

COUNCIL MEETING MINUTES – April 3, 2017

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 3, 2017 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 David Perry
Councilmember Roland Roy, Jr.
Deputy Mayor Frank Sippel
Mayor Erik Simonsen

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Proclamation - 2017 U Drive, U Text, U Pay

Mayor Simonsen read the proclamation declaring support of the "2017 U Drive, U Text, U Pay" distracted driving crackdown.

Proclamation - Alcohol Awareness Month

Mayor Simonsen read the proclamation declaring April, 2017 as "Alcohol Awareness Month" in Lower Township.

Proclamation - Autism Awareness

Mayor Simonsen read the proclamation declaring April, 2017 as "Autism Awareness Month" in Lower Township. He introduced Jacyn Piszczko, 16 year old resident and student at RMT living with autism, accompanied by Jacyn's mother, Lisa Bryant. Jacyn read his prepared speech describing the effects of autism and encouraging awareness, and he thanked Council and the community for their continued support. Mayor Simonsen applauded Jacyn for a job well done and thanked Ms. Bryant for advocating for families in South Jersey.

Work Session

Presentation – Beach Drive Pedestrian Safety Improvements Project – Manager Jim Ridgway

Manager Ridgway invited Mark Sray, Mott MacDonald, to present the facts about the Beach Drive Pedestrian Safety Improvements Project.

Mark Sray spoke about the 1 ½ mile project along Beach and Shore Drives from Lincoln Boulevard to Fernwood Road and provided photos of the existing conditions and the proposed improvements near Holmes Avenue. He described the purpose of the project, environment permit highlights and the project timeline.

Councilman Perry commented in favor of the proposed project as presented, and pointed out the nonexistence of a boardwalk, ferris wheel and restaurants, and assured that the area is not zoned for commercial use. He communicated that the project will address the public safety issues while maintaining the dunes for storm protection.

Councilman Conrad asked about dune disturbance and lighting. Mr. Sray confirmed that no lighting will be added and dune disturbance will be minimal.

Councilman Perry asked about drainage problems along Shore Drive. Mr. Sray confirmed that the project includes correcting the drainage problems.

Mayor Simonsen asked about upgrading the road and the existing sidewalk on the east side. Mr. Sray confirmed that both will be upgraded.

Deputy Mayor Sippel stated his approval of the project in an effort to correct safety hazards and comply with ADA guidelines.

Consent Agenda

Approval of Minutes

March 20, 2017

Res. #2017-110

Approval of Vouchers \$29,671.73

- Res. #2017-111 Authorization for Refund of Taxes (5 properties)
 Res. #2017-112 Authorizing Payment of 2017 Pension Amounts Due (PERS \$623,315; PFRS \$898,199)
 Res. #2017-113 Authorization for the Payout of Accumulated Compensatory Time (M.Nuscis \$459.18)
 Res. #2017-114 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Distracted Driving Crackdown \$5,500)
 Res. #2017-115 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Atlantic County JIF Optional Safety Award \$2,000)
 Res. #2017-116 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Atlantic County JIF Wellness Incentive Award \$1,000)
 Res. #2017-117 A Resolution Establishing a Five (5) Year Moratorium on the Issuance of Road Opening Permits for the Portions of Roads Resurfaced as Part of the "Clubhouse Road Reconstruction Project" Effective the Date of the Completion of the Project (Clubhouse Rd from Townbank to 200 feet north of Pinewood Ave)
 Res. #2017-118 A Resolution Establishing a Five (5) Year Moratorium on the Issuance of Road Opening Permits for the Portions of Roads Resurfaced as Part of the "Roseann Avenue Roadway and Utility Improvements Project" Effective the Date of the Completion of the Project (Roseann Ave, Croydon Dr. & Clearwater Dr.)
 Res. #2017-119 A Resolution Authorizing A Professional Service Contract with Parker McCay as Special Counsel Representing the Township in the FEMA Litigation (\$225 per hr/ Not to exceed \$25,000)
 Res. #2017-120 Issuance of Ice Cream Peddling and Ice Cream Salesman Licenses for the Year 2017
 Res. #2017-121 Approving a Professional Service Contract Without Public Bidding With Mott MacDonald for Beach Drive Pedestrian Safety Improvements (Not to exceed \$175,420)
 Res. #2017-122 A Resolution Authorizing and Approving A Shared Service Agreement Between the Township of Lower and the City of Wildwood for Fire Protection and Emergency Medical Services (Schooner Landing)

Motion to **TABLE Resolution #2017-122** – Shared Service Agreement – moved by Councilmember Perry, seconded by Deputy Mayor Sippel:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY	X		X			
ROY			X			
SIPPEL		X	X			
SIMONSEN			X			

On the Consent Agenda:

Jim Rose, Townbank, asked about sidewalks on the northern end. Mr. Sray said the west side will continue to the length of the project, the east side will stop at Emerson.

