

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

JULY 2, 2012 - 6:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Girl Scouts
Certificate of Recognition - South Jersey Hurricanes
Oath of Office - Kevin Boyle, Jr. - Police Officer

Work Session

NJ DEP Map Revision - Bill Galestok, Planning Director
Richard Barron, Cape May County MUA Single Stream Recycling
Update from Citizen's Advisory Board
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes June 18, 2012
Res. #2012-162 Payment of Vouchers, \$1,503,083.46
Res. #2012-163 Issuance of a New Taxi License to Robert White
Res. #2012-164 Issuance of a Duplicate Tax Sale Certificate (original lost)
Res. #2012-165 Renewal of Commercial Excavation (Gravel Pit) Licenses for Thomas F. Brodsesser, Jr.(annual renewal)
Res. #2012-166 Capital Budget Amendment (Required as part of bond ordinances adopted April, 2nd)
Res. #2012-167 Authorization to Cancel General Ledger Balances (\$167,847.69 Anticipated revenues not used/needed)
Res. #2012-168 Approving Project Proposal Between Hatch Mott MacDonald And The Township of Lower For Engineering Services Related to 2011 Delaware Bay Shore Outfall Extensions (\$38,100.00)
Res. #2012-169 Resolution of the Township of Lower Endorsing the CMCMUA Proposed Switch of the Cape May County Intermediate Processing Facility to Single Stream Recycling (Supporting change to single stream recycling which will end separating paper from the other recyclables)
Res. #2012-170 Award of One (1) 2013 Ford Escape (Construction)
Res. # 2012-171 Award of One (1) 2012 Chevy Colorado Puck-Up Truck Regular Cab 2 Wheel Drive (Recreation)
Res. #2012-172 Award of Two (2) 2012 Ford Focus's (Construction)
Res. #2012-173 Authorizing Pay Out of Terminal Leave (C. Petronzi \$840.06)
Res. #2012-174 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (\$1,525.JIF Award)
Res. #2012-175 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (\$2,000.JIF Safety Budget)
Res. #2012-176 Authorizing Pay Out of Terminal Leave (T. Mills \$6,756.10)
Res. #2012-177 Awarding An Economic Development Loan To Jan & Elizabeth Rupinski (Anco Ace Hardware & Snippers Salon)
Res. #2012-178 Resolution Creating A Special Committee to Determine the Feasibility of Construction Of A Delaware Bay-Front Fishing Pier In The Township of Lower

Regular Agenda

Ord. #2012-11A An Ordinance Amending Chapter 400 of the Revised General Ordinances of the Township of Lower 2012 (Establishing guidelines for Beekeeping in Lower Twp.) 2nd reading & public hearing
Ord. #2012-15 An Ordinance Granting Renewal of Municipal Consent to Comcast of Wildwood, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communications System in Lower Township, New Jersey (Cable franchise agreement -15 years) 2nd rdg & public hearing

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Closed Session

Res. #2012-179

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." (Acquisition of Property, Litigation - Stango v. Township of Lower et al; Possible Litigation - Neighborhood Dispute - Crest Place - Right of Way)

Return to Open Session

Ord. #2012-16

Bond Ordinance Providing for the Acquisition of property in and by the Township of Lower, In the County of Cape May, New Jersey Appropriating \$210,000 Therefore and Authorizing the Issuance of \$200,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (possible 1st rdg.) (Acquisition of real property) 2nd rdg. July 16

Ord. #2012-17

An Ordinance Authorizing the Acquisition of the Fee Simple Interest in Real Property Owned by Carmen R. Manzoni and Joyce R. Vitale, Known As Block 410.01, Lot 63.02 on the Tax Map of the Township of Lower and also Known and Designated as 2610 Bayshore Road, Villas, New Jersey

Adjournment

PUBLIC INFORMATION

JULY 3RD INDEPENDENCE DAY FESTIVAL - 5 - 9 P.M. BEACH DRIVE, N. CAPE MAY

CREDIT CARD PAYMENTS FOR TAXES WILL NO LONGER BE ACCEPTED AT THE TAX OFFICE WINDOW.

Residents can continue to pay by credit card online through the Township's website or sign up for automatic withdrawals from their checking account.

ANNUAL DOG LICENSES DUE. Any dog over 6 months, must be licensed. Proof of rabies vaccination required. If spayed/neutered, vet certificate required. Fee \$7.20 if not spayed/neutered and \$4.20 if spayed/neutered

YARD SALE LICENSES - Required for all yard sales, attic sales, garage sales etc. Permit fee \$5.00 for two consecutive days and choice of rain date. Three permits permitted per year to a residence/person.

ALL RENTAL PROPERTIES REQUIRE LICENSE AND FIRE INSPECTION - All rentals, commercial or residential, whether yearly or seasonal require a mercantile license and a fire inspection and real estate taxes must be current. Applications for both the required fire inspection and the mercantile license are available at the Municipal Building, 2600 Bayshore Road, Villas and on the Township's website - www.townshipoflower.org, under Form Center.

