

## WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

March 18, 2019 - 7:00 P.M.

### Meeting called to order

Opening Announcement  
Pledge of Allegiance & Moment of Silence  
Roll Call & Determination of Quorum

### Work Session

2019 Budget Hearing – Manager Jim Ridgway, CFO Lauren Read, Auditor Leon Costello

Res. #2019-116 Adoption of 2019 Budget

Economic Re-Development Zone Presentation – Louis Joyce, Executive Director, South Jersey Economic Development District

### Consent Agenda

NJ State Firemen's Association Membership Application – L. Matteo, Erma Vol. Fire Co.

Approval of Minutes March 4, 2019

Res. #2019-117 Payment of Vouchers \$ 883,195.32

Res. #2019-118 Resolution for Self-Examination of Budget (annual)

Res. #2019-119 A Resolution Authorizing the Seventh Annual Escape the Cape Triathlon Scheduled for June 1<sup>st</sup> & 2<sup>nd</sup>, 2019

Res. #2019-120 A Resolution Approving a Three Year Extension to the Management Agreement By and Between the Township of Lower and Friends of Fishing Creek School, Inc.

Res. #2019-121 Renewal of 2019 Campground Licenses (annual)

Res. #2019-122 Recycling Tonnage Grant Certification of Taxes Paid (\$33,222.81)

Res. #2019-123 Recycling Tonnage Grant Resolution (annual requirement)

Res. #2019-124 A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan; Block 35, Lots 1.01 & 1.02, Escrow #P13-02-02

Res. #2019-125 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website

Res. #2019-126 Authorization for Refund of Taxes (2 properties \$2679.40)

Res. #2019-127 A Resolution of Endorsement of the County-Wide Water Quality Management Plan; Lower Township (requested by the County)

Ordinance #2019-05 Bond Ordinance Providing For Various Roadway and Drainage Improvements, By and In the Township of Lower, in the County of Cape May, State of New Jersey (The Township); Appropriating \$650,000 Therefore and Authorizing the Issuance of \$615,000 Bonds or Notes of the Township to Finance Part of the Costs Thereof

### Regular Agenda

Ordinance #2019-03 An Ordinance Amending Chapter 3-22 (D) of the Code of the Township of Lower, Providing that Township Residency will be a Preferential Consideration, But It Will Not Be Solely Determinative For Appointment of Non-Police Department Applicants – This is the second reading and public hearing of this ordinance. This ordinance has been published, posted, and made available to the public.

Ordinance #2019-04 An Ordinance Amending Chapter 56, Local Defense/Emergency Management Council, of the Code of the Township of Lower – This is the second reading and public hearing of this ordinance. This ordinance has been published, posted, and made available to the public.

### Manager's Report

### Engineer's Report

### Administrative Reports

Monthly Reports- Clerk, Construction, Dog, Fire, Tax, Vital

### Council Comments

### Call to the Public

### Adjournment

## COUNCIL MEETING MINUTES – March 4, 2019

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 4, 2019 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

### Work Session

Presentation of Plaque to Evelyn Waggenhoffer from the Historic Preservation Commission  
Pary Tell, Historic Preservation Commission (HPC), presented a plaque to Evelyn Waggenhoffer on behalf of the HPC for the restoration of her 1890 historic home at 752 Seashore Road.

### Consent Agenda

Approval of N.J.State Firemen's Association Membership Application's – B. Cassidy, M.Demberger, Jr., D.Klemovitch, R.Willey, Jr. &

S.Zinkus; Villas Volunteer Fire Company

Approval of Minutes February 20, 2019

Approval of Closed Session Minutes February 20, 2019

Res. #2019-97 Payment of Vouchers \$ 988,480.41

Res. #2019-98 Amend Resolution #2019-89; A Resolution Approving the Acceptance of and Participation in the State of New Jersey, Department of Law and Public Safety Emergency Management Agency Assistance (EMMA) Subgrant FY2018

Res. #2019-99 A Resolution Requesting Release of Performance Guarantee for Dolphin Dock, LLC; Block 764, Lots 32-45 & Block 766, Lots 9-22 & 23.01 Escrow #Z16-03-05 (\$13,206)

Res. #2019-100 Bid Acceptance and Award for Landscaping Services for Various Locations Within the Township for 2019 with an Option for 2020 (Bayshore Landscaping \$39,400)

Res. #2019-101 Bid Acceptance and Award for Fertilizing Services for Various Locations within the Township for 2019 with an Option for 2020 (Bayshore Landscaping \$13,200)

Res. #2019-102 Authorization for Waiver of Fees for Historic Cold Spring Village (\$100)

Res. #2019-104 Authorization for Refund of Taxes (2 properties \$1,379.25)

Res. #2019-105 Authorization for the Payout of Accumulated Compensatory Time (T.Shough \$3,325.90)

Res. #2019-106 Authorization for the Payout of Accumulated Compensatory Time (W.Kocis \$2,262.36)

Res. #2019-107 Approving A Professional Service Contract with Mott MacDonald to Review and Update the Township's Stormwater Pollution Prevention Plan (\$6,300)

Res. #2019-108 Bid Acceptance and Contract Award for Reconstruction of Miramar Avenue, Foster Avenue, Idell Road, Woolson Road and Crescent Drive (South State Inc. \$433,704.)

Res. #2019-109 Authorizing the Payout of Terminal Leave (D.LaSerre \$32,821.40)

Res. #2019-110 Authorizing Payout of Terminal Leave (A.Grier \$1,378.23)

Res. #2019-111 Resolution Adopting VOYA Financial Advisors Inc. Specimen 457 Plan Document

Res. #2019-112 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GOVDEALS Online Public Auction

Res. #2019-113 Amend Resolution #2019-84; A Resolution Adopting AXA Equitable Specimen 457 Plan Document

Res. #2018-114 A Resolution Authorizing the Donation of an Inoperable 2003 John Deere Backhoe, No Longer Needed for Public Use, to the Lower Township Elementary Schools

Res. #2019-115 Authorizing Payout of Terminal Leave (D.Montgomery \$7,741.27)

Motion to move Resolution #2019-103 to the Regular Agenda moved by Deputy Mayor Sippel, seconded by Councilmember Conrad. Motion was unanimous.

On the Consent Agenda:

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

**Regular Agenda**

Res. #2019-103 Bid Acceptance and Award of a Double Sided LED Township Sign Installed (KC Signs & Awnings \$23,990.)

Robert Rizzo, Mickel's Run, asked for an explanation regarding the cost and location of the sign. Manager Ridgway explained.

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

**Manager's Report**

Manager Ridgway gave an update on several matters including Roseann Avenue, the County Redevelopment Plan, and Opportunity Zones.

**Council Comments**

Councilmember Conrad said goodbye to Don Montgomery and shared news about Scouts.

Councilmember Perry gave an update on Roseann Avenue and the repaving of Township roads.

Councilmember Roy added comments about the repaving of Township roads.

Deputy Mayor Sippel reminded residents about the "report a pothole" link on the Township website.

Mayor Simonsen reminded about the LCMR Musical and spoke of the success of the NJ Run for the Fallen fundraiser. He also congratulated Ava Pierce and Joelle Kline on their athletic achievements.

