

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

NOVEMBER 4, 2013 - 6:00 P.M.

Meeting called to order.

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

Work Session

Consent Agenda

Approval of Minutes October 21, 2013
Res. #2013-278 Payment of Vouchers \$489,937.85
Res. #2013-279 Authorization for Refund of Taxes (1 sold / 6 properties paid twice)
Res. #2013-280 Requesting Release of Performance Guarantee for Family Promise (\$4,261.05)
Res. #2013-281 Transfer of 2013 Appropriations (\$50,200.)
Res. #2013-282 Resolution Approving and Celebrating the Grand Re-Opening Of the Lower Township Millman Community Center (Nov 12 - 16, 2013)
Res. #2013-283 A Resolution Authorizing and Approving a Shared Service Agreement Between the Township of Lower and County of Cape May for use of Emergency Management Equipment (available equipment for emergencies so we don't need additional resolutions for the year 2014)
Res. # 2013-284 Approval of Contribution to Lower Township Chamber of Commerce (\$1,000. For hospitality night and \$3,000 for the annual directory)
Res. #2013-285 Award of Contract to Terrence J. Crowley (school litigation feasibility consultant not to exceed \$15,000)
Res. #2013-286 Award of Contract to Wyns Consulting, LLC (school litigation financial analysis consultant not to exceed \$5,000)

Regular Agenda

Res. #2013- 287 Authorizing the Payment of Vouchers \$35,000. (Rescue 2013 contribution)

Administrative Reports

Fire Safety

Council Comments

Call to the Public

Closed Session

Res. #2013-288 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. Litigation: Stango V Township

Adjournment

COUNCIL MEETING MINUTES – October 21, 2013

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 21, 2013 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

- Councilmember Thomas Conrad
- Councilmember James Neville
- Councilmember Jacqueline Henderson
- Deputy Mayor Clark
- Mayor Michael Beck

Also present: Michael Voll, Township Manager, Chuck Sandman, Township Solicitor and Karen Fournier, Clerk's Office

Consent Agenda

- Approval of Minutes
- Res. #2013-275
- Res. #2013-276

- October 7, 2013
- Payment of Vouchers \$ 5,573,206.39
- Authorization for waiver of Fees for Town Bank Volunteer Fire Company (Octoberfest)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
NEVILLE	X		X			
HENDERSON			X			
CLARK			X			
BECK			X			

Regular Agenda

- Res. #2013-277

Payment of Vouchers \$15,200 (Rescue / J. Henderson)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD					X	
NEVILLE		X	X			
HENDERSON					X	
CLARK	X		X			
BECK			X			

Ordinance #2013-21

An Ordinance Amending Chapter 475 of the Parks and Recreation Areas Ordinance of the Township of Lower (setting forth rules and regulations and rental fees for the Lower Township Millman Community Center) 2nd reading and public hearing

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE			X			
HENDERSON	X		X			
CLARK		X	X			
BECK			X			

Ordinance #2013-22 An Ordinance Revising and Restating Chapter 600 of the Revised General Ordinances of the Township of Lower (setting forth rules and regulations of the Township Rotary Towing and Storage) 2nd reading and public hearing

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE			X			
HENDERSON		X	X			
CLARK			X			
BECK			X			

Ordinance #2013-23 An Ordinance Amending Chapter 400 of the Land Development Ordinance of the Township of Lower (to adopt NJ State Public Law to allow certain structures to be raised as high as the highest applicable flood elevation standard) 2nd reading & public hearing

Councilmember Conrad pointed out that this ordinance does not mean that Council agrees with the flood maps. It simply allows for elevation if necessary.

Ed Butler of Villas addressed Council to clarify Ordinance #2013-23.

Mayor Beck took the opportunity to announce the FEMA meeting, November 1 at 6:00 p.m. in Township Hall.

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
HENDERSON			X			
CLARK			X			
BECK			X			

Administrative Reports

Monthly Reports: Animal Control, Construction, Dog, Fire, Municipal Clerk, Police, Treasurer, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad commented on the success of the Oktoberfest and mentioned the upcoming leaf pickup schedule.

Councilmember Neville stated that he would like to see 3 days of sunshine for future Oktoberfests. He also reminded everyone to vote "no" on the regional school board question.

Councilmember Henderson attended the LCMR Talent Show and commended the students on their measure of talent. She also reminded residents about the upcoming Haunted High School.

Deputy Mayor Clark spoke briefly about the international education program, TedX.

Councilmember Conrad thanked Historic Cold Spring Village for hosting the Pumpkin Festival.

Mayor Beck informed about the FEMA meeting, Friday, November 1st at Township Hall. He also announced the following: Haunted Trails at the Cape May County Airport, October 26th, Basketball Registration at the Recreation Center, October 19th through November 3rd, and Wrestling Registration has been extended, call for details.

Call to Public

Tom Frisoli of Villas addressed Council to express his appreciation for Animal Control. He also commented on not being able to speak freely during Council meetings.

William Dunn of Lower Township addressed Council to ask if they are aware of what is going on at the MUA. Solicitor Sandman assured Mr. Dunn that Council is aware and that the prosecutor is conducting investigations, but until investigations are complete, Council is not free to discuss the matter. Mr. Dunn informed of Mr. Ecker's actions and the MUA Board's decision as a result of his actions.

Jaina Bailey of Villas, MUA employee currently out of work on a paid leave of absence for charges she believes cannot be proven, addressed Council regarding the MUA hiring a new secretary despite its prior outsourcing. Solicitor Sandman stated that every action is being looked into.

Adam Witkowsky, 40 E. Greenwood Ave., addressed Council to inform that Mr. Ecker came to his home and created a scene in the presence of his wife who has a medical condition. Solicitor Sandman advised Mr. Witkowsky to inform the proper authorities of these actions.

Don Embs, MUA employee, addressed Council to point out that the longer this investigation goes on, the more it is costing the ratepayers.

Jesse Matsinger, 104 Old Mill Drive, addressed Council, urging their support in addressing the problems with the MUA, for the sake of the community. Solicitor Sandman reminded that action will be considered at the appropriate time and justice will be had.

William Dunn requested that Council intercede to prevent unfair justice by the MUA board. Solicitor Sandman stated that three independent firms have been hired; therefore he believes that their analysis will be objective.

Jack Porter, former employee of the MUA, addressed Council with a question about Remington Vernick. He also informed of Mr. Ecker's conduct and what he is capable of.

Joe Garvin of North Cape May approached Council to ask if this issue will be addressed before or after election day. Solicitor Sandman responded that Council cannot act before investigations are complete.

Sue Bailey of Erma, former Chairperson of the MUA board, addressed Council to express her opinion on the situation.