June 28, 2012
03:21 PM

RESOLUTION #2012-162
Lower Township
Bill List By Vendor Id

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed

Include Project Line Items: Yes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00110 ANCO HOME CENTER*								
	12-01162	05/03/12	SUPPLIES FOR SIGNS/BLDG/RDS	Open	1,002.21	0.00		
	12-01443	06/04/12	EXHAUST FANS FOR POOL	Open	111.49	0.00		
	12-01497	06/08/12	PAINT FOR POOL HOUSE	Open	134.20	0.00		
	12-01678	06/15/12	MAY MONTHLY ADDITIONAL-ANCO	Open	<u>30.23</u>	0.00		
					1,278.13			
00153 ATLANTIC CITY ELECTRIC*								
	12-01713	06/20/12	ELECTRIC BILL MAY 2012	Open	7,572.98	0.00		
00179 AVERY TEITLER*								
	12-00984	04/17/12	BOARD SOLICITOR SALARY	Open	466.66	0.00		
	12-01498	06/08/12	LEGAL SERVICES	Open	<u>210.00</u>	0.00		
					676.66			
00218 ARLINE COOPER								
	12-01228	05/14/12	LACROSSE REFEREE	Open	30.00	0.00		
00294 BATTERY ZONE INC*								
	12-00811	03/22/12	NIGHT VISION BATTERIES	Open	88.95	0.00		
00301 BELMONT AND CRYSTAL SPRINGS*								
	12-01712	06/20/12	WATER- MUNICIPAL COURT	Open	4.86	0.00		
00341 MATTHEW BENDER & CO INC*								
	12-01628	06/12/12	LAW BOOKS	Open	488.50	0.00		
00348 BENNETT BATTERIES, LLC*								
	12-01163	05/03/12	PARTS FOR RDS/SANT/RECY/DPS	Open	279.70	0.00		
00370 BLUE CROSS/BLUE SHIELD OF NJ								
	12-01721	06/21/12	JULY 2012 MED-D	Open	2,626.93	0.00		
	12-01723	06/21/12	JULY 2012 HEALTH BEN 415726191	Open	<u>238,840.05</u>	0.00		
					241,466.98			
00403 BLUE WAVE EXPRESS CAR WASH*								
	12-01705	06/20/12	CAR WASH PLANNING/ ZONING	Open	5.00	0.00		
	12-01706	06/20/12	CAR WASH- FIRE SAFETY	Open	<u>5.00</u>	0.00		
					10.00			
00406 BLANEY & DONOHUE, PA								
	12-00441	02/14/12	2012 CONTRACT DNE \$50,000	Open	4,166.66	0.00		B
00611 COUNTY OF CAPE MAY								
	12-01694	06/20/12	GASOLINE -MAY	Open	34,912.51	0.00		
00616 ANIMAL ALLIANCE OF CAPE								
	12-01725	06/21/12	TNR & SPAY/ NEUTER PROGRAM	Open	100.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00651 MUNICIPAL UTIL AUTH DUMP FEES	12-01341	05/18/12	DISPOSAL OF WASTE MATERIAL	Open	2,276.25	0.00		
00784 CAPE MAY STAR & WAVE	12-01718	06/21/12	NOTICE OF DECISION INSERTION	Open	31.62	0.00		
	12-01747	06/22/12	LEGAL NOTICES	Open	<u>63.86</u>	0.00		
					95.48			
00825 COMCAST*	12-01690	06/20/12	MILLMAN CENTER INTERNET ACCESS	Open	67.07	0.00		
	12-01746	06/22/12	MONTHLY INTERNET ACCESS FIRE	Open	<u>107.15</u>	0.00		
					174.22			
01125 MARGARET CROMPTON	12-01809	06/28/12	MEDICAL CLAIMS	Open	40.00	0.00		
01171 VERIZON WIRELESS - TOWNHALL	12-01740	06/22/12	CELL PHONE 5/29-6/28	Open	93.12	0.00		
01196 H A DEHART & SON*	12-01342	05/18/12	PARTS FOR SWEEPER/DPW	Open	277.18	0.00		
01284 ARLENE DOUGLASS	12-01707	06/20/12	CONTRACT REIMBURSEMENT	Open	847.84	0.00		
01437 ERCO CEILINGS*	12-01439	06/04/12	GRAB BARS FOR BATHROOM	Open	135.98	0.00		
01600 ORVILLE E FOWLER	12-01696	06/20/12	CONTRACT REIMBURSEMENT	Open	1,340.00	0.00		
01641 GALL'S INC*	12-00816	03/26/12	NEW VEHICLE OUTFITTING	Open	412.19	0.00		
01690 GRANTURK EQUIPMENT CO*	12-01390	05/25/12	PARTS FOR TRASH TRUCKS/DPW	Open	1,027.91	0.00		
	12-01659	06/13/12	LIFE CYLINDER FOR #38	Open	<u>848.27</u>	0.00		
					1,876.18			
01781 HATCH MOTT MACDONALD, LLC*	12-01730	06/22/12	PROFESSIONAL ENGINEERING SERV	Open	110.40	0.00		
	12-01734	06/22/12	PROFESSIONAL ENGINEERING SERV	Open	27.60	0.00		
	12-01736	06/22/12	PROFESSIONAL ENGINEERING SERV	Open	1,259.00	0.00		
	12-01737	06/22/12	PROFESSIONAL ENGINEERING SERV	Open	<u>923.99</u>	0.00		
					2,320.99			
01785 ROBERT HARTMAN SR	12-01807	06/28/12	CONTRACT REIMB APR-JUNE 2012	Open	299.70	0.00		
01803 HORIZON DENTAL OPTION*	12-01720	06/21/12	JULY 2012 GROUP 96976	Open	15,549.81	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02025 HUNTER JERSEY PETERBILT*								
	12-00909	04/04/12	PARTS FOR RECYCLING TRUCK 32	Open	1,988.73	0.00		
	12-01141	05/02/12	PARTS FOR TRASH TRUCK/DPW	Open	<u>241.90</u>	0.00		
					2,230.63			
02108 KEEN COMPRESSED GAS CO*								
	12-01164	05/03/12	BOTTLED GAS FOR GARAGE/DPW	Open	210.25	0.00		
02125 KDI*								
	12-01473	06/04/12	REPLACED PARTS ON SAVIN 3160	Open	175.00	0.00		
	12-01500	06/08/12	OFFICE EQUIPMENT	Open	<u>79.83</u>	0.00		
					254.83			
02136 TED KINGSTON INC*								
	12-01149	05/02/12	RADIO MAINT.	Open	499.80	0.00		
	12-01150	05/02/12	RADIO MAINT.	Open	<u>497.12</u>	0.00		
					996.92			
02140 KINDLE FORD LINC/MERC., INC.*								
	12-01165	05/03/12	PARTS FOR DPS VEHICLES/DPW	Open	465.50	0.00		
02183 KLENSWITE POOL SPA SUP.CO INC*								
	12-01329	05/18/12	DISC SAND POOL	Open	2,800.00	0.00		
02247 LAWSON PRODUCTS, INC.*								
	12-01172	05/04/12	SUPPLIES FOR GARAGE/DPW	Open	1,127.41	0.00		
02351 LOWER CAPE MAY REGIONAL								
	12-01216	05/11/12	2012-2013 REGIONAL TAX DUE 15	Open	1,116,668.39	0.00		
02402 MGL PRINTING SOLUTIONS								
	12-00750	03/19/12	TAX BILLS AND ENVELOPES	Open	1,544.00	0.00		
02410 MAGLOCLEN*								
	12-01431	05/30/12	ANNUAL RENEWAL	Open	400.00	0.00		
02473 FRANCIS P. MAJANE								
	12-01724	06/21/12	CONTRACT REIMBURSEMENT	Open	404.22	0.00		
02521 JOSEPH MARKER								
	12-01708	06/20/12	CONTRACT REIMBURSEMENT	Open	99.00	0.00		
02732 LAURA MILBRANDT								
	12-01688	06/18/12	REIMBURSEMENT MEETING	Open	30.00	0.00		
02775 BARBARA MOORE								
	12-01711	06/20/12	CONTRACT REIMBURSEMENT	Open	830.00	0.00		
02811 JAMES MOY								
	12-01722	06/21/12	CONTRACT REIMBURSEMENT	Open	221.60	0.00		
02940 MUNICIPAL RECORD SERVICE*								
	12-01436	05/30/12	TRAFFIC SUMMONS	Open	327.25	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03001 STATE TOXICOLOGY LABORATORY*	12-01629	06/12/12	APPLICANT TESTING	Open	90.00	0.00		
03034 SAFEGUARD DOCUMENT DESTRUCTION	12-01346	05/18/12	SHRED DAY	Open	270.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*	12-01462	06/04/12	TRAINING	Open	1,000.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	12-01171	05/04/12	PARTS FOR RDS/SANT/RECY	Open	628.36	0.00		
03109 TRU GREEN CHEMLAWN	12-00686	03/09/12	FERTILIZER/SLICE SEED	Open	1,250.00	0.00		B
03160 OFFICE BASICS, INC*	12-01461	06/04/12	OFFICE SUPPLIES/DPW	Open	187.96	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	12-01167	05/03/12	PARTS FOR RDS/SANT/RECY/DPW	Open	1,213.36	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	12-01338	05/18/12	SUPPLIES FOR TRASH/DPW	Open	83.07	0.00		
03305 PEDRONI FUEL*	12-01756	06/25/12	NO LEAD GAS/DPW	Open	686.61	0.00		
03370 PHYSIO CONTROL CORPORATION	11-02300	08/12/11	BATTERIES FOR AED'S	Open	496.00	0.00		
03465 R&R ELECTRONICS, INC.*	12-01630	06/12/12	ANTENA REPAIR AND CERT.	Open	42.63	0.00		
03495 ELIZABETH BYRNE	12-01689	06/18/12	REIMBURSEMENT FOR MEETING	Open	30.00	0.00		
03518 RIGGINS, INC.*	12-01676	06/15/12	OFF-HIGHWAY DIESEL	Open	647.20	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	12-01169	05/04/12	TIRES FOR RDS/SANT/RECY/POLICE	Open	6,306.20	0.00		
03692 SOUTH JERSEY GAS CO*	12-01754	06/25/12	JUNE GAS BILL	Open	10,267.06	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	12-01668	06/15/12	SEWER DUE 7/1/2012	Open	1,160.00	0.00		
03915 TURF EQUIPMENT & SUPPLY CO*	12-01432	05/30/12	FUEL PUMP/GASKET/MOWER/DPW	Open	178.50	0.00		
03932 REEL FIRE PROTECTION*	12-01656	06/13/12	FIRE EXTINGUISHER INSP #40943	Open	60.75	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03935 STAPLES BUSINESS ADVANTAGE*	12-00939	04/09/12	CUSTOM STAMP	Open	21.40	0.00		
03969 VERIZON	12-01714	06/21/12	JUNE 2012 PHONE BILL	Open	3,920.29	0.00		
03978 USPS ACCT#48503619	12-01818	06/28/12	POSTAGE #48503619	Open	10,000.00	0.00		
03979 MICHAEL VOLL	12-01770	06/27/12	POLICE EXP LUNCH	Open	25.05	0.00		
03985 VILLAS NAPA AUTO PARTS	12-01161	05/03/12	PARTS FOR RDS/SANT/RECY/DPS	Open	2,843.28	0.00		
03992 VAL-U AUTO PARTS LLC*	12-01160	05/03/12	PARTS FOR RDS/SANT/RECY/DPS	Open	4,792.77	0.00		
04017 WILDWOOD LINEN SUPPLY*	12-01358	05/23/12	CLEANING OF EQUIPMENT	Open	290.63	0.00		
04030 WEST PUBLISHING PAYMENT *	12-01738	06/22/12	ANNUAL UPDATES DWI DRIVING LAW	Open	187.00	0.00		
04075 BARBER CONSULTING SERVICES LLC	12-01663	06/14/12	ANTIVIRUS/INSTALL	Open	1,409.25	0.00		
04097 CINTAS FIRST AID AND SAFETY*	12-01033	04/19/12	FIRST-AID KIT SUPPLIES/DPW	Open	244.65	0.00		
04126 NICK OLEXA	12-01471	06/04/12	SOCCER REFEREE	Open	220.00	0.00		
04155 BLACKLEY MASONRY LLC*	12-00953	04/10/12	HANDICAP RAMP @ POOL	Open	3,800.00	0.00		
04204 ZACHARY ZELWAK	12-01697	06/20/12	CONTRACT REIMBURSEMENT	Open	82.00	0.00		
04272 PROPET DISTRIBUTORS*	12-01406	05/30/12	DOGIPOT LITTER PICK UP BAGS	Open	488.35	0.00		
04300 W B MASON CO INC*	12-01621	06/12/12	OFFICE SUPPLIES TOWNHALL	Open	385.51	0.00		
04301 SEASHORE ASPHALT CORPORATION*	12-01660	06/13/12	PATCH #4005895/4005764/4005495	Open	691.90	0.00		
04320 PREMIER OFFICE SUPPLY*	12-01254	05/16/12	OFFICE SUPPLIES	Open	358.51	0.00		
04501 LAUREN BIRELEY	12-01715	06/21/12	REFUND OF MARRIAGE LIC#2012-49	Open	10.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04503 ROBIN WHITEHURST	12-01719	06/21/12	RETURN OF BOND-PRECIOUS METALS	Open	1,000.00	0.00		
04600 DR GARY GLASS MD*	12-01651	06/13/12	EVAL & TESTING	Open	650.00	0.00		
5020 EASTERN WAREHOUSE DISTRIBUTOR*	12-01484	06/04/12	PARTS FOR RDS/SANIT/DPW	Open	120.30	0.00		
BRITB BRUCE BRITTON	12-00682	03/09/12	BASKETBALL REF FESS JV DIV.	Open	50.00	0.00		
	12-01466	06/04/12	SOCCER REFEREE	Open	<u>360.00</u>	0.00		
					410.00			
BRITC CHRIS BRITTON	12-01469	06/04/12	SOCCER REFEREE	Open	20.00	0.00		
BRITTON JOSH BRITTON	12-01464	06/04/12	SOCCER REFEREE	Open	450.00	0.00		
CLEAN NJ CLEAN COMMUNITIES COUNCIL	12-01348	05/18/12	2012 CONFERENCE	Open	100.00	0.00		
FRAMEGEO GEORGE FRAME	12-01463	06/04/12	SOCCER REFEREE	Open	140.00	0.00		
<hr/> Total Purchase Orders: 103 Total P.O. Line Items: 332 Total List Amount: 1,502,683.46 Total Void Amount: 0.00 <hr/>								

