

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
October 21, 2019 - 7:00 P.M.

Meeting called to order

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

Work Session

Aquatic Center Information Work Session – Manager Jim Ridgway

Best Practices Inventory Authority Discussion – Manager Jim Ridgway, CFO Lauren Read

Consent Agenda

Approval of Minutes/Closed Session Minutes – October 7, 2019

Res. #2019- 317- Payment of Vouchers \$ 632,525.10

Res. #2019-318- Certification of Lot Clearing Charges to the Tax Collector (5 Properties \$7,010.)

Res. #2019-319 - 2019 Drive Sober or Get Pulled Over Year End Holiday Crackdown

Res. #2019-320 - A Resolution Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services

Res. #2019-321- Approving a Professional Service Contract with Mott MacDonald for Professional Engineering Services for Stairs Design Plan for Shadeland Avenue, Hollywood Avenue, Rosewood Avenue and Redwood Avenue (\$8,600)

Res. #2019-322 - Certification of Best Practices Inventory

Res. #2019-323 - Authorizing Payout of Terminal Leave (J.Boyle \$58,132.32)

Res. #2019-324 - Authorization for the Payout of Accumulated Sick Time (R.Hartman, Jr. \$47,036.78 to Def Comp)

Res. #2019-325- Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GOVDEALS Online Auction Website (Kanguru DVD Duplicator)

Res. #2019-326- Authorization for the Payout of Accumulated Sick Time (D.Whitten \$31,205.24 to Def Comp)

Res. #2019-327- Authorization for the Payout of Accumulated Compensatory Time (M.lames \$2,427.60)

Res. #2019-328 – Bid Acceptance and Award of one (1) 2020 Ford Explorer 4WD XLT for the Construction Office (Kindle \$33,604.70)

Regular Agenda

Res. #2019-329 Authorizing the Payment of Vouchers – L/T Rescue - \$35,000

Ordinance # 2019-14 - Bond Ordinance Providing for Various Safety and Identification Improvements to Schellenger's Landing, By and In The Township of Lower, in the County of Cape May, State of New Jersey; Appropriating \$1,000,000 Therefore and Authorizing the Issuance of \$950,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof. This is the second reading and public hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

Ordinance #2019-15 - An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, Subsection 340-13 (B)(14) Through (16) Fire Prevention, of the Code of the Township of Lower. This is the second reading and public hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

Manager's Report

Administrative Reports

Monthly Reports – Clerk, Construction, Dog, Fire, Tax, Vital Statistics

Council Comments

Call to the Public

Adjournment

COUNCIL MEETING MINUTES – October 7, 2019

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 7, 2019 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember David Perry
Councilmember Roland Roy, Jr.
Deputy Mayor Frank Sippel
Mayor Erik Simonsen

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Work Session

Proclamation - Put the Brakes on Fatalities – Mayor Erik Simonsen

Mayor Simonsen read a proclamation declaring October 10, 2019 as "Put the Brakes on Fatalities Day" in Lower Township, in an effort to increase awareness and improve safe driving behaviors on the roadways.

Consent Agenda

Approval of Minutes/Approval of Closed Session Minutes – September 16, 2019

Res. #2019-292 - Payment of Vouchers \$ 901,851.65

Res. #2019-293 - A Resolution Requesting Release of Performance Guarantee for Villas Wawa Trash Enclosure & Fence; Block 216, Lot 5, Escrow #Z15-01-03

Res. #2019-294 - A Resolution Acknowledging the Award of a Thirty-Six (36) Month Contract to South Jersey Energy for Natural Gas Supply Service Under the South Jersey Power Cooperative for the Township of Lower

Res. #2019-295 - Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Bulletproof Vest Partnership \$6,130.58)

Res. #2019-296 - Bid Acceptance and Contract Award to Install Service Body, Scissor Hi Lift, Post Puller and Lighting on Existing New Cab and Chassis (Intercon Truck Equipment Inc. \$68,868.)

Res. #2019-297- Capital Budget Amendment

Res. #2019-298 - Approval for Jumpin' Joe's Party in the Park on October 13, 2019 Benefit at Clem Mulligan Field

Res. #2019-299 - Bid Acceptance and Contract Award for the Recreation Center Restrooms Upgrade (Capri Construction Center Inc \$79,007)

Res. #2019-300 - Approval of Change Order #3 to Agate Construction Company for the Roseann Avenue Roadway and Utility Improvements Project; Authorizing Additional Costs for Importing Fill and a Credit for the Elimination of a Cofferdam (net increase of \$31,981.99)

Res. #2019-301- Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Body Armor \$2,565.22)

Res. #2019-302- Authorization for Refund of Taxes (2 properties)

Res. #2019-303- Approval for Lower Township Veterans Day Parade (Nov 9, 2019)

Res. #2019-304 -Approval of AMVETS Post 21 Request to Host a Fall Bazaar at their Post Home located at 1519 Bayshore Road on October 25 & 26, 2019

Res. #2019-305 -Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Drunk Driving Enforcement Fund \$7,547.93)

Res. #2019-306 -Approval of Change Order #2 to Mott MacDonald for the Beach Access Improvement Project – to Provide Professional Environmental Services to Respond to Special Condition Number Eleven (11) of the NJDEP CAFRA Permit (\$2,200)

Res. #2019-307- Unclaimed Redemption Monies (\$677.73)

Res. #2019-308- Lower Cape Alliance (July 1,2020 to June 30, 2021)

Ordinance # 2019-14 - Bond Ordinance Providing for Various Safety and Identification Improvements to challenger's Landing, By and In The Township of Lower, in the County of Cape May, State of New Jersey; Appropriating \$1,000,000 Therefore and Authorizing the Issuance of \$950,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof. This is the first reading of this Ordinance. The second reading and public hearing for this Ordinance has been scheduled for October 21, 2019.

On the Consent:

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

Regular Agenda

Ordinance #2019-15 - An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, Subsection 340-13 (B) (14) Through (16) Fire Prevention, of the Code of the Township of Lower. This is the first reading of this Ordinance. The second reading and public hearing for this Ordinance has been scheduled for October 21, 2019.

Councilmember Perry commented in favor of the ordinance to enhance the safety of Township residents.

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

Res. #2019-309 - A Resolution Approving a Salary Increase per Article XIII, Section D of the Lower Township Office Workers Association AFSCME Union Contract (K.Crecca \$2,500)

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

Res. #2019-310 - A Resolution Approving a Salary Increase per Article XIII, Section D of the Lower Township Office Workers Association AFSCME Union Contract (W.Fiore \$2,500)

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

Res. #2019-311 - A Resolution Approving a Salary Increase per Article XIII, Section D of the Lower Township Office Workers Association AFSCME Union Contract (L.Schubert \$2,500)

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

Res. #2019-312 - A Resolution Approving A Salary Increase Per Article XI, Section H of the Lower Township Supervisors Union Contract (H.Bailey \$3,500)

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

Res. #2019-313 - A Resolution Approving A Salary Increase Per Article XI, Section H of the Lower Township Supervisors Union Contract (C.Crippen \$3,500)

Lauren Read, Treasurer, spoke in favor of the increase for C. Crippen and requested Council's support.

