

Signed Resolutions – February 20, 2019

- Res. #2019-88 Payment of Vouchers \$ 328,167.36
- Res. #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 (EMAA) Subgrant FY2018
- Res. #2019-90 A Resolution Authorizing the Transfer of Firearms No Longer Needed to a Licensed Firearms Dealer for Private Sale
- Res. #2019-91 Approval of Change Order #1 to South State Inc for Reconstruction of Georgia Avenue, Alabama Avenue & Main Street (\$14,438.09)
- Res. #2019-92 Approval of Preserve New Jersey Historic Preservation Fund Administered by the New Jersey Historic Trust (\$38,850.)
- Res. #2019-93 2019 Distracted Driving Crackdown U Drive. U Text. U Pay.
- Res. #2019-94 Approving a Shared Service Agreement between the Township of Lower and the Township of Middle for Municipal Court Staff Personnel
- Res. #2019-95 A Resolution Authorizing the Execution of a Statement of Consent Form required by the New Jersey Department of Environmental Protection, Division of Water Quality, in Connection with the Roseann Avenue Roadway and Utilities Improvements Project (Mayor to sign application to DEP)
- Res. #2019-96 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. **Attorney-Client Privilege / Possible Litigation**

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00825 COMCAST* Continued								
	19-00440	02/06/19	JAN 1 TO FEB 28,19 INTERNET	Open	<u>1,501.20</u>	0.00		PC1
					1,658.34			
01055 ERIC COOMBS								
	19-00394	01/31/19	CONTRACTUAL REIMBURSEMENT M	Open	70.00	0.00		
01170 VERIZON WIRELESS* F/S								
	19-00425	02/05/19	12/27/18-1/26/19 FS CELL	Open	52.70	0.00		
01171 VERIZON WIRELESS - TOWNHALL								
	19-00384	01/31/19	CELL 622310837 12/24-1/23/19	Open	506.98	0.00		
	19-00450	02/07/19	12/29-1/28/19 IPHONE SERVICE	Open	<u>951.13</u>	0.00		
					1,458.11			
01200 DELTA DENTAL PLAN OF NJ								
	19-00396	01/31/19	JAN 2019 ADMIN	Open	1,281.60	0.00		
	19-00441	02/06/19	JAN2019 CLAIMS #9427	Open	<u>19,341.80</u>	0.00		
					20,623.40			
01389 EDDIE'S AUTO BODY*								
	19-00254	01/17/19	VEHICLE REPAIR	Open	2,866.73	0.00		
	19-00259	01/18/19	PAINT NEW VEHICLE	Open	<u>650.00</u>	0.00		
					3,516.73			
01492 F THOMAS HILLEGASS								
	19-00320	01/28/19	REIMBURSE QUARTERLY MEETING	Open	244.79	0.00		
01602 THOMSON WEST*								
	19-00241	01/17/19	NJ PRACTICE	Open	64.00	0.00		
01641 GALL'S INC*								
	18-03392	12/27/18	CUFF CASES	Open	355.68	0.00		
	19-00260	01/18/19	PEPPER SPRAY	Open	<u>230.99</u>	0.00		
					586.67			
01657 GOPHER SPORT*								
	19-00322	01/28/19	PING PONG BALLS	Open	143.80	0.00		
01806 ANTHONY J HARVATT, II, ESQ								
	19-00477	02/11/19	1/31/19 RESOLUTIONS	Open	450.00	0.00		
02025 HUNTER JERSEY PETERBILT*								
	19-00070	01/07/19	PARTS FOR TRUCKS/JAN	Open	546.25	0.00		
02027 JESCO INC*								
	19-00214	01/15/19	PARTS FOR BACK HOE	Open	2,686.46	0.00		
02200 KOHLER'S AUTO GLASS*								
	19-00337	01/29/19	WINDSHIELD POLICE CHIEF CAR	Open	390.00	0.00		
02223 LANDSMAN UNIFORMS*								
	18-03210	12/07/18	UNIFORMS	Open	1,330.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02236 NIGP MEMBERSHIP DEPT*	19-00374	01/31/19	2019 MEMBERSHIP M VITELLI	Open	190.00	0.00		
02247 LAWSON PRODUCTS, INC.*	19-00067	01/07/19	SUPPLIES FOR DPW/JAN	Open	699.74	0.00		
02294 MARIE A. LOMONACO	19-00422	02/05/19	CONTRACTUAL REIMBURSEMENT M	Open	208.36	0.00		B
02319 LOWER TWP. ELEM. SCHOOL	18-02639	10/09/18	REPLACE AIR CONDITIONERS/MILLM	Open	2,155.08	0.00		
02418 MAJESTIC SEWER AND DRAIN*	19-00393	01/31/19	TOWNHALL SEPTIC BACKUP	Open	225.00	0.00		
02541 ROBERT D. MARTIN, JR	19-00421	02/05/19	CONTRACTUAL REIMBURSEMENT M	Open	54.08	0.00		
02661 KENNETH J. MCGURK	19-00328	01/28/19	CONTRACTUAL REIMBURSEMENT M	Open	1,986.83	0.00		
02811 JAMES MOY	19-00419	02/05/19	18 CONTRACTUAL REIMBURSEMENT M	Open	29.77	0.00		
	19-00420	02/05/19	19 CONTRACTUAL REIMBURSEMENT M	Open	53.00	0.00		