RESOLUTION #2012-162

<u>Vendor</u>	<u>Disc.</u>	<u>Date</u>	<u>Ck #</u>	<u>Ck Amt.</u>
F. Statkiewicz	June Election	6/22/12	47833	\$200.00
D. Notofrancesco	June Election	6/22/12	47834	\$200.00
Total Manual Checks				\$400.00
Total brought forward computer generated list				\$1,502,683.46
TOTAL BILL LIST				<u>\$1,503,083.46</u>

I hereby certify this is the original Resolution adopted by the Township Council at the meeting of July 2, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-163

TITLE: ISSUANCE OF NEW TAXI LICENSE TO ROBERT WHITE

WHEREAS, an application has been submitted by Robert White for one of the two new taxi licenses authorized pursuant to Ordinance #2012-05, and

WHEREAS, all required paperwork has been submitted and is in compliance.

NOW, THEREFORE BE IT RESOLVED, the Clerk is hereby authorized to issue the following:

<u>License Type</u>	<u>#1 Taxi</u> <u>Description</u>
Taxi	1999 Plymouth Grand Voyager, Vin#2P4GP44G6XR270161

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

TAXI/LIMOUSINE & OPERATOR APPLICATION - YEAR 2012

LIMOUSINES \$50 per vehicle
Insurance not less than \$1,500,000

TAXI CABS \$250.00 per vehicle
Insurance not less than \$300,000

NAME OF OWNER/APPLICANT* for Taxi/Limo License

(Licenses will be issued to the name listed below.)

Robert White

Daytime Phone # 609-827-3200

Alt. Phone # 609-889-9595

*If owner is corporation or other business entity licensed in State of New Jersey, include name of representative of such entity. All applicants & principals owning 5% or more must apply for a Criminal Background check, list all names below.

Name & Address of all principals owning 5% or more. (If necessary, attach a separate sheet)

Robert White

459 Shunpike Road, Cape May Court House, N.J. 08210

Address of Principal Place of Business as listed in local telephone directories, if no place is listed in local phone directory, principal place of business address as shown on Federal & State tax forms.

459 Shunpike Road, Cape May Court House, N.J. 08210

VEHICLE #1

Year/Make of Vehicle 1999 Plymouth

Model of Vehicle Grand Voyager

Type of Lic

Taxi

VIN # 2P4GP44G6X4270161

License Plate # OXZ2929

VEHICLE #2

Year/Make of Vehicle _____

Model of Vehicle _____

Type of Lic

Taxi or Limo

VIN # _____

License Plate # _____

VEHICLE #3

Year/Make of Vehicle _____

Model of Vehicle _____

Type of Lic

Taxi or Limo

VIN # _____

License Plate # _____

VEHICLE #4

Year/Make of Vehicle _____

Model of Vehicle _____

Type of Lic

Taxi or Limo

VIN # _____

License Plate # _____

VEHICLE #5

Year/Make of Vehicle _____

Model of Vehicle _____

Type of Lic

Taxi or Limo

VIN # _____

License Plate # _____

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

RESOLUTION #2012-164

TITLE: ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, the Tax Collector of the Township of Lower has previously issued tax sale certificate 10-00002 to FNA Jersey Lien Services, which is dated October 4, 2010, covering premises commonly known as 19 W Jacksonville Avenue and referred to as Lot 13.01 in Block 26 on the municipal tax map: and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Lower is hereby authorized to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate and that said duplicate certificate shall be stamped or otherwise imprinted upon it the word "Duplicate" as required by law.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on July 2, 2012.

Claudia R. Kammer, Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012- 165

**TITLE: RENEWAL OF COMMERCIAL EXCAVATION (GRAVEL PIT)
LICENSES FOR THOMAS F. BRODESSER, JR.**

WHEREAS, Thomas F. Brodesser, Jr. has made application for renewal of commercial excavation (gravel pit) licenses, and

WHEREAS, the applicant has paid the appropriate fees and is currently in compliance with the regulations of the Cape Atlantic Conservation District.

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

1. That the renewal of the commercial excavation license for the following are hereby approved:

**Block 410.01
Block 410.01**

**Lots 30.01, 31 & 32
Lots 9.01, 11.01 & 18.01**

2. That all such licenses shall remain in full force and effect through July 15, 2013.
3. That the renewal of such licenses shall be conditioned on there being no further commercial activity conducted on the licensed premises without first obtaining all required Township and/or State licenses and permits and that a violation of this condition shall be grounds for revocation of the license.
4. The issuance of the licenses is further conditioned on the licensee's compliance with all applicable Federal, State and local laws and that a conviction of any Federal, State or local law shall be grounds for revocation of the license.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012

Claudia R. Kammer, Township Clerk

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad						
Craig						
Douglass						
Lare						
Beck						



CAPE ATLANTIC
CONSERVATION DISTRICT

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
Education Line (609) 625-1517
www.capeatlantic.org

June 8, 2012

RECEIVED JUN 11 2012

Thomas F. Brodesser, Jr.
462 Seashore Road
Cape May, NJ 08204

Re: Mining Operation Annual Compliance – Soil Erosion and Sediment Control Plan
Application Number: 151-98
Project Name: Mining Operation
Block: 410.01 Lot(s): 9.01, 11.01 & 18.01
Municipality: Lower Township

In accordance with the requirements set forth by the Cape-Atlantic Soil Conservation District, your plan and site have been reviewed for annual compliance.

Based on our review, we find that the site is generally in compliance with the requirements set forth in your Soil Erosion and Sediment Control Plan.

This review must be completed annually before any Municipality will issue a license for the upcoming year.