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

Res. #2019-314 - A Resolution Approving A Salary Increase Per Article XI, Section H of the Lower Township Supervisors Union Contract (J.Dowe \$3,500)

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

Res. #2019-315 - A Resolution Approving a Salary Increase for a Non-Union Employee (S.Wilson \$3,000)

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

Engineer's Report – Shawn Carr

Shawn Carr, Mott MacDonald, gave Council an update on the following engineering project in the Township: Roseann Avenue Phases 1, 2, and 3; Rec Center Restrooms Upgrades; Emergency Pipeline Repair on Clubhouse; Mulligan Field Renovations; Stormwater Pollution Prevention Plan; Rotary Park; and Beach Access Improvements.

Councilmember Perry asked about a timeframe for street lights on the 300 block of Roseann Avenue. Shawn Carr ensured that he will find out.

Councilmember Conrad asked about Beach Access for Village Road. Shawn Carr informed of Mott MacDonald's involvement with that project.

Manager's Report – Manager Jim Ridgway

Manager Ridgway informed Council of his meeting with the County about a culvert on Tabernacle Road. He gave an update on Roseann Avenue and his plan for Lincoln Boulevard.

Mayor Simonsen communicated positive feedback from residents on Roseann Avenue.

Councilmember Perry reiterated the same with only one concern about lighting.

Administrative Reports

Monthly Report – Treasurer

Council Comments

Councilmember Conrad gave an update on the Nathaniel Foster House.

Councilmember Perry voiced favor with the progress on Roseann Avenue.

Councilmember Roy expressed approval with the Schellenger’s Landing Project.

Deputy Mayor Sippel reminded about the Veteran’s Day Parade.

Mayor Simonsen announced the following upcoming events: Free Flu Shots at the Rec Center, Halloween Parade at HCSV, Autumn Fest and Trunk-or-Treat at DRBA.

Call to the Public

William Chason, 1248 Wilson Drive, expressed discontent with the road condition and flooding on Wilson Drive.

Manager Ridgway agreed that the area needs improvement.

Mayor Simonsen agreed to address his concerns.

Sally Yerck, Roseann Avenue, thanked Council for the progress on Roseann Ave and requested street lighting prior to Halloween.

Closed Session

Res. #2019-316 - Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **Attorney/Client Privilege**

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

Council adjourned to closed session at approximately 7:34 p.m.