**Call to the Public**

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Roy, seconded by Councilmember Conrad. Motion to adjourn was unanimous. Meeting adjourned at 7:17p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

Approved:



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00825 COMCAST*			Continued					
	19-00737	03/12/19	2/15-3/14/19 INTERNET	Open	<u>1,078.01</u>	0.00		
					1,235.15			
00928 CAPE MAY COUNTY CLERK								
	19-00647	03/04/19	RECORD CAFRA PERMIT ROSEANN AV	Open	11.00	0.00		
01075 COPIERS PLUS*								
	19-00534	02/20/19	DUPLICATOR NEEDED REPAIR	Open	115.00	0.00		
01170 VERIZON WIRELESS* F/S								
	19-00750	03/14/19	FIRE SAFETY 1/27-2/26/19	Open	52.71	0.00		
01171 VERIZON WIRELESS - TOWNHALL								
	19-00645	03/04/19	1/24-2/23/19 PHONE 622310837	Open	539.46	0.00		
	19-00710	03/08/19	1/29-2/28/19 IPHONE SERVICE	Open	<u>951.13</u>	0.00		
					1,490.59			
01200 DELTA DENTAL PLAN OF NJ								
	19-00649	03/04/19	FEB 2019 ADMIN GROUP 9427	Open	1,281.60	0.00		
	19-00693	03/06/19	FEB 2019 CLAIMS GROUP 9427	Open	<u>14,155.70</u>	0.00		
					15,437.30			
01201 DELL CORPORATION*								
	19-00668	03/05/19	ADOBE ACROBAT DAWN/GEORGIA	Open	570.54	0.00		
01254 JAMES DIETTERICH, II								
	19-00639	03/01/19	CONTRACTUAL REIMBURSEMENT M/V	Open	671.17	0.00		
01265 BRIAN DONAHUE								
	19-00712	03/08/19	CONTRACTUAL EIMBURSEMENT 2019	Open	402.00	0.00		B
01310 JLP INTL INC*								
	19-00213	01/15/19	WEIGHT ROOM-REPAIRS/PARTS	Open	380.00	0.00		
	19-00413	02/04/19	REPAIR TREADMILL&SERVICE EQUIP	Open	<u>589.00</u>	0.00		
					969.00			
01401 EMBLEM ENTERPRISES, INC.*								
	18-03182	12/04/18	PATCHES / PINS	Open	626.00	0.00		
01450 ERMA DELI*								
	19-00513	02/14/19	CLEAN SHORES	Open	1,187.73	0.00		
01530 FIRE DISTRICT #1								
	19-00713	03/08/19	2019 FIRE DISTRICT 1 TAXES	Open	119,573.75	0.00		B
01540 FIRE DISTRICT #2								
	19-00174	01/10/19	2019 FIRE TAXES	Open	397,000.00	0.00		
01550 FIRE DISTRICT #3								
	19-00637	03/01/19	2019 FIRE DISTRICT# 3 TAXES	Open	162,378.26	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01640 J. GARDNER & ASSOCIATES, LLC*	19-00468	02/11/19	PROMOTIONAL ITEMS	Open	1,122.00	0.00		
01643 WILLIAM GALESTOK	19-00694	03/06/19	CONTRACTUAL REIMBURSEMENT V	Open	440.00	0.00		
01657 GOPHER SPORT*	19-00515	02/14/19	WRESTLING MATT TAPE	Open	165.00	0.00		
01690 GRANTURK EQUIPMENT CO*	19-00601	02/26/19	WEAR LINER/IMPELLER	Open	2,603.69	0.00		
01806 ANTHONY J HARVATT, II, ESQ	19-00723	03/12/19	2/7/19 PREP OF RESOLUTIONS	Open	450.00	0.00		
01807 MARLIN HEDUM	19-00738	03/13/19	CONTRACTUAL REIMBURSEMENT M	Open	468.22	0.00		
	19-00739	03/13/19	CONTRACTUAL REIMBURSEMENT M	Open	199.72	0.00		
	19-00740	03/13/19	CONTRACTUAL REIMBURSEMENT V	Open	<u>110.00</u>	0.00		
					777.94			
01898 HERITAGE BUSINESS SYSTEMS, INC*	19-00363	01/30/19	REPAIR LASER PRINTER-TREAS.OFF	Open	290.00	0.00		
01974 I. A. C. P. MEMBERSHIP*	19-00109	01/09/19	IACP 2019 RENEWAL	Open	190.00	0.00		
02010 ISLAND TROPHY*	19-00505	02/14/19	RETIREMENT PLAQUE	Open	60.00	0.00		
02134 THOMAS KEYWOOD	19-00442	02/06/19	SUBSTITUTE ZBA BD. SOLICITOR	Open	625.00	0.00		
	19-00636	03/01/19	CONTRACTUAL REIMBURSEMENT M	Open	<u>769.20</u>	0.00		
					1,394.20			
02248 LAWMEN SUPPLY*	19-00281	01/23/19	OUTTER CARRIER	Open	150.00	0.00		
02402 MGL PRINTING SOLUTIONS	19-00262	01/18/19	MARRIAGE BINDER	Open	96.00	0.00		
02902 J. BYRNE INSURANCE*	19-00596	02/26/19	POLICY 71532411 SURETY BOND	Open	100.00	0.00		
03305 PEDRONI FUEL*	19-00643	03/04/19	NO LEAD FUEL	Open	448.06	0.00		
03350 MICHAEL PERRY	19-00719	03/12/19	REG. REIMBURSEMENT-SOCCER	Open	15.00	0.00		
03427 POLAR BEAR MECHANICAL SERVICES	19-00074	01/07/19	HVAC MAINTENANCE/JAN	Open	147.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03435 PUBLIC ENGINES INC*	19-00504	02/14/19	CRIME REPORTS.COM	Open	1,500.00	0.00		
03495 ELIZABETH BYRNE	19-00640	03/01/19	CONTRACTUAL REIMBURSEMENT M	Open	350.76	0.00		B
03518 RIGGINS, INC.*	19-00686	03/06/19	DIESEL	Open	468.25	0.00		
03544 PORTER LEE CORP*	19-00625	02/27/19	SUPPLIES FOR "THE BEAST"	Open	247.16	0.00		
03608 SEAWAVE CORPORATION*	19-00424	02/05/19	2019 MEETING DATE CHANGES	Open	32.82	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	19-00519	02/19/19	LOADER	Open	7,922.95	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	19-00616	02/26/19	SJNIGA 3/8/19	Open	40.00	0.00		
03764 TCTANJ	19-00520	02/19/19	2019 Membership	Open	100.00	0.00		
	19-00642	03/04/19	2019 SPRING CONFERENCE	Open	<u>210.00</u>	0.00		
					310.00			
03844 GIACOMO TROMBETTA	19-00751	03/14/19	CONTRACTUAL REIMBURSEMENT M	Open	284.34	0.00		
03954 VAN NOTE-HARVEY ASSOCIATES*	17-02751	10/25/17	RES 2017-281 TAX MAP	Open	20,352.75	0.00		B
03971 VERIZON WIRELESS MDT POLICE	19-00692	03/06/19	MDT WIRELESS - DPS	Open	843.33	0.00		