Sincerely,

Richard S. Dovey,
Chairman

cc: Municipal Clerk



CAPE ATLANTIC
CONSERVATION DISTRICT

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
Education Line (609) 625-1517
www.capeatlantic.org

June 8, 2012

Thomas F. Brodesser, Jr.
462 Seashore Road
Cape May, NJ 08204

RECEIVED JUN 11 2012

Re: Mining Operation Annual Compliance – Soil Erosion and Sediment Control Plan
Application Number: 17-90
Project Name: Mining Pit Operation
Block: 410.01 Lot(s): 30.01, 31 & 32
Municipality: Lower Township

In accordance with the requirements set forth by the Cape-Atlantic Soil Conservation District, your plan and site have been reviewed for annual compliance.

Based on our review, we find that the site is generally in compliance with the requirements set forth in your Soil Erosion and Sediment Control Plan.

This review must be completed annually before any Municipality will issue a license for the upcoming year.

Sincerely,

Richard S. Dovey,
Chairman

cc: Municipal Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-166

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2012 was adopted on the 2nd day of April, 2012, and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the following amendments to the adopted capital budget section be made:

<u>RECORDED VOTE</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mike Beck				
Kevin Lare				
Glenn Douglass				
Thomas Conrad				
Erik Simonsen				

FROM
CAPITAL BUDGET (Current Year Action)
2012

Planned Funding Services for
 Current Year 2012

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved in Prior Years</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded in Future Years</u>
Equipment	1,594,200.00		64,000.00			464,200.00	1,066,000.00
Recreation Facilities	377,800.00		6,000.00			371,800.00	0.00
Police Equipment	38,500.00		1,600.00			19,400.00	17,500.00
Municipal Buildings	28,000.00		1,200.00			26,800.00	0.00
Vehicles	360,000.00		14,800.00			45,200.00	300,000.00
Road Program	380,000.00		7,400.00			172,600.00	200,000.00
Total All Projects	2,778,500.00	0.00	95,000.00	0.00	0.00	1,100,000.00	1,583,500.00

RESOLUTION #2012-166
 Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-166

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2012 - 2017
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2012 - 2017					
		2012	2013	2014	2015	2016	2017
Equipment	1,594,200.00	528,200.00	465,000.00	453,000.00	46,000.00	56,000.00	46,000.00
Recreation Facilities	377,800.00	377,800.00	0.00	0.00	0.00	0.00	0.00
Police Equipment	38,500.00	21,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
Municipal Buildings	28,000.00	28,000.00	0.00	0.00	0.00	0.00	0.00
Vehicles	360,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00
Road Program	380,000.00	180,000.00	200,000.00	0.00	0.00	0.00	0.00
Total All Projects	2,778,500.00	1,195,000.00	728,500.00	516,500.00	109,500.00	119,500.00	109,500.00

6 YEAR CAPITAL PROGRAM 2012 - 2017
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital				General Debt Authorized
		Improvement Fund	Capital Surplus	Grants and Other Funds		
Equipment	1,594,200.00	362,000.00			1,232,200.00	
Recreation Facilities	377,800.00	85,500.00			292,300.00	
Police Equipment	38,500.00	9,000.00			29,500.00	
Municipal Buildings	28,000.00	6,500.00			21,500.00	
Vehicles	360,000.00	81,500.00			278,500.00	
Road Program	380,000.00	86,500.00			293,500.00	
Total All Projects	2,778,500.00	631,000.00	0.00	0.00	2,147,500.00	

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2012-166

CAPITAL BUDGET AMENDMENT
 TO
 CAPITAL BUDGET (Current Year Action)
 2012

Planned Funding Services for
 Current Year 2012

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,598,700.00		53,505.00			479,195.00	1,066,000.00
Recreation Facilities	323,300.00		17,435.00			305,865.00	0.00
Police Equipment	38,500.00		1,740.00			19,260.00	17,500.00
Municipal Buildings	238,000.00		12,320.00			225,680.00	0.00
Vehicles	363,000.00			63,000.00		0.00	300,000.00
Road Program	200,000.00					0.00	200,000.00
Total All Projects	2,761,500.00	0.00	85,000.00	63,000.00	0.00	1,030,000.00	1,583,500.00

6 YEAR CAPITAL PROGRAM 2012 - 2017
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2012 - 2017					
		2012	2013	2014	2015	2016	2017
Equipment	1,598,700.00	532,700.00	465,000.00	453,000.00	46,000.00	56,000.00	46,000.00
Recreation Facilities	323,300.00	323,300.00	0.00	0.00	0.00	0.00	0.00
Police Equipment	38,500.00	21,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
Municipal Buildings	238,000.00	238,000.00	0.00	0.00	0.00	0.00	0.00
Vehicles	363,000.00	63,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00
Road Program	200,000.00	0.00	200,000.00	0.00	0.00	0.00	0.00
Total All Projects	2,761,500.00	1,178,000.00	728,500.00	516,500.00	109,500.00	119,500.00	109,500.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-166

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2012 - 2017
Summary of Anticipated Funding Sources and Amounts

Project	Estimated	Improvement	Capital	Grants and	General
	Total Costs	Fund	Surplus	Other Funds	Debt Authorized
Equipment	1,598,700.00	330,000.00			1,268,700.00
Recreation Facilities	323,300.00	66,700.00			256,600.00
Police Equipment	38,500.00	8,000.00			30,500.00
Municipal Buildings	238,000.00	49,300.00			188,700.00
Vehicles	363,000.00	75,000.00	63,000.00	0.00	225,000.00
Road Program	200,000.00	41,000.00			159,000.00
Total All Projects	2,761,500.00	570,000.00	63,000.00	0.00	2,128,500.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 2nd day of May.

Certified by me:

_____ Date _____ Township Clerk
 Trenton, New Jersey
 Approved _____ 2012 _____ Director of Local Government Services

RESOLUTION #2012-166
 Capital Budget Amendment

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

RESOLUTION #2012-167

Title: AUTHORIZATION TO CANCEL GENERAL LEDGER BALANCES

WHEREAS, it has been determined that there are receivable balances in the general ledger that are no longer viable; and

WHEREAS, it has been determined by an internal audit that these balances totaling \$167,847.69 should be cancelled to properly reflect the financial position of the Township; and

WHEREAS, it is necessary to formally authorize cancellation of said balances so that they can be adjusted to show a true reflection of the financial position of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following cancellation is authorized to the corresponding Receivable and Appropriated General Ledger Balances:

<u>FUND</u>	<u>DESCRIPTION</u>	<u>G/L LINE</u>	<u>AMOUNT</u>
F/S GRANT	NJ DOT	2-02-203-40-300-319	28,072.69
F/S GRANT	GREEN ACRES-CHAMBERLAIN	2-02-203-40-300-424	132,875.00
F/S GRANT	ENERGY EFFICIENCY	2-02-203-40-300-324	6,900.00

I hereby certify the foregoing to be a resolution adopted by the Township Council on July 2, 2012

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-168

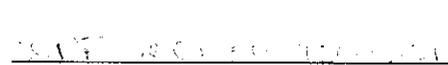
TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO 2011 DELAWARE BAY SHORE OUTFALL EXTENSIONS

WHEREAS, Hatch Mott MacDonald is currently serving as the Municipal Engineer (the "Engineer") based upon a Contract For Services which sets forth their standard hourly rates as approved by the Township Council and executed by the Mayor and Clerk (the "Engineer's Contract");

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to complete the construction administration & observation services for the Delaware Bay Shore Outfall Extension Project which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

WHEREAS, the Township Council desires to approve the Project Proposal and the CFO has certified the availability of funds by her signature in the budget as follows:


 Lauren Read, CFO


 Account

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey, that:

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$38,100.00 is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on July 2, 2012.

 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
DOUGLASS						
LARE						
BECK						



Hatch Mott MacDonald

Hatch Mott MacDonald
833 Rt 9 North
PO Box 373
Cape May Court House, NJ 08210
T 609.465.9377 www.hatchmott.com

June 26, 2012
Via email: gdouglasslowertownship@comcast.net

Mr. Gary Douglass, CPWM
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Professional Engineering Services Proposal
FY2011 Small Cities Grant Outfalls
2011 Delaware Bay Shore Outfall Extensions
Township of Lower, Cape May County, New Jersey**

Dear Mr. Douglass:

Please find enclosed herewith our proposal to complete the construction administration and observation services for the Delaware Bay Shore Outfall Extension Project, specifically the following outfall extensions:

Site	Roadway	Tax ID No.
<u>FY2011 Small Cities Grant Outfalls</u>		
1	St. John's Avenue	Block 1, Lot 2
2	Greenwood Avenue	Block 298, Lot 1
3	Cloverdale Avenue	Block 319, Lot 1.03
4	Arbor Road	Block 349.07, Lot 3
5	Wildwood Avenue	Block 350.03, Lot 1
<u>Additional Outfalls</u>		
6	Sandalwood Avenue	Block 512.06, Lot 1, Block 512.14, Lot 23.02
7	Springtime Road	Block 512.06, Lot 1, Block 512.14, Lot 13.02
8	Washington Boulevard	Block 613.02, Lot 1
9	Whittier Avenue	Block 613.02, Lot 1

The following is our proposed scope of work:

Task 1	Bid, Award and Construction Administration Services
---------------	--

HMM will provide the following services under Task 1:

- Respond to potential questions and requests for additional information from Contractors bidding on the project;
- Issue Clarifications and Addendums, if required;
- Review bids and prepare a bid review letter;
- Attend pre-construction meeting and prepare meeting minutes;
- Review shop drawings; and
- Review Contractor's applications and process for payment.

