

Regular & Work Session Meeting Minutes - June 7, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 7, 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, and Kathleen McPherson, Manager

Certificates of Appreciation - Harrison Pete Bitting & June Ford

Mayor Beck presented June Ford with a certificate of appreciation for her years of service upon her retirement. Pete Bitting was not present.

WORK SESSION

Acroblast Event Presentation

Deputy Mayor Lare said there were representatives from Morey's Pier in attendance to discuss the Acroblast event. Christine Fillmore of Morey Pier said the event would be June 24th through June 27th, practice flying would start at 9:00 a.m. She said it was a flying competition not an air show.

Thomas Berry said it was the 3rd year of the competition and it was over the northwest section of the airport where it was wooded. He said it was single airplanes and only one in the box at a time which is an imaginary box over the woods at the airport. He said there were 23 registered pilots so far and expected more than 30 by the time of the event. It was a very professional event and they had an outstanding track record and met all the requirements for insurance.

Joe Winters asked about the start time.

Christine said the earliest would be at 7:00 a.m.

Mr. Berry said any maneuvers would be over the wooded area in the airport. He said everything done was within the guidelines of the FAA.

Mayor Beck asked the manager if the Township had a contact number for someone with the event.

Manager McPherson said she would make sure she got a number.

Councilmember Douglass said he had attended a previous show and it was very professional and it was a well ran program.

Review of Consent and Regular Agenda Items

Deputy Mayor Lare motioned to table Resolution #2010-140 seconded by Councilmember Conrad. The resolution was tabled by the following roll call vote: Councilmember Conrad, yes, Councilmember Mazurek, yes,

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Councilmember Douglass, yes , Deputy Mayor Lare, yes , Mayor Beck, yes .
Deputy Mayor Lare questioned the contract award for Polar Bear and asked what the hourly charge was.
Manager McPherson said the \$7,000.00 was for the maintenance and it would be for calls outside the routine maintenance.

Public Questions on Consent Agenda and/or Regular Agenda Items

No public questions on the agenda.

Consent Agenda

- Approval of Minutes May 17, 2010
- Membership Approval N.J. State Firemen s Association Application - Townbank Volunteer Fire Co. - Catherine F. Betham & Villas Vol. Fire Co. - Nicholas A. Cheeseman
- Res. #2010-137, Payment of Vouchers, \$403,805.51
- Res. #2010-138, Resolution Supporting the Submission of a Water Quality Management Plan Amendment Request for the Lower Township Chapter for Inclusion in the Cape May County Wastewater Management Plan Watershed Management Area (WMA -16)
- Res. #2010-139, Approving Knights of Columbus Application to Conduct a Flea Market (July 17)
- Res. #2010-141, Authorization for Refund of Taxes (2 properties - duplicate payments)
- Res. #2010-142, A Resolution of the Township of Lower Approving Agreement with Pyrotecnico to Provide Fireworks Display
- Res. #2010-143, Acceptance and Bid Award for 12 Month HVAC Service Agreement for Lower Township Various Locations (Polar Bear - \$7000)
- Res. #2010-144, Award of Bid For Fishing Creek School Roof (Mike Trainor s Roofing - \$11,500 Labor Only)
- Res. #2010-145, Approval for Pyrotecnico Fireworks to Load and Unload a Fireworks Barge in Lower Township
- Res. #2010-146, A Resolution Requesting Release of Performance Guarantee for The Grand at Diamond Beach; Block 700.01, Lots 3-9, Escrow #Z03-12-06
- Res. #2010-147, Authorizing Pay Out of Terminal Leave (J Ford \$14,723.79)
- Res. #2010-148, Authorizing Change Order #1 for Capri Construction (Additional drain work & credit for court vestibule)

Councilmember Douglass motioned to adopt the consent agenda, seconded by Councilmember Mazurek. 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. #2010-06, An Ordinance Amending Chapter 340 of the Code of the Township of Lower to Provide for the Inspection of Fireworks Loaded in the Township of Lower for Discharge Elsewhere, was presented for second reading (Tabled 5/17) and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk s Office.

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Councilmember Conrad said the Fire Bureau said it wasn't needed because they couldn't inspect it. Deputy Mayor Lare asked the Solicitor if he had an opinion.

Solicitor Monzo there wasn't any input from the Fire Official so he suggested to hear from the public and go from there.

Mayor Beck opened to the public for comment.

Joe Winters said if there wasn't a number in the ordinance get rid of it, it cost money every time it came up. Councilmember Conrad motioned to adopt the ordinance, seconded by Councilmember Mazurek. The ordinance was adopted by the following roll call vote: Councilmember Conrad, no, Councilmember Mazurek, no, Councilmember Douglass, no, Deputy Mayor Lare, no, Mayor Beck No.

Res. #2010-140, Resolution of the Township Council of the Township of Lower Endorsing and Supporting Governor Chris Christie's Proposal to Place a 2.5% Cap on Annual Property Tax Increases and Further Endorsing the Governor's Plan to Initiate Financial Reforms on the State and Local Levels of Government. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.
TABLED

Res. #2010-149, Payment of Voucher, \$45,000 (LT Rescue Annual Contribution & Expense Reimbursement). The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for public comment.