Council returned to open session at approximately 8:55 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Roy. Motion to adjourn was unanimous. Meeting adjourned at 8:56 p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01170 VERIZON WIRELESS* F/S	19-02756	10/09/19	CELL FIRE SAFETY 8/27-9/26/19	Open	53.11	0.00		
01171 VERIZON WIRELESS - TOWNHALL	19-02723	10/07/19	IPHONE 8/29-9/28/19	Open	906.63	0.00		
01530 FIRE DISTRICT #1	19-00713	03/08/19	2019 FIRE DISTRICT 1 TAXES	Open	2,939.04	0.00		B
01540 FIRE DISTRICT #2	19-00174	01/10/19	2019 FIRE TAXES	Open	3,918.72	0.00		
01550 FIRE DISTRICT #3	19-00637	03/01/19	2019 FIRE DISTRICT# 3 TAXES	Open	1,306.24	0.00		B
01641 GALL'S INC*	19-02409	08/30/19	TRAINING EQUIPMENT	Open	576.00	0.00		
	19-02653	09/27/19	SUPPLEIS	Open	199.00	0.00		
					775.00			
01768 ROBERT HARTMAN JR	19-00944	03/29/19	2019 EQUIPMENT ALLOWANCE	Open	150.00	0.00		
01806 ANTHONY J HARVATT, II, ESQ	19-02721	10/07/19	RESOLUTIONS FROM 9/4/19	Open	450.00	0.00		
01956 IMPACT TECHNOLOGY SOLUTIONS*	19-02517	09/17/19	ANNUAL SERVICE AGR. VIDEO	Open	1,260.00	0.00		
02013 NICKOLAUS CONSTRUCTION CO*	19-02597	09/25/19	REPAIR OF TENNIS COURTS	Open	4,000.00	0.00		
02108 KEEN COMPRESSED GAS CO*	19-01577	06/04/19	BOTTLED GAS/MAY	Open	514.64	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	19-02620	09/25/19	PARTS FOR POLICE VEHICLES	Open	468.26	0.00		
02183 KLENSWITE POOL SPA SUP.CO INC*	19-01543	05/31/19	CHLORINE FOR POOL- CARBOYS	Open	2,464.00	0.00		
02223 LANDSMAN UNIFORMS*	19-02189	08/02/19	UNIFORMS	Open	486.75	0.00		
02247 LAWSON PRODUCTS, INC.*	19-02032	07/16/19	SUPPLIES FOR DPW GARGE/SEPT.	Open	699.92	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN	19-02498	09/11/19	MUA SCHOOL TRIP/CRP	Open	680.10	0.00		
02418 MAJESTIC SEWER AND DRAIN*	19-01806	06/20/19	SNAKE DRAIN FOR TOWNSHIP POOL	Open	370.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02725 THOMAS MILLS	19-02803	10/16/19	INSPECTIONS 715 TOWNBANK RD	Open	28.23	0.00		
02810 MOUNT CONSTRUCTION CO*	19-02035	07/16/19	ROSEANN PHASE 3 DNE \$2464865.0	Open	310,524.70	0.00		
03158 NYSCA*	19-02546	09/18/19	SOCCER COACHES RENEWAL	Open	80.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	19-02627	09/25/19	SUPPLIES FOR POLICE DEPT.	Open	348.81	0.00		
	19-02628	09/25/19	CLEANING SUPPLIES/BUILDINGS	Open	<u>977.23</u>	0.00		
					1,326.04			
03305 PEDRONI FUEL*	19-02734	10/07/19	NO LEAD GAS	Open	359.61	0.00		
03449 EUROFINS QC INC*	19-01193	04/24/19	2019 SEASONAL POOL CONTRACT	Open	2,455.00	0.00		
03460 V.E. RALPH & SON, INC.*	19-02544	09/18/19	EMERGENCY BLANKETS	Open	247.50	0.00		
03466 R & R SPECIALTIES	19-02778	10/11/19	HALLOWEEN TROPHY AND MEDALS	Open	72.00	0.00		
03518 RIGGINS, INC.*	19-02735	10/07/19	OFF ROAD DIESEL	Open	438.04	0.00		
	19-02769	10/10/19	OFF HIGWAY DIESEL	Open	<u>515.71</u>	0.00		
					953.75			
03544 PORTER LEE CORP*	19-02521	09/17/19	SERVER MIGRATION	Open	675.00	0.00		
	19-02545	09/18/19	B.E.A.S.T. SUPPLIES	Open	<u>207.11</u>	0.00		
					882.11			
03562 SHAW CRANE COMPANY INC.	19-02557	09/19/19	CRANE RENTAL ROSEANN AVE PUMP	Open	850.00	0.00		
03608 SEAWAVE CORPORATION*	19-02591	09/23/19	CLASSIFIED AD ASSESSORS OFFICE	Open	75.00	0.00		
	19-02709	10/03/19	COURT ADMIN JOB POST	Open	226.80	0.00		
	19-02710	10/03/19	DEPUTY CRT ADMIN JOB POST	Open	<u>123.52</u>	0.00		
					425.32			
03611 SERVICE TIRE TRUCK CENTERS*	19-02289	08/15/19	TIRES/RDS/SANT/RECY/DPW/SEPT	Open	6,124.63	0.00		
03613 SEA ISLE ICE CO. INC.*	19-02622	09/25/19	ICE/DPW	Open	207.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	19-02698	10/02/19	10/08/2019 SJNIGP MEETING	Open	40.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03767 TESTWELL CRAIG TESTING LAB, INC	19-01445	05/20/19	CORE TESTING ROSEANNE AVE	Open	1,100.00	0.00		
03863 TREASURER, STATE OF NEW JERSEY	19-02739	10/08/19	STATE SURCHARGE 3RD QTR 2019	Open	10,731.00	0.00		
03914 ULINE INC*	19-02508	09/13/19	HAND SANITIZER 8 OZ	Open	153.43	0.00		
03971 VERIZON WIRELESS MDT POLICE	19-02733	10/07/19	VERIZON WIRELESS	Open	843.43	0.00		
03985 VILLAS NAPA AUTO PARTS	19-01299	05/02/19	RDS/SANT/RECY/DPW/AUG	Open	3,776.93	0.00		
04075 BARBER CONSULTING SERVICES LLC	19-02692	10/02/19	ENDPOINT PROTECT 10/19-10/20	Open	293.94	0.00		
04080 WINNER FORD*	19-00761	03/15/19	2020 FORD UTILITY PD INTERCEPT	Open	31,612.00	0.00		
04085 CHRISTOPHER WINTER (EMPLOYEE)	19-02720	10/07/19	CONTRACTUAL REIMBURSEMENT M	Open	93.50	0.00		
04089 WIZARD'S FESTIVAL OF FUN, INC*	19-02523	09/17/19	HALLOWEEN PARADE BAND	Open	750.00	0.00		
04216 PRIVATE ISLAND EMBROIDERY*	19-02639	09/26/19	UNIFORMS	Open	696.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	19-02726	10/07/19	DOG DAMAGE SEPTEMBER 2019	Open	129.00	0.00		
04301 SEASHORE ASPHALT CORPORATION*	19-02551	09/18/19	HP PATCH	Open	1,072.87	0.00		
05083 SJSHORE MARKETING LIMITED	19-02650	09/27/19	AUTUMN FEST FLIERS	Open	371.33	0.00		
	19-02689	10/02/19	VETERANS DAY PARADE FLYERS	Open	302.58	0.00		
					673.91			
06034 SOUTH JERSEY PAPER PRODUCTS*	19-02629	09/25/19	CLEANING SUPPLIES/BUILDINGS	Open	552.69	0.00		
4104 DOUGLASS LANDSCAPING LLC*	19-01247	05/01/19	110 E St Johns Lot Clearing	Open	375.00	0.00		
	19-02331	08/20/19	lot clearing 110 E St Johns	Open	375.00	0.00		
					750.00			
5032 NORTH WILDWOOD \$ CREST SHIRT*	19-02461	09/05/19	CHEER UNIFORMS	Open	294.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6005 TOSHIBA BUSINESS SOLUTIONS IN*								
	19-02554	09/18/19	6/21-6/20/20 MAINT CHARGES	Open	1,028.53	0.00		
7251 REIT LUBRICANTS CO*								
	19-02556	09/19/19	BULK MOTOR OIL	Open	2,754.78	0.00		
7269 TOM DUNLEVY'S LANDSCAPE LLC*								
	19-01895	07/01/19	Lot Clearing 105 Deland	Open	250.00	0.00		
	19-01896	07/01/19	200 Holmes Lot Clearing	Open	200.00	0.00		
	19-01897	07/01/19	7 Pennsylvania Lot Clearing	Open	150.00	0.00		
	19-01898	07/01/19	14 Pennsylvania Lot Clearing	Open	200.00	0.00		
	19-02330	08/20/19	116 Ellery Lot Clearing	Open	2,950.00	0.00		
	19-02496	09/11/19	lot clearing 107 carolina	Open	250.00	0.00		
					<u>4,000.00</u>			
7386 COREY SCHEID								
	19-02774	10/11/19	TRAINING MEALS	Open	55.09	0.00		
7400 WATCHGUARD VIDEO								
	19-02015	07/12/19	BODY CAM CHEST MOUNTS	Open	1,840.00	0.00		
7475 SUZANNE M SCHEID								
	19-02719	10/07/19	CONTRACTUAL REIMBURSEMENT M	Open	34.09	0.00		
7507 STEFANKIEWICZ & BELASCO LLC								
	19-00047	01/04/19	DNE \$97,000 EXPENSES	Open	6,897.02	0.00		
7508 BLANEY & KARAVAN PC*								
	19-00048	01/04/19	LABOR ATT RES#2019-02 DNE 40K	Open	1,750.00	0.00		B
7636 MOTT MACDONALD LLC*								
	18-01334	05/14/18	18-164 ROSEANN/BAYSHORE C/O 6	Open	19,164.00	0.00		B
	19-01260	05/02/19	BEACH ACCESS C/O 1 RES 19-141	Open	3,979.73	0.00		B
	19-01699	06/07/19	C/O 2 RES 19-205 ROSEANN IMPR	Open	33,524.88	0.00		B
	19-02722	10/07/19	PROFESSIONAL ENGINEERING	Open	1,040.88	0.00		
					<u>57,709.49</u>			
7689 GOVERNMENT FORMS AND SUPPLIES*								
	18-03315	12/18/18	CORRECTION TO BUSINESS CARDS	Open	55.00	0.00		
7747 KENNETH WALKER								
	19-00967	03/29/19	2019 EQUIPMENT ALLOWANCE	Open	48.38	0.00		B
7820 DEBLASIO & ASSOCIATES, P.C.*								
	19-02342	08/21/19	2019 ROAD PROGRAM	Open	9,900.00	0.00		B
7833 AARONS MOBILE DETAILING LLC*								
	19-02397	08/29/19	CAR DETAILING	Open	2,400.00	0.00		
7871 PLANET TECHNOLOGIES, INC*								
	19-00874	03/22/19	LTPD EXCHANGE AND EMAIL	Open	2,995.68	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7902 BLUE360 MEDIA LLC	19-02267	08/13/19	NJ COMPLAINT PREP GUIDE	Open	104.45	0.00		
7929 AMAZON CAPITAL SERVICES, INC	19-02592	09/24/19	OFFICE SUPPLIES	Open	197.50	0.00		
	19-02630	09/26/19	3 RING BINDERS	Open	76.52	0.00		
	19-02688	10/02/19	OFFICE SUPPLIES	Open	189.48	0.00		
	19-02736	10/07/19	OFFICE SUPPLIES	Open	210.01	0.00		
	19-02737	10/08/19	RACE NUMBERS W/PINS	Open	84.97	0.00		
	19-02753	10/09/19	LIGHT BALLAST	Open	<u>141.99</u>	0.00		
					900.47			
8030 THE EMBLEM AUTHORITY	19-02332	08/20/19	COINS	Open	2,495.00	0.00		
8061 NATIONAL COATINGS & SUPPLIES	19-02129	07/26/19	KRYON WHITE ATHLETIC PAINT	Open	1,290.00	0.00		
8118 COPS	19-01921	07/02/19	SEPT 16-17, 2019 TRAINING	Open	458.00	0.00		
8161 PROMOTIONAL DESIGN GROUP	19-02593	09/25/19	10FT X 15FT POP UP STYLE TENT	Open	3,897.21	0.00		
8162 CAPRIONI FAMILY SEPTIC INC	19-02596	09/25/19	FREEMAN DOUGLASS -SEPTIC	Open	540.00	0.00		
8170 LISA REYES	19-02741	10/09/19	REIMBURSEMENT- CHEERLEADING	Open	15.00	0.00		
8171 JENNIFER SLANEY	19-02742	10/09/19	REIMBURSEMENT- CHEERLEADING	Open	15.00	0.00		
8172 WILLIAM GREANEY	19-02749	10/09/19	REIMBURSEMENT- SOCCER COACH	Open	59.05	0.00		
8212 MICHAEL CALAFATI ARCHITECT LLC	19-01424	05/15/19	RES 19-163 NATHANIEL HOUSE	Open	4,005.00	0.00		
BLAUE BLAUER ASSOCIATES INC*	15-01940	07/22/15	RES#2015-214 2016 SMALL CITIES	Open	360.00	0.00		B
	19-00687	03/06/19	MULLIGAN ADA SCPF	Open	<u>500.00</u>	0.00		
					860.00			
DOUGHERT GEORGIA DOUGHERTY	19-02727	10/07/19	CONTRACTUAL REIMBURSEMENT M	Open	305.39	0.00		
FBINA FBINAA NJ CHAPTER*	19-02044	07/16/19	TRAINING OCTOBER 7-8, 2019	Open	750.00	0.00		
G-MUA LTMUA	19-02685	10/02/19	TAX SALE PROCEEDS	Open	550.40	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
JAMES MICHAEL JAMES								
	19-00946	03/29/19	2019 EQUIPMENT ALLOWANCE	Open	150.00	0.00		
Total Purchase Orders:		120	Total P.O. Line Items:	0	Total List Amount:	611,017.37	Total Void Amount:	0.00