04176 CHRISTOPHER J WINTER SR*CALEA	19-00724	03/12/19	CONTRACTUAL REIMBURSEMENT M	Open	61.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	19-00760	03/14/19	DOG DAMAGE FEB 2019	Open	332.40	0.00		
04301 SEASHORE ASPHALT CORPORATION*	19-00283	01/23/19	HP PATCH/	Open	2,731.25	0.00		
	19-00577	02/25/19	HP PATCH/DPW	Open	<u>452.50</u>	0.00		
					3,183.75			
05087 NATIONAL ENTERTAINMENT	19-00514	02/14/19	EASTER EGGS FOR EGG HUNT	Open	720.00	0.00		
3811 LOWER TOWNSHIP	19-00749	03/14/19	FUNDING FSA SHORTAGE	Open	1,097.46	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7062 LOUIS BARTLESON	19-00720	03/12/19	REG.REIMBURSEMENT-SOCCER	Open	15.00	0.00		
7079 SUBURBAN PROPANE L P*	19-00653	03/05/19	PROPANE- FIELDS	Open	204.85	0.00		
7115 LIFELINE TRAINING LP*	19-00040	01/04/19	TRAINING-FEBRUARY 20-21 2019	Open	687.00	0.00		
7119 ENGINEERING DESIGN ASSOC*	18-03249	12/11/18	VILLAGE ROAD PROJ RES 2018-361	Open	945.00	0.00		B
	19-00359	01/30/19	RES 18-326 SCHELLENGERS LNDG	Open	1,691.25	0.00		B
	19-00360	01/30/19	RES 18-317 RABBIT RUN WATER	Open	3,611.40	0.00		B
					6,247.65			
7132 BUSINESS WATCH INTERNATIONAL*	19-00470	02/11/19	RAPID SYSTEM LICENSE	Open	250.00	0.00		
7228 SOUTH STATE INC.*	19-00472	02/11/19	CONTRACT AWARD RECONSTRUCTION	Open	9,632.45	0.00		
7251 REIT LUBRICANTS CO*	19-00460	02/08/19	HYDRAULIC OIL/DIESEL MOTOR OIL	Open	3,815.22	0.00		
7296 MELISSA O'DONNELL	19-00717	03/12/19	REGIS.REIMBURSEMENT-SOCCER	Open	30.00	0.00		
7478 WINDSTREAM COMMUNICATION INC*	19-00644	03/04/19	FEB 28TH INV WINDSTREAM	Open	3,015.02	0.00		
7508 BLANEY & KARAVAN PC*	19-00048	01/04/19	LABOR ATT RES#2019-02 DNE 40K	Open	1,274.00	0.00		B
7532 HEATHER MCNULTY*	19-00656	03/05/19	FEBRUARY 2019 SPROUT	Open	185.00	0.00		
	19-00657	03/05/19	HIT FITNESS FEB 19	Open	520.00	0.00		
					705.00			
7550 STATE OF NJ DEP/BEACH PERMIT	19-00191	01/14/19	PERMITTING FOR CLUBHOUSE DR	Open	6,000.00	0.00		
7564 JOSEPH RAVITZ*	19-00550	02/20/19	TAX COURT EXPERT WITNESS	Open	1,000.00	0.00		
7636 MOTT MACDONALD LLC*	16-02312	08/29/16	ENGINEERING FOR ROSEANN AVE	Open	38,851.38	0.00		B
	18-01691	06/11/18	ROSEANN AVE/BAYSHORE ESTATES	Open	8,815.20	0.00		B
	18-01767	06/20/18	RES 18-214 BEACH ACCESS IMPROV	Open	6,123.00	0.00		B
	18-02192	08/10/18	REC CENTER BATHROOM	Open	982.50	0.00		B
	18-02467	09/18/18	EMERGENCY REPAIR TO PIPE LINE	Open	76.50	0.00		B
	19-00165	01/09/19	MULLIGAN FIELD RENOVATIONS	Open	5,239.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
<b>7636 MOTT MACDONALD LLC* Continued</b>								
	19-00754	03/14/19	PROFESSIONAL ENGINEERING	Open	<u>331.82</u>	0.00		
					60,419.40			
<b>7720 ROBERT MACOM</b>								
	19-00702	03/07/19	WRESTLING OFFICIAL	Open	120.00	0.00		
<b>7752 STEPHEN DEHORSEY</b>								
	19-00718	03/12/19	REG.REIMBUSREMENT SOCCER	Open	20.00	0.00		
<b>7820 DEBLASTO &amp; ASSOCIATES, P.C*</b>								
	18-02168	08/08/18	ENGINEERING 2018 ROAD PROGRAM	Open	1,562.50	0.00		B
<b>7929 AMAZON CAPITAL SERVICES, INC</b>								
	19-00567	02/21/19	OFFICE SUPPLIES	Open	158.76	0.00		
	19-00627	02/27/19	SUPPLIES	Open	148.13	0.00		
	19-00651	03/04/19	TOWNHALL SUPPLIES	Open	21.56	0.00		
	19-00679	03/05/19	VIZ-PRO WHITEBOARD/DRY EASEL	Open	69.99	0.00		
	19-00697	03/06/19	OFFICE SUPPLIES 3/5/19	Open	198.12	0.00		
	19-00698	03/06/19	RES Q ME KEY CHAINS 3 PACK	Open	29.99	0.00		
	19-00705	03/07/19	OFFICE SUPPLIES	Open	<u>122.60</u>	0.00		
					749.15			
<b>8002 STEVEN TRUNFIO</b>								
	19-00691	03/06/19	TRAINING	Open	20.00	0.00		
<b>8055 WEATHERTECH.COM</b>								
	19-00225	01/15/19		Open	368.80	0.00		PC1
<b>8067 NJ NARCOTIC ENFORCEMENT</b>								
	19-00509	02/14/19	MEMBERSHIP- NJNEOA	Open	35.00	0.00		
<b>8077 SHAWN MCANANEY</b>								
	19-00721	03/12/19	REG.REIMBURSEMENT-SOCCER	Open	15.00	0.00		
<b>8078 MARY ELLEN BRESCH</b>								
	19-00725	03/12/19	B 741.01 L 1 DUPLICATE TAX	Open	1,771.16	0.00		
<b>8079 KENNETH NELSON</b>								
	19-00746	03/13/19	RELEASE RE VEGETATION BOND	Open	1,000.00	0.00		
<b>8206 MARK PRINCE JR</b>								
	19-00701	03/07/19	WRESTLING OFFICIAL	Open	120.00	0.00		
<b>BASILE FRANK BASILE</b>								
	19-00731	03/12/19	BASKETBALL ASSIGNER FEE	Open	100.00	0.00		
<b>BLAUE BLAUER ASSOCIATES INC*</b>								
	15-01940	07/22/15	RES#2015-214 2016 SMALL CITIES	Open	270.00	0.00		B
	19-00687	03/06/19	MULLIGAN ADA SCPF	Open	<u>3,750.00</u>	0.00		B
					4,020.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOSNA KAREN MANETTE BOSNA	19-00655	03/05/19	FEBRUARY 2019 YOGA	Open	70.00	0.00		
GRIFFI GRIFFIN AUTO-MANUAL SALES, INC*	19-00602	02/26/19	DIAGNOSTIC SOFTWARE /UPDATES	Open	1,495.00	0.00		
SEAGE SEAGEAR MARINE SUPPLY*	19-00073	01/07/19	SUPPLIES FOR RDS/DPW/JAN	Open	244.00	0.00		
Total Purchase Orders:		121	Total P.O. Line Items:	0	Total List Amount:	882,540.12	Total Void Amount:	0.00