					82.77			
02947 DONALD MURPHY	19-00479	02/11/19	CONTRACTUAL REIMBURSEMENT M	Open	720.00	0.00		
02948 NATW*	19-00341	01/29/19	MEMBERSHIP RENEWAL	Open	35.00	0.00		
03021 NJ MOTOR VEHICLE COMMISSION	19-00149	01/09/19	ANNUAL ADMINISTRATIVE FEE	Open	150.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*	19-00266	01/18/19	COMMAND LEADERSHIP AUG NOV18	Open	2,400.00	0.00		
03102 NJ POLICE TRAFFIC OFFICERS ASS	19-00038	01/04/19	MEMBERSHIP DUES	Open	50.00	0.00		
03158 NYSICA*	19-00404	02/04/19	LACROSSE-COACH RECERTIFICATION	Open	160.00	0.00		
03274 P & J GAS SERVICE*	19-00340	01/29/19	EMPTY PROPANE TANKS DISPOSAL	Open	470.00	0.00		
03305 PEDRONI FUEL*	19-00463	02/08/19	NO LEAD GAS	Open	325.50	0.00		
03387 POGUE INC. *	19-00315	01/25/19	CONTROLLED SUBSTANCES TEST	Open	283.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03518 RIGGINS, INC.*	19-00476	02/11/19	DIESEL FUEL/	Open	388.63	0.00		
03573 SAFETY-KLEEN CORP*	19-00079	01/07/19	EQUIP MAINTENANCE/JUN	Open	494.72	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	19-00088	01/07/19	TIRES/RDS/SANT/RECY/DPW/JAN	Open	6,841.49	0.00		
03671 SOUTH JERSEY OVERHEAD DOOR, INC	18-03219	12/07/18	GARAGE DOOR REPAIR	Open	790.73	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	19-00373	01/31/19	2019 NIGP MEMBERSHIP M VITELLI	Open	90.00	0.00		
03764 TCTANJ	19-00398	02/01/19	2019 MEMBERSHIP - CFO	Open	100.00	0.00		
03790 THE PRESS*	19-00397	01/31/19	LEGAL AD - NOTICE ROAD PROGRAM	Open	64.68	0.00		
03899 UPS	19-00389	01/31/19	SHIPPING	Open	24.46	0.00		
03954 VAN NOTE-HARVEY ASSOCIATES*	17-02751	10/25/17	RES 2017-281 TAX MAP	Open	14,725.00	0.00		B
03971 VERIZON WIRELESS MDT POLICE	19-00361	01/30/19	VERIZON MDT -DPS 12/21-1/20/19	Open	843.33	0.00		
03985 VILLAS NAPA AUTO PARTS	19-00064	01/07/19	RDS/SANT/RECY/DPW/JAN	Open	3,213.50	0.00		
03992 VAL-U AUTO PARTS LLC*	19-00087	01/07/19	RDS/SANT/RECY/DPW/JAN	Open	4,055.04	0.00		
03995 VITAL COMMUNICATIONS, INC.*	18-03188	12/04/18	2019 MODIV PRELIMINARY UPDATE	Open	100.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*	19-00464	02/08/19	FIRST AID SUPPLIES/DPW	Open	127.47	0.00		
	19-00465	02/11/19	MEDICAL CABINET MAINT.	Open	<u>38.17</u>	0.00		
					165.64			
04261 STATE OF NEW JERSEY	19-00364	01/30/19	4TH QTR 2018 UNEMPLOYMENT	Open	7,417.70	0.00		
04301 SEASHORE ASPHALT CORPORATION*	19-00072	01/07/19	ASPHALT/PATCH/RDS/JAN	Open	153.75	0.00		
05064 CAPE ISLAND GRAPHICS*	18-02775	10/24/18	FIRE BUREAU GRAPHICS	Open	309.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
2023 ATLANTIC TACTICAL INC*								
	18-03391	12/27/18	HOLSTERS	Open	235.20	0.00		
6063 CAPE MINING & RECYCLING, LLC*								
	19-00076	01/07/19	SUPPLIES FOR ROADS/JAN	Open	13.86	0.00		
6071 UNITED UNIFORMS LIMITED LIAB*								
	19-00280	01/23/19	UNIFORM PATCHES	Open	32.00	0.00		
7354 FLEETPRIDE INC.*								
	19-00443	02/06/19		Open	2,304.34	0.00		
	19-00473	02/11/19	MODULATING VLV/DPW	Open	252.78	0.00		
					<u>2,557.12</u>			
7417 KINEMATIC CONSULTANTS INC*								
	19-00098	01/08/19	FUNCTION TEST FIT FOR DUTY	Open	900.00	0.00		
7475 SUZANNE M SCHEID								
	19-00392	01/31/19	CONTRACTUAL REIMBURSEMENT M	Open	48.00	0.00		
	19-00478	02/11/19	CONTRACTUAL REIMBURSEMENT M	Open	30.00	0.00		
					<u>78.00</u>			
7478 WINDSTREAM COMMUNICATION INC*								
	19-00411	02/04/19	JANUARY 29TH 2019	Open	3,048.25	0.00		
7508 BLANEY & KARAVAN PC*								
	18-03349	12/21/18	TAX APPEAL ATTORNEY	Open	809.25	0.00		
	19-00048	01/04/19	LABOR ATT RES#2019-02 DNE 40K	Open	4,480.00	0.00		B
	19-00051	01/04/19	RES2019-10 DNE \$10K TAX APPEAL	Open	1,912.50	0.00		B
	19-00428	02/05/19	TAX APPEAL ATTORNEY DNE \$3,055	Open	3,053.75	0.00		
					<u>10,255.50</u>			
7532 HEATHER MCNULTY*								
	19-00408	02/04/19	JAN 2019 HIFITNESS	Open	520.00	0.00		
	19-00409	02/04/19	JAN 2019 SPROUT SPOT	Open	190.00	0.00		
					<u>710.00</u>			
7550 STATE OF NJ DEP/BEACH PERMIT								