Eric Simonson of Lower Township addressed Council to ask why citizens were forbidden to speak at the last public meeting. Sandman took the blame stating that the situation had just come to light.

Mary Reader of Villas addressed Council to ascertain Council's authority over the MUA board. Solicitor Sandman stated that the board is handling the matter and an investigation is taking place.

Ken Mann of Lower Township, former MUA board member, addressed Mayor Beck with a question about Mr. Johnson working on his campaign. He warned about the expense of potential lawsuits against the MUA.

Tom Quinn of Villas addressed Council to express his concern for Mr. Dunn's loss of income.

Jesse Matsinger addressed Council again to urge that order is needed at the MUA.

Janet Pitts of Villas addressed Council to voice her opinion about the political contention that has arisen from this situation. She suggested that we allow the prosecutor to do his job.

William Dunn of Villas refuted Ms. Pitts' comments on account of safety reasons.

George Doherty of Lower Township addressed Council to inquire if anyone has asked Mr. Ecker to resign, and to establish a timeframe for the investigation. He also tried to ascertain who appointed Mr. Ecker. Manager Voll stated that he was appointed by the MUA commissioners, a separate authority from this Council.

Nancy Embs of 104 Bayridge Road, wife of Don Embs, addressed Council to point out that this situation has become a family problem. She also alluded to the fact that her family has not been contacted by any attorney, including Mr. Barnes.

Ed Butler of Villas agreed with Janet Pitts, stating that the MUA Board is responsible to handle this situation, not this Council. He encouraged everyone to be patient while it goes through the legal process.

Joe Burn of North Cape May addressed Council to ask if this can be expedited in any way. Solicitor Sandman said it is in everyone's best interest to expedite this, but the allegations have to be proven before action can be taken. Mr. Burn questioned the fairness of Mr. Ecker's paid suspension.

John Hable of North Cape May addressed Council to express his opinion on how this Township is treating workplace violence.

Tom Frisoli, MUA Board member, informed that he was unaware of many of the situations that were stated tonight. He also referred to Mr. Ecker's threat to have Jaina Bailey fired if she didn't agree to resign.

Jesse Matsinger, son of Jesse Matsinger, addressed Council to ask why Mr. Ecker's bullying is deserving of a paid suspension. Solicitor Sandman stated that the investigations will determine just punishment.

Pete Bitting of Villas, MUA Board member, stated that Mr. Ecker violated his own rules and should be terminated immediately.

Stephanie Lomanna of Lower Township addressed Council to ascertain why Mr. Ecker is privy to an investigation before punishment, but other employees were punished without investigation.

Rick Ryan of Villas presented a hypothetical question to Solicitor Sandman about hitting Mayor Beck. Solicitor Sandman made light of the question with his response, and quickly apologized. Mr. Ryan asked why Mr. Ecker was suspended with pay and not Mr. Dunn. Solicitor Sandman suggested letting the investigation determine the outcome.

Ken Mann addressed Council to ascertain how much notice is needed to call a public meeting. Manager Voll replied that 72 hours is needed to notify the press. Mr. Mann asked about removing and/or replacing

Mr. Ecker. Solicitor Sandman suggested that if Mr. Ecker is in violation of his conditions, it should be brought to the attention of the MUA board for them to handle. Mr. Mann urged Council to take action.

William Dunn addressed Council to inform them that procedures are not being followed by the MUA. He urged Council to step in and take over.

Karen Matsinger, 104 Old Mill Drive, addressed Solicitor Sandman to clarify his previous response to Mr. Ryan's question. Mr. Sandman apologized for his poor choice of words.

Marilyn Meikle, 224 Mindy Avenue, addressed Council to reprimand them for not making eye contact with the speakers.

Manager Voll informed that he has been in contact with the County Prosecutor's office to request the investigation be expedited. He assured the protesters that Council cares about the people of this community and many of the statements that were made tonight were heard for the first time.

Councilmember Conrad stated that Council will act if it is appropriate to act.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:13 pm.

Mayor

Township Clerk

Approved:

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*	13-02865	10/04/13	HAUNTED TRAILS SUPPLIES	Open	230.43	0.00		
00153 ATLANTIC CITY ELECTRIC*	13-03111	10/21/13	ELECTRIC OCTOBER 2013	Open	7,905.25	0.00		
	13-03152	10/30/13	STREET LIGHTS OCTOBER 2013	Open	<u>21,579.63</u>	0.00		
					29,484.88			
00179 AVERY TEITLER*	13-00974	04/08/13	PB SOLICITOR SALARY	Open	550.00	0.00		
	13-03122	10/25/13	RESOLUTIONS	Open	<u>600.00</u>	0.00		
					1,150.00			
00189 AUSTINS SPORTS CENTER	13-02135	07/22/13	CHEERLEADING UNIFORMS	Open	1,352.25	0.00		
	13-02799	09/30/13	GOALIE JERSIES FOR JUNIOR DIV.	Open	<u>140.00</u>	0.00		
					1,492.25			
00192 GENERAL BINDING CORP*	13-02142	07/22/13	SHREDDER REPAIR	Open	317.00	0.00		
00208 BAYFRONT CONSTRUCTION*	13-02798	09/30/13	HOCKEY RINK REPAIRS	Open	6,400.00	0.00		
00233 ROBERT BAILEY	13-03125	10/25/13	MEDICAL CLAIMS	Open	94.78	0.00		
00356 BEAVER SUPPLY INC*	13-01715	06/07/13	REBAR FOR DPW/JUNE	Open	586.00	0.00		
00370 BLUE CROSS/BLUE SHIELD OF NJ	13-03110	10/21/13	MED- D NOVEMBER 2013	Open	3,283.20	0.00		
00443 BSN SPORTS INC*	13-01348	05/14/13	DRAG NET FOR BASEBALL FIELD	Open	99.42	0.00		
	13-02581	08/28/13	BASKETBALL HEIGHT ADJUST PART	Open	<u>288.11</u>	0.00		
					387.53			
00471 DEPTCOR, BUREAU OF STATE USE IN	13-02615	09/04/13	BUSINESS CARDS	Open	230.00	0.00		
00480 BURKE CHEVROLET*	13-02731	09/18/13	PARTS FOR POLICE VEHICLES/OCT	Open	558.31	0.00		
00589 CAPE EMERGENCY PHYSICIANS	13-01826	06/19/13	RABIES SHOTS CO-PAYS	Open	45.00	0.00		
00784 CAPE MAY STAR & WAVE	13-03108	10/21/13	LEGAL PUBLICATION 10-16-13	Open	27.90	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE		Continued					
	13-03149	10/29/13	LEGAL PUBLICATION 10-23-13	Open	113.46	0.00		
					<u>141.36</u>			
00807	CDW-GOVERNMENT INC*							
	13-02748	09/23/13	OFFICE EQUIPMENT	Open	20.10	0.00		
	13-02753	09/23/13	DETECTIVE OPERATING SUPPLIES	Open	132.40	0.00		
	13-02761	09/24/13	2 ADOBE XI UPGRADE JULIE/KAREN	Open	376.00	0.00		
					<u>528.50</u>			
00825	COMCAST*							
	13-03123	10/25/13	INTERNET 10/30-11/29/13 FIRE	Open	109.93	0.00		
00991	COLONIAL ELECTRIC SUPPLY*							
	13-02945	10/15/13	BALLAST/SHOP	Open	52.18	0.00		
01055	ERIC COOMBS							
	13-03094	10/17/13	TRAINING MEALS	Open	69.64	0.00		
01250	SCOTT DOUGLASS							
	13-03117	10/22/13	MEDICAL CLAIMS-V	Open	453.00	0.00		
01265	BRIAN DONAHUE							
	13-03093	10/17/13	TRAINING MEALS	Open	73.54	0.00		
01277	NJ DIVISION OF CRIMINAL JUSTIC							
	13-02250	08/05/13	TRAINING	Open	300.00	0.00		
01389	EDDIE'S AUTO BODY*							
	13-03103	10/18/13	VEHICLE#125 ACCIDENT REPAIR	Open	7,946.65	0.00		
01390	EDMUNDS & ASSOCIATES, INC.*							
	13-02134	07/22/13	UPGRADE PAYROLL / TRAINING	Open	1,200.00	0.00		
01437	ERCO CEILINGS*							
	13-02927	10/09/13	INSULATION CLERK'S OFFICE	Open	1,475.00	0.00		
01483	FRA TECHNOLOGIES*							
	13-02926	10/09/13	MILS/MAC MAINT 12/13-11/30/14	Open	1,200.00	0.00		
01490	ROBERT FESSLER							
	13-03181	10/31/13	TRAINING MEAL REIMBURSMENT	Open	91.30	0.00		
01492	F THOMAS HILLEGASS							
	13-02900	10/07/13	DWI SESSION- 9-23-13	Open	400.00	0.00		
01641	GALL'S INC*							
	13-01310	05/09/13	TRAFFIC CONES	Open	1,350.00	0.00		
01643	WILLIAM GALESTOK							
	13-03105	10/21/13	MEDICAL CLAIMS- V	Open	225.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01667 GLOUCESTER COUNTY POLICE ACAD*	13-02864	10/04/13	TRAINING	Open	400.00	0.00		
01781 HATCH MOTT MACDONALD, LLC*	12-02547	09/20/12	RES 2012-227 BAYSHORE ESTATES	Open	5,773.90	0.00		B
01806 ANTHONY J HARVATT, II, ESQ	13-03116	10/22/13	RESOLUTIONS	Open	150.00	0.00		
01859 HESS CORPORATION	13-03144	10/28/13	09/19/13-10/21/13 ELECTRIC	Open	6,458.91	0.00		
	13-03150	10/30/13	ELECTRIC 09/19/13-10/18/13	Open	<u>414.65</u>	0.00		
					6,873.56			
01951 INNOVATIVE DATA SOLUTIONS*	13-02882	10/04/13	IDS / POWER DMS 12/13-12/14	Open	3,568.00	0.00		
01956 IMPACT TECHNOLOGY SOLUTIONS*	13-02863	10/04/13	SERVICE AGREEMENT FOR VIDEO	Open	1,260.00	0.00		
02004 KML TECHNOLOGY INC*	13-02184	07/25/13	ANNUAL MAINT. CONTRACT	Open	7,500.00	0.00		
02045 LIBERTY PARKS AND PLAYGROUNDS*	13-02734	09/18/13	VOLLEYBALL SYSTEM	Open	1,284.47	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	13-02017	07/09/13	PARTS FOR POLICE VEHICLES	Open	754.40	0.00		
02247 LAWSON PRODUCTS, INC.*	13-02814	10/01/13	SUPPLIES FOR DPW	Open	698.87	0.00		
02248 LAWMEN SUPPLY*	13-02213	07/29/13	BALLISTIC SWAT VEST	Open	1,708.00	0.00		
02419 MALL CHEVROLET, INC	13-02526	08/22/13	POLICE SUV	Open	28,650.96	0.00		
02585 WILLIAM MASTRIANA	13-02610	09/03/13	TRAINING REIMBURSMENT	Open	218.30	0.00		
	13-03142	10/28/13	REIMBURSEMENTS	Open	<u>234.98</u>	0.00		
					453.28			
02632 N J PLANNING OFFICIALS*	13-02593	08/29/13		Open	50.00	0.00		
02968 PATTI'S PARTY WORLD*	13-02868	10/04/13	SUPPLIES FOR HAUNTED TRAILS	Open	194.92	0.00		
03158 NYSKA*	13-02767	09/24/13	MEMBERSHIP RENEWAL	Open	180.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03172 OFFICE BUSINESS SYSTEMS INC*	13-02881	10/04/13	DIGITAL VOICE MAIN 11/13-11/14	Open	2,891.00	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	13-02733	09/18/13	RDS/SANT/RECY/DPW/MONTHLY/OCT	Open	1,537.45	0.00		
03305 PEDRONI FUEL*	13-03140	10/28/13	NO LEAD GAS/DPW	Open	557.04	0.00		
03310 PENN JERSEY BUILDING MATERIAL*	13-02751	09/23/13	SUPPLIES FOR DRAINAGE PROJECT	Open	3,206.00	0.00		
03427 POLAR BEAR*	13-02287	08/06/13	MILLMAN/ CENTRAL HEAT /COOL	Open	275.00	0.00		
03449 QC INC*	13-02855	10/02/13	RETENTION POND WATER SAMPLE	Open	57.50	0.00		
03453 QUILL CORPORATION*	13-02801	09/30/13	INK/LABELS/FIRE SAFETY	Open	225.97	0.00		
03466 R & R SPECIALTIES	13-02938	10/10/13	AWARDS FOR COSTUME PARADE	Open	56.25	0.00		
03518 RIGGINS, INC.*	13-03109	10/21/13	HIGHWAY DIESEL	Open	1,582.65	0.00		
03660 SIRCHIE FINGERPRINT LAB. INV.*	13-02851	10/02/13	DETECTIVE OPERATION SUPPLIES	Open	412.52	0.00		
03678 SMELTZER & SONS INC.*	13-02867	10/04/13	SUPPLIES FOR HAUNTED TRAILS	Open	145.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	13-03099	10/17/13	SNIGP MEETING 10/25 MVITELLI	Open	80.00	0.00		
03692 SOUTH JERSEY GAS CO*	13-03113	10/21/13	GAS FOR OCTOBER 2013	Open	1,151.97	0.00		
03814 UNIVERSAL COMPUTING SERV., INC*	13-02754	09/23/13	MAILERS	Open	378.15	0.00		
03914 ULINE INC*	13-02683	09/12/13	SANITIZER/HAND/DPW	Open	231.89	0.00		
03969 VERIZON	13-03112	10/21/13	OCTOBER 2013 PHONE SERVICE	Open	3,857.29	0.00		
04049 SUSAN JACKSON	13-03124	10/25/13	MEDICAL CLAIMS-V	Open	100.00	0.00		
04089 WIZARD'S FESTIVAL OF FUN, INC*	13-02673	09/11/13	HALLOWEEN CUSTOM PARADE	Open	750.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04300	W B MASON CO INC*							
	13-02232	07/31/13	MILLMAN CENTER FURNITURE	Open	13,904.79	0.00		
	13-02520	08/21/13	MILLMAN CENTER CART AND COOLER	Open	882.00	0.00		
	13-02743	09/23/13	CALENDARS	Open	98.43	0.00		
					<u>14,885.22</u>			
04327	SHI INTERNATIONAL CORP*							
	13-02804	09/30/13	ENDPOINT PROTECTION 60 USERS	Open	3,780.80	0.00		
05064	CAPE ISLAND GRAPHICS*							
	13-03088	10/17/13	ELECTION SIGNS - JUST VOTE NO	Open	640.00	0.00		
05100	CHARLES W. SANDMAN, III ESQ							
	13-00268	01/23/13	2013 LITIGATION MONTHLY \$50k	Open	4,166.66	0.00		B
	13-00269	01/23/13	2013 PROF EXPENSE MONTHLY 40k	Open	4,225.00	0.00		
					<u>8,391.66</u>			
06030	JACK FICHTER*							
	13-01455	05/24/13	PUBLIC INFORMATION OFFICER	Open	1,000.00	0.00		B
5032	NORTH WILDWOOD \$ CREST SHIRT*							
	13-03096	10/17/13	SPORT TEK DRY ZONE POLO	Open	228.00	0.00		
6041	CARMAN							
	13-01151	04/22/13	2 2013 DODGE CHARGERS	Open	47,326.00	0.00		
6059	USABLE LIFE							
	13-03173	10/30/13	NOVEMBER 2013 LIFE INSURANCE	Open	436.24	0.00		
6061	AMERIHEALTH ADMINISTRATORS							
	13-03106	10/21/13	OCT 14 HEALTH INS & RX	Open	32,840.12	0.00		
	13-03115	10/21/13	OCT 21 HEALTH INS & RX	Open	53,075.20	0.00		
	13-03145	10/28/13	OCT 28 HEALTH INS & RX	Open	127,461.19	0.00		
	13-03174	10/30/13	NOVEMBE 2013 ADMIN & STOP LOSS	Open	25,997.25	0.00		
					<u>239,373.76</u>			
6074	CAPE ATLANTIC JUNIOR FOOTBALL							
	13-02770	09/24/13	CODE OF CONDUCT SIGNS	Open	124.00	0.00		
7042	PATRICIA A CONNOR							
	13-02913	10/08/13	GIRLS LACROSEE RED 5/18/13	Open	240.00	0.00		
7054	GOOD DAY FOR A RUN							
	13-03097	10/17/13	RETURN OF UNUSED ESCROW	Open	753.12	0.00		
7056	RUTH M DWYER							
	13-03141	10/28/13	RES#2013-279 REFUND 4TH QUARTE	Open	2,039.81	0.00		
BAC TAX	BAC TAX SERVICE CORP REFUNDS							
	13-03182	10/31/13	RES#2013-279 REFUND TAX OVERPA	Open	4,802.71	0.00		
BLAUE	BLAUER ASSOCIATES INC*							
	13-00857	03/26/13	DCA#13-00122-00 ADA REC/FISHIN	Open	550.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOSNA KAREN MANETTE BOSNA	13-03176	10/30/13	YOGA INSTRUCTOR OCTOBER 2013	Open	180.00	0.00		
G-ISL ISLAND TROPHIES	13-03091	10/17/13	PLAQUE	Open	50.00	0.00		
SCHILI JANET SCHILLIG	13-03100	10/18/13	GIRLS LACROSSE REF 5/18/13	Open	60.00	0.00		
SEAGE SEAGEAR MARINE SUPPLY*	13-00925	04/04/13	MONTHLY/	Open	998.50	0.00		
	13-01267	05/06/13	SUPPLIES FOR RDS/DPW/MAY	Open	996.50	0.00		
					1,995.00			