TOWNSHIP OF LOWER, COUTNY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-

Title: **AUTHORIZING THE PAYMENT OF VOUCHERS**

Vendor	Description	CK #	Amount
NJ DEPARTMENT OF HEALTH	DOG DAMAGE	3352	\$655.20

TOTAL Manual Checks	\$655.20
TOTAL Computer Generated	\$ 882,540.12
TOTAL BILL LIST	\$ 883,195.32

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION #2019-118**

Title: **RESOLUTION FOR SELF-EXAMINATION OF BUDGET**

**WHEREAS**, N.J.S.A. 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, N.J.A.C. 5:30-7.2 through 7.5, the Township of Lower has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the Township Council has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
  
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at 40A: 4-45.3 et seq. are fully met (Complies with the "CAP" law).
  
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
  
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
  
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.
  
6. That all other applicable statutory requirements have been fulfilled

**BE IT FURTHER RESOLVED**, that a copy of this resolution is forwarded to the Director of the Division of Local Government Services upon adoption.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-119

Title: A RESOLUTION AUTHORIZING THE SEVENTH ANNUAL ESCAPE THE CAPE TRIATHLON SCHEDULED FOR JUNE 1<sup>ST</sup> & 2<sup>ND</sup>, 2019

**WHEREAS**, DelMo Sports, LLC seeks authorization and permission to conduct the Seventh Annual Escape the Cape Triathlon on Sunday, June 2, 2019; and

**WHEREAS**, permission has been granted by the Cape May County Board of Chosen Freeholders to close portions of County Roads in the Township of Lower from 6:30 am until 11:00 am; a copy of the Resolution granting permission is attached; and

**WHEREAS**, in consideration for said authorization and permission, DelMo Sports, LLC executed an indemnification agreement and submitted the required Certificate of Insurance naming the Township of Lower as the Certificate Holder.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that approval is hereby granted for the Seventh Annual Escape the Cape Triathlon to take place.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

**BOARD OF CHOSEN FREEHOLDERS  
CAPE MAY COUNTY, NEW JERSEY  
RESOLUTION**

No. 132-19

**RESOLUTION AUTHORIZING AN INDEMNIFICATION AGREEMENT WITH  
DELMOSPORTS, LLC FOR ITS ESCAPE THE CAPE TRIATHLON  
ON JUNE 2, 2019**

**WHEREAS**, DelMoSports, LLC seeks authorization and permission to conduct the Escape the Cape Triathlon on Sunday, June 2, 2019; and

**WHEREAS**, a request has been made to close a portion of Seashore Road (County Road No. 626), New England Road (County Road No. 641), Stimpson Lane (County Road No. 645), Shunpike Road (County Road No. 649) and Bayshore Road (County Road No. 607), in the Township of Lower from 6:30 a.m. until 11:00 a.m.; and

**WHEREAS**, in consideration for said authorization and permission, DelMoSports, LLC executed an Indemnification Agreement in favor of the County of Cape May and submitted the required Certificate of Insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Board of Chosen Freeholders that permission is hereby granted to DelMoSports, LLC to close a portion of Seashore Road (CR626), New England Road (CR641), Stimpson Lane (CR645), Shunpike Road (CR649) and Bayshore Road (CR607) from 6:30 a.m. until 11:00 a.m. on Sunday, June 2, 2019; and

**BE IT FURTHER RESOLVED** that permission is conditional for the DelMoSports, LLC, and providing to the County:

1. A duly executed Promise of Indemnification in a form acceptable to County Counsel.
2. A Certificate of Insurance naming the County of Cape May, their officers and employees as additional insured for the scheduled event.
3. A letter from the Lower Township Police Department indicating that they are aware of the event and have approved the traffic control plan for the event.

STATEMENT

*This Resolution gives permission to DelMoSports, LLC to utilize County roads for a triathlon.*

cc: County Engineer  
Lower Township  
County Counsel  
File: Events

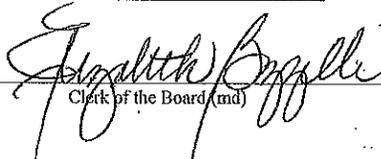
DelMoSports, LLC  
Lower Township Police Department  
Road Department

STATE OF NEW JERSEY } ss.:  
COUNTY OF CAPE MAY }

I, Elizabeth Bozzelli, Clerk of the Board of Chosen Freeholders of the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the \_\_\_\_\_ 12<sup>th</sup> day of

February 20 19

Signed,

  
Clerk of the Board (md)

RECORD OF VOTE						
Freeholders	Ayes	Nays	Abstain	Absent	Moved	Second
Mr. Desiderio	✓					
Ms. Hayes	✓					
Mr. Morey	✓				✓	
Mr. Pierson	✓					✓
Mr. Thornton	✓					

V - Indicates Vote Moved-Resolution Offered Second-Resolution Seconded

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-120

Title: A RESOLUTION APPROVING A THREE YEAR EXTENSION TO THE MANAGEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LOWER AND FRIENDS OF FISHING CREEK SCHOOL, INC.

WHEREAS, the Township of Lower, by Resolution #2016-91 dated March 21, 2016, approved a three (3) year extension of an existing management agreement with the Friends of Fishing Creek School, Inc. in relation to the Fishing Creek School located at 2102 Bayshore Road, also known as Lot 5, Block 334.01; Lot 3, Block 334.02, on the official Tax Map of the Township of Lower; and

WHEREAS, the Fishing Creek School holds historical significance for the citizens of the Township of Lower and of the State of New Jersey; and

WHEREAS, the Township desires to extend the existing management agreement for an additional three (3) years for the stewardship of this historic site through the effective management of the Friends of Fishing Creek School, Inc., a not-for-profit corporation of the State of New Jersey whose purpose is the maintenance and management of the Fishing Creek School; and

WHEREAS, a management agreement has been proposed to govern the management of the Fishing Creek School facility by Friends of Fishing Creek School, subject to the oversight of the Township Council and a copy of the agreement is attached hereto; and

WHEREAS, the Township is given certain express and implied powers for the upkeep and management of museum and museum-like facilities under N.J.S.A. 40:23-6.22.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey duly assembled in public session the following:

1. The preamble of this Resolution is incorporated herein by reference;
2. The Mayor and Clerk are hereby authorized and directed to execute the aforementioned agreement, which is hereby approved, which shall govern the management of the Fishing Creek School by Friends of Fishing Creek School, Inc.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

**FISHING CREEK SCHOOL  
MANAGEMENT AGREEMENT**

THIS MANAGEMENT AGREEMENT (the "Agreement") is entered into as of the 18th day of March, 2019, (the "Effective Date") by and between **FRIENDS OF FISHING CREEK SCHOOL, INC.**, a New Jersey nonprofit corporation ("FOFCS"), whose principal offices are located at 2102 Bayshore Road, Villas, New Jersey 08251, and **TOWNSHIP OF LOWER**, a New Jersey municipal corporation (the "Township"), whose administrative offices are located at 2600 Bayshore Road, Villas, New Jersey 08251.

*WITNESSETH:*

**WHEREAS**, the Township is the tenant of certain real property located at 2102 Bayshore Road, also known as Lot 5, Block 334.01 and Lot 3, Block 334.02, located on the Official Tax Map of the Township of Lower, on which there is located a structure identified as the Fishing Creek School (the "Premises"); and

**WHEREAS**, the Township intends to utilize the Premises as a local historical center operating as a museum, welcome center, meeting place, passive recreation area, the headquarters for the Township Historical Commission, FOFCS, and the Township Chamber of Commerce (the "Planned Uses"); and

**WHEREAS**, FOFCS is a New Jersey non-profit corporation, that was created to promote interest in the history of the Township, to sponsor and cooperate with groups in order to preserve, protect and restore the Fishing Creek School; and

**WHEREAS**, the Township desires to contract with FOFCS in order to manage and oversee the Premises, as provided herein, and FOFCS desires to contract with the Township for such purpose.

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

**ARTICLE 1**

**RELATION OF PARTIES**

1.1 The Township and FOFCS share the common goal of establishing and maintaining the Premises as a historical center for the Planned Uses.

1.2 The Township leases the Premises from the State of New Jersey by way of a lease agreement entered into in November of 2003 (the "Lease Agreement"). FOFCS, by this Agreement, will manage the Premises. The Township will review operational policies and procedures provided by FOFCS and, if approved, will adopt such policies and procedures for the Premises. FOFCS shall manage the Premises in accordance with the Lease Agreement and comply with any and all requirements and obligations set forth therein.

1.3 The Township and FOFCS are separate and independent entities. This Agreement shall not constitute nor be construed to be or to create a partnership or joint venture between the Township and FOFCS. The relationship of FOFCS to the Township is that of an independent contractor.

## ARTICLE 2

### RESPONSIBILITIES OF FOFCS

2.1 Scope. The Premises shall be utilized as a historical center for the Planned Uses. FOFCS shall develop and manage the Premises in accordance with policies and procedures adopted by FOFCS with the consent of the Township ("Policies and Procedures").

2.2 Management Services. FOFCS shall provide day-to-day management of the Premises. FOFCS shall offer management consultation to the Township for any marketing plans and advertising which the Township decides to perform in connection with the Premises. FOFCS recognizes that the Premises is listed on the State and National Register of Historic Places and must be maintained in accordance with the Secretary of the Interior's standards.