	19-00167	01/09/19	NJ DEP CAFRA APPLICATION	Open	30,000.00	0.00		
7618 MEGONIGAL ELECTRIC LLC*								
	19-00307	01/25/19	1/24/19 DNE \$200	Open	150.00	0.00		
7636 MOTT MACDONALD LLC*								
	16-02312	08/29/16	ENGINEERING FOR ROSEANN AVE	Open	36,651.76	0.00		B
	18-01691	06/11/18	ROSEANN AVE/BAYSHORE ESTATES	Open	8,128.40	0.00		B
	18-02192	08/10/18	REC CENTER BATHROOM	Open	1,637.50	0.00		B
	18-02467	09/18/18	EMERGENCY REPAIR TO PIPE LINE	Open	5,715.20	0.00		B
	19-00480	02/11/19	PROFESSINAL ENGINEERING	Open	69.25	0.00		
	19-00481	02/11/19	PROFESSINAL ENGINEERING	Open	357.15	0.00		
	19-00482	02/11/19	PROFESSINAL ENGINEERING	Open	618.50	0.00		
	19-00483	02/11/19	PROFESSINAL ENGINEERING	Open	221.20	0.00		
	19-00484	02/11/19	PROFESSINAL ENGINEERING	Open	288.85	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7636	MOTT MACDONALD LLC*		Continued					
	19-00485	02/11/19	PROFESSINAL ENGINEERING	Open	371.95	0.00		
	19-00486	02/11/19	PROFESSINAL ENGINEERING	Open	580.89	0.00		
	19-00487	02/11/19	PROFESSINAL ENGINEERING	Open	96.95	0.00		
	19-00488	02/11/19	PROFESSINAL ENGINEERING	Open	3,466.49	0.00		
	19-00489	02/11/19	PROFESSINAL ENGINEERING	Open	7,238.71	0.00		
	19-00490	02/11/19	PROFESSINAL ENGINEERING	Open	123.85	0.00		
	19-00491	02/11/19	PROFESSINAL ENGINEERING	Open	<u>492.50</u>	0.00		
					66,059.15			
7712	KATELYN KELLY							
	19-00325	01/28/19	BASKETBALL OFFICIAL	Open	100.00	0.00		
7811	KYOCERA DOCUMENT SOLUTION AMER							
	19-00414	02/04/19	10/1 - 12/31/18 OVERAGES	Open	386.89	0.00		
7820	DEBLASIO & ASSOCIATES, P.C*							
	18-01963	07/18/18	C/O 1 NJDOT RECONSTRUCTION	Open	225.00	0.00		B
	18-02168	08/08/18	ENGINEERING 2018 ROAD PROGRAM	Open	21,250.00	0.00		B
	19-00313	01/25/19	C/O2 GEORGIA/ALABAMA/MAINT	Open	<u>950.00</u>	0.00		
					22,425.00			
7929	AMAZON CAPITAL SERVICES, INC							
	19-00329	01/28/19	PENS FOR MANAGER	Open	12.70	0.00		
	19-00331	01/29/19	GATE OPENER PARTS	Open	286.98	0.00		
	19-00332	01/29/19	OFFICE SUPPLIES	Open	170.36	0.00		
	19-00362	01/30/19	SUPPLIES	Open	53.98	0.00		
	19-00399	02/01/19	BATTERY BACKUP	Open	47.35	0.00		
	19-00415	02/05/19	ENGINE CONVERTER	Open	75.00	0.00		
	19-00423	02/05/19	FIRE SAFETY SUPPLIES	Open	<u>105.73</u>	0.00		
					752.10			
8012	FRED LAHM							
	19-00497	02/13/19	BASKETBALL OFFICIAL	Open	75.00	0.00		
8044	STEVE RATTY							
	19-00499	02/13/19	BASKETBALL OFFICIAL	Open	50.00	0.00		
8053	DIANE DEGURIAN							
	19-00500	02/13/19	BASKETBALL OFFICIAL	Open	320.00	0.00		
8054	CRYSTAL HINES							
	19-00324	01/28/19	BASKETBALL OFFICIAL	Open	100.00	0.00		
	19-00495	02/13/19	BASKETBALL OFFICIAL	Open	<u>100.00</u>	0.00		
					200.00			
8058	PHILIP KELLY							
	19-00496	02/13/19	BASKETBALL OFFICIAL	Open	100.00	0.00		
8060	CAROLYN STUDSKI							
	19-00338	01/29/19	REPLACE TRASH CAN	Open	32.99	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8063 JOHNNY BUILES	19-00427	02/05/19	WRESTLING OFFICIAL	Open	95.00	0.00		
	19-00494	02/13/19	WRESTLING MATCH OFFICIAL	Open	74.00	0.00		
					169.00			
8064 DON MATOUSCH	19-00426	02/05/19	WRESTLING OFFICIAL	Open	95.00	0.00		
8066 AMY BELASCO	19-00456	02/07/19	MILEAGE REIMBURSEMENT 1/29/19	Open	119.48	0.00		
8209 SECARE & HENSEL*	19-00385	01/31/19	RES19-46 CONFLICT HEARING OFF	Open	1,260.00	0.00		
ARC ARC OF CAPE MAY COUNTY, INC	19-00412	02/04/19	2018 SPECIAL OLYMPICS DONATION	Open	750.00	0.00		
BOSNA KAREN MANETTE BOSNA	19-00367	01/30/19	JAN 2019 YOGA	Open	60.00	0.00		
HOOVER ROBERT HOOVER & SONS INC*	19-00081	01/07/19	SUPPLIES FOR TRUCKS/JAN	Open	293.73	0.00		
MARGATE MARGATE RECREATION	19-00458	02/08/19	MARGATE MADNESS TOURNAMENT	Open	160.00	0.00		
MPHIN MPH INDUSTRIES*	19-00248	01/17/19	RADAR MOUNTING BRACKETS	Open	621.28	0.00		
ROSSIS STEVEN ROSSI	19-00498	02/13/19	BASKETBALL OFFICIAL	Open	50.00	0.00		
SIXSM LLOYD SIXSMITH*	18-03329	12/19/18	RECREATION SHIRTS/JACKETS	Open	330.25	0.00		