We propose to complete the scope of work outlined above (**Task 1**) for the lump sum amount of **\$5,700**.



Task 2	Construction Observation Services
---------------	--

HMM will provide the following services under Task 2:

- Perform observation of the construction to be performed by the Contractor (i.e., demolition of existing structures & construction of new piling and new outfall extensions);
- Prepare final punchlist; and
- Perform final inspection and project closeout services.

The contract period for the publicly bid portion of the outfall extension project is 90 calendar days. During this time period we estimate full-time observation of the Contractor's activities will be required for approximately 45 days or 360 hours. Based on this time period and our current rate schedule, we anticipate a **budget of \$32,400** will be required for construction observation.

FEE SUMMARY			
<u>Scope of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget</u>
Task 1	Bid. Award and Construction Administration Services	Lump Sum	\$5,700
Task 2	Construction Observation Services	Reimbursable As Incurred	\$32,400
TOTAL			\$38,100

Compensation for Task 1 of this project shall be on a lump sum basis and the Township shall be invoiced on a percent complete basis. Compensation for Task 2 of this project shall be based upon a reimbursable method of compensation for the actual time required and at the actual hourly rates for the individual(s) employed in accordance with our current rate schedule.

We thank you for the opportunity to provide this Scope of Work for the Construction Administration and Observation services for the 2011 Bayshore Storm Sewer Outfall Extensions project. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

Mark R. Sray PE, CME
Senior Associate
T 609.465.9377 F 609.465.5270
mark.sray@hatchmott.com

cc (via Email): Michael J. Voll, Township Manager
Claudia Kammer, Township Clerk

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

RESOLUTION #2012-169

TITLE: RESOLUTION OF THE ENDORSING THE CMCMUA'S PROPOSED SWITCH OF THE CAPE MAY COUNTY INTERMEDIATE PROCESSING FACILITY TO SINGLE STREAM RECYCLING

WHEREAS, the New Jersey Mandatory Source Separation and Recycling Act requires that at least 50% of the municipal solid waste stream and at least 60% of the total solid waste stream be recycled; and

WHEREAS, the Cape May County Recycling Plan, as adopted by the County Board of Chosen Freeholders and approved by the New Jersey Department of Environmental Protection, sets forth an aggressive source separation and recycling program designed to achieve this State mandate; and

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA") and all sixteen Cape May County municipalities have joined together in a regional, cooperative, source separation program to increase the types and quantity of recyclable materials recovered, maximize market revenues and minimize costs; and

WHEREAS, the Cape May County Intermediate Processing Facility ("IPF"), which is the cornerstone of this regional program, facilitates the recycling of paper, bottles and cans ("IPF Recyclables") by residents, visitors, businesses and institutions through the convenience of mixing twenty different items into two streams for municipal collection; and

WHEREAS, the CMCMUA currently operates the IPF to receive, sort, upgrade and market IPF Recyclables collected by all municipalities in Cape May County; and

WHEREAS, municipal collection of IPF Recyclables has used two separate containers (known as dual stream) to accommodate the operation of the IPF since 1990; and

WHEREAS, the CMCMUA has solicited the opinion and commitment of Cape May County's municipalities to change their municipal source separation and recycling program and the County IPF to single stream, whereby all IPF Recyclables would be placed in a single container for municipal collection; and

WHEREAS, the switch from dual stream to single stream recycling in other municipalities in New Jersey has been shown to increase the quantity of materials recycled; and

WHEREAS, increased recycling conserves additional natural resources, conserves energy, reduces pollution, and extends the life of Cape May County's only operating landfill; and

WHEREAS, implementation of single stream recycling will reduce municipal expenditures by collection of recyclables from a single recycling container instead of the current dual stream system; and

WHEREAS, the Shared Services Agreement for Solid Waste and Recycling executed between the Township of Lower and the CMCMUA requires that all net revenue from the operation of the IPF be rebated to the County's municipalities in proportion to the total tons recycled by each municipality; and

WHEREAS, single stream recycling presents the potential for each of the County's municipalities to receive additional revenue in rebates from the CMCMUA, and from the State of New Jersey under the Recycling Tonnage Grant Program, as a result of any increased recycling tonnage; and

WHEREAS, any increased recycling tonnage realized by the switch to single stream recycling will save the municipality landfill disposal costs through avoidance of the tipping fee for every additional ton, or portion thereof, recycled; and

WHEREAS, single stream collection and processing makes recycling easier for the residents, visitors, and businesses of the (Name of Municipality); and

WHEREAS, the Township of Lower considers single stream recycling to be in the best interests of the municipality and its residents, visitors, and businesses.

NOW, THEREFORE BE IT RESOLVED by the Township of Lower as follows:

1. The Township of Lower hereby endorses the concept of switching from dual stream recycling to single stream recycling, for both the municipal recycling program and the County-wide recycling program, including the IPF.
2. The CMCMUA is urged to expeditiously proceed with the renovation of the IPF to enable the facility to handle and process single stream recyclables.
3. A copy of this Resolution shall be transmitted to the CMCMUA.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Charles M. Norkis, Executive Director



George W. Betts, Chairman
John J. Pantalone, Vice Chairman
William G. Burns, Jr.
Patricia A. Callinan
William J. McMahon, Jr.
Beatrice Payne
Thomas M. Phelan

Cape May County Municipal Utilities Authority

Post Office Box 511 Cape May Court House, New Jersey 08210
Telephone: 609-465-9336 • Telefax: 609-465-4825
www.capecounty.com • email: admin@capecounty.com

1/09

June 14, 2012

Mayor Michael E. Beck
TOWNSHIP OF LOWER
2600 Bayshore Road
Villas, NJ 08251

RE: Single Stream Recycling

Dear Mayor Beck:

On June 1, 2012, a letter was transmitted to you from the Cape May County Municipal Utilities Authority (Authority) regarding a potential switch to single stream recycling for Cape May County's municipalities. At a Conference of Cape May County Mayors meeting, which I attended on June 8, 2012, it was suggested that the Authority draft a proposed form of Resolution for each municipality to consider regarding single stream recycling.

Without presuming where your municipality stands on this issue, I have taken the liberty to draft, and enclose herewith, a form of Resolution endorsing the concept of single stream recycling.

Please feel free to use all, or a portion, of the draft form of Resolution.

Very truly yours,

CAPE MAY COUNTY
MUNICIPAL UTILITIES AUTHORITY

A handwritten signature in black ink that reads "Charles M. Norkis".

Charles M. Norkis, P.E.
Executive Director

CMN:amm

Enclosure

cc: Mr. Michael J. Voll, Manager
Clerk Claudia R. Kammer

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

RESOLUTION #2012- 170

TITLE: AWARD OF ONE (1) 2013 FORD ESCAPE

WHEREAS, proposals were solicited via the Township's Website on June 12, 2012 and due on June 22, 2012 at 11:00a.m. for one (1) 2013 Ford Escape; and

WHEREAS, two (2) proposals were submitted and reviewed by the QPA and the Township Manager ; and

WHEREAS, the CFO has certified available funds as indicated below by her signature.

Budget Year and Appropriation 2012-2013 Public Works

CFO Signature [Signature]

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the purchase listed above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: KINDLE FORD
TOTAL: \$23,435.59

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012- 171

TITLE: AWARD OF ONE (1) 2012 CHEVY COLORADO PICK-UP TRUCK REGULAR CAB 2 WHEEL DRIVE

WHEREAS, proposals were solicited via the Township's Website on June 12, 2012 and due on June 22, 2012 at 11:00a.m. for one (1) 2012 Chevy Colorado Pick-Up Truck Regular Cab 2 Wheel Drive; and

WHEREAS, one (1) proposal was submitted and reviewed by the QPA and the Township Manager ; and

WHEREAS, the CFO has certified available funds as indicated below by her signature.