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

RESOLUTION #2019-*317*

Title: **AUTHORIZING THE PAYMENT OF VOUCHERS**

Vendor	Description	CK #	Amount
State of NJ Div of Pensions	Pers Payment Elwell	65831	\$1150.82
Atlantic City Electric	September 2019 Electric	65832	\$16012.36
NJ Motor Vehicles	Title & Registration	65835	\$60.00
USPS	Postage Permit #171	65836	\$4284.55
TOTAL Manual Checks			\$21,507.73
TOTAL Computer Generated			\$611,017.37
TOTAL BILL LIST			\$632,525.10

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on OCT 21, 2019.

Julie A Picard, Township Clerk

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

RESOLUTION #2019-318

Title: **CERTIFICATION OF LOT CLEARING CHARGES TO THE TAX COLLECTOR**

WHEREAS, Ordinance #99-10 establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the Township of Lower, which is also known as the Property Maintenance Code; and

WHEREAS, according to Section 302, Exterior Property Areas of the Property Maintenance Code, all premises and exterior property shall be maintained in a clean, safe and sanitary condition; and

WHEREAS, the properties listed below contained conditions which violated Section 302 of the Property Maintenance Code; and

WHEREAS, the Township of Lower has abated the conditions pursuant to the requirements of the Property Maintenance Code and desires to place a lien on the properties listed below:

Block	Lot	Name	Property Location	Amount	Admin Fee	Lien Amount
325	3	Anderson, R & Moyer, C	107 Carolina Ave	250.00	500.00	750.00
334.13	3	McConville, c/o Barron, D	2300 Bayshore Rd	350.00	500.00	850.00
147	13	Coyle, c/o Rataj, E	14 Pennsylvania Ave	585.00	500.00	1,085.00
266.05	9	Curran, J	116 Ellery Rd	2,950.00	500.00	3,450.00
49	6	Rippel, M	110 E. St. Johns Ave	375.00	500.00	875.00
					TOTAL	\$ 7,010.00

WHEREAS, the Code Enforcement Officer of the Township of Lower has certified the costs incurred to abate such conditions to the Township Council, which has examined the certification and has found it to be correct.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the costs and fees set forth above, incurred by the Township of Lower to abate the unlawful conditions on the properties listed above are charged as a lien against such properties, to be added to and become part of the taxes next to be assessed and levied upon such properties, to bear interest at the same rate as taxes, and to be collected and enforced in the same manner as taxes.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

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

RESOLUTION #2019-319

Title: 2019 DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$5500.00 to carry out a 2019 Drive Sober or Get Pulled Over Year End Holiday Crackdown from December 6, 2019 to January 1, 2020.

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

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

Erik Simonsen, Mayor

William Mastriana, Chief of Police

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

HTS Mobilization 2019 Drive Sober or Get Pulled Over Year End Holiday
Crackdown

Organization: Lower Township
Narrative Description of Project

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

Problem Statement:

Impaired driving remains a significant issue, both in New Jersey and nationally. For the five year period 2013-2017 the state experienced approximately 36,778 alcohol involved crashes, resulting in 679 fatalities. This project will provide funding to implement a statewide impaired driving enforcement campaign as part of the *2019 Drive Sober or Get Pulled Over Year End Holiday Crackdown*.

Between December 6, 2019 and January 1, 2020, police officers, on an overtime basis, will conduct special enforcement patrols targeting impaired drivers. The patrols will consist of roving patrols and fixed checkpoints.

Objectives:

To reduce the rate of alcohol-related driving fatalities in New Jersey by 10.91% from 135.6 (2013-2017 average) to 120.8 (2016-2020 average) as detailed in the FY2020 NJ Highway Safety Plan through targeted impaired driving enforcement and education during the *2019 Drive Sober or Get Pulled Over Year End Holiday Crackdown*.

Methodology:

REMINDER: As per directives from the National Highway Traffic Safety Administration (which provides the federal funding for this grant) Chiefs of Police are not eligible to work grant-funded overtime through this grant.****

This federally-funded grant project consists of an enforcement overtime campaign from **December 6, 2019 through January 1, 2020**. The project is designed to raise awareness about the dangers of drinking and driving, to offer deterrence through visible enforcement, to arrest impaired drivers, and to issue summonses for relevant motor vehicle violations. The grant (\$5,500) will pay for **100** hours of overtime enforcement during the crackdown period, with a maximum rate to be reimbursed of \$55 per hour. The 100 overtime hours will be used for roving patrols and checkpoints.

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

This is an **enforcement campaign**. A reasonable number of impaired driving arrests and other summonses are expected in relation to overtime hours worked. **Overtime activities can only be conducted within the dates of the project period and must be conducted between the hours of 8 pm and 4 am.**

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

The maximum project overtime rate is \$55.00 per hour regardless of what officer works the

Test

10/08/2019

Page 3 of 13

HTS Mobilization 2019 Drive Sober or Get Pulled Over Year End Holiday
Crackdown

Organization: Lower Township

Narrative Description of Project

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

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

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

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

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

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

RESOLUTION # 2019-320

Title: **A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES**

WHEREAS, The Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA's System, is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Township of Lower has utilized and desires to continue to utilize the services of the CMCMUA's System: and

WHEREAS, there presently exists a contract between the Township of Lower and the Authority for the use of the CMCMUA's System for the disposal, transfer and recycling of solid waste which will expire on December 31, 2019 entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement"); and

WHEREAS, the Township of Lower and the Authority desire to enter into a new agreement and to fix the expiration date of said Agreement to occur on December 31, 2020; and

WHEREAS, the Authority has offered the "Shared Service Agreement for Solid Waste Disposal and Recycling Services" to the Township of Lower in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA's Solid Waste System from January 1, 2020 through December 31, 2020; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2020; and

WHEREAS, N.J.S.A 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, and State of New Jersey, that the Township of Lower shall enter into a contract with the Authority entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2020, in the form to be maintained on file in the Office of the Township of Lower Clerk, and that the appropriate Township of Lower officials are hereby authorized and directed to execute said Agreement.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

Cape May County Municipal Utilities Authority

RESOLUTION NO. 139-19

RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/"Authority") owns and operates a solid waste system ("System") which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and,

WHEREAS, the System is comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, Intermediate Processing Facility, as well as several recycling operations and programs; and,

WHEREAS, there presently exists a contract between various municipalities within Cape May County (hereinafter the "Municipalities") and the CMCMUA for the use of the System for the disposal, transfer, and recycling of solid waste for a one (1) year period ending on December 31, 2019 entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services" ("Agreement"); and,

WHEREAS, the CMCMUA now desires to offer to each municipality within Cape May County the opportunity to enter into a new Agreement and to fix the expiration date of said Agreement to occur on December 31, 2020; and,

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for sharing of governmental services.