Total Purchase Orders: 141 Total P.O. Line Items: 0 Total List Amount: 328,167.36 Total Void Amount: 0.00

	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 February 20, 2019.


Julie A Picard, Township Clerk

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

RESOLUTION #2019-89

Title: **A RESOLUTION APPROVING THE ACCEPTANCE OF AND PARTICIPATION IN THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY EMERGENCY MANAGEMENT AGENCY ASSISTANCE (EMAA) SUBGRANT FY2018**

WHEREAS, the Township of Lower office of Emergency Management has applied for and been awarded a State Homeland Security Grant Program Sub-grant **CFDA #97.042, Award #FY18-EMPG-EMAA-0505** from New Jersey State Police Office of Emergency Management. The Sub-grant, consisting of a total amount of \$20,457.85, including \$10,000.00 Federal Award and \$10,457.85 Local Matching Funds, is for the purpose of enhancing Lower Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

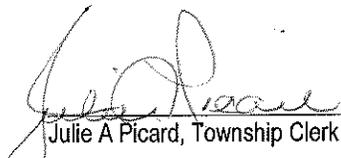
WHEREAS, the Township of Lower, as the sub-recipient, by virtue of this Resolution, is authorizing the acceptance of the award; and

WHEREAS, the Township of Lower further certifies that use of specific grant money is for the specific purpose as set forth in the application and the Emergency Management Performance Grant Award Conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that State Homeland Security Grant Program Sub-grant **CFDA #97.042, Award #FY18-EMPG-EMAA-0505** from New Jersey State Police Office of Emergency Management is hereby approved.

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

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 February 20, 2019


Julie A Picard, Township Clerk

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

RESOLUTION #2019-90

Title: **A RESOLUTION AUTHORIZING THE TRANSFER OF FIREARMS NO LONGER NEEDED TO A LICENSED FIREARMS DEALER FOR PRIVATE SALE**

WHEREAS, the Township of Lower has determined that one (1) Glock Model 21 .45 caliber Serial number ZPF-325 with 3 magazines are no longer needed for public use by the Lower Township Police Department; and

WHEREAS, the Township has requested and obtained an estimate as to the fair market value of the weapons from United Uniforms, an authorized firearms dealer, located in Rio Grande, New Jersey; and

WHEREAS, N.J.S.A 40A:11-36 permits a municipality to sell, by private sale, personal property no longer needed for public use, when the fair value of the property to be sold does not exceed the applicable bid threshold; and

WHEREAS, N.J.S.A. 2C:58-2 regulates the sale of the firearms within the State of New Jersey and requires that firearms be sold exclusively through a licensed gun dealer; and

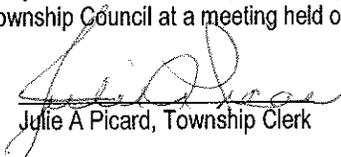
WHEREAS, in order to facilitate the sale of one (1) Glock Model 21, .45 Caliber, Serial number ZPF-325 with 3 magazines, Fixed Asset #3752, to retired Lower Township Police Officer Timothy S. Wittington for the estimated value of \$250.00, the firearm will be transferred to United Uniforms and the Township will receive a credit in the amount of \$250.00 on its Police Department Equipment Account.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of the Township of Lower, County of Cape May, State of New Jersey that the transfer of the firearm identified herein to United Uniforms, and the sale of the firearm identified by Serial ZPF-325, Fixed Asset #3752 to retired Police Officer Timothy S. Whittington for the amount of Two Hundred Fifty (\$250.00) Dollars, to be received in the form of a credit of \$250.00, is hereby authorized.

BE IT FURTHER RESOLVED that said weapon; fixed asset #3752 will be removed from the Lower Township Fixed Asset Inventory.

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

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 February 20, 2019.


Julie A Picard, Township Clerk

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

RESOLUTION # 2019-91

Title: APPROVAL OF CHANGE ORDER #1 TO SOUTH STATE INC FOR RECONSTRUCTION OF GEORGIA AVENUE, ALABAMA AVENUE & MAIN STREET

WHEREAS, South State, Inc. was awarded a contract for the reconstruction of Georgia Avenue, Alabama Avenue & Main Street by Resolution #2018-276 on August 20, 2018 in the amount of \$428, 817.18; and

WHEREAS, South State, Inc has provided a proposal in the amount of \$14,438.09 which includes additional storm sewer improvements , removal of wood debris from the roadway and final as-built adjustments. This proposal in the amount of \$14, 438.09 will change the final contract price to \$443,255.27; and

WHEREAS, the Township Council desires to approve the additional services and the CFO has certified the availability of funds as evidenced by her signature:

Appropriation: Ord #12-19 C-04-55-413-110

Signature:

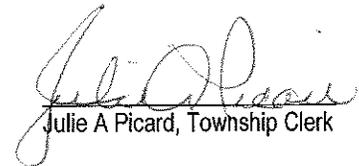


Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Change Order #1 attached hereto in the amount of \$14,438.09 for South State, Inc is hereby approved and the contract total is now increased to \$ 443,255.27.

	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 February 20, 2019.



Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

February 7, 2019

Julie Picard, Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
FY2018 NJDOT Municipal Aid
Reconstruction of Georgia Avenue, Alabama Avenue & Main Street
D&A File #: LT-C-005**

Dear Ms. Picard:

Enclosed please find four (4) executed originals of **CHANGE ORDER NO. 1-Final** regarding the above referenced project for review and approval. Upon execution, please return three (3) originals to our office so that we may forward to NJDOT.

Please note that this change order reflects additional storm sewer improvements requested by the Township, removal of wood debris from the roadway, the final as-built quantity adjustments and will result in an increase of \$14,438.09 to the original contract amount of \$428,817.18 for a final contract amount of \$443,255.27.

Should you have any questions or require any additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Jim Ridgway, Manager (via email w/encl.)
Margaret Vitelli, QPA, Purchasing Agent (via email w/encl.)
Gary Douglass, Public Works Superintendent (via email w/encl.)
Colleen Crippen, Grants Coordinator (via email w/encl.)