Budget Year and Appropriation 2012 039-12 0000 395-20 021-01
2012 039-12 0000 395-20 021-01

CFO Signature [Signature]

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the purchase listed above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: MALL CHEVROLET
TOTAL: \$16,650.00

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Petronzi

TOWNSHIP OF LOWER
RETIREMENT PAYOUT ANALYSIS

DATE: 7/1/2012

EMPLOYEE: Petronzi, Christine

DATE OF RESIGNATION: 6/30/2012

DATE OF PAYMENT:

RESOLUTION #:

Annual Salary:	
Hourly Rate:	\$10.77
Longevity	

SALARY:	
Salary due to	
Salary paid through	
longevity due	
Longevity paid	
Balance due	\$0.00

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	10.77	0.00
Personal	17.75	10.77	191.17
Sick	40.00	10.77	430.80
Vacation	20.25	10.77	218.09
Terminal Leave Payout			\$840.06
Final pay			\$840.06

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual		Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	0.00		0.00		0.00
Personal	14.75	8.00		8.00	5.00	17.75
Sick	233.25	0.00		0.00	57.00	40.00
Vacation	22.25	16.00		16.00	18.00	20.25
Total	270.25	24.00		24.00	80.00	78.00

Accrual and time used are current to _____ subject to change if time is used or not currently reported.

Employee Signature: _____
Date: _____

Treasurer's Signature: _____
Date: _____

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

RESOLUTION #2012-174

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$1,525.00 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Atlantic County JIF Qualifiers Award
Total with increase to be \$1,525.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$1,525.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Atlantic County JIF Qualifiers Award
State/Federal Share \$ 1,525.00
Non State Share \$
Total with increase to be \$ 1,525.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on _____ July 2____, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Atlantic County Municipal Joint Insurance Fund

2011 Qualifiers Award

	Opening Balance	January 2012	February 2012	March 2012	April 2012	May 2012	June 2012	July 2012	August 2012	September 2012	October 2012	November 2012	December 2012	Paid in 2013	Total YTD Expenses	Ending Balance	Encumbered Funds	Lunch \$10 PP	
Member Municipality																			
Absecon	1,325.00														0.00	1,325.00			
Avonon	1,525.00			1,325.00											0.00	0.00			
Brigantine	1,125.00														0.00	1,125.00			
Buena	1,325.00														0.00	1,325.00			
Cape May	800.00			800.00											0.00	0.00			
Cape May Point	800.00			800.00											0.00	0.00			
Commercial	800.00			800.00											0.00	0.00			
Cornish City	800.00			800.00											0.00	0.00			
Deerfield	800.00			800.00											0.00	0.00			
Dennis	1,125.00														0.00	1,125.00			
Downe	800.00			800.00											0.00	0.00			
Egg Harbor Twp	1,750.00						1,750.00								0.00	0.00			
Estell Manor	800.00			800.00											0.00	800.00			
Folsom	800.00			800.00											0.00	0.00			
Galloway	1,525.00			1,525.00											0.00	0.00			
Hamilton	1,525.00														1,525.00	0.00			
Hammononton	1,325.00														0.00	1,325.00			
Linwood	1,125.00			1,125.00											0.00	0.00			
Longport	1,525.00														0.00	1,525.00			
Lower	1,525.00														0.00	0.00			
Margate	1,525.00														0.00	1,525.00			
Middle	1,525.00														0.00	0.00			
Milville	1,750.00			1,750.00											0.00	0.00			
Mullica	1,125.00			1,125.00											0.00	0.00			
Newfield	800.00														0.00	0.00			
North Wildwood	1,525.00														0.00	1,525.00			
Northfield	1,325.00			1,325.00											0.00	0.00			
Ocean City	1,750.00			1,750.00											0.00	0.00			
Pharsenville	1,750.00														0.00	1,750.00			
Port Republic	1,525.00														0.00	1,525.00			
Sea Isle City	1,325.00			1,325.00											0.00	0.00			
Somers Point	1,325.00														0.00	1,325.00			
Stone Harbor	1,325.00														0.00	0.00			
Upper Twp.	1,325.00					159.99									159.99				
Upper Deerfield	1,125.00			1,125.00											0.00	0.00			
Ventnor	1,525.00														0.00	1,525.00			
Waterford	1,325.00														0.00	1,325.00			
West Cape May	800.00														0.00	800.00			
West Wildwood	800.00														0.00	800.00			
Weymouth	800.00						800.00								0.00	0.00			
Wildwood	1,750.00														0.00	1,750.00			
Wildwood Crest	1,325.00			1,325.00											0.00	0.00			
Woodbine	800.00														0.00	800.00			
Total By Line	\$49,925.00	0.00	0.00	21,750.00	0.00	159.99	2,550.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	24,459.99	24,365.01			

Must be Claimed or Encumbered by December 31, 2012. All Encumbered Funds Must be Claimed by February 1, 2013

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

RESOLUTION #2012-175

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$2,000.00 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Atlantic County JIF Safety Budget
Total with increase to be \$2,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Atlantic County JIF Safety Budget
State/Federal Share \$ 2,000.00
Non State Share \$
Total with increase to be \$ 2,000.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on _____ July 2____, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Atlantic County Municipal Joint Insurance Fund
2012 Optional Safety Budget

Member	Opening Balance	January 2012	February 2012	March 2012	April 2012	May 2012	June 2012	July 2012	August 2012	September 2012	October 2012	November 2012	December 2012	Paid 2013	Total YTD Expenses	Ending Balance	Encumbrd Funds
Municipality																	
Assecon City																	
Avlon Borough	\$1,500.00						\$1,334.00								\$1,334.00	\$66.00	
Bigantne City																	
Buena Borough	\$1,250.00														\$0.00	\$1,250.00	
Cape May City	\$1,500.00																
Cape May Point																	
Commercial Township																	
Corbin City																	
Deerfield Township	\$1,000.00						\$11.50								\$11.50	\$988.50	
Dennis Township	\$1,250.00														\$0.00	\$1,250.00	
Downe Township																	
Egg Harbor Township																	
Estell Manor City																	
Folsom Borough																	
Galloway Township	\$2,000.00														\$0.00	\$2,000.00	
Hamilton Township	\$2,000.00														\$0.00	\$2,000.00	
Hamorton																	
Livewood	\$1,500.00														\$0.00	\$1,500.00	
Longport Borough																	
Lower Township	\$2,000.00														\$0.00	\$2,000.00	
Margate City	\$2,000.00														\$0.00	\$2,000.00	
Middle Township																	
Milville City																	
Mullica Township																	
Newfield Borough	\$1,000.00														\$0.00	\$1,000.00	
North Wildwood City																	
Northfield City	\$1,500.00														\$0.00	\$1,500.00	
Ocean City	\$2,500.00														\$0.00	\$2,500.00	
Pleasantville City	\$2,500.00														\$0.00	\$2,500.00	
Sea Isle City	\$2,000.00														\$0.00	\$2,000.00	
Somers Point City																	
Stone Harbor	\$1,500.00														\$0.00	\$1,500.00	
Upper Deerfield Township	\$1,500.00														\$0.00	\$1,500.00	
Vandora City																	
Waterford Township	\$1,500.00														\$0.00	\$1,500.00	
West Cape May	\$1,000.00														\$0.00	\$1,000.00	
West Wildwood																	
Weymouth Township	\$1,000.00														\$0.00	\$1,000.00	
Wildwood City	\$2,500.00														\$0.00	\$2,500.00	
Wildwood Crest Borough																	
Woodbine Borough																	
Total By Line	\$34,500.00	\$0.00	\$ -	\$ -	\$ -	\$ -	\$1,345.50	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$1,345.50	\$33,154.50	\$ -

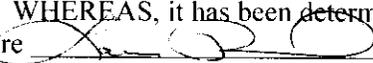
Must be Claimed of Encumbered By December 31, 2012. All Encumbered Funds Must be Claimed By February 1, 2013

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2012 - 176**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Thomas Mills in the amount of \$ 6,756.10 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on _____.