2.3 Operations of the Premises.

- (a) Designated Operations. FOFCS shall be responsible for all day-to-day operations in maintaining the common goal outlined in Section 1.1 of this Agreement. FOFCS shall recognize, establish and maintain the Fishing Creek School for such purposes.
- (b) Museum. FOFCS shall maintain the Fishing Creek School as a museum dedicated to the history and development of the Township.
- (c) Community Groups. FOFCS shall maintain schedules and calendars for community groups to utilize the Fishing Creek School for regular meetings.
- (d) Community Center. FOFCS shall allow local residents to gather together as a community in accordance with the Policies and Procedures agreed to by both parties.
- (e) Passive Recreation Area. FOFCS shall allow passive recreational activities in accordance with the Policies and Procedures.
- (f) Headquarters. The Premises shall serve as headquarters for FOFCS. FOFCS shall manage the calendar with respect to the scheduling of meetings for the three organizations.
- (g) Other Operations. FOFCS agrees to manage and operate the Premises under the direction of the Township. If FOFCS desires to operate the facility in any manner not agreed to within this Agreement, FOFCS must obtain the written consent of the Township, which the Township agrees it will not unreasonably withhold. FOFCS shall adhere to the desires of the Township to incorporate other uses of the Premises or to discontinue or modify any of the operations designated within this Agreement.

2.4 Compliance with Law. FOFCS is a validly formed and duly existing New Jersey non-profit corporation, in good standing under the laws of the State of New Jersey and is exempt from federal tax under Internal Revenue Code Section 501(c)(3). If, at any time during the term of this Agreement, FOFCS's charter is revoked or its status as an Internal Revenue Code Section 501(c)(3) organization is terminated, it shall be deemed a material breach of this Agreement entitling the Township to immediately terminate this Agreement.

2.5 Renovations and Improvements. All proposed renovations and improvements to the Premises must be approved in writing by the Township and may be subject to the Local Public Contracts Law. The Premises

remains the property of the State of New Jersey. Therefore, any permanent renovations or improvements shall become part of the Premises and owned by the State of New Jersey at the termination of this Agreement. If renovations or improvements are made without the written consent of the Township or in non-compliance with all requirements and permits of governmental authorities, then FOFCS shall remove said renovations or improvements upon the demand of the Township.

- (a) All renovations and improvements must be completed in accordance with the Secretary of the Interior's standards as the Premises is listed on the State and National Register of Historic Places.
- (b) FOFCS shall not post any signs or advertisements on or at the premise without obtaining prior written approval from the Township.

2.6 Maintenance. The Township shall maintain the grounds of the Premises as a Township Park under the direction of the Superintendent of Parks and Recreation. Grounds keeping will be maintained on a routine basis and funded under the current Township budget. Building maintenance shall be provided by the Township Supervising Maintenance Repairer in the Department of Public Works. Expenditures for maintenance of the building will be made with funds received by FOFCS through its donations and fundraising activities and/or other available funds.

2.7 Facilities. FOFCS shall adhere to, maintain, observe, perform all of the covenants in the Lease Agreement, except the covenant for the payment of rent, and do nothing to otherwise breach the Lease Agreement.

2.8 Insurance. FOFCS shall maintain general liability insurance in an amount to be mutually agreed upon by FOFCS and the Township.

2.9 Township Park. FOFCS shall maintain the Premises in accordance with this Agreement and The Lower Township Code Section 475.

### ARTICLE 3

#### RESPONSIBILITIES OF THE TOWNSHIP

3.1 Facilities. The Township shall provide the Premises for FOFCS. The Township shall maintain, observe, perform all of the covenants, and not do anything to otherwise breach the Lease Agreement. The Premises shall be maintained by the Township. The grounds shall be maintained as a Township Park under the direction of the Superintendent of Parks and Recreation. Grounds keeping will be maintained on a routine basis and funded under the current Township budget.

3.2 Park. The Premises shall be maintained by the Township as a Township Park. The Township will provide benches, tables, receptacles, and signs, which recite rules and regulations for use of the Park.

3.3 Utilities. The Township shall be responsible for payment of all electricity, water and/or other services or utilities used in or assessed against the Premises.

3.4 Renovations and Improvements. The Township shall obtain written approval, as needed, from the State of New Jersey, for any renovations or improvements.

3.5 General Responsibility. The Township shall have general responsibility for assisting and directing, as necessary, FOFCS in accordance with establishing and maintaining an historical center.

3.6 Insurance. The Township shall provide insurance for the Premises; covering both the grounds and the buildings. Comprehensive general liability insurance, with combined single coverage for bodily injury and property damage in an amount not less than One Million Dollars (\$1,000,000.00).

3.7 Planning and Development. The Township shall assist and direct, as necessary, FOFCS in establishing and implementing plans to provide an historical center for the Planned Uses. The Township may modify the Planned Uses and operations of the Premises but must remain in accordance with the Secretary of the Interior's standards for properties listed on the State and National Register of Historic Places and the Lease Agreement.

## ARTICLE 4

### INDEMNIFICATION

4.1 Indemnification. Each party agrees to indemnify and hold harmless the other from claims for damages, costs or expenses including, but not limited to, costs of defense incurred by such other party, which may be caused by any breach, negligent acts or omissions by it or its directors, officers, or employees in connection with the breach or the performance or failure to perform obligations under this Agreement, but only in proportion to the extent such damages, costs or expenses are caused by or result from any breach, negligent acts or omissions of this Agreement by any thereof.

## ARTICLE 5

### TERM AND TERMINATION

5.1 Term. This Agreement shall commence on the Effective Date, as defined above, and shall continue in effect for a term of three (3) years, unless earlier terminated pursuant to this Article 5.

5.2 Events of Default.

- (a) The Township can terminate this Agreement on 90 days' notice for any breach provided that FOFCS is given prior written notice of such breach and is further given 30 days to repair such breach from the date of such written notice, to the satisfaction of the Township.

5.3 Duties Upon Termination or Expiration of this Agreement. If this Agreement is terminated upon expiration of its term, or earlier as provided in Section 5, or Section 6.8:

- (a) Neither party shall be released or discharged from any obligation, debt or liability which has previously accrued or been incurred and remains to be performed upon the date of termination or expiration;
- (b) Any sums of money owing by one party to the other shall be paid immediately; including without limitation;
- (c) Damages and any other remedies available at law or in equity may be sought and collected from the Breaching Party in the event of a termination resulting from an Event of Default.

## ARTICLE 6

### MISCELLANEOUS

6.1 Waiver. Neither the waiver by any party to this Agreement of any breach of any term or condition of this Agreement, nor the failure of the parties to enforce any provisions of this Agreement or to exercise any right hereunder, will be construed as a waiver of any subsequent breach or default, or as a waiver of any other provision hereunder.

6.2 Notices. If at any time after the execution of this Agreement, it shall become necessary or convenient for one of the parties to serve notice, demand, or communication upon the other party, such notice, demand or communication shall be in writing and shall be served personally, by facsimile transmission with voice confirmation and receipt confirmed, by overnight courier which provides confirmation of delivery, or by depositing the same in the United States mail, registered or certified, return receipt requested, postage paid, and the notice shall be addressed as follows:

If to FOFCS:

Friends of Fishing Creek School  
c/o 2600 Bayshore Road  
Villas, NJ 08251

If to the Township:

Township Manager  
Lower Township Municipal Building  
2600 Bayshore Road  
Villas, New Jersey 08251

6.3 Assignment. This Agreement is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns; provided however that neither party may sell, transfer, assign or otherwise convey its rights or obligations under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld.

6.4 Successors and Assigns. Subject to the provisions of Section 5.3, hereinabove, the terms, covenants, and conditions contained herein shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.