Client: Township of Lower
Date: January 23, 2019
Project Name: FY2018 NJDOT Municipal Aid Reconstruction of Georgia Avenue, Alabama Avenue & Main Street
D&A Project #: LT-C-005

Contractor: South State, Inc.
P.O. Box 68
Bridgeton, NJ 08302

A. Reductions

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
2	Drums	Unit	-4	\$0.01	-\$0.04
4	Fuel Price Adjustments	Dollar	-1,196.55	\$1.00	-\$1,196.55
5	Asphalt Price Adjustments	Dollar	-598.65	\$1.00	-\$598.65
7	Roadway Excavation	C.Y.	-21	\$22.00	-\$462.00
8	DGA 6" Thick	S.Y.	-27	\$8.00	-\$216.00
10	Hot Mix Asphalt Surface Course, Mix 9.5M64, 2" Thick	Ton	-17.27	\$85.00	-\$1,467.95
16	Reset Water Valve Box	Unit	-1	\$1.00	-\$1.00
22	8" Polyvinyl Chloride Sanitary Sewer Pipe - SDR 35	L.F.	-36	\$80.00	-\$2,880.00
25	Cleaning and Televising Sanitary Sewer System	L.F.	-36	\$3.10	-\$111.60
26	Select Fill	C.Y.	-2,403.00	\$0.01	-\$24.03
Subtotal:					-\$6,957.82

B. Supplementals

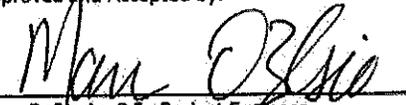
Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
S1	Drainage Modifications	Lump Sum	1	\$5,481.78	\$5,481.78
S2	Roadway Excavation Removal of Wood	Lump Sum	1	\$5,656.50	\$5,656.50
Subtotal:					\$11,138.28

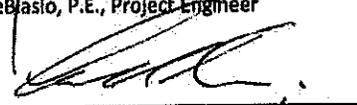
C. Extras

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
1	Construction Signs	S.F.	10	\$10.00	\$100.00
13	Traffic Markings Thermo 12"	L.F.	54	\$14.50	\$783.00
14	Hot Mix Asphalt Driveway, 2" Thick	S.Y.	62.84	\$32.00	\$2,010.88
15	Concrete Driveway, 6" Thick	S.Y.	9.31	\$125.00	\$1,163.75
19	12" High Density Polyethylene Culvert Pipe	L.F.	62	\$100.00	\$6,200.00
Subtotal:					\$10,257.63

Net Contract Change **\$14,438.09**
Original Contract Amount: **\$428,817.18**
Contract Percentage Change (%): **3.37**
Final Contract Amount: \$443,255.27

Approved and Accepted by:


Marc DeBlasio, P.E., Project Engineer 2/7/19
Date


Inspector 2-7-19
Date


South State, Inc. 02/07/19
Date


Township of Lower 2/8/19
Date

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT
CHANGE ORDER NUMBER - 1
STATE AID PROJECT**

Project	FY 2018 NJDOT Municipal Aid Reconstruction of Georgia, Alabama & Main Street
Municipality	Township of Lower
County	Cape May County
Contractor	South State, Inc.

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required)
 Additional storm sewer improvements located at Main Street and Utah Avenue, additional wood removal, as-built quantity adjustments.

 SEE PAGE 2.

<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>
2	Drums	-4	\$0.01	-\$0.04
4	Fuel Price Adjustments	-1.196.55	\$1.00	-\$1,196.55
5	Asphalt Price Adjustments	-598.65	\$1.00	-\$598.65
7	Roadway Excavation	-21	\$22.00	-\$462.00
8	DGA 6" Thick	-27	\$8.00	-\$216.00
10	HMA Surface Course	-17.27	\$85.00	-\$1,467.95
16	Reset Water Valve Box	-1	\$1.00	-\$1.00
22	8" Polyvinyl Pipe Cleaning & Televising	-36	\$80.00	-\$2,880.00
25	Sanitary Sewer System	-36	\$3.10	-\$111.60
26	Select Fill	-2,403.00	\$0.01	-\$24.03

Amount of Original Contract	\$ 428,817.18	Extra	\$ 10,257.63
Adjusted amount Based on Change Orders	\$ 443,255.27	Supplemental	\$ 11,138.28
		Reduction	\$ 6,957.82
		Total Change	\$ 14,438.09

% Change in Contract
 [(+) Increase or (-) Decrease] 3.37 %

 (Engineer) 2/7/19
 (Date)

Approved: _____ (Date)
 (District Manager)
 (Bureau of Local Aid)

 (Presiding Officer) _____ (Date)

 (Contractor) 02/07/19
 (Date)

(Submit four (4) copies to the Local Aid District Office)

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF LOCAL AID AND ECONOMIC DEVELOPMENT
CHANGE ORDER NUMBER – 1 – page 2
STATE AID PROJECT**

Project	FY 2018 NJDOT Municipal Aid Reconstruction of Georgia, Alabama & Main Street
Municipality	Township of Lower
County	Cape May County
Contractor	South State, Inc.

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required)
 Additional storm sewer improvements located at Main Street and Utah Avenue, additional wood removal, as-built quantity adjustments.