Ed Butler asked what the contribution was for?

Manager McPherson explained it was for Rescue Squad services provided to the Township. She said every year it was budgeted for and they provided a breakdown of their expenses. She added that insurance didn't cover everything.

Mr. Butler felt the taxpayers shouldn't subsidize it.

Mayor Beck said they had a signed contract. It was done every year and they could revisit the issue again before the next agreement.

A brief exchange back and forth on the Rescue Squad.

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

April Report - Fire Bureau _____

Council Comments

Block Party

Councilmember Conrad said the Block Party and Green Fair was a wonderful event. He said the vendors were glad to be there and how nice an event it was. He thank everyone involved and said the Farmers Market would start on July 9th.

Councilmember Mazurek said the Block Party seemed to go well and the branch collection also.

Councilmember Conrad said movie night in the park was coming up soon.

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Manager McPherson said it should be moved to the Recreation Center where a pavilion was to be built. Councilmember Douglass thanked all involved in the Block Party. He said it was a great first time event. Deputy Mayor Lare also thanked everyone involved in the Block Party for the event. He said there had been \$22,100.00 raised for the fireworks. He read a list of contributors thus far. He said there was a lot of support for the fireworks and without it would not happen.

Mayor Beck said the Block Party came together and Sherry Hemingway of the LT Chamber of Commerce did a lot of work on it. He said the planning of the party started a year ago. He said the real benefit of it was seeing the people and it was a great sense of community spirit and didn't hear one negative thing. He said a certificate of appreciation would be given to Sherri Hemingway at the next council meeting.

Mayor Beck said the Farmers Market would begin on July 9th until September 3rd. He said they were still accepting applications from vendors. He said the Fishing Creek School was coming together.

Public Comments

Water Tower - Shunpike Road

Joe Kremp of West Jacksonville Avenue asked about the water tower on Shunpike Road and said there were no locks on the gate. He went to the MUA and was told a lock would be put on. He said it needed to be tagged out and locked out. He said it was done all over the United States.

Manager McPherson asked if he spoke to Mr. DeMarcantonio at the MUA.

Mr. Kremp said yes. He mentioned the flags on the water tanks needed to be lit from sunrise to sunset. He said all they had to do was contact the electric company.

2.5% CAP

Janet Pitts of the Lower Township Taxpayers Association wanted to clarify Res. #2010-140 that was tabled, she stated in several papers it was said the Mayor supported the 2.5% CAP. She said that her understanding was that the Mayor didn't have a problem with it, it was Council that did.

Mayor Beck said they were going to move it around a little bit and revisit it in a couple weeks. He didn't like the wording but in favor of the concept.

Joe Winters asked if he could get a copy of the tabled resolution.

Deputy Mayor Lare wanted to clarify that he asked the resolution be on the agenda and was asked to table it. He said it would be back in a meeting or two.

Blood Drive

Bob Rizzo wanted to remind everyone that on Flag Day there would be a Blood Drive at Township Hall.

Wells at CMC Airport

Frank Serraco of East Tampa Avenue asked if Council knew about the well park that was going to be developed in the airport.

Councilmember Mazurek said there was a recommendation that the wells be consolidated and move ones that were too close to the ocean.

Mr. Serraco said that wasn't what the paper stated it stated there were to be four new wells at the airport.

Councilmember Mazurek said that was one of several proposals from the DEP that they listened to.

Mr. Serraco said his concerns were that some of the businesses in the airport could contribute to the water problem.

Councilmember Conrad said the County was looking into it and there were other businesses at the airport that needed to be cleaned up.

Deputy Mayor Lare asked Mr. Serraco if there was evidence that the businesses he mentioned were polluting the ground?

Mr. Serraco said he was not saying there were problems with the businesses but they had products that could be

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detrimental.

Outfall Pipes

Mr. Serraco asked about the outfall pipe at St. Johns Avenue. Manager McPherson said they were putting in another application for grant funds to do other areas and would finish North Cape May in the fall.

Fireworks

Mr. Winters asked if the DRBA would allow the people to use the parking facility for the fireworks. Deputy Mayor Lare said he hoped so.

Police Department

Lois Grimes of Francis Avenue said something happened at her home in May and she had to call the Police Department. She said they responded quickly and were very professional and courteous and seemed concerned.

North Cape May Bayfront

Wayne Weissman said he went to the beach in North Cape May and asked if they could place porta potties along the bay. Councilmember Douglass said nothing could be placed on the dunes.

Bayshore Road in Villas

Bob Gillis of Pennsylvania Avenue asked Mayor Beck to contact the County regarding Bayshore Road near WaWa in the Villas he said it was a mess. Mayor Beck said the County had scheduled to do repairs and were waiting on sign offs from the MUA and Gas Company. Mayor Beck said he did get in touch with someone from Ponder Lodge and it looked like things were moving in the right direction. He said they cleaned up the property and secured some of the buildings.

Res. #2010-150, 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
Councilmember Mazurek motioned to adopt the ordinance, 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 Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal ayes at 9:10 p.m.

Mayor

Township Clerk

Approved: June 21, 2010