6.5 Severability. Nothing contained in this Agreement shall be construed to require the commission of an act contrary to law, and whenever there is a conflict between any provision of this Agreement and any statute, law, ordinance or regulation, the latter shall prevail. In such event, and in any case in which any provision of this Agreement is determined to be in violation of a statute, law, ordinance, or regulation, the affected provision(s) shall be limited only to the extent necessary to bring it or them within the requirements of the law and, insofar as possible under the circumstances, to carry out the purposes of this Agreement. The other provisions of this Agreement shall remain in full force and effect, and the invalidity or unenforceability of any provision hereof shall not affect the validity and enforceability of the other provisions of this Agreement, nor the availability of all remedies in law or equity to the parties with respect to such other provisions.

6.6 Headings. The headings used in this Agreement are for convenience of reference only and shall have no force or effect in the construction or interpretation of the provisions of this Agreement.

6.7 Governing Law. This Agreement shall be interpreted in accordance with and governed by the laws of the State of New Jersey, to the jurisdiction of which each of the parties hereby submits.

6.8 Contract Modifications for Prospective Legal Events. In the event any state or federal laws or regulations, now existing or enacted or promulgated after the Effective Date of this Agreement, are interpreted by judicial decision, a regulatory agency, or legal counsel of both parties in such a manner as to indicate that the structure of this Agreement may be in violation of such laws or regulations, FOFCS and the Township shall amend this Agreement to the maximum extent possible to preserve the underlying arrangements between FOFCS and the Township. If an amendment is not possible, either party shall have the right to terminate this Agreement.

6.9 Language Construction. The language in all parts of this Agreement shall be construed in all cases according to its fair meaning, and not for or against either party hereto. The parties acknowledge that each party and its counsel have reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

6.10 Communications. FOFCS and the Township agree that good communication between the parties is essential to the successful performance of this Agreement, and each therefore pledges to communicate fully and clearly with the other on matters relating to the successful operation of the historical center.

6.11 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior agreements, understandings, negotiations and discussion, whether written or oral, between or among the parties, regarding the subject matter of this Agreement.

6.12 Amendments Only in Writing. This Agreement may not be amended or modified in any respect whatsoever, except by an instrument in writing, signed by the parties hereto.

6.13 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be considered an original, and all of which shall constitute one and the same Agreement. This Agreement shall not become effective until it has been executed by all of the parties hereto.

6.14 Commercial Impracticability. No party to this Agreement shall be liable for any failure to perform its obligations hereunder where such failure results from any cause beyond that party's reasonable control, including, for example, an act of God, labor disturbance such as a strike or walkout, war, riot, fire, storm, accident, government regulation or interference, or mechanical, electronic, or communications failure.

6.15 Election of Remedies. The respective rights of the parties to this Agreement shall be cumulative. Each party shall have all other rights and remedies not inconsistent with this Agreement as law and equity may provide. No exercise by any party of any one right or remedy shall be deemed to be an exclusive election of rights or remedies.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the day and year first above written

THE TOWNSHIP OF LOWER

ATTEST:

\_\_\_\_\_  
Julie A Picard, Township Clerk

BY: \_\_\_\_\_  
Erik Simonsen, Mayor

Approved as to legal Form:

FRIENDS OF FISHING CREEK SCHOOL, INC

\_\_\_\_\_  
Lower Township Solicitor

BY: \_\_\_\_\_  
Lew Thomas, FOFCS

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-121

Title: RENEWAL OF 2019 CAMPGROUND LICENSES

WHEREAS, Sun Lake Laurie RV, LLC; Sun Seashore RV LLC; Beachcomber Campground Inc.; Cape Island Campground and Holly Shores Camping Resort have applied for renewal of their Campground Licenses; and

WHEREAS, the applicants have paid the required license fee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Campground Licenses for the following are hereby renewed for the period of April 1, 2019 through March 31, 2020 subject to all real estate taxes being current.

Sun Lake Laurie RV, LLC  
Sun Seashore RV, LLC  
Thomas F Brodesser  
Robert Lepor  
David & Margaret Robinson

t/a Cape May KOA  
t/a Seashore Campsite & RV Resort  
t/a Beachcomber Campground, Inc.  
t/a Cape Island Campground  
t/a Holly Shores Camping Resort

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-122

Title: RECYCLING TONNAGE GRANT CERTIFICATION OF TAXES PAID

WHEREAS, the Recycling Enhancement Act, P.L. 2007, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2018 in the amount of \$ 33,222.81. Documentation supporting this submission is available at the Municipal Hall located at 2600 Bayshore Road, Villas, NJ 08251 and shall be maintained for no less than five years from this date.

REA Tax certified by: \_\_\_\_\_  
Name of Official: Lauren Read,  
Title of Official: Treasurer/CFO  
Township of Lower  
Date: March 18, 2019

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

Joseph V. Rizzuto, Executive Director



George W. Betts, Chairman  
Richard Rixey, Vice Chairman  
William G. Burns, Jr.  
Patricia A. Callinan  
Carl H. Groon  
Carol A. Heenan  
Carol L. Saduk

## Cape May County Municipal Utilities Authority

Post Office Box 610, Cape May Court House, New Jersey 08210  
Telephone: 609-465-9026 • Telefax: 609-465-9025  
www.cmcmua.com • email: admin@cmcmua.com  
Overnight Deliveries: 1523 Route 9 North, Swainton, New Jersey 08210

March 15, 2019

Ms. Linda Thomas  
Recycling Coordinator  
TOWNSHIP OF LOWER  
2600 Bayshore Road  
Villas, NJ 08251

RE: 2018 Recycling Tax/Tax Identification Statement

Dear Ms. Thomas:

The Recycling Enhancement Act (P.L.2007, ch. 311) established a fund for recycling tonnage grants to municipalities. The money deposited in the fund is generated by a tax on solid waste; the recycling tax is collected at solid waste facilities.

During the year 2018 the TOWNSHIP OF LOWER, paid \$33,222.81 in recycling tax on solid waste delivered to Cape May County Municipal Utilities Authority Solid Waste Facilities. This amount is to be reported on the NJDEP's Tax Identification Statement form (sample enclosed) and submitted to the NJDEP along with the Annual Recycling Tonnage Grant/Report.

If you have any questions about the Recycling Tonnage Report, do not hesitate to contact me.

Very truly yours,

CAPE MAY COUNTY  
MUNICIPAL UTILITIES AUTHORITY

A handwritten signature in black ink, appearing to read "Linda S. Crumbock", is written over the typed name and title.

Linda S. Crumbock, CRP  
Recycling Coordinator

LSC:pem  
Attachment  
cc: Mr. John R. Conturo, P.E.  
Ms. Katherine A. Robert

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-123

Title: **RECYCLING TONNAGE GRANT RESOLUTION**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing Lower Township to apply for the **2018 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Township of Lower hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda Thomas, CRP, to ensure that the application is properly filed.

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-124

Title: A RESOLUTION REQUESTING RELEASE OF REVEGETATION AND RESTORATION GUARANTEE FOR DUNE SITE PLAN; BLOCK 35, LOTS 1.01 & 1.02, ESCROW #P13-02-02

WHEREAS, Kenneth J. Nelson posted a bond for the revegetation and restoration of dune grass with the Township of Lower, in the amount of \$1,000.00; and

WHEREAS, the Township Planning Director recommends that the required restoration and revegetation of dune grass has been properly completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Guarantee be and hereby is released.

BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$1,000.00 plus any accrued interest for payment of the above released Guarantee.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

MEMORANDUM

TO: Mayor Erik Simonsen &  
Council members

FROM: William J. Galestok, PP,AICP  
Director of Planning

DATE: March 12, 2019

RE: Release of Bond for Restoration  
and Revegetation of Dune Grass;  
Kenneth J. Nelson  
201 West St. Johns Avenue  
Villas, NJ 08251  
Block 35, Lots 1.01 & 1.02  
Escrow #P13-02-02  
Resolution #2019-124

Kenneth J. Nelson posted a bond for the restoration and revegetation of Dune grass, on November 20, 2017 per Planning Board Resolution #13-18. A site inspection by the Planning Director on March 11, 2019 revealed that all the required work was complete. Therefore, I recommend return of the above referenced bond for revegetation of dune grass by Township Council.