<u>Item No.</u>	<u>Description</u>	<u>Quantity (+/-)</u>	<u>Unit Price</u>	<u>Amount</u>
Supplementals				
S1	Drainage Modifications	1	\$5,481.78	\$5,481.78
S2	Roadway Excavation Removal of Wood	1	\$5,656.50	\$5,656.50
Extras				
1	Construction Signs	10	\$10.00	\$100.00
13	Traffic Markings	54	\$14.50	\$783.00
14	HMA Driveway, 2" Thick	62.84	\$32.00	\$2,010.88
15	Concrete Driveway, 6" Thick	9.31	\$125.00	\$1,163.75
19	12" High Density Polyethylene Culvert Pip	62	\$100.00	\$6,200.00

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

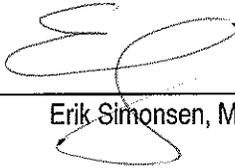
RESOLUTION #2019-92

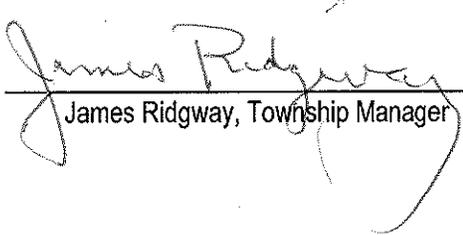
Title: APPROVAL OF PRESERVE NEW JERSEY HISTORIC PRESERVATION FUND
ADMINISTERED BY THE NEW JERSEY HISTORIC TRUST

WHEREAS, the Township Council of the Township of Lower desires to further preserve historic preservation through a grant from the New Jersey Historic Trust, State of New Jersey in the amount of \$38,850.00 for the following Project:

Judge Nathaniel Foster House
Project Number: 2018.0018

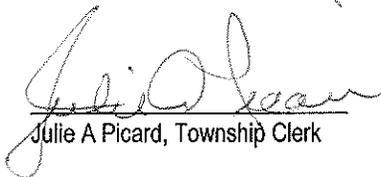
NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby authorizes the persons whose names and titles which appear below are authorized to sign the application, and that they or their successors in said titles are authorized to execute a grant agreement with the State in an amount up to that awarded for the purposed project and to seal the grant agreement.


Erik Simonsen, Mayor


James Ridgway, Township Manager

	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 February 20, 2019.


Julie A Picard, Township Clerk

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

RESOLUTION #2019-93

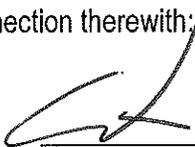
Title: 2019 Distracted Driving Crackdown. U Drive. U Text. U Pay.

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$5,500.00 to carry out a 2019 Distracted Driving Crackdown. U Drive. U Text. U Pay Grant from April 1, 2019 – April 21, 2019.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lower, County of Cape May, State of New Jersey does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

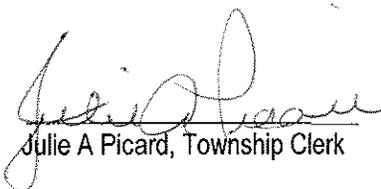
BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:


Erik Simonsen, Mayor


William Mastriana, Chief of Police

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

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 February 20, 2019.


Julie A. Picard, Township Clerk

HTS Mobilization 2019 Distracted Driving Crackdown

Organization: Lower Township

Contact Information

Project Director

Prefix: Captain
First Name: Martin
Last Name: Biersbach
Title: Executive Officer
Address 1: 405 Breakwater Road
Address 2:
City: Erma
State: New Jersey
Zip: 08204
Phone: 609-886-1619 ext. 111
Fax: 609-886-4924
E-Mail: Biersbach@lowertownshippolice.com

Financial Director

Prefix: Ms.
First Name: Lauren
Last Name: Read
Title: Township Chief Financial Officer
Address 1: 2600 Bayshore Road
Address 2:
City: Villas
State: New Jersey
Zip: 08251
Phone: 609-886-2005 ext. 125
Fax: 609-886-5342
E-Mail: LRead@townshipoflower.org

Authorizing Official

Prefix: Ms.
First Name: Colleen
Last Name: Crippen
Title: Coordinator For Federal and State Aid
Address 1: 2600 Bayshore Road
Address 2:
City: Villas
State: New Jersey
Zip: 08251
Phone: 609-886-2005 ext. 134
Fax: 609-886-1694
E-Mail: CCrippen@townshipoflower.org

HTS Mobilization 2019 Distracted Driving Crackdown

Organization: Lower Township

Narrative Description of Project

[✓] I agree to the Terms and Conditions found below.

Problem Statement:

Distracted driving is a dangerous epidemic on America's roadways. In 2016 alone, 3,450 people were killed in distracted driving crashes. An estimated 391,000 people were injured in motor vehicle crashes involving a distracted driver in 2015. In New Jersey, driver inattention remains the most significant cause of fatal and incapacitating crashes. Driver inattention was listed as a contributing circumstance in 53 percent of the state's crashes in 2016. Driver inattention was in fact listed as a contributing factor in crashes at a rate nine times higher than that of the next highest contributing factor (speed).

Distracted driving is any activity that diverts a person's attention away from the primary task of driving. All distractions endanger driver, passenger, and bystander safety. These distractions include:

Texting

Using a cell phone or smartphone

Eating and drinking

Talking to passengers

Grooming

Reading, including maps

Using a navigation system

Watching a video

Adjusting a radio, CD player, or MP3 player

But, because using a hand held cell phone while driving to make calls or send text messages requires visual, manual, and cognitive attention from the driver, they are by far the most alarming distractions.

April is National Distracted Driver Month, which is a time to remind New Jersey motorists of the state's distracted driving laws, which include a ban on hand-held cell phone use and text messaging by all drivers and a ban on all cell phone use (hand held or hands free) by novice drivers.

From April 1-21, 2019, police officers, on an overtime basis, will conduct special enforcement patrols targeting distracted drivers. The enforcement will take the form of roving patrols and fixed checkpoints.

During the 2018 Distracted Driving Crackdown *U Drive. U Text. U Pay.* participating police agencies in the state issued 13,146 summonses for cell phone use/texting and 5,697 for careless driving.