Total Purchase Orders: 98 Total P.O. Line Items: 238 Total List Amount: 463,727.84 Total Void Amount: 0.00

Vendor	PO #	Description	CK	Amount
State of NJ- Treasury	13-03121	Unclaimed Property	2257	\$ 25,268.60
Comcast	13-03148	Internet-Millman/Pool/CM	51326	\$ 761.41
Motor Vehicles	13-03095	New Vehicle Registration	51327	\$ 180.00

Total Manual Checks \$ 26,210.01
 Total Computer Generated \$ 463,727.84
Total Bill List \$ 489,937.85

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
Henderson						
CLARK						
BECK						

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

RESOLUTION #2013-279

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
380	44	Ruth M Dwyer	sold property	2,039.81
10	30	BAC Tax Service	paid twice	428.22
494.20	7	BAC Tax Service	paid twice	523.92
497.01	22.04	BAC Tax Service	paid twice	39.65
528	11	BAC Tax Service	paid twice	353.05
685	1	BAC Tax Service	paid twice	3,457.87

I hereby certify the foregoing to be the original Resolution adopted by Township Council at a meeting held on November 4, 2013.

Julie A Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

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

RESOLUTION #2013-280

**TITLE: A RESOLUTION REQUESTING RELEASE OF
PERFORMANCE GUARANTEE FOR FAMILY PROMISE;
Block 494.03, Lot 19.01, Escrow #Z12-07-04**

WHEREAS, Family Promise of Cape May County, Inc., posted a Performance Guarantee with the Township of Lower, in the amount of \$5,013.00; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$5,013.00 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$751.95; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$751.95 on account as Maintenance Guarantee.

BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$4,261.05 plus any accrued interest for payment of the above released Guarantee.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: October 25, 2013

RE: Family Promise
505 Townbank Road
Block 494.03, Lot 19.05
Escrow #Z12-07-04
Resolution # 2013-280

The Land Development Ordinance of the Township of Lower, Chapter, XVI, Subsection 400-81E, requires that, "The governing body shall by resolution, release or declare in default each Performance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution # 2013-280 is required to **release** the Performance Guarantee held in trust by the Township of Lower for Family Promise of Cape May County, Inc., Block 494.03, Lot 19.01 . The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer, George Curvan.

