

## COUNCIL MEETING MINUTES – March 15, 2021

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 15, 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., via telephone  
Deputy Mayor David Perry  
Mayor Frank Sippel, via telephone

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

### Work Session

#### Consent Agenda

Approval of Minutes - March 1, 2021

- Res. #2021-104 Authorization for the Payment of Vouchers \$1,256,940.75
- Res. #2021-105 Authorization for Refund of Taxes
- Res. #2021-106 Approval of Change Order #1 to J & D Services d/b/a Spring Green for the 2021 Fertilizing Services for Various Locations (\$1,200)
- Res. #2021-107 Bid Acceptance and Contract Award for Reconstruction of Miami Avenue, Florida Avenue, Jacksonville Avenue, Tampa Avenue and Elks Lodge Alley (Asphalt Paving Systems \$458,600)
- Res. #2021-108 Authorization for the Payout of Accumulated Compensatory Time (C.Scheid \$5,094.97)
- Res. #2021-109 Authorization for Waiver of Fees for Naval Air Station Wildwood
- Res. #2021-110 Issuance of Ice Cream Peddling and Ice Cream Salesman License for the year 2021 (Mister Softee)
- Res. #2021-111 A Resolution Approving a Shared Service Agreement Between the Township of Lower and the County of Cape May Pertaining to Open Space and Farmland Preservation Funding in Relation to the Clem Mulligan Sports Complex
- Res. #2021-112 Authorizing Payout of Terminal Leave (S.Bailey \$9,476.09)
- Res. #2021-113 Resolution Authorizing the Award of a Non-Fair and Open Contract to Granicus LLC, to Identify Short Term Rentals and Compliance (Granicus, LLC \$26,136.00)
- Res. #2021-114 Authorization to Cancel General Ledger Balances
- Res. #2021-115 Approving a Professional Service Contract with DeBlasio & Associates for the Construction Phase of the Recreation Center Gym HVAC Upgrade (\$9,500)
- Res. #2021-116 Approving a Professional Service Contract with DeBlasio & Associates for the NJDEP CAFRA Permit Application for Beach and Dune Maintenance Activities (\$15,000)
- Res. #2021-117 Renewal of 2021 Campground Licenses
- Res. #2021-118 Approving a Professional Service Contract with DeBlasio & Associates for the Diamond Beach Park Improvements Project (\$4,800.)
- Res. #2021-119 Approving a Professional Service Contract with DeBlasio and Associates for Seaview Avenue Drainage Improvements (\$13,500)
- Res. #2021-120 A Resolution Establishing an Emergency on the Bayfront Beach Access Point Due To Abnormal High Tides Creating Erosion Drop (\$35,000)
- Ordinance #2021-04 An Ordinance Amending Chapter 600, Towing and Storage Area Requirements, Specifically Subsection 5 E ( 4), Towing and Storage Area Requirements; Performance Standards, of the Code of the Township of Lower
- Ordinance #2021-05 An Ordinance of the Township of Lower Amending Chapter 157, Alcoholic Beverages, Subsection 157- 6(D) (1), of the Code of the Township of Lower
- Ordinance #2021-06 An Ordinance Amending Chapter 432, Mercantile Licenses, Specifically Subsection 4, Annual Fees For Mercantile Licenses, of the Code of the Township of Lower, To Modify Existing Annual Licensing and Registration Fees
- Ordinance #2021-07 An Ordinance Amending Chapter 570, Solid Waste, Specifically Subsection 15, Scrapping, of the Code of the Township of Lower, To Modify Annual Licensing and Registration Fees

Ordinance #2021-08 An Ordinance Repealing and Replacing Chapter 575, Stormwater Management, of the Code of the Township of Lower

This is the First reading of Ordinance #2021-04, 05, 06, 07 & 08. The second reading and Public Hearing has been scheduled for April 5, 2021.