NOW, THEREFORE, BE IT RESOLVED by the Cape May County Municipal Utilities Authority, a body corporate and politic, as follows:

- 1. The Cape May County Municipal Utilities Authority hereby approves the "Shared Services Agreement for Solid Waste Disposal and Recycling Services", in substantially the same form as currently on file with the Authority's Office Manager with such minor revisions as may be determined to be appropriate by the Authority's Executive Director and/or General Counsel.
2. The Authority's Executive Director, or Deputy Director, is hereby authorized to execute said Agreement with each municipality within Cape May County.

Table with 7 columns: Motion, Second, Yes, No, Abstain, Absent. Rows include Mr. Burns, Ms. Callinan, Mr. Groon, Ms. Heenan, Mr. Rixey, Ms. Saduk, Mr. Betts.

I hereby certify the foregoing to be a true and correct copy of Resolution No. 139-19 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 18th day of September 2019.

Assistant Corporate Secretary (with signature)

**SHARED SERVICES
AGREEMENT FOR
SOLID WASTE DISPOSAL AND RECYCLING
SERVICES**



Between

CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY

and

TOWNSHIP OF LOWER

Effective

January 1, 2020

SHARED SERVICES AGREEMENT
FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES

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SHARED SERVICES AGREEMENT
FOR SOLID WASTE DISPOSAL AND RECYCLING SERVICES

This Agreement, is made and dated as of this _____ day of _____, 20____, by and between the CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY, (the "CMCMUA"), a body corporate and politic of the State of New Jersey and the TOWNSHIP OF LOWER hereinafter called ("Municipality").

WITNESSETH:

WHEREAS, N.J.S.A. 40:14B-49 empowers municipalities and utilities authorities to enter into contracts for the collection, disposal, recycling, processing and treatment of solid waste by means of the solid waste system of the municipal utilities authority, which term includes recycling facilities; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. permits local units of this state to enter into a contract with any other local unit for the joint provisions within their combined jurisdictions of any service which any party to the agreement is empowered to render within its jurisdiction; and

WHEREAS, the CMCMUA and Municipality have authorized and approved of this agreement by resolution duly adopted pursuant to N.J.S.A. 40A:65-J of the Uniform Shared Services Consolidation Act; and

WHEREAS, the CMCMUA owns and operates a Solid Waste System comprised of the CMCMUA's Secure Sanitary Landfill, Solid Waste Transfer Station, and Intermediate Processing Facility ("IPF"), as well as several recycling operations and programs; and

WHEREAS, the Municipality and the CMCMUA, sometimes referred to each individually as a "Party" and collectively as the "Parties", by resolution in the case of the CMCMUA and Ordinance in the case of the Municipality duly adopted by their respective governing bodies, wish to enter into an agreement for Solid Waste disposal and Recycling services for a period ending on December 31, 2020;

NOW, THEREFORE, in consideration of the terms, conditions, mutual benefits and covenants set forth in this Shared Services Agreement for Solid Waste Disposal and Recycling Services (the "Agreement"), the CMCMUA and the Municipality agree as follows:

Article I. Definitions

"Recyclable Materials" shall consist of all single stream recyclable materials as defined in the "*Cape May County Solid Waste Management Plan*", as amended, the "*Cape May County Municipal Utilities Authority Terms and Conditions for the Use of the CMCMUA Solid Waste and Recycling Facilities*", as amended, and as summarized in Exhibit "A".

"Type 10 - Municipal Solid Waste", "Type 13 - Bulky Waste", "Type 23 - Vegetative Waste", "Type 25 - Animal and Food Processing Waste", and "Type 27 - Dry Industrial Waste (non-hazardous)" shall consist of solid waste as defined in N.J.A.C. 7:26-2.13(g)(1) or any successor regulation governing the definition of said solid waste types.

Article II. Commencement and Term

This Agreement shall become effective upon its execution by both Parties with a commencement date of January 1, 2020 and shall remain in effect until December 31, 2020.

Article III. Municipality Responsibilities

During the term of this Agreement and in accordance with the terms and conditions of this Agreement, the "*Cape May County Solid Waste Management Plan*", as amended, (hereinafter the "Plan") and the "*Cape May County Municipal Utilities Authority Terms and Conditions for the Use of the CMCMUA Solid Waste and Recycling Facilities*", as amended, (hereinafter the "Terms and Conditions"), the Municipality shall maintain a community-wide recycling program and shall cause all Solid Waste and Recyclable Materials generated within its corporate boundaries and collected by, or on behalf of, the Municipality to be delivered to the CMCMUA.

The Municipality shall be responsible for all Recyclable Materials delivered to the CMCMUA to be free from all contaminants which include, but are not limited to, the following: dirt, sand, food waste, appliances, household and commercial trash, asphalt, wood, concrete and any other items not designated by the Plan or the Terms and Conditions as a Recyclable Material.

Loads of recyclables found to contain contaminants will initially be subject to a warning, an explanation of the contamination problem and, when applicable, recommendations on how to eliminate contaminants from future loads. Subsequent contaminated loads shall be subject to rejection or a surcharge by the CMCMUA.

Article IV. CMCMUA Responsibilities

The CMCMUA shall accept for disposal all Solid Waste and Recyclable Materials delivered by, or on behalf of, the Municipality consistent with the requirements as set forth in Article III of this Agreement.

During the term of this Agreement, and consistent with the terms of this Agreement, the CMCMUA shall continue to make its existing Solid Waste Transfer Station available as a Solid Waste and/or Recyclable Materials drop-off location for each Municipality that enters into this Agreement.

Prior to making any substantive amendments to the current Terms and Conditions, the CMCMUA shall provide notice to the Municipality and schedule a public hearing to afford an opportunity for comment by the Municipality and the general public.

The CMCMUA shall also provide the services enumerated in Exhibit "A" and Exhibit "B" to this Agreement without imposition of fees to the Municipality for their sole and exclusive benefit through the term of this Agreement.

Article V. Ownership of Recyclable Materials

All Recyclable Materials delivered by, or on behalf of, the Municipality and accepted by the CMCMUA shall become the sole property of the CMCMUA.