The Township Engineer recommends **release** of the retained \$5,013.00.

The inspection and construction costs of the bonded improvements have been paid for by the developer. All mandated improvements must be completed for the project's final approval.

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$751.95 which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

RESOLUTION #2013-281

Title: TRANSFER OF 2013 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two months of the current fiscal year when it has been determined that any appropriation is insufficient to pay the claims authorized or incurred during the current year, which are chargeable to said appropriation, and there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers totaling \$50,200.00 be

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
COUNCIL	OE	3-01-20-110-200	4,000.00	
PUBLIC WORKS	OE	3-01-26-305-200	5,000.00	
PERS	OE	3-01-36-471-500	7,100.00	
DCRP	OE	3-01-36-476-500	3,000.00	
LEGAL	OE	3-01-20-155-200	20,000.00	
TELEPHONE	OE	3-01-31-440-270	10,000.00	
PUBLIC EVENTS	OE	3-01-30-420-200	1,100.00	
RECREATION	OE	3-01-28-370-200		1,100.00
EMERGENCY MANAGEMENT	OE	3-01-25-252-200		3,000.00
BUILDINGS AND GROUNDS	OE	3-01-20-310-300		6,100.00
TIPPING FEES	OE	3-01-32-465-600		40,000.00
			<u>50,200.00</u>	<u>50,200.00</u>

I hereby certify the foregoing to be the original a resolution adopted by the Township Council on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

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

RESOLUTION # 2013-282

TITLE: A RESOLUTION APPROVING AND CELEBRATING THE GRAND RE-OPENING OF THE LOWER TOWNSHIP MILLMAN COMMUNITY CENTER

WHEREAS, the Lower Township Millman Community Center has undergone extensive renovations during the past several months; and

WHEREAS, the Township plans to celebrate the Grand Re-Opening of the Lower Township Millman Community Center with festivities during the week of November 12 thru 16, 2013 culminating with the re-opening celebration on November 16th opening for the public to view the facility from 11 am to 1 pm; and

WHEREAS, the CFO has determined sufficient funds not to exceed \$1,100.00 are available in the budget as evidenced by her signature below:

Budget Account: 3-01-20 420-299

CFO's signature 

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower does hereby authorize and approve the Grand Re-opening of the Lower Township Millman Community Center and invites our residents to come out and see the wonderful improvements this building has received.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

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

RESOLUTION #2013 -283

TITLE: A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE COUNTY OF CAPE MAY FOR USE OF EMERGENCY MANAGEMENT EQUIPMENT

WHEREAS, the Township of Lower desires to contract with The County of Cape May in order to share Emergency Management Equipment for the period of January 1, 2014 thru December 31, 2014; and

WHEREAS, such agreements are authorized pursuant to N.J.S.A. 40A:65-1 et seq.; and

WHEREAS, this contract is in the best interest for the safety of the citizens of the Township of Lower.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Lower, in the County of Cape May and State of New Jersey, that the shared service agreement attached hereto between the Township of Lower and the County of Cape May be and is hereby authorized and accepted and that the proper officials of the Township of Lower are authorized to execute said contract.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

CAPE MAY COUNTY



EMERGENCY MANAGEMENT COMMUNICATIONS CENTER

30 WEST MECHANIC STREET, CAPE MAY COURT HOUSE, NJ 08210

{O} 609.463.6570 {F} 609.463.0252 {Email} mpagliughi@co.cape-may.nj.us

Gerald M. Thornton, Freeholder

Martin L. Pagliughi, Director

Arthur E. Treon, Deputy

SHARED SERVICES AGREEMENT BETWEEN TOWNSHIP OF LOWER AND COUNTY OF CAPE MAY

THIS AGREEMENT made and entered into on the 1 day of January, 2014, by and between:

A Municipal Corporation of the State of New Jersey with offices located at:

2600 Bayshore Road

Villas, NJ 08251

hereinafter referred to as "Municipality";

And the: **COUNTY OF CAPE MAY**

A Body Politic and Corporate of the State of New Jersey with offices located at:

William E. Sturm Jr. Administration Building

4 Moore Road

Cape May Court House, New Jersey 08210

hereinafter referred to as the "County".

WHEREAS, the County has been the recipient of various grants from the Office of Homeland Security and Federal Emergency Management Agency for the purchase of various vehicles, equipment, materials and control devices hereinafter referred to as "Equipment"; and

WHEREAS, the Equipment as identified in 'Schedule A' was purchased with the intent to be shared with the various municipalities in the County; and

WHEREAS, from time to time the Municipality has a need to use some of the Equipment for a short duration when the County is not in need for the use of the Equipment; and

WHEREAS, the Municipality desire to enter into an agreement with the County to use the Equipment identified in 'Schedule A'; and

WHEREAS, NJSA 401:65-1 et.seq. authorizes local government units, including municipalities and counties, to enter into agreements for the exchange of services pursuant to the provisions of that statute known as the "Uniform Shared Services and Consolidation Act";

NOW, THEREFORE, it is agreed, stipulated and understood between parties, in consideration of the mutual promises contained herein as follows:

1. All of the above recitals are incorporated herein by reference as it fully set forth at length.
2. The County is the owner of the Equipment identified in 'Schedule A'.
3. The Municipality hereby agrees to indemnify the County and to hold it harmless from and against any and all damages, claims, losses and/or liabilities of any sort (including reasonable attorney's fees) which the Municipality may incur from using the County Equipment. In addition, the Municipality agrees to have the County named as an additional insured on any existing insurance contracts carried by the Municipality to provide general comprehensive liability coverage in the amount of \$1,000,000.00 dollars.

A certificate of insurance evidencing said coverage and the additional insured designation shall be provided by the Municipality and Attached to this agreement.

4. The Municipality agrees to reimburse the County or perform the repairs themselves for any damage inflicted upon the Equipment while in the possession of the Municipality.
5. The Municipality is responsible for any servicing or re-fueling of the Equipment while in the possession of the Municipality.
6. The Municipality shall immediately return the Equipment to the County when the Equipment is not in use by the Municipality.
7. In the event of a dispute between the parties arising out of this Agreement, the parties agree that they will immediately meet and make a good faith effort to resolve such conflict.
8. The parties have read this Agreement. It is a full statement of their understandings. It may not be changed except in writing signed by both parties.
9. This agreement shall be governed by the laws of New Jersey with venue in the County of Cape May.
10. The term of this agreement is from January 1, 2014 to December 31, 2014. An option to renew can be exercised by both parties upon correspondence prior to the expiration date.