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

### Regular Agenda

#### Manager's Report

Manager Laffey spoke briefly about beach erosion along the bayfront and gave Council an update on several matters including: beach pathways, flooding issues, Clem Mulligan Sports Complex, discussions with DRBA regarding the Summer Concert Series and the pathway to Douglass Memorial Park, the collapsed sewer main on Fulling Mill Road, and the sinkhole on Bayshore Road.

Deputy Mayor Perry thanked Manager Laffey for his prompt attention to the beach erosion problem.

Councilmember Conrad confirmed that Evergreen Ave. is on the list regarding flooding issues.

Councilmember Coombs inquired about the timeline for Jonathan Hoffman Park.

#### Engineer's Report

Cody Stanford gave Council an update on the following engineering projects being handled by DeBlasio & Associates: New Public Works Building, Resurfacing of States Ave., Reconstruction of Wilson Drive, Resurfacing of Miami Ave., Florida Ave., Jacksonville Ave., Tampa Ave. and Elks Lodge Alley, Diamond Beach Park, Seaview Ave. Drainage Improvements, and NJDEP CAFRA Permit.

#### Administrative Reports

Monthly Reports – Clerk, Construction, Dog, Tax, Treasurer, Vital Statistics

#### Call to the Public

James Sanford, Diamond Beach, asked what prompted Resolution #2021-113.

Manager Laffey explained the objective, to identify and bring into compliance short-term rental properties that are renting without proper licensing.

Mr. Sanford questioned the fees and terms of the ordinance as well as the identification process.

Deputy Mayor Perry pointed out the violation for not having proper fire safety inspections.

Mr. Sanford continued with questions regarding the fee schedule.

Deputy Mayor Perry suggested Mr. Sanford reach out to the manager during business hours to discuss the details of the ordinance.

Manager Laffey emphasized his availability to discuss Township business during office hours.

Mr. Sanford advised that he represents the Diamond Beach Citizens Action Group.

Deputy Mayor Perry reminded Mr. Sanford of his time limit and advised him to address his questions to Manager Laffey during business hours.

Mr. Sanford made suggestions to Council regarding the rental property fees.

Deputy Mayor Perry asked Mr. Sanford to take a seat.

Solicitor Stefankiewicz intervened to explain to Mr. Sanford that Call to the Public is an opportunity to comment, not cross examine. A brief exchange ensued.

Michael Maahs, 218 Spruce Ave, addressed Council regarding flooding issues on Spruce Ave.

Councilmember Conrad acknowledged that the problem is being addressed.

Manager Laffey reiterated that the flooding issues are being evaluated by the engineer and will be addressed.

Jack Carini, 222 Spruce Ave, addressed Council regarding a clogged sewer system and a continued flooding problem.

Ray Flickinger, Washington Blvd., thanked Council and Manager for their prompt attention to the beach erosion issues along the bayfront.

#### Council Comments

Councilmember Conrad commented on road closures and gave an update on the Foster House and beach access improvements.

Councilmember Coombs commented on the Bayshore Road improvements and beach erosion along the bayfront.

Councilmember Roy agreed with previous comments from Councilmember Conrad and Councilmember Coombs.

Mayor Sippel – no comments

Deputy Mayor Perry gave an update on County drainage projects to Townbank and Bayshore Roads.

**Closed Session**

Res. #2021 -121 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. **Negotiation Updates and Attorney/Client Privilege**

**MOTION TO TABLE CLOSED SESSION**

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

**Council MAY return to open session to take action**

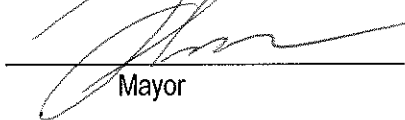
Res. #2021-122 A Resolution Ratifying a Four (4) Year Agreement Between the Township of Lower and Lower Township Office Workers Association – Local #3779, AFSCME District Council 63

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

Res. #2021-123 A Resolution Ratifying a Four (4) Year Agreement Between the Township of Lower and Lower Township Recreation Aids – Local #3779B, AFSCME District Council 63

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

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 7:38 p.m.

  
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 Mayor

  
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 Township Clerk

Approved: *April 5, 2021*