mercantile Licenses, Specifically Subsection 4(l), Rental Units, of the Code of the Township of Lower, to Modify Existing Annual Fees. This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for February 17, 2021.

James Sanford, Diamond Beach, addressed Council regarding Resolution #2021-78, to voice disapproval with the sale of the property at 9600 Seaview Avenue.

Solicitor Stefankiewicz explained that the process, dating back five years, was done publically and lawfully.

Tom McNulty, Austin Ave, expressed discontent with the sale of the property at Seaview Avenue.

Solicitor Stefankiewicz reiterated that the contract was negotiated openly and publically.

Jim Keegan, Rochester Ave, voiced concern about the use of the property as a parking lot with an adjacent playground.

Bill Patrone, unknown address, questioned the zoning of the property and how it was approved for use as a parking lot.

Solicitor Stefankiewicz stated that the buyer waived the contingency clause and must apply to the land-use board depending on their intended use of the property.

Mary Perri, Rochester Ave, voiced disfavor with the use of the property at Seaview Avenue and suggested Council visit the property during the summer season.

Wendy Paleck, Austin Ave, accused Council of not caring about the owners of Diamond Beach.

Gail Sarcone, Diamond View Condo, voiced disgust with the condition of the property, calling it a "dumping ground", and further stated her opinion of Mr. Mita and his intentions.

Richard D'Aloiso, Diamond View Condo, agreed with the previous comments from Diamond Beach residents regarding the parking lot, and voiced concern about the quality of life. He urged Council to witness the activities on the property prior to making their decision.

Carl Perri, Diamond View Condo, questioned Council about having a traffic study conducted before making their decision about the property.

Stacy Phini, 210 E Rochester Ave, voiced disapproval with the use of the property as a parking lot for safety and environmental reasons.

Robert Ross, Oceana Condo, agreed with the previous comments from Diamond Beach residents and voiced his desire to see the property used for the common good of the residents, not one sole business owner.

Inaudible name, Diamond View Condo, questioned Council's knowledge of the use of the property and their refusal to cancel the contract.

John Sarcone, Diamond View Condo, pointed out that Icona does not have sufficient parking for their beach bar, restaurant and private events.

Bill Greenfield, Villas, noted the derogatory comments made about Villas from the residents of Diamond Beach. He pointed out the opportunity for Diamond Beach residents to voice their opposition to the land-use board. Solicitor Stefankiewicz reiterated the opportunity for residents to voice their concerns to the land-use board. He further clarified the purpose of Resolution #2021-78, to execute the documents for transfer of title.

Deputy Mayor Perry restated the purpose of the resolution.

Unknown caller blurted offensive name-calling.

On the Consent:

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD		X	X				
COOMBS	X		X				
ROY			X				
PERRY			X				
SIPPEL			X				

**Regular Agenda**

Ordinance #2021-01 An Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A.40A:4-15.14) This is the second reading and public hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			X				
SIPPEL			X				

**Manager's Report**

Manager Laffey updated Council on Township park projects including Rotary Park, Mitnick Park, Clem Mulligan Sports Complex and Diamond Beach Park. He also shared updates on County road improvement projects and information regarding Escape the Cape Triathlon.

**Administrative Reports**

Monthly – Fire

**Call to the Public**

James Sanford, Diamond Beach, voiced discontent with the unanimous decision by Council to approve Resolution #2021-78, against the voices of the residents of Diamond Beach. He commended Council for authorizing competitive contracting for EMS services.

Bill Greenfield, Villas, asked for an update regarding a timeline for beach access improvements. Manager Laffey informed that work will begin at the north end of the Township and move south, with the exception of Village Road.

Mr. Greenfield inquired about navigating the new website.

Eileen Kreis explained.

Mr. Greenfield commented on the changes to the agenda order and the time limit on call to the public.

Tom McNulty commented on the website and requested the new site be maintained with current information.

**Council Comments**

Councilmember Conrad congratulated Eagle Scout Wandile Hannah on his achievement and reminded everyone to stay safe from the inclement weather.

Councilmember Coombs also encouraged everyone to stay safe.

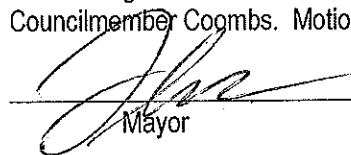
Councilmember Roy echoed Councilmember Conrad's comments.

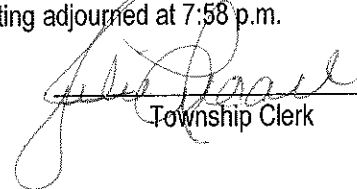
Mayor Sippel thanked LCMR Board of Education for approving the use of their facility to administer the Covid-19 vaccine.

Deputy Mayor Perry reminded residents to check on neighbors and elderly during extreme weather.

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Coombs. Motion to adjourn was unanimous. Meeting adjourned at 7:58 p.m.

  
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Mayor

  
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Township Clerk

Approved: Feb 17, 2021