IN WITNESS WHEREOF the parties affix their signatures to this Agreement, intending to be legally bound. If a party is a corporation, this Agreement is signed by its proper corporate officers and its corporate seal is affixed.

COUNTY OF CAPE MAY

BOROUGH / CITY/ TOWNSHIP

Date

Date

Gerald M. Thornton, Director
Board of Chosen Freeholders

City of _____

By: _____

ATTEST: _____
Clerk Of The Board Of Chosen Freeholders

ATTEST: _____
Municipal Clerk

APPROVED AS TO FORM:

Barbara Bakley-Marino, Esq.
County Counsel

'SCHEDULE A'

EQUIPMENT LIST

This equipment is not limited to the list below.

QUANTITY	DESCRIPTION
2	POLARIS MEDICAL UTV aka "GATOR"
1	COMMUNICATIONS VAN
4	HIGH WHEEL FIVE TON TRUCKS
1	TRUCK, TRACTOR
1	GENERATOR 65KW
1	PUMP, TRASH 4" W/HOSE
1	PUMP, TRASH 6" W/HOSE
1	TRUCK, PRIME MOVER TRANSPORT

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

RESOLUTION # 2013-284

Title: **APPROVAL OF CONTRIBUTION TO LOWER TOWNSHIP CHAMBER OF COMMERCE**

WHEREAS, The Lower Township Chamber of Commerce is organized to achieve the objective of promoting business and community growth and development within by promoting economic programs designed to strengthen and expand the income potential of all business within the Township of Lower and promoting programs of civic, social and cultural nature which are designed to increase the functional and aesthetic values of the community and discovering and correcting abuses which prevent the promotion of business expansion and community growth; and

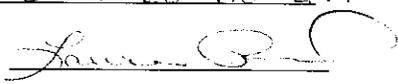
WHEREAS, the Lower Township Chamber of Commerce has partnered with the Township in hosting the Annual Hospitality Night; and

WHEREAS, the Lower Township Chamber of Commerce prints and supplies an Annual Directory to the residents of Lower Township.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower does hereby authorize and approve a contribution of \$1,000.00 towards the Hospitality Night and a contribution of \$3,000.00 towards the Annual Directory.

BE IT FURTHER RESOLVED that the CFO, Lauren Read is hereby authorized to issue the above checks chargeable to the following line item where sufficient funds are available as evidenced by her signature

Budget Account: 3-01-20 110-299

CFO's Signature: 

I hereby certify the foregoing to be the original Resolution adopted by the Township Council on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						



Lower Township Chamber of Commerce

P.O. Box 374 ♦ Villas, New Jersey 08251

www.lowertownship.org

October 23, 2013

APPROVED
M. Beck
10/31/13

Mayor Michael Beck and Council:

The Lower Township Chamber of Commerce is once again asking for your continued support of our Annual Hospitality Night and the mailing for our 2014 Directory.

We are very thankful for the support you have given us over the years. This year, we will be celebrating our 7th Annual Hospitality and hope you will be able to support us with the \$1,000.00 that provides us the means to bring up to 70 gifts to our families at this event.

We will also be printing our Annual Directory this year for the 9th year in a row, and with your support of \$3,000.00 we will, once again, be able to mail this directory to every resident in Lower Township. The residents find this directory extremely helpful to them during the year since all important Township phone numbers are right at their fingertips. It also gives the advertisers in the directory a chance to have more business in their establishments from their community.

Once more, please accept our deep appreciation for your constant support.

Respectfully,

Officers and Board of Directors
Lower Township Chamber of Commerce

First Community in Cape May County, New Jersey, 1640

Gold Spring ♦ Diamond Beach ♦ Emu ♦ Fishing Creek ♦ North Cape May

Schallenger's Landing ♦ Shaucrest ♦ Sunset Beach ♦ Townbank ♦ Villas

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

RESOLUTION #2013-285

TITLE: AWARD OF CONTRACT TO TERRENCE J. CROWLEY

WHEREAS, 40A:11-6.1(b) allows an award of a contract as an exemption to the Local Public Contract Law per 40A:11-5; and

WHEREAS, The Council of Lower Township (Lower) has decided to oppose Cape May City Council's Study and therefore, has requested a proposal to respond to that study.

WHEREAS, Terrence J. Crowley will provide expert response to oppose the Feasibility Study (Study), Township received in June 2013. Cape May City Council which had previously authorized addressing their status as a constituent member of the Lower Cape May Regional School District (Regional). The Study investigated the withdrawal of the municipality from the Regional with the Cape May students attending the Regional, or another district, on a sending-receiving relationship or in the alternative dissolving the Regional.

WHEREAS, Terrence J. Crowley, shall attend meetings of Lower as requested, Verify all data included in the report (Lower Township will assist with all municipal related data), Interview on site, representatives of all parties affected including municipal and school entities. Gather pertinent information and documents from the above with a listing to be provided by me. This includes all data of a school district or municipality with respect to any change in the organization of a district. Review the applicable sections of the New Jersey Administrative Code and Statutes that impact a change in the governance of a regional school district. Review, analyze, and respond to each element of the Study and the recommendations contained therein based upon the data and information collected with specific attention to the educational plans, the racial balance, and the financial impacts. Prepare a comprehensive report for the consideration of Lower with recommendation(s) in each area.

WHEREAS, the amount of said contract shall be in accordance with the services set forth on Exhibit A with the total cost for all services not to exceed Fifteen Thousand Dollars (\$15,000.00), pursuant to contract between the Township of Lower and Terrence J. Crowley; and

WHEREAS, the CFO has determined sufficient funds are available in the budget under as evidenced by the

Budget Account 3-01-20 155-200

CFO's 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 Mayor is hereby authorized and directed to sign the attached agreement with Terrence J. Crowley.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

PROPOSAL

PURPOSE

In June 2013, the Cape May City Council received a Feasibility Study (Study), which they had previously authorized addressing their status as a constituent member of the Lower Cape May Regional School District (Regional). The Study investigated the withdrawal of the municipality from the Regional with the Cape May students attending the Regional, or another district, on a sending-receiving relationship or in the alternative dissolving the Regional.

The Council of Lower Township (Lower) has decided to oppose the Study and therefore, has requested a proposal to respond to that study.

APPROACH

This proposal is submitted to respond to the Study. The response will not draft an entirely new Feasibility Study but will thoroughly analyze the Study to determine if it meets all requirements as contained in the New Jersey Administrative Code and applicable Statutes, identify any areas lacking, and offer recommendation(s) concerning the educational, racial, and financial effects of the actions proposed.

ACTIVITIES

Attend meetings of Lower as requested

Verify all data included in the report (Lower Township will assist with all municipal related data)

Interview on site, representatives of all parties affected including municipal and school entities

Gather pertinent information and documents from the above with a listing to be provided by me. This includes all data of a school district or municipality with respect to any change in the organization of a district.