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Mills

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE: 7/1/2012

EMPLOYEE: Mills, Thomas
 DATE OF RESIGNATION: 6/30/2012
 DATE OF PAYMENT:
 RESOLUTION #:

Annual Salary:	\$51,918.78
Hourly Rate:	\$33.28
Longevity	\$2,400.00

SALARY:		
Salary due to	6/30/2012	\$25,959.39
Salary paid through	6/23/2012	\$24,977.97
longevity due		\$2,076.75
Longevity paid		\$1,200.03
Balance due		\$1,858.14

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	33.28	0.00
Personal	24.00	33.28	798.75
Sick	61.00	33.28	2,030.16
Vacation	118.00	33.28	3,927.19
Terminal Leave Payout			\$6,756.10
Final pay			\$8,614.24

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual	26 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	0.00		0.00		0.00
Personal	24.00	0.00	0.50	0.00	0.00	24.00
Sick	1,658.50	0.00	0.50	0.00	779.00	61.00
Vacation	118.00	0.00	0.50	0.00	0.00	118.00
Total	1,800.50	0.00		0.00	779.00	203.00

Accrual and time used are current to _____ subject to change if time is used or not currently reported.

Employee Signature: _____
 Date: _____

Treasurer's Signature: _____
 Date: _____

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

RESOLUTION #2012-177

**TITLE: AWARDING AN ECONOMIC DEVELOPMENT LOAN TO JAN & ELIZABETH RUPINSKI
(ANCO ACE HARDWARE AND SNIPPERS SALON)**

WHEREAS, the Township of Lower has established a revolving loan fund to finance economic development projects; and

WHEREAS, JAN & ELIZABETH RUPINSKI (ANCO ACE HARDWARE AND SNIPPERS SALON)'s application for a Lower Township loan meets all the qualifications of the Lower Township Economic Development Program Guidelines; and

NOW THEREFORE BE IT RESOLVED, that Lower Township Council approves a loan of \$125,000 to JAN & ELIZABETH RUPINSKI (ANCO ACE HARDWARE AND SNIPPERS SALON) whose business is located at 2410 Bayshore Road, Villas, NJ 08251, contingent upon fulfillment of all collateral and administrative requirements.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

LOAN APPLICATION
LOWER TOWNSHIP ECONOMIC DEVELOPMENT PROGRAM

1. Applicant: JAN W. + ELIZABETH N. RUPINSKI
2410 BAYSHORE ROAD
VILLAS NJ 08251

2. Contact Person: JAN RUPINSKI Tel: 609 408 2888

3. Nature of Business: RETAIL HARDWARE - ANCO ACE
HAIR SALON - SNIPPERS

4. Purpose of Loan: SALON BUILDING - NEW ROOF + SIDING
EXTERIOR ARCHITECTURAL DETAILS
NEW RAMP + RAILINGS
HARDWARE STORE - NEW VESTIBULE
COMPUTER EQUIPMENT - STORE FIXTURES

5. Project Cost: \$ 134,779

6. Loan Request: \$ 125,000

7. Source of Other Financing: PERSONAL SAVINGS

8. Full-Time Jobs to be created: 6

9. Check List for Supporting Documentation attached.

I certify that, to the best of my knowledge and belief, the information in this Application is true and correct.

JAN W RUPINSKI
(Name)
ELIZABETH N. RUPINSKI
(Signature)
OWNERS
(Title)

4-25-2012

Jan & Elizabeth Rupinski

2410 Bayshore Road, Villas, New Jersey 08251
Telephone 609-886-2701 Fax 609-886-5055 email jrupinski@comcast.net

April 25, 2012

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Re: Block 410.01 Lot 64.01 Villas Section Lower Township
Anco ACE Hardware and Snippers Salon buildings

Statement of Proposed Project

Salon Building:

Restore and reinvigorate the exterior appearance of our eighty year old farmhouse that now houses Snippers Salon. We will maintain the look of building and enhance it with HardieBoard plank siding, Azek window and door trims, decorative corners, crown mouldings and posts. New roof to be a combination of metal and asphalt dimensional shingles. A deck and stairs will be added to the south side to add an exit from the second floor. A storage closet will be built above the existing pump house. The existing concrete entrance ramp will be replaced and new railings installed. New windows will be installed as necessary. The intention is to upgrade, modernize yet maintain the historical look.

Hardware Store Front Entrance:

Install new 17' wide and 6'8" deep glass vestibule with automatic sliding entrance doors, reconfigure existing entrance doors and install new automatic sliding entrance doors. This will create an easier and more inviting entrance and exit to the building for all, and dramatically increase energy efficiency.

Sincerely,

Jan Rupinski & Elizabeth Rupinski

Jan & Elizabeth Rupinski

2410 Bayshore Road, Villas, New Jersey 08251
Telephone 609-886-2701 Fax 609-886-5055 email jrupinski@comcast.net

April 25, 2012

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Re: Block 410.01 Lot 64.01 Villas Section Lower Township
Anco ACE Hardware and Snippers Salon buildings

Estimate of Project Costs

Salon Building:

- Exterior siding, roofing, architectural trim, storage closet,
decking, railing and stairs \$85,940.00
- New masonry ramp and steps 4,875.00
- New railings for ramp 4,500.00
- Eight new windows 4,500.00
- Parking lot seal coating and new line striping 3,500.00
- Envision Salon Software and Computer Equipment 6,300.00

Hardware Store Front Entrance:

- New Stanley Automatic Entrance Doors and Vestibule \$25,164.00

TOTAL ESTIMATED COST \$134,779.00

Jan & Elizabeth Rupinski

2410 Bayshore Road, Villas, New Jersey 08251
Telephone 609-886-2701 Fax 609-886-5055 email jrupinski@comcast.net

April 25, 2012

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Re: Block 410.01 Lot 64.01 Villas Section Lower Township
Anco ACE Hardware and Snippers Salon buildings

SOURCE OF FUNDS

Lower Township Economic Development Loan	\$125,000.00
Upfront working capital from Jan & Liz Rupinski	9,779.00
TOTAL PROJECT COST	\$134,779.00

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

RESOLUTION #2012-178

TITLE: RESOLUTION CREATING A SPECIAL COMMITTEE TO DETERMINE THE FEASIBILITY OF CONSTRUCTION OF A DELAWARE BAY-FRONT FISHING PIER IN THE TOWNSHIP OF LOWER

WHEREAS, the Township of Lower in the County of Cape May and State of New Jersey is authorized by law to form such committees of its governing body members and/or members of the community for the investigation of items related to the performance of municipal functions; and

WHEREAS, the Township Council has identified a need to create a special committee to determine the feasibility of construction of a Delaware Bay-front fishing pier within the Township; and

WHEREAS, a preliminary meeting of interested parties determined the recommendation to Township Council of the formation of such a committee; and

WHEREAS, the Township Council believes that the formation of such a committee will assist the Township Council in determining the feasibility of such a project and is in the interests of the health, safety and welfare of the citizens of the Township of Lower;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, duly assembled in public session this 2nd day of July, 2012, as follows:

1. The Preamble to this Resolution is incorporated herein as the Council's finding of fact.
2. There is hereby formed, for the purposes aforesaid, the Fishing Pier Committee (FPC) of the Township of Lower.
3. The FPC shall be completely and solely advisory in nature and shall not have the authority or ability to bind the Township of Lower in any manner.
4. The FPC meetings shall take place as determined by its voting members, with an initial organizational meeting to take place on or before July 15, 2012.
5. The FPC shall be in existence from the date of the adoption of this Resolution until the expiration of eighteen months therefrom. An extension of the working life of the Committee may be granted by subsequent duly adopted Resolution of the Township Council.
6. Issues addressed by the Committee shall include but not necessarily be limited to the design, location and funding for the construction of a fishing pier in the area of Lincoln Avenue and the Delaware Bay-front beach in the North Cape May section of the Township.
7. The initial Committee membership shall include two Members of Council, two representatives of the Recreation Advisory Board, the Supervisor of the Recreation Department, a representative from the Planning and Zoning Office, and a representative from each of the Lower Township Chamber of Commerce, the Cape May Beach Property Owners Association, two representatives of the neighborhood surrounding the area of Lincoln and the beach, a surf fisherman and a former bay front dock owner and a representative of the LT MUA..