Article VI. Solid Waste Disposal Rates^{21,22,23, 24}

The CMCMUA shall charge the Municipality a Solid Waste disposal fee for all Type 10 - Municipal Solid Waste, Type 13 - Bulky Waste, Type 23 - Vegetative Waste, Type 25 - Animal and Food Processing Waste, and Type 27 - Dry Industrial Waste (non-hazardous) delivered by, or on behalf of, the Municipality to the CMCMUA in an amount as established by the "*Cape May County Municipal Utilities Authority Solid Waste and Recycling User Fees and Surcharges*" ("User Fees") as amended by the CMCMUA from time to time. For Calendar Year 2020, the solid waste disposal fees for the above referenced Solid Waste types shall be increased by no more than two (2) percent from the solid waste disposal fees as established in the User Fees, effective January 1, 2019. The solid waste disposal fees shall be inclusive of all CMCMUA costs for disposal of the Municipality's solid waste including, but not limited to, the operating costs for the CMCMUA's Sanitary Landfill and Solid Waste Transfer Station; all debt incurred by the CMCMUA in the planning and development of the Solid Waste System including, if applicable, enforcement/collection of such costs; expenses of the CMCMUA associated with the amendment and/or enforcement of the provisions of the Plan; all **current** State mandated solid waste taxes and other mandatory charges; and, the cost of providing the services to the Municipality enumerated in Exhibits A and B of this Agreement.

The CMCMUA reserves the right to further amend the solid waste disposal fees, as provided for herein, in the event that the current solid waste taxes, fees or other mandatory charges are increased during the term of this Agreement by any federal, state or local agencies having jurisdiction over the CMCMUA's disposal of solid waste. In such event, the Municipality will be notified of the reason for, and the amount of, such increase.

²¹ The maximum solid waste disposal fees/rates referred to in this provision shall not apply to the disposal of Type 13C – Construction and Demolition Waste.

²² Tires shall not be mixed with any waste type accepted by the CMCMUA for disposal pursuant to this provision.

²³ Loads of source separated tires shall continue to be accepted by the CMCMUA for recycling; however, the maximum solid waste disposal fees/rates referred to in this provision shall not apply to either tires accepted for recycling or to loads that contain tires mixed with other solid waste types for disposal.

²⁴ Asbestos and/or asbestos containing materials shall continue to be accepted by the CMCMUA for disposal; however, the maximum solid waste disposal fees/rates referred to in this provision shall not apply to the disposal of asbestos and/or asbestos containing materials.

The CMCMUA shall determine, propose and adopt solid waste disposal fees annually, which fees shall be applicable to the disposal of various categories of solid waste generated within Cape May County, pursuant to the CMCMUA's budgetary process; however, in no event shall the solid waste disposal fees proposed and/or adopted by the CMCMUA, applicable to the solid waste delivered to the CMCMUA for disposal by the Municipality in accordance with the terms of this Agreement, exceed the solid waste disposal fees established pursuant to the provisions of this Section of this Agreement.

The CMCMUA shall notify the Municipality of any changes proposed to the CMCMUA's then current solid waste disposal fees, resulting from the CMCMUA's annual budgetary process. Notwithstanding the CMCMUA's budgetary process, however, any changes proposed to the CMCMUA's then current solid waste disposal fees shall not result in an increase in the solid waste disposal fees, applicable to the Municipality, which are in excess of the solid waste disposal fees described herein. The CMCMUA shall notify the Municipality of any proposed changes to the then current solid waste disposal fees, which shall be applicable to the Municipality for the succeeding Calendar Year, by November 15th, as applicable.

In the event the CMCMUA's annual debt service payments are decreased, as a result of the CMCMUA's receipt of supplemental grant funding for the purpose of debt reduction from the State of New Jersey, or any other source, said decrease shall be judiciously applied by the CMCMUA in accordance with the CMCMUA's annual budgetary process, thereby reducing the debt component of the solid waste disposal fee from year to year until all such funds have been fully applied for this purpose²⁵.

The solid waste disposal fees, as set forth in this Section, shall only apply to the Municipalities that execute this Agreement and that comply with all other provisions recited herein.

²⁵ The CMCMUA will utilize all such supplemental funding which it receives, if any, for the purpose of debt reduction over a multi-year period to ensure rate stability.

Article VII. Recyclable Materials Disposal Rates

The receipt of Recyclable Materials generated within and collected by, or on behalf of, the Municipality shall be provided to the Municipality at no charge provided that the CMCMUA is the sole market utilized for all Recyclable Materials generated within and/or collected by, or on behalf of, the Municipality and further provided that the Municipality performs in accordance with all substantive terms and conditions of this Agreement, the Plan, and the Terms and Conditions.

Article VIII. Billing and Payments

The CMCMUA shall invoice the Municipality at the beginning of each month for the total quantity of Solid Waste and any recyclables which are subject to a tipping fee, delivered to the CMCMUA by, or on behalf of, the Municipality during the preceding month.

Article IX. Revenues from Cape May County Generated Single Stream Recyclable Materials

The CMCMUA shall pay to the Municipality, or credit to the Municipality's Solid Waste Disposal account all net positive material revenues received by the CMCMUA for the sale of Cape May County generated Recyclable Materials which are processed at the IPF in excess of annual IPF expenses. All such net positive material revenues will be distributed or credited to each participating Municipality in proportion to the Municipality's share of the total quantity of Recyclable Materials collected and delivered by the Municipality to the CMCMUA during the previous calendar year.

Any Municipality that fails to deliver, or fails to have delivered, **all** categories of Single Stream Recyclable Materials, as referenced in Exhibit "A", generated within the Municipality for collection by, or on behalf of, the Municipality, will be assessed a surcharge for the processing of low revenue recyclables and will not be entitled to receive a full share of all net material revenues as described above. The amount of the aforementioned surcharges shall be determined each month by the CMCMUA based upon the value of the incoming recyclables delivered to the IPF (adjusted for measured or estimated composition and the prior month's actual market revenues per ton) plus composition sampling fees. The CMCMUA shall reserve the right, at its sole discretion, to discontinue, temporarily, or permanently, the acceptance of all Single Stream Recyclable Materials

from the Municipality upon thirty (30) days written notice if the Municipality fails to cure the delivery breach within thirty (30) days of the first violation.

Article X. Recyclable Materials Reports

The CMCMUA shall provide monthly and annual reports to the Municipality specifying and certifying the quantity of Single Stream Recyclable Materials delivered to the CMCMUA.

Article XI. Technical and Educational Assistance

The CMCMUA shall provide assistance with continuing education programs and promotional activities to encourage and expand recycling in Cape May County.

The CMCMUA shall provide technical support and assistance for recycling programs and collection services that the Municipality provides to its residents.

Article XII. Ordinances

The Municipality shall adopt, enforce, and periodically review and renew anti-scavenging ordinances and mandatory source separation ordinances as required by the New Jersey Mandatory Source Separation and Recycling Act and/or the Plan as amended from time to time.

The Municipality shall also inform residents and businesses of their obligation to participate in the Municipality's recyclables collection program, as required by the New Jersey Mandatory Source Separation and Recycling Act (N.J.S.A. 13:1E-99.16).

Article XIII. CMCMUA Solid Waste Facilities Dates and Hours of Operation

The CMCMUA Solid Waste Facilities shall accept the delivery of Municipal Solid Waste and/or Recyclable Materials, as applicable, six (6) days per week. The operating hours, including Holiday hours, for said facilities shall be consistent with the current hours of operation and as approved by the New Jersey Department of Environmental Protection. The CMCMUA shall post the dates and hours of operation of its Solid Waste Facilities on the CMCMUA's website, www.cmcmua.com. CMCMUA Solid Waste Facilities shall be closed on Sundays.