Review the applicable sections of the New Jersey Administrative Code and Statutes that impact a change in the governance of a regional school district

Review, analyze, and respond to each element of the Study and the recommendations contained therein based upon the data and information collected with specific attention to the educational plans, the racial balance, and the financial impacts.

Prepare a comprehensive report for the consideration of Lower with recommendation(s) in each area.

TIMELINES

First Progress Report and	
Second Progress Report	November 13, 2013
Preliminary Draft	November 22, 2013
Final Report	December 9, 2013

(These may be adjusted to reflect the meeting schedule of the Council)

Report due to the New Jersey Department of Education, Cape May County Office
December 16, 2013

FEE

\$ 15,000 with a schedule as follows:

Signing of Proposal	10%	\$1500.00
First Progress Report	20%	\$3000.00
Second Progress Report	20%	\$3000.00
Preliminary Draft	30%	\$4500.00
Final Report	20%	\$3000.00

MISCELLANEOUS

This Report will not include a detailed operating budget for any of the organizational scenarios since none were provided in the Cape May Report. General financial information will be provided as part of the analysis and recommendations.

The typing, collating and copying of the Final Report shall be done by Lower Township

The consultant will not respond to any questions from or discuss with any individual or entity not designated by Lower Township officials.

The Consultant will not release the Report or any portions of it, including work papers to any party or media outlet

The Final Report will become the property of Lower Township but may be cited and or used by the consultant as an example of work.

If at any time Cape May might withdraw their attempt to alter the school funding or it is otherwise determined by the Township of Lower that no further action need be taken in this matter Consultant will be paid for work performed up to that point and no further sums will become due and owing.

Terrence, J Crowley

Date

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, N J 08646-0252

TAXPAYER NAME:

CROWLEY,TERRENCE J

TRADE NAME:

ADDRESS:

**463 LINCOLN RD
PILESGROVE NJ 08098**

SEQUENCE NUMBER:

1261280

EFFECTIVE DATE:

08/23/06

ISSUANCE DATE:

09/01/06

James J. Jususone

Acting Director
New Jersey Division of Revenue

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Firm Name: _____

Name of Agent: TERRENCE J. CROWLEY

Title: CONSULTANT

Date: 10/30/13

**LOWER TOWNSHIP
2600 BAYSHORE ROAD
VILLAS, NJ 08251
(609) 886-2005**

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

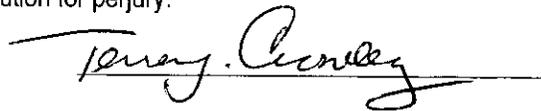
2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

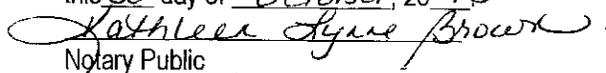
4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

<u>Date</u>	<u>Name of Organization</u>	<u>Amount</u>
	<i>None</i>	

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.



Sworn and Subscribed to before me
this 30 day of October, 20 13


Notary Public

**KATHLEEN LYNNE BROWN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 7/27/2014**

BUSINESS ENTITY DISCLOSURE CERTIFICATION

FOR NON-FAIR AND OPEN CONTRACTS

Required Pursuant To N.J.S.A. 19:44A-20.8

TOWNSHIP OF LOWER

Part I B Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name TERRENCE J. CROWLEY has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Thomas Conrad	
James Neville	Any present or future candidate committee or
Glenn Douglass	joint candidate committee or local political party
Norris Clark	committee formed for the election of members of
Michael E. Beck	the Lower Township governing body.

Part II B Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address
TERRENCE J. CROWLEY	104 SOMERSET LANE OCEAN CITY, NJ 08225

Part 3 B Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Terrance J. Crowley

Signed: *Terrance J. Crowley* Title: _____

Print Name: Terrance J. Crowley Date: 10/30/13

Subscribed and sworn before me this 30 day of
October, 2013.

Kathleen Lynne Brown

(Affiant)

KATHLEEN LYNNE BROWN

NOTARY PUBLIC OF NEW JERSEY

My Commission Expires 7/27/2016

My Commission expires: 7-27-14.

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

RESOLUTION #2013-286

TITLE: AWARD OF CONTRACT TO WYNS CONSULTING, LLC

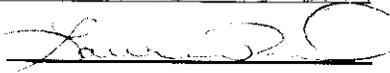
WHEREAS, 40A:11-6.1(b) allows an award of a contract as an exemption to the Local Public Contract Law per 40A:11-5; and

WHEREAS, WYNS Consulting LLC will provide expert financial analysis of the Lower Cape May Regional School District relating to an the initial financial report on the negative financial impact to the taxpayers of Lower Township in the event the City of Cape May were to withdraw as a constituent community from the Lower Cape May Regional School District or if such regional school district were to be dissolved.

WHEREAS, the amount of said contract shall be in accordance with the services set forth on Exhibit A with the total cost for all services not to exceed Five Thousand Dollars (\$5,000.00), pursuant to contract between the Township of Lower and WYNS Consulting, LLC; and

WHEREAS, the CFO has determined sufficient funds are available in the budget as evidenced by her signature below:

Budget Account 3-01-20-135-299

CFO's 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 Mayor is hereby authorized and directed to sign the attached agreement with WYNS Consulting, LLC.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						

CONSULTING AGREEMENT

This Consulting Agreement (this "Agreement") is entered into as of November ____, 2013 by and between Lower Township, Cape May County, and Wyns Consulting, LLC.

RECITALS

1. Wyns Consulting, LLC has expertise in the area of school finance and is willing to provide consulting services to Lower Township.
2. Lower Township is willing to engage Wyns Consulting, LLC as an independent contractor, and not as an employee, on the terms and conditions set forth herein.

AGREEMENT

In consideration of the foregoing and of the mutual promises set forth herein, and intending to be legally bound, the parties hereto agree as follows:

1. Engagement.

Lower Township hereby engages Wyns Consulting, LLC to render, as an independent contractor, the consulting services described in Exhibit A hereto below and such other services as may be agreed to in writing by Lower Township and Wyns Consulting, LLC. All consulting services will be provided by Mr. Melvin Wyns.

Wyns Consulting, LLC hereby accepts the engagement to provide consulting services to Lower Township on the terms and conditions set forth on Schedule A hereinbelow.