8. The initial Committee members shall be:

Mayor Mike Beck	Lee Kreider
Councilman Thomas Conrad	Jack Keating
Debbie Johns	Nancy Rocier
Robert Olivio	Mark DiDonato
Robert Jackson	Mitch Plenn
Debbie Colubiale	Bill Galestok
Matt Eckert	

9. A Chairperson or Co-Chairpersons will be selected from the Committee Members at its organizational meeting. The Chair or a Co-Chair shall be designated to conducted the meetings of the committee and comprehensive minutes shall be kept of each meeting.
10. A report shall be given to Council at a regularly scheduled public meeting of the Council once every 3 months with a recognition that this is a time sensitive matter and all of Council should be kept well informed
11. The FPC shall be entitled to request the assistance of the Township Engineer but the cost of such assistance shall not exceed \$5000.00 and that amount shall be from the amount previously certified by the Chief Financial Officer as the 2012 "amount not to exceed" for the Township Engineer. The FPC shall have no other authority to commit or expend funds of the Township without the approval of Township Council by subsequent duly adopted Resolution.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

ORDINANCE #2012-11 (A)

AN ORDINANCE AMENDING CHAPTER 400 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF LOWER 2012

(ESTABLISHING GUIDELINES FOR BEEKEEPING IN THE TOWNSHIP OF LOWER)

Section 1. Section 400 of the Revised General Ordinances of the Township of Lower is hereby amended as follows:

[New Section]

§ 400-57(H) Allow beekeeping on small lots as a Permitted Use in Township of Lower.

§400-57(H)(1) **Authority; enforcement.**

1. This article is adopted pursuant to the authority of the Mayor and Council of the Township of Lower.

2. The Township of Lower Code Enforcement Officer, or any other person who may hereafter be designated by resolution is hereby authorized in the name and on behalf of the Township of Lower to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this article.

§ 400-57(H)(2) **Purpose.**

To allow the keeping of bees in Lower Township on small lots in populated areas according to local best management practices which are established hereunder and may be supplemented from time-to-time Rules and Regulations for Beekeeping to be established by Resolution of the Township Council upon recommendation of the Zoning Officer.

§ 400-57(H)(3) **Guidelines for keeping honey bees**

The following minimum local best management practices shall be followed by all bee keepers in order to avoid conflict with other neighborhood property owners:

1. The number of hives of honey bees according to lot size shall be governed by the table below:
 - a. Lot size of ½ acre or less; two (2) hives.
 - b. Lot size of ½ acre to one (1) acre; three (3) hives
 - c. Lot size of one (1) acre to two (2) acres; four (4) hives.
 - d. Lot sizes over two (2) acres; no restriction.
2. No hive of honey bees will be maintained within 15 feet of a boundary line of the property on which the hive is located.
3. All colonies must be located at least 25 feet from a public sidewalk, alley, street or roads.
4. All apiaries must have on site an adequate source of water within 25 feet of the hive(s) at all times (especially between March 1st and October 31st).
5. A six (6) feet high solid fence or hedge must be erected, along the property line, in the rear yard, if the colonies are within fifteen (15) feet of a neighbor's property.
6. All bee equipment and hives must be maintained in good condition.
7. All colonies must be kept in moveable frame hives in accordance with N.J.S.A. 4:6-10.
8. All colonies must be inspected by a qualified beekeeper or his delegate no less than three times between March 1 and October 1 of each year.
9. A substantial fence must be erected at least four (4) feet in height to prevent animals and children from coming into close contact with the hives.

10. Bee hives shall be located in the rear yard only.
11. Conspicuous signage shall be placed around the hive area(s), visible and readable from twenty five (25) feet, reading: Caution – Bee Hives.
12. ENHANCED SET BACK REQUIREMENT: For any bee hive to be placed in an area contiguous to any public park, school or recreation area or any place of public accommodation where groups of people would typically gather outdoors, a set back of at least fifty (50) feet shall be maintained from such contiguous property.

§ 400-57(H)(4) Registration

All bee yard locations shall be registered as Beekeepers with the New Jersey Department of Agriculture.

Section 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such 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 provisions of this Ordinance are hereby declared to be severable.

Section 4. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

Section 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

Thomas Conrad, Councilmember

Walter Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

1st Adj 6-18-12

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

ORDINANCE #2012-15

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF WILDWOOD, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN LOWER TOWNSHIP, NEW JERSEY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF LOWER TOWNSHIP, CAPE MAY COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" or "Municipality" is the Township of Lower, County of Cape May, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Wildwood, LLC
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the municipality a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Expanded Basic or a similar tier of cable television service on one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.
- b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost on one (1) outlet to each qualified existing and future police, fire, emergency management facility and public library in the Municipality, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality.
- c. The Company shall provide free basic Internet service, via high-speed cable modem, to one (1) non-networked personal computer in each qualified existing and future public school in the City, elementary, intermediate and secondary, at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.
- d. The Company shall provide free basic Internet access via high-speed cable modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.
- e. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of one-hundred thousand dollars (\$100,000) to meet the technology and/or cable related needs of the community.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company will continue to provide one channel for educational and governmental ("EG") access for the residents of Lower Township.
- b. The Company will provide and maintain the cable, modulators and equipment necessary for the Township education-government access channel to send a signal to the Companies, and to receive the return feed signal. The Company will not be responsible for the acquisition or maintenance of any studio facility or equipment used for the access channel including, but not limited to cameras, editing decks, monitors, character generators, etc.

- c. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- d. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- e. The governing body of the Municipality shall be responsible for developing, implementing, and enforcing rules for EG Access programming.
- f. Educational Access. “Educational Access” shall mean noncommercial use for educational purposes that is managed, scheduled, and programmed by local educational institutions such as public or private schools, but not “home schools,” community colleges, and/or universities.
- g. Government Access. “Government Access” shall mean noncommercial use by the governing bodies, for the purpose of showing the public local government at work.
- h. Company Use of Fallow Time. Because blank or underutilized EG channels are not in the public interest, in the event the Municipality or other EG access users elect not to fully program their EG access channel, Company may program unused time on those channels (at its discretion and for any purpose), subject to reclamation by the Municipality upon no less than 60 days written notice.
- i. Indemnification. The Municipality shall indemnify the Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities' rules for or administration of access.
- j. Company Use of Fallow Time. Because blank or under-utilized EG channels are not in the public interest, in the event the Municipality or other EG access users elect not to fully program their EG access channel, Company may program unused time on those channels subject to reclamation by the Municipality upon no less than 60 days written notice.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property

damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Attest: _____
Claudia R. Kammer, Township Clerk

Michael Beck, Mayor

Adopted: _____, 2012

Robert M. Hanna
President

Jeanne M. Fox
Commissioner

Joseph Fiordaliso
Commissioner

Nicholas Asselta
Commissioner

Mary-Anna Holden
Commissioner



State of New Jersey
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Trenton, NJ 08625-0350
www.nj.gov/bpu/

Lawanda R. Gilbert
Acting Director
Office of Cable Television
Tel: (609) 341-9186
Fax: (609) 777-3325

June 7, 2012

Mr. Michael Voll
Township Manager
Township of Lower
2600 Bay Shore Road
Villas, NJ 08251-1399

Re: Comcast of Wildwood, LLC
Review of Ordinance Granting Municipal Consent
In the Township of Lower

Dear Mr. Voll:

The Office of Cable Television ("OCTV") is in receipt of the ordinance submitted for the Township of Lower ("Township") on May 24, 2012, for renewal of the cable franchise. The OCTV has conducted a preliminary review, pursuant to N.J.A.C. 14:18-11.18, and the proposed ordinance appears to be in accordance with the guidelines set forth by the State.

Upon receipt of this review, the Township should act upon its proposed ordinance in accordance with the provisions of N.J.A.C. 14:18-11.18. If you should have any questions, please contact me at (609) 341-9170 or nancy.wolf@bpu.state.nj.us.

Sincerely,

/signed/
Nancy J. Wolf
Administrative Analyst I

/nw

c: Claudia Kammer, Township Clerk
Michael Donohue, Esq., Township Attorney
Fred DeAndrea, Area Director Govt. & Reg. Affairs, Comcast
Dennis C. Linken, Esq., Scarinci & Hollenbeck

PERSONNEL ACTIONS

Report for Council Meeting of 7/02/2012

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Treasurer	DelVecchio,Kathryn	6/15/2012		new hire	Temp Clerk Typist	yes
Construction	Thomas Mills	7/01/2012		retired	Electric Sub-Code Off	yes
Recreation	Christine Petronzi	6/22/2012		resigned	Rec Aide/Lifeguard	yes

Date of report: 6/29/12

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File

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

RESOLUTION # 2012-179

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 of possible violations of the law.
- (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. (Stango v. Lower Twp. Et als; Neighborhood Right-of-way Issue - Crest Place)

_____ (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 of 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 July 2, 2012 that an Executive Session closed to the public shall be held on this date at approximately _____ 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.

I hereby certify the foregoing to be a resolution adopted by the Township Council on July 2 , 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						