Article XIV. Licensing of Transporters

Each solid waste hauler/transporter who delivers Municipal Solid Waste or Recyclable Materials to the CMCMUA on behalf of the Municipality under the terms of this Agreement must be licensed under, and in accordance with the laws of the State of New Jersey. Annually, the Municipality shall advise the CMCMUA as to the identity of each solid waste hauler/transporter utilized by the Municipality, as well as their respective collection schedules.

Article XV. Monitoring of Solid Waste Disposal Activities

The CMCMUA and the Municipality agree to cooperate in the monitoring of waste disposal activities within the Municipality in order to ensure that all Municipal Solid Waste generated within the Municipality is properly disposed of and, if applicable, to ensure that all solid waste generators and solid waste haulers/transporters operating within the Municipality comply with the provisions of the Plan and all applicable New Jersey Statutes and/or Regulations. In this regard, the Municipality and the CMCMUA agree to share information regarding solid waste disposal activities within the Municipality.

The Municipality shall utilize its best efforts to obtain from any applicant/contractor applying for a permit to perform construction/demolition work and/or Asbestos Containing Material ("ACM") removal work within the Municipality the identity and location of the proposed disposal facility for all solid waste and/or ACM generated as a result of the on-site construction/demolition or removal activities. All such information shall be promptly forwarded by the Municipality to the CMCMUA.

In addition, the Municipality shall also utilize its best efforts to obtain copies of all receipts for the disposal of waste material generated as a result of any construction/demolition or ACM removal activities within the Municipality.

Article XVI. Failure of the Municipality to Perform

In the event that the Municipality fails to perform in accordance with any or all of the substantive terms and conditions of this Agreement, the CMCMUA shall reduce the share of net positive material revenues paid to the Municipality from the sale of Cape May County generated Single Stream Recyclable Materials, as provided for in Article IX, shall, when applicable, assess

a surcharge for the processing of low revenue recyclables as provided for in Article IX of this Agreement, and/or shall at its sole discretion discontinue temporarily, or permanently, the acceptance of all Recyclable Materials from the Municipality.

In the event that the Municipality fails to deliver or fails to have delivered to the CMCMUA all Solid Waste generated and/or collected for disposal within its corporate boundaries, the CMCMUA shall establish and charge a tipping fee to the Municipality for all Single Stream Recyclable Materials delivered to the CMCMUA by, or on behalf of, the Municipality which shall be equal to the IPF's actual cost of processing Single Stream Recyclable Materials. In addition, the CMCMUA reserves the right to exercise any or all of the measures described above.

Any Municipality that fails to deliver, or fails to have delivered to the CMCMUA all categories of Single Stream Recyclable Materials generated and/or collected by or on behalf of the Municipality within its corporate boundaries, will be assessed a surcharge for the processing of low revenue recyclables as described in Article IX of this Agreement and will not be entitled to receive a full share of all net positive material revenues from the sale of Cape May County generated Single Stream Recyclable Materials as described in Article IX.

Article XVII. Failure of the CMCMUA to Perform

In the event that the CMCMUA fails to perform in accordance with any of the substantive terms and conditions of this Agreement, the Municipality shall provide written notification to the CMCMUA describing the specific Agreement breach. The CMCMUA shall have thirty (30) days from actual receipt of the written notification to cure the identified Agreement breach. In the event the CMCMUA does not cure the breach within the allowable timeframe, the Municipality may terminate this Agreement at any time upon thirty (30) days prior written notice to the CMCMUA.

Article XVIII. Disputes

All disputes between the Municipality and the CMCMUA shall be resolved by direct and timely negotiations between both Parties. In the event that such disputes cannot be mutually resolved, arbitration may be considered by both Parties or litigation may be pursued. In such action the Party which does not prevail in such arbitration or litigation shall pay all reasonable legal and other costs associated with such action as may be incurred by both Parties.

Article XIX. Force Majeure

The performance of this Agreement may be suspended and the obligations thereunder excused, in the event and during the period that such performance is prevented by a cause or causes beyond the control of either Party. Such causes shall include failure of the CMCMUA to receive anticipated quantities of non-recycled solid waste, acts of God, acts of war, riot, fire, explosion, accident, flood or sabotage; lack of adequate fuel, power or raw materials; or prohibition of the solid waste or recycling operations envisioned by this Agreement by judicial order, administrative or governmental laws, regulations, rules, requirements, orders or actions, including refusal to issue, cancellation, suspension or revocation of any permit, license or other authorization necessary for the operations envisioned by this Agreement; or national defense requirements; labor strike, lockout or injunction. Notwithstanding any provision herein to the contrary, reasonable notice will be provided to the Municipality upon suspension of services herein.

Article XX. Excusable Termination of Agreement

This Agreement may be terminated by either Party, without penalty, for the reasons set forth in the Force Majeure clause above. Notwithstanding any provision to the contrary, the CMCMUA shall give as much notice of termination as is reasonable under the circumstances, except that in the case of failure of the CMCMUA to receive anticipated quantities of non-recycled solid waste, the CMCMUA shall give the Municipality at least sixty (60) days notice of termination.

Article XXI. Penalty

In the event of a breach of this Agreement by either Party which is not excused under Articles XIX or XX, the other Party shall have the right to seek specific performance, compensatory and/or incidental damages.

Article XXII. Governing Law

This Agreement shall be governed by the laws of the State of New Jersey, and shall be in all respects governed, construed, and applied and enforced in accordance with the laws of this State and the Parties to this Agreement hereby agree to service of process for any claim or

controversy arising out of this Agreement. Any actions, claims or suits shall be adjudicated and venued in the Superior Court of New Jersey, Cape May County.

Article XXIII. Severability

The provisions of this Agreement shall be deemed to be severable and the invalidity or unenforceability of any provision shall not affect the validity and enforceability of any other provisions hereof.

In the event that any provisions of this Agreement shall, for any reason, be determined to be invalid, illegal or unenforceable in any respect, the Parties hereto shall negotiate in good faith and agree to such amendments, modifications or supplements of or to this Agreement, or such other appropriate actions as to the maximum extent practicable in light of such determination, in order to implement and give effect to the intentions of the Parties reflected herein, and the other provisions of this Agreement shall, as so amended, modified, supplemented or otherwise affected by such action, remain in full force and effect, to the extent possible.

Article XXIV. Successors and Assigns

Each reference to the CMCMUA herein shall be deemed to include its successors and assigns in whose favor the provisions of this Agreement shall inure. This Agreement shall also be binding on the successors and assigns of the Municipality.

Article XXV. Notices

All notices given under this Agreement shall be deemed properly served if delivered in writing personally to the CMCMUA Administrative Offices located at 1523 Route 9 North, Cape May Court House, New Jersey, or sent by certified mail addressed to:

In the Case of the CMCMUA:

Executive Director
Cape May County Municipal Utilities Authority
1523 Route 9 North
Cape May Court House, New Jersey 08210; and

In the case of the Municipality addressed to:

Mayor Erik Simonsen
TOWNSHIP OF LOWER
2600 Bayshore Road
Villas, NJ 08251

Article XXVI. Successor Agreement

Following execution of this Agreement by the Municipality and the CMCMUA, effective January 1, 2020, this Agreement shall supersede and replace any and all prior Solid Waste Disposal and/or Source Separation and Recycling Agreements between the Parties hereto.