Schedule A

a) Preparation of an initial financial impact expert report to be presented on behalf of the Lower Cape May Regional School District constituent community of Lower Township in response to the June 2013 Feasibility Study to Reconfigure the Lower Cape May Regional School District. The initial financial report will detail the negative financial impact to the taxpayers of Lower Township in the event the City of Cape May were to withdraw as a constituent community from the Lower Cape May Regional School District or if such regional school district were to be dissolved.

b) Review of the June 2013 Feasibility Study to Reconfigure the Lower Cape May Regional School District.

c) Confer with Lower Township's educational consultant as necessary.

d) If necessary preparation of another report on behalf of Lower Township, providing arguments responding to any arguments and contentions made by the expert(s) employed on behalf of the City of Cape May or the Borough of West Cape May.

e) If necessary prepare a subsequent report that would support the idea that the present wealth-based regional tax levy apportionment formula, rather than a *per capita* assessment, is the basis of the most equitable cost apportionment scheme for the constituent communities of the Lower Cape May Regional School District in the event the regional school district remains intact.

f) Participation in a deposition, if necessary.

g) Attendance at a deposition(s), if necessary, of any constituent community's expert to provide assistance to counsel representing Lower Township, in the examination of any expert witness.

h) Preparation for and provision of expert testimony on behalf of Lower Township in any legal proceedings that may be necessary.

2. Term.

This Agreement will commence on the date first written above, and unless modified by the mutual written agreement of the parties, shall continue until the satisfactory completion of the services set forth in Schedule A above. Lower Township may terminate this Agreement upon 10 days' written notice to Wyns Consulting, LLC, after action by the Township Council.

3. Compensation.

In consideration of the services to be performed by Wyns Consulting, LLC, Lower Township agrees to pay Wyns Consulting, LLC at a rate of \$200.00 an hour **not to exceed \$5,000.00** for such consulting services and for any out-of-pocket expenses incurred by Wyns Consulting, LLC that are authorized by Lower Township in advance in writing which shall be reimbursed by Lower Township to Wyns Consulting, LLC and Lower Township shall also reimburse Wyns Consulting, LLC for mileage costs related to any travel related to such consulting services at the IRS automobile mileage expense rate in effect at the time of the travel.

4. Consultant's Business Activities.

During the term of this Agreement, Wyns Consulting, LLC will engage in no business or other activities, which are or may be, directly or indirectly, competitive with or in conflict with the position of Lower Township regarding the matters as stated in Schedule A, without obtaining the prior written consent of Lower Township.

Wyns Consulting, LLC, shall devote such consulting time, attention and energy to the business and affairs of Lower Township as requested by Lower Township, and in any event no less than the amount of time required to complete the consulting services set forth in Schedule A hereinabove.

IN WITNESS WHEREOF, the parties have caused this CONSULTING AGREEMENT to be duly executed this ____ day of November, 2013.

For Lower Township

For Wyns Consulting, LLC

Sincerely, *John E. Tully*
John E. Tully, CPA
Acting Director

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE FOR STATE AGENCY AND CASINO SERVICE CONTRACTORS		<small>DEPARTMENT OF TREASURY/ DIVISION OF REVENUE P.O. BOX 252 TRENTON, N.J. 08646-0252</small>
TAXPAYER NAME: WYNS CONSULTING LLC	TRADE NAME:	
TAXPAYER IDENTIFICATION#: 200-359-894/000	SEQUENCE NUMBER: 1024833	
ADDRESS: 22 MARK TWAIN DRIVE HAMILTON SQUARE NJ 08690	ISSUANCE DATE: 11/06/03	
EFFECTIVE DATE: 11/04/03	<i>John E. Tully</i> Acting Director	
FORM-BRC(08-01)	<small>This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.</small>	

**LOWER TOWNSHIP
2600 BAYSHORE ROAD
VILLAS, NJ 08251
(609) 886-2005**

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

	<u>Name of Organization</u>	<u>Amount</u>
	<i>No contributions made.</i>	

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.

Sharon D. Perry

Sworn and Subscribed before me
This 29 day of October, 2013.

[Signature]

Notary Public

Sharon D Perry
Notary Public
New Jersey

My Commission Expires August 1, 2015

BUSINESS ENTITY DISCLOSURE CERTIFICATION
 FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
 TOWNSHIP OF LOWER

Part I - Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name WYN'S CONSULTING, LLC has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Thomas Conrad	
James Neville	Any present or future candidate committee or
Glenn Douglass	joint candidate committee or local political party
Norris Clark	committee formed for the election of members of
Michael E. Beck	the Lower Township governing body.

Part II - Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
<i>no stock issued.</i>	

Part 3 - Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: WYN'S CONSULTING LLC

Signed: Melvin L. Wyns Title: OWNER

Print Name: MELVIN L. WYNS Date: 10/29/13

Subscribed and sworn before me this 29 day of

October 2013

My Commission expires:

[Signature]

Melvin L. Wyns
(Affiant)

MELVIN L. WYNS, OWNER
(Print name & title of affiant) (Corporate Seal)

Sharon D Perry
Notary Public

New Jersey

My Commission Expires August 1, 2015

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Firm Name: WYNS CONSULTING, LLC

Name of Agent: MELVIN L. WYNS

Title: OWNER

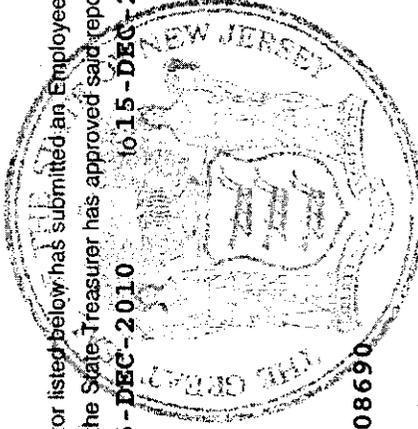
Date: 10/29/2013

Certification 34849

**CERTIFICATE OF EMPLOYEE INFORMATION REPORT
RENEWAL**

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of 15-DEC-2010 to 15-DEC-2017

WYNS CONSULTING, LLC
22 MARK TWAIN DRIVE
HAMILTON SQUARE NJ 08690



Andrew P. Sidamon-Eristoff
State Treasurer

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

RESOLUTION # 2013-287

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Lower Township Rescue	13-01009	2013 Contribution Due 11/04/13	\$ 35,000

Total Bill List \$ 35,000

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on November 4, 2013.

Julie Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
Henderson						
CLARK						
BECK						



BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Public Safety Building
1389 Langley Road
Cape May County Airport
Phone: (609) 889-0404
Fax: (609) 889-8876

Mailing Address:
407 Breakwater Road
Erma, NJ 08204

**For the month of September 2013, the Lower Township
Bureau of Fire Safety made deposits of \$39,743.88 in the
Lower Township Tax office.**

Sincerely,

**David P. Perry
Fire Official**

**cc: file
Board Members
Lauren Read
Mike Voll**

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

RESOLUTION # 2013-288

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

_____ (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 November 4, 2013 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 November 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
HENDERSON						
CLARK						
BECK						