Thank you.

c: Julie Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-125

Title: AUTHORIZING THE SALE OF TOWNSHIP OF LOWER SURPLUS NO LONGER NEEDED FOR PUBLIC USE ON GOVDEALS ONLINE AUCTION WEBSITE

WHEREAS, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Lower intends to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the Township surplus property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township of Lower is hereby authorized to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the surplus property as indicated on Schedule A on an online auction website.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

<b>GOV DEALS</b>	<b>2019-125</b>
------------------	-----------------

<b>GUEST CHAIRS</b>	<b>FIXED ASSEST</b>
CLERK	1608
CLERK	1630
CLERK	1631
CLERK	1636
CLERK	1637
CLERK	1640
CLERK	1646
CLERK	1652
CLERK	1655
CLERK	1656
CLERK	1658
CLERK	1659
CLERK	1662
CLERK	1664
CLERK	1672
CLERK	1673
CLERK	1674
CLERK	1676
CLERK	1677
TOWNHALL	1629
TOWNHALL	1633
TOWNHALL	1641
TOWNHALL	1642
TOWNHALL	1645
TOWNHALL	1648
TOWNHALL	1650
TOWNHALL	1653
TOWNHALL	1654
TOWNHALL	1665
TAX ASSESSOR SWIVEL CHAIR	1624

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-126

Title: AUTHORIZATION FOR REFUND OF TAXES

WHEREAS, the Township Tax Collector has certified an overpayment due to the reasons listed below;  
and

WHEREAS, a refund is due.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer be and the same is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
741.01	1	May Ellen Bresch & Ann Schramm	Duplicate payment	\$ 1771.16
640	12	Angelique & Tomas Canonico	Homeowner paid Escrowed Tax	\$ 908.24

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2019-127

Title: **A RESOLUTION OF ENDORSEMENT OF THE COUNTY-WIDE WATER QUALITY MANAGEMENT PLAN; LOWER TOWNSHIP**

**WHEREAS**, the County of Cape May, on behalf of the Township of Lower, has produced a plan amending the area wide Water Quality Management Plan; and

**WHEREAS**, the plan chapter for Lower Township is titled, Township of Lower, Cape May County, Wastewater Management Plan; and

**WHEREAS**, Cape May County Planning Director Leslie L. Gimeno, PE, AICP, has requested Lower Township endorsement of the chapter; and

**WHEREAS**, the Lower Township Municipal Utilities Authority has also endorsed the plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the attached plan be endorsed by the Township of Lower.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on March 18, 2019.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2019-05

**BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$615,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$650,000, said sum being inclusive of a down payment in the aggregate amount of \$35,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$650,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$615,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$615,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various roadway and drainage improvements along the following roadways, including, but not limited to, Florida Avenue (from Bemuda Road to Bayshore Road), Howland Avenue (from Holmes Avenue to Pine Lane), Pine Lane, Pontaxit Street, Pakahake Street, Mathemek Street, and Kechemeche Street, Croydon Drive, States Avenue and Arizona Avenue, which improvements shall include, but not be limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, the repairing and/or installation of curbs, sidewalks and driveway aprons, resetting utility castings, roadway painting, aesthetic improvements, and traffic control and all drainage improvements and work associated with same, if applicable, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$615,000.

(c) The aggregate estimated cost of said improvements or purposes is \$650,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate down payment available for said purposes.

**SECTION 4.** In the event the United States of America, the State of New Jersey, and/or the County of Cape May make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States

of America, the State of New Jersey, and/or the County of Cape May. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Cape May shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$615,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

**SECTION 8.** The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration

of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**Adopted on first reading:**

**Date: March 18, 2019**

\_\_\_\_\_  
Julie A Picard, Township Clerk

\_\_\_\_\_  
Thomas Conrad, Councilmember

**Adopted on second reading:**

**Date: April 1, 2019**

\_\_\_\_\_  
Julie A Picard, Township Clerk

\_\_\_\_\_  
David Perry, Councilmember

\_\_\_\_\_  
Roland Roy, Jr., Councilmember

\_\_\_\_\_  
Frank Sippel, Deputy Mayor

\_\_\_\_\_  
Erik Simonsen, Mayor

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2019-03

AN ORDINANCE AMENDING CHAPTER 3-22 (D) OF THE CODE OF THE TOWNSHIP OF LOWER, PROVIDING THAT TOWNSHIP RESIDENCY WILL BE A PREFERENTIAL CONSIDERATION, BUT IT WILL NOT BE SOLELY DETERMINATIVE FOR APPOINTMENT OF NON POLICE DEPARTMENT APPLICANTS.

WHEREAS, Chapter 3-22 (D) of the Code of the Township of Lower (Code) establishes rules and regulations that govern the employment appointment procedures with the various Township Departments; and

WHEREAS, the Township Council desires to amend Chapter 3-22 (D) to view permanent Township residency as a preferential consideration, but not a sole determinative factor in appointment for non police department applicants; and

WHEREAS, the Township Council recognizes that Chapter 3-22 (D) (1) should be modified to include Township residency as one of a number of factors to be considered in the appointment and hiring of non police department applicants.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower in the County of Cape May and the State of New Jersey as follows:

SECTION 1. Chapter 3-22 (D) of the Code entitled "Employees" is hereby deleted in its entirety and shall read as follows:

**D. Employees**

(1) Each department, office and agency may have such positions as the council may authorize. Employees shall be appointed and may be removed pursuant to Charter and the Township's personnel rules and shall be paid in accordance with the annual Salary Ordinance. Employees shall be hired on the basis of their qualifications, past experience, and performance on the civil service test. Township residency, for non police department applicants seeking employment, will be considered as a **preferential factor** where aloud by Civil Service. Nothing herein shall be construed to effect the residency requirement for the Police Department as noted in Chapter 90-8 of the Lower Township Code.

(2) The Township shall maintain a code of ethics and all employees shall function within its parameters.

SECTION 2. Severability. If for any reason any Section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining sections of the Ordinance shall remain in full force and effect notwithstanding the section(s) declared illegal.

SECTION 3. Civil Service. The Resolution (#81-120) on file with Civil Service is hereby repealed.

SECTION 4. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

First Reading: February 20, 2019

\_\_\_\_\_  
David Perry, Councilmember

Adopted:

\_\_\_\_\_  
Roland Roy, Jr., Councilmember

Attest: \_\_\_\_\_  
Julie A Picard, Township Clerk

\_\_\_\_\_  
Frank Sippel, Deputy Mayor

\_\_\_\_\_  
Erik Simonsen, Mayor

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2019-04

Title: **AN ORDINANCE AMENDING CHAPTER 56, LOCAL DEFENSE/EMERGENCY MANAGEMENT COUNCIL, OF THE CODE OF THE TOWNSHIP OF LOWER**

**WHEREAS**, pursuant to N.J.S.A. App. A:9-41, "Every municipality of this State, other than counties, shall create a local emergency management council. Each local emergency management council shall be composed of not more than 15 members who shall be appointed by the mayor or chief executive officer of the municipality and shall hold office at the will and pleasure of the appointing authority," and

**WHEREAS**, Chapter 56, Local Defense/Emergency Management Council, of the Code of the Township of Lower establishes a Local Defense/Emergency Management Council in the Township of Lower; and

**WHEREAS**, N.J.S.A. App. A:9-40.1 provides, "In every municipality of this State the mayor ... shall appoint a municipal emergency management coordinator from among the residents of the municipality;" and

**WHEREAS**, Lower Township Council wishes to amend Chapter 56 of the Township Code in order to conform to the aforementioned statutes pertaining to the appointment of the coordinator and members of said council.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

**Section 1.** Chapter 56-2, Membership; appointments; representation, is hereby repealed and replaced with:

**56-2. Membership; appointments; representation.**

**(A) Emergency Management Coordinator.**

The Mayor shall appoint a Municipal Emergency Management Coordinator from among the residents of the Township. The Emergency Management Coordinator shall serve for a term of three (3) years. As a condition of appointment, and the right to continue for the full term of appointment, each municipal emergency management coordinator shall have successfully completed at the time of his/her appointment, or within one year immediately following his/her appointment, the current approved Home Study Course and the basic Emergency Management workshop. The failure of any municipal emergency management coordinator to fulfill such requirement within the period prescribed shall disqualify the coordinator from continuing in the office of coordinator and thereupon a vacancy in said office shall be deemed to have been created.