Objectives:

To reduce the number of motor vehicle fatalities in the state with a distracted driver contributing cause (as detailed in the FY2019 New Jersey Highway Safety Plan) through targeted distracted driving enforcement and education during the 2019 Distracted Driving Crackdown *U Drive. U Text. U Pay.*

Methodology:

REMINDER: As per directives from the National Highway Traffic Safety Administration (which

HTS Mobilization 2019 Distracted Driving Crackdown

Organization: Lower Township

Narrative Description of Project

provides the federal funding for this grant) Chiefs of Police are not eligible to work grant-funded overtime through this grant.****

This federally-funded grant project consists of an enforcement overtime campaign from April 1 through April 21, 2019. The project is designed to raise awareness about the dangers of distracted driving, to offer deterrence through visible enforcement, and to issue summonses for relevant motor vehicle violations. The grant will pay for 100 hours of overtime enforcement during the crackdown period, with a maximum rate to be reimbursed of \$55 per hour. The 100 overtime hours will be used for roving patrols and checkpoints.

This is a **reimbursement** grant. Participating departments will incur all costs and then submit the necessary documentation to the Division of Highway Traffic Safety for reimbursement.

This is an **enforcement** campaign. A reasonable number of distracted driving related summonses are expected in relation to overtime hours worked.

All grantees are expected to conform to the established "Law Enforcement Performance/Productivity Standards for Federally Funded NJDHTS Grants."

The maximum project overtime rate is \$55.00 per hour regardless of what officer works the project hours. The officer is to receive the full dollar amount in overtime. Administrative costs or fees should be considered "in kind services" or soft matches and are not a part of this grant. It is up to the agency to establish its pay rate for the project. The Division encourages agencies to pay all participating officers a flat \$55 per hour rate for this overtime detail, but agencies may pay their usual overtime rates, if they wish, in which case the reimbursement from the Division will be:

Officers paid \$55.00 - project will reimburse at \$55.00 per hour

Officers paid less than \$55.00 - project will reimburse at that lower rate

Officers paid more than \$55.00 - project will reimburse at \$55.00 per hour with the municipality covering the remainder of the rate

Again, the maximum hourly rate to be reimbursed is \$55 per hour, regardless of whether all the grant-budgeted hours are worked or not.

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

RESOLUTION #2019 - 94

Title: APPROVING A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE TOWNSHIP OF MIDDLE FOR MUNICIPAL COURT STAFF PERSONNEL

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units in order to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

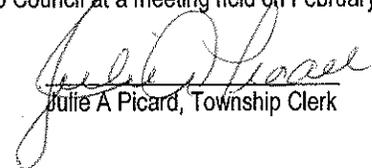
WHEREAS, Lower Township has identified a need to procure temporary court staff personnel on an as needed basis due to a shortage of available employees in order to assist with the daily needs of its Municipal Court; and

WHEREAS, Middle Township has expressed a willingness and an ability to provide trained court staff personnel on an as needed basis in order to assist Lower Township and to ensure that its Municipal Court is able to properly function due to its temporary shortage of available employees, and Lower Township has expressed a willingness to assist Middle Township in the same capacity should the need arise.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute the Shared Service Agreement, attached hereto as Exhibit A for the term of execution date of agreement through December 31, 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 February 20, 2019.


Julie A. Picard, Township Clerk

SHARED SERVICES AGREEMENT
FOR MUNICIPAL COURT STAFF PERSONNEL

THIS AGREEMENT, dated this ____ day of _____, 2019, by and between the **TOWNSHIP OF LOWER** (hereinafter "Lower Township"), a municipal corporation of the State of New Jersey whose administrative offices are located at 2600 Bayshore Road, Villas, New Jersey 08251 and the **TOWNSHIP OF MIDDLE** (hereinafter "Middle Township"), a municipal corporation of the State of New Jersey whose administrative offices are located at 33 Mechanic Street, Cape May Court House, New Jersey 08210, and who may collectively be referred to herein as the "Parties."

WITNESSETH:

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units in order to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 2B:12-1(c), two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

WHEREAS, each of the Parties currently operates its own independent Municipal Court staffed with trained employees who perform the daily duties and responsibilities required in order manage, adjudicate and facilitate the services and obligations associated with the courts proceedings and daily operations; and

WHEREAS, Lower Township has identified a need to procure temporary court staff personnel on an as needed basis due to a shortage of available employees in order to assist with the daily needs of its Municipal Court; and

WHEREAS, Middle Township has expressed a willingness and an ability to provide trained court staff personnel on an as needed basis in order to assist Lower Township and to ensure that its Municipal Court is able to properly function due to its temporary shortage of available employees, and Lower Township has expressed a willingness to assist Middle Township in the same capacity should the need arise; and

WHEREAS, this Agreement has been authorized by duly adopted Resolutions of the Parties, Resolution No. 2019-94, in the case of Lower Township, and Resolution No. _____, in the case of Middle Township.

NOW, THEREFORE, IN CONSIDERATION of the exchange of mutual covenants and conditions and such other consideration as set forth in this agreement and as authorized by the provisions of N.J.S.A. 40A:65-1 et seq., the parties agree as follows:

1. PREAMBLE:

All of the statements of the Preamble to this Agreement are repeated and incorporated herein by reference as if fully set forth herein.

2. NATURE AND EXTENT OF SERVICES TO BE PERFORMED:

Either party may request that the other party provide cooperation and assistance in the form of temporary court staff personnel on an as need basis in the event a shortage of court staff personnel arises. Neither party shall be under any obligation to provide the requested assistance/service; however, it is the intent of this Agreement that the parties shall cooperate and assist each other whenever possible when such efforts will not adversely affect or disrupt the Municipal Court services within their home jurisdiction. Court Staff Personnel will provide the ordinary and customary services required in order to manage, adjudicate and facilitate the duties and obligations associated with said Municipal Courts proceedings and daily operations.

3. LEVEL, QUALITY, AND SCOPE OF PERFORMANCE, ASSIGNMENT, AND ALLOCATION OF RESPONSIBILITIES:

The parties have exchanged among their respective Administrators and Municipal Courts, information relating to the level, quality, and scope of performance of each service to be provided, including, but not limited to, the appropriate legislative provisions, rules and regulations. Specific assignment and allocation of responsibility for meeting these standards, other than that set forth specifically herein, shall be made by the Administrators of each of the respective municipalities.