Robert Rizzo, Mickel's Run, addressed Council about the Environmental Commission. Mayor Simonsen said they just received applications to fill some of the vacancies. Mr. Rizzo stated his opposition to the project.

Bill Reardon, 1700 Rose Hill Pkwy, addressed Council to object to Res. #2017-119, and Res. #2017-121. Councilman Conrad stated that Res. #2017-119 is not relevant to the Beach Drive Project. Mr. Reardon urged Council to reconsider awarding contracts without competitive bids. He also voiced concern about the width of the roadway and increasing speed.

Byron Frey, 505 Beach Drive, questioned the replacement of sidewalk on the east side of Beach Drive. Mr. Sray informed that the project includes replacing the sidewalk in the Township right of way, as needed. Mr. Frey asked who will clean the sidewalk. Councilman Conrad informed that Public Works will clean the sidewalk. Mr. Frey asked about moving the dunes. Mr. Sray informed that the sand will be relocated to the west side of the dunes, as suggested by DEP.

Kathleen Arena, Villas, addressed Council with concern about the environmental impact of the project.

Tom Chestnut, 9 Beverly Road, questioned how to control the traffic coming off the ferry. Councilman Conrad responded that most ferry traffic goes toward Route 9. Councilman Perry said the ferry exits straight onto Ferry Road.

Chase Jackson, 412 Forrest Road, questioned if the reason for the project is to attract more people to our beach.

Peggy Cole, Charles Street, voiced appreciation, as an avid walker, and fully supports the project.

Skip Miller, 604 Clubhouse, voiced concern that the project will attract more people. He suggested one-way traffic to address the safety issue and curbs to control drainage.

Kevin Vrieze, Windward Rd, questioned the overall scope of the project with regard to beach modification, disturbing the dunes, moving virgin sand, and dune migration. He voiced concern about wasting money on the project.

John Cole, 1403 Holmes, expressed concern that the project will not address the safety issues and will not be properly maintained. Manager Ridgway addressed the issue of sand migration. Mr. Cole said there is room for improvement.

William Harron, 3802 Bay Drive, voiced discontent with moving the sand westward, and putting a sidewalk on the west side. He suggested making Beach Drive one-way traffic, adding a bike lane and lowering the speed limit. He also expressed concern about the expense of the project and sand migration, and would like it further investigated.

Patience Carroll, Villas, addressed Council about wind blowing the sand onto the new access paths, specifically New York Avenue and Spruce.

Jim Rose, Townbank, questioned the access transition from the sidewalk. Councilman Conrad said they will be ADA compliant at the intersections. Mr. Sray informed that the sidewalk will be tied into the beach access paths. Mr. Rose voiced concern about the steep access on Townbank Road. Mr. Sray explained that additional sand will be provided to meet the cross-section from the sidewalk to the existing grade.

Jessica DeVivo, Franklin Avenue, presented several questions to the engineer regarding the project survey, changes to the beach, public notice to the neighbors, ownership of dune parcels, and potential flood damage. Mr. Sray and Mr. Morey responded. Ms. DeVivo argued her points in opposition to the project.

Manager Ridgway responded to Mr. Harron's comments about the project funding. Mr. Harron argued in opposition to the project.

Lauren Unknown, lifelong resident, voiced support in favor of the project.

Russ Ryan, NCM, voiced favor with the project for safety reasons. He questioned sand retention and commented on one-way traffic with a bike lane.

Claire Nagel, 101 Shore Drive, expressed concern about parking and suggested speed bumps to slow the traffic.

Mike Morley, 426 Hollywood Road, asked about a bike lane and suggested a "single lane only" sign for bicycles.

Robert Cunningham, 424 Windward Ave, asked if the new sidewalk will be hard. Mr. Sray informed that it will be concrete.

Lois Jacobs, 103 Beach Drive, suggested prohibiting parking on the east side to allow for a bike lane. She expressed concern about losing her hedges and trees and voiced opposition to the project.

Edmund Peckiconis, NCM, agrees with Councilman Perry about the safety hazards and voiced favor with the project.

Jay Young, Shore Drive, voiced favor with the sidewalk and road improvements and voiced opposition to one-way traffic.

Jill Connell, Mallow Road, questioned the amount of dune being moved to allow for a sidewalk and wider road. Mr. Sray informed that some areas in the beginning of the project will be 60 feet from the road. Ms. Connell voiced opposition to the project with concern for dune disturbance.

Ray Flickinger, Washington Blvd, voiced his support for the project and his interest in the township exploring funding options through the State and County.

Byron Frey, 505 Beach Drive, questioned the relocation of sand. Councilman Conrad clarified that sand will be moved 60 feet from the east side of the dune to the west. Mr. Frey asked about the width of the project. Mr. Sray gave an estimated width.