**(B) Members of the Emergency Management Council.**

The Local Defense/Emergency Management Council shall be composed of seven (7) members, including the Emergency Management Coordinator, who shall be appointed by the Mayor, and shall hold office at the will and pleasure of Council. The Emergency Management Coordinator shall be a member and shall serve as Chairman of the Local Defense/Emergency Management Council. At least one (1) of the seven (7) members of the Local Defense/Emergency Management Council shall represent each of the following five groups:

- A. Elected officials.
- B. Police, fire, emergency management, first-aid, health, environmental, hospital or public works.
- C. Broadcast or print media.
- D. Community group.

E. Owners/operators of facilities subject to the requirements of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III).

**Section 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall become effective 20 days after final passage and publication according to law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

\_\_\_\_\_  
David Perry, Councilmember

\_\_\_\_\_  
Roland Roy, Jr., Councilmember

\_\_\_\_\_  
Frank Sippel, Deputy Mayor

\_\_\_\_\_  
Erik Simonsen, Mayor

First Reading: February 20, 2019

Adopted:

Attest: \_\_\_\_\_  
Julie A Picard, Township Clerk

February 2019

Clerk

Register Report - Last month

2/1/2019 through 2/28/2019

3/5/2019

Page 1

Account	Num	Description	Category	Amount
INCOME				17,656.00
Business Mercantil 2019-2020				75.00
Campgrounds, trailers				6,236.00
Copies & Postage				10.00
Ice Cream Lic				520.00
Person to person				200.00
Rental 2019-2020				2,925.00
Street Openings				680.00
Vac Prop Reg				7,000.00
Yard Sale Permit				10.00
TRANSFERS				-17,656.00
Council Checking				-17,656.00
		OVERALL TOTAL		0.00

Township of Lower  
 2600 Bayshore Road  
 Villas, NJ 08251  
 609-886-1455

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 02/01/2019 To 02/28/2019

March 04 , 2019 11:10:33AM

**SUMMARY**

**CONSTRUCTION COSTS**

**COUNT**

Cost Of Construction:	\$217,215.00	Cubic Footage:	101638 Cu.ft	Permit Issued:	93
Cost Of Alteration:	\$601,869.00	Square Footage:	7986 Sq.ft	Updates Issued:	8
Cost Of Demolition:	\$600.00			AH Fees Waived:	2
Total Cost:	\$819,684.00			Municipal Fees Waived:	0

**PERMIT FEES**

**ADMIN FEES**

**WAIVED FEES**

**TOTAL FEES**

Building:	\$12,094.00	Building:	\$0.00	Building:	\$240.00	Building Fees:	\$11,854.00
Electrical:	\$8,282.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$8,282.00
Fire :	\$1,740.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$1,740.00
Plumbing:	\$5,649.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$5,649.00
Elevator:	\$306.00	Elevator:	\$0.00	Elevator:	\$306.00	Elevator Fees:	\$0.00
Mechanical:	\$1,635.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$1,635.00
				Total Waived:	\$546.00	Technical Fees:	\$29,160.00

**DCA**

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$378.00	\$0.00	\$378.00
Alteration Training Fee:	\$1,141.00	\$45.00	\$1,096.00
DCA Minimum Fee:	\$26.00	\$0.00	\$26.00
Sub total Training Fee:	\$1,545.00	\$45.00	\$1,500.00

**TECHNICAL ISSUES**

Building Technical:	36
Electrical Technical:	63
Fire Protection Technical:	18
Plumbing Technical:	50
Elevator Technical:	1
Mechanical Technical:	18

**CERTIFICATE ISSUES**

Certificate of Occupancy:	8
Certificate of Approval:	25
Certificate of Continued Occupancy:	1

Certificate of Occupancy Fee:	\$1,264.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$1,264.00

PERMIT FEES:	\$29,160.00
DCA FEES:	\$1,500.00
CERTIFICATE FEES:	\$1,264.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$31,924.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$31,924.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 02/01/2019 To 02/28/2019

March 4, 2019 11:11:37AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,858.00	\$30,066.00	\$0.00	\$31,924.00
LICENSE FEES	Sub Totals:	\$0.00	\$450.00	\$0.00	\$450.00
<b>GRAND TOTALS:</b>		\$1,858.00	\$30,516.00	\$0.00	\$32,374.00





## BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Lower Township Public Safety Building  
1389 Langley Road  
Cape May Airport  
Erma, NJ 08204  
Phone: (609) 889-0404  
Fax: (609) 889-8876

Mailing Address:  
407 Breakwater Road  
Erma, NJ 08204  
LTBFS@COMCAST.NET

**For the month of February 2019, the Lower Township Bureau of Fire Safety made deposits of \$19,678.00 in the Lower Township Tax office.**

**Sincerely,**

**Donna Blackley  
Fire Official**

**cc: file**

**Board Members  
Lauren Read  
James Ridgway**

**2019 CASH RECEIPTS  
FEBRUARY**

Township of Lower  
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
<b>Receipts</b>		
Current year taxes (2019)	10,320,472.12	14,343,821.55
Prior year taxes (2018)	102,415.75	286,053.34
Prior year taxes (2017)		0.00
Previously exempt property		0.00
State Audit Pay Back	750.00	1,250.00
Municipal Lien		0.00
Recording		0.00
Bankruptcy		0.00
6% Penalty	851.26	1,559.32
Municipal Service Fees	5,040.00	9,663.49
Tax Search Fees		10.00
Interest	10,808.60	18,382.22
Lot clearing		1,100.00
Returned Check Fees	80.00	200.00
Duplicate Bills	155.00	195.00
Trash	2,422.00	6,323.75
<b>TOTAL DEPOSITS</b>	<b>10,442,994.73</b>	<b>14,668,558.67</b>
<b>DEPOSITED TO COUNCIL CHECK</b>	<b>9,828,154.71</b>	<b>13,607,548.29</b>
<b>DEPOSITED TO WIPP ACCOUNT</b>	<b>614,840.02</b>	<b>1,061,010.38</b>
<b>TOTAL DEPOSITS</b>	<b>10,442,994.73</b>	<b>14,668,558.67</b>
NSF Reversals	6,401.79	11,818.07
WIPP NSF Reversals	8,052.33	8,052.33
NSF Fee Reversal		0.00
<b>TOTAL NSF</b>	<b>14,454.12</b>	<b>19,870.40</b>
<b>TOTAL</b>	<b>10,428,540.61</b>	<b>14,648,688.27</b>

Prepared by Kathy Brown

**2019 FEBRUARY  
VITAL STATISTICS**

Marriages,Civil Unions	6
Domestic Partners	0
Ceritified Copies	135
Certified Copies EDRS	2
Burial Permits	0

Marriages, Civil Unions State	\$150.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$18.00
Domestic Partners Twp	\$0.00
Certified Copies	\$1,350.00
Certified Copies EDRS	\$20.00
Burial Permits	\$0.00

<b>TOTAL</b>	<b>\$1,538.00</b>
--------------	-------------------