4. TERM OF THE AGREEMENT.

This Agreement shall take effect on the date on which the last of the parties executes same and shall run through December 31, 2019. This Agreement may be terminated by either party on thirty (30) days written notice to the other.

5. PAYMENT PROCEDURE

There will be no payment made by either Party to the other for services outlined within this Agreement as the Parties have agreed to reciprocate the services contemplated herein in the event the need should arise for temporary court staff personnel on the part of either party. It is expressly understood that the court staff personnel shared in connection with this Agreement shall remain employees exclusively of the Party with whom they are currently employed. The employer of the court staff personnel shared in connection with this Agreement shall be solely and exclusively responsible for paying the individual's salary and providing benefits to said individual, if any, with no contribution from the other.

6. INSURANCE

Each party represents that it is a full participating member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "JIF" and each party agrees to provide relative to the use of its personnel in the other municipality the following minimum insurance coverage;

- a) \$1,000,000.00 bodily injury and property damage for general and automobile liability.
- b) Vehicle physical damage coverage upon the municipalities' respective vehicles.
- c) Statutory workers' compensation coverage.

7. INDEMNIFICATION

To the extent that the same is applicable, each of the respective municipalities are members of the Atlantic/Cape May County JIF Program. When Middle Township is assisting the Lower Township in the Township of Lower, Lower Township agrees to indemnify Middle Township, its officers and employees from any loss or damage resulting from these activities, to the extent of Lower Township's insurance coverage under JIF. When Lower Township is assisting Middle Township in the Township of Middle, Middle Township agrees to indemnify Lower Township, its officers and employees from any loss or damage resulting from the activities, to the extent of Middle Township's insurance coverage under JIF. However, for purposes of Worker's Compensation, Middle Township's employees shall be deemed to be only Middle Township's employees irrespective of whether they are working in or for the Township of Lower; similarly, Lower Township's employees shall be deemed to be only employees of Lower Township irrespective of whether they are working in or for the Township of Middle. In no event shall the special employer relationship be deemed to exist between the Township of Middle and Township of Lower employees or between the Township of Lower and Township of Middle employees.

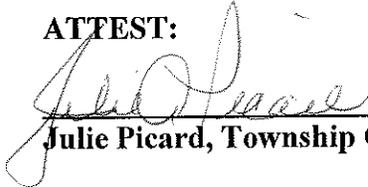
It is hereby understood and agree that Lower Township and Middle Township shall each be responsible for the negligence of their own employees, agents or servants.

8. **ASSIGNMENT:** The rights and the obligations under this Agreement shall not be assigned by either party without the express written consent of the other.
9. **APPLICABLE LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.
10. **ENTIRE AGREEMENT:** This Agreement represents the entire Agreement between the parties and may not be changed orally, and may only be modified or amended by a written statement signed by both parties.
11. **SEVERABILITY:** If any part of this Agreement shall be held to unenforceable or invalid the remainder of the Agreement shall nevertheless remain in full force an effect.
12. **WAIVER:** Failure to insist upon strict compliance with any of the terms, covenants or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant or condition at any one time nor shall any waiver or relinquishment of any right or power herein at any time be deemed a waiver of relinquishment of the same or any other right or power at any other time.

13. AUTHORIZATION OF OFFICIALS; COUNSEL APPROVAL: The parties acknowledge that this Agreement has been executed and sealed by officials authorized and directed to execute same on behalf of the respective Parties by duly adopted resolutions for such purposes.

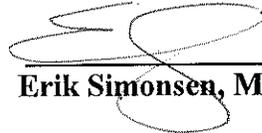
IN WITNESS WHEREOF, the parties have set their hand and seals the day and year first written above.

ATTEST:



Julie Picard, Township Clerk

TOWNSHIP OF LOWER



Erik Simonsen, Mayor

ATTEST:

Kimberly Krauss, TwpClerk/Admin

TOWNSHIP OF MIDDLE

Timothy C. Donohue, Mayor

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

RESOLUTION #2019-95

Title: **A RESOLUTION AUTHORIZING THE EXECUTION OF A STATEMENTS OF CONSENT FORM REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER QUALITY, IN CONNECTION WITH THE ROSEANN AVENUE ROADWAY AND UTILITIES IMPROVEMENTS PROJECT.**

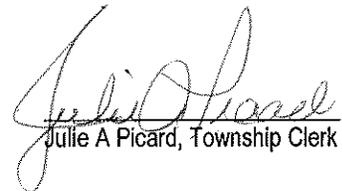
WHEREAS, Lower Township Council has unanimously supported the Roseann Avenue project since its inception and has previously executed and approved any and all required documents, contracts, bonds, etc. related to said project; and

WHEREAS, the State of New Jersey Department of Environmental Protection, Division of Water Quality, requires a Resolution authorizing the governing body of the Township of Lower to execute a Statements of Consent form on behalf of the Township certifying that the Roseann Avenue Roadway and Utilities Improvements Phase 3 Project – Groundwater Treatment Facility conforms with the requirements of all municipal ordinances.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Mayor Erik Simonsen is hereby authorized to execute the required Statements of Consent on behalf of Lower Township Council certifying that the Roseann Avenue Roadway and Utilities Improvements Phase 3 Project – Groundwater Treatment Facility conforms with all Municipal Ordinances and requirements.

	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 February 20, 2019


Julie A Picard, Township Clerk

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

RESOLUTION # 2019-96

Title: **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**

WHEREAS, the Township Council of the Township of Lower is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Lower to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

X (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **Attorney-Client Privilege/Possible Litigation**

_____ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

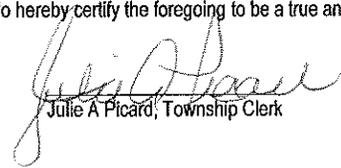
_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss if a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, assembled in public session on February 20, 2019 that an Executive Session closed to the public shall be held on this date at approximately 7:16 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

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Julie A. Picard, Township Clerk