Les Hamilton, Atlantic Ave, voiced concern about damage to the dunes. Mr. Sray explained the relocation of sand. Mr. Hamilton commented about bicycling along Beach Drive. Mayor Simonsen disagreed. Mr. Hamilton reminded that Open Space money is also tax dollars. He voiced objection to the project.

John Cole questioned a high tide survey.

DJ Dougherty, NCM, Public Works employee, said he loves the idea for safety reasons and fully supports the project.

Eileen Kreis, Villas, voiced disgust at the derogatory comments toward Public Works. Mayor Simonsen voiced his appreciation for the job they do cleaning the sand off the roadway. Ms. Kreis also declared her support of the project for safety reasons.

Jim Cook, 1001 Crest Place, asked if his road is included in the project. Mr. Sray replied no and explained the reason the Township opted to end at Fernwood. Mr. Cook asked why the project is back. Councilman Conrad responded for safety reasons. Mr. Cook voiced disapproval.

Deb Johns, Villas, Chairman of RAB, addressed the misinformation being circulated and reiterated the truth, as it was communicated in the engineer's presentation.

Anna Mae Coombs, Roslyn Ave, voiced full support of the project and congratulated Council on what she believes to be past due and desperately needed for safety reasons.

Jim Galloway, Edna Ave, asked about consideration for road improvements only. Councilman Conrad said the road improvements require fixing the dunes and the outfall pipes.

Marie Flickinger, 1700 Washington Blvd, addressed the poor condition of the existing sidewalk and believes sidewalks are necessary on both sides for public safety reasons.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
PERRY			X			
ROY			X			
SIPPEL		X	X			
SIMONSEN			X			

Regular Agenda

Res. #2017-123

Authorization for Clothing Allowance (Detectives \$6,300)

Robert Rizzo asked Council why the clothing allowance is so high. Clerk Picard explained that it is contractual. Deputy Mayor Sippel said it includes replacement clothing.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY					X	
ROY	X		X			
SIPPEL			X			
SIMONSEN			X			

Monthly Report - Engineer Report - Mark Sray

Administrative Reports - Finance 1st Quarter Report

Council Comments

Councilman Conrad - no comments

Councilman Perry – no comments

Councilman Roy announced a community clean-up on May 20th and welcomed anyone interested in volunteering.

Deputy Mayor Sippel – no comments

Mayor Simonsen reminded that April is Police Appreciation Month. He spoke about the dedication of an historical plaque celebrating Cape May County's 325th birthday. He reminded about the next Council meeting to be held on April 12th and commended RMT on their spring play.

At the request of Manager Ridgway, Mark Sray gave an engineer's report on the four current projects including the Roseann Avenue drainage Project, the Water Allocation Permit, the Bike Path Improvement Project, and the Standby Generator Set Replacement.

Call to the Public

Sharon Blume, Cape Woods, owner at Sunset Beach, addressed Council to request an ordinance outlawing mass balloon releases for the sake of marine mammals.

Mary Reader, W Drumbed, reported her concerns to Council about ICE.

Pat McKernon, Englewood Rd, inquired about an environmental impact statement on the Beach Drive Pedestrian Safety Improvement Project. Mark Sray informed that an environmental compliance statement was done as part of the CAFRA permit and is on file in the clerk's office. Ms. McKernon also asked about mitigation measures and alternative materials to concrete. Mr. Sray informed about cost and ADA considerations.

Bill Reardon, Rose Hill Pkwy, urged Council to listen to the voices of the residents and made a comment about the responsibility of bikers.

Ray Flickinger made favorable comments about the beach access paths in North Cape May and suggested that DPW be involved in the Beach Drive Pedestrian Safety Improvement Project in some capacity. He also voiced his support for the project and concern about the crosswalks being better defined for the upcoming summer.

Ann Kane, Oakdale Ave, inquired about the completion of the beach access paths. She also expressed concern about the Atlantic City Press being delivered to vacant homes.

Byron Frye, Beach Drive, thanked the Township for the beach access paths and inquired about the public right-of-way from Englewood to Avalon. Mary Sray confirmed.

Closed Session

Res. # 2017-124

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. **Personnel Issue / Attorney/Client Privilege / Contract Negotiation Update**

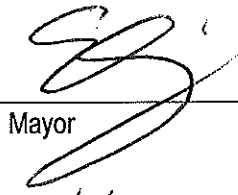
	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY	X		X			
ROY			X			
SIPPEL			X			
SIMONSEN			X			

Adjournment

Council adjourned to Closed Session at 9:11 pm.

Council returned to Open Session at 10:00 PM.

There being no further business to address, motion to adjourn moved by Councilmember Roy, seconded by Councilmember Perry. Motion to adjourn unanimous. Meeting adjourned at 10:01 p.m.



Mayor



Township Clerk

Approved: 5/1/2017