Article XXVII. Entire Agreement

This Agreement contains the entire agreement between the CMCMUA and the Municipality and cannot be changed orally. Any further amendment to the provisions of this Agreement must be in writing and approved by both the Municipality and the CMCMUA. Any omission or delay by either Party to this Agreement in exercising any right hereunder shall not operate as a waiver, and a waiver in one instance shall not act as a waiver in any other instance and the single or partial exercise of any such right or rights shall not preclude any other or further exercise thereof.

Article XXVIII. Favored Municipality Status

The Parties agree that the terms and conditions of this Agreement are the same as the terms and conditions of any other agreements which apply to the CMCMUA's provision of solid waste disposal and recycling services offered to and/or accepted by all other municipalities in Cape May County, New Jersey. In the event that any agreements with such other municipalities in Cape May County, New Jersey contain more favorable terms and conditions to such other municipalities, either presently or at any time during the term of this Agreement, the terms of this Agreement shall be modified so that they contain such favorable terms and conditions. In the event that the Authority does not offer to modify this Agreement accordingly, the Municipality shall have the right to terminate this Agreement, or seek specific performance thereof, upon providing the CMCMUA thirty (30) days' notice. This provision shall apply, notwithstanding any other terms and conditions set forth in this Agreement.

**CAPE MAY COUNTY
MUNICIPAL UTILITIES AUTHORITY**

TOWNSHIP OF LOWER
Mayor Erik Simonsen

ATTEST:

ATTEST:

SECRETARY

MUNICIPAL CLERK

DATE

DATE

EXHIBIT "A"

TO THE SHARED SERVICES AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLING

CAPE MAY COUNTY RECYCLING PROGRAM

Single Stream Recyclable Material

Disposition

- | | |
|--|---|
| <ul style="list-style-type: none">◦ <u>Paper Products</u> - Newspaper with inserts, magazines, office paper, junk mail, telephone and paperback books, corrugated cardboard boxes, brown paper bags, non-foil wrapping paper, and chipboard packaging including but not limited to dry food boxes (cereal, rice, pasta, cookie, cracker, etc. – remove and throw away all liner bags), gift, shoe and tissue boxes, powdered detergent boxes, paper towel rolls, clean pizza boxes (no food debris), and soda and beer carriers. All food contaminated paper and waxed-coated cardboard containers (gable-top milk and juice cartons) and/or boxes shall be disposed of as trash.¹
◦ <u>Glass Food & Beverage Containers</u> - Clear, green and brown food and beverage bottles, jugs and jars. Excluding blue bottles, window glass, and light bulbs. All food and liquid residue and caps and lids shall be removed from containers.¹
◦ <u>Metal Food & Beverage Cans</u> - Aluminum and steel food and beverage cans, 2.5 gallons or less in size, including empty aerosol cans. No paint cans. All food and liquid residue shall be removed from containers.¹
◦ <u>Plastic Bottles, Jars, Jugs, and Containers</u> - Plastic bottles, jars, jugs, and containers imprinted with a  (PETE),  (HDPE),  (PVC),  (LDPE),  (PP),  (PS), or  (Other) on the bottom, and other hard plastic containers, regardless of color, 2.5 gallons or less in size. Including plastic bottles, jars, jugs, and containers used in food, beverage, health, beauty and cleaning products. Examples include, but are not limited to; margarine tubs, microwave trays, yogurt containers, plastic buckets (without metal handle) and clean landscape pots. Excluding Styrofoam packaging, plastic Solo® cups, empty medicine bottles, polystyrene egg cartons, beverage cups, PVC pipe, and plastic film (i.e. shopping bags). Excluding plastic bottles, jars, jugs, and containers that contained chemicals or hazardous products, such as motor oil or pesticide. All food and liquid residue and caps and lids shall be removed from containers.¹ | <p>Curbside collection provided by municipality. Some municipalities provide a drop off depot. Delivered to the CMCMUA Intermediate Processing Facility or Transfer Station at no charge for participating municipalities.²</p> <p>Curbside collection provided by municipality. Some municipalities provide a drop off depot. Delivered to the CMCMUA Intermediate Processing Facility or Transfer Station at no charge for participating municipalities.²</p> <p>Curbside collection provided by municipality. Some municipalities provide a drop off depot. Delivered to the CMCMUA Intermediate Processing Facility or Transfer Station at no charge for participating municipalities.²</p> <p>Curbside collection provided by municipality. Some municipalities provide a drop off depot. Delivered to the CMCMUA Intermediate Processing Facility or Transfer Station at no charge for participating municipalities.²</p> |
|--|---|

¹ Paper, cardboard, glass, metal and plastic bottles, jars, jugs, and containers can be mixed together for "single stream" delivery to the CMCMUA IPF.

² Participating municipalities executed a Shared Services Agreement on Source Separation and Recycling Services with the CMCMUA.

EXHIBIT "B"

TO THE SHARED SERVICES AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLING

CAPE MAY COUNTY RECYCLING PROGRAM

<u>Source Separated Material</u>	<u>Disposition</u>
◦ <u>Computers and Consumer Electronics</u> – Computers and associated hardware including keyboards, modems, printers, scanners and fax machines, monitors, flat panel displays. Also includes televisions, cell phones, VCR's, DVD players, radios and landline telephones.	Delivered to the CMCMUA's Transfer Station or Landfill at no charge for participating municipalities, businesses, non-profits, and residents. ² Some municipalities provide curbside collection or a container at their drop off depot.
◦ <u>"White Goods" not containing "CFC"</u> – Bulky household metals including washers, dryers, ovens, and water heaters.	Delivered to the CMCMUA Transfer Station or Landfill at no charge.
◦ <u>"White Goods" containing "CFC"</u> – refrigerators, freezers, air conditioners, water coolers, and other "CFC" appliances.	Delivered to the CMCMUA Transfer Station or Landfill at no charge. "CFC's" will be removed free of charge.
◦ <u>All ferrous and non-ferrous scrap</u> – metal, sheet metal, metal piping, aluminum siding, old metal tools, and cookware. Excluding auto and truck bodies, chain link fencing, wire, cable and mattress springs.	Delivered to the CMCMUA's Transfer Station or Sanitary Landfill at no charge.
◦ <u>Leaves</u>	Delivered to leaf compost staging area at the CMCMUA's Sanitary Landfill only at no charge.
◦ <u>Grass Clippings and Christmas Trees</u>	Grass clippings are to be delivered to and accepted at the CMCMUA Sanitary Landfill only at no charge. Christmas trees are accepted at the CMCMUA Sanitary Landfill and the Transfer Station at no charge only through January 31 st
◦ <u>Wood Pallets</u>	Delivered to the CMCMUA's Transfer Station and the Multi-Class Recycling Center at the Sanitary Landfill at no charge.
◦ <u>Film Plastic</u> - including clear, white and blue boat shrink wrap, greenhouse film and other pre-approved non-printed film plastics	Delivered to CMCMUA Transfer Station and Sanitary Landfill at no charge.
◦ <u>Street Sweepings</u>	Delivered to the CMCMUA Sanitary Landfill at no charge.
◦ <u>Catch Basin Clean Out (dewatered)</u>	Delivered to the CMCMUA Sanitary Landfill at no charge.
◦ <u>Household Hazardous Waste Collection Days</u>	The Authority will continue to provide this service by scheduling two (2) collection days each year and accepting household hazardous waste from residents and other non-regulated generators within the Municipality at no charge (limited to quantities up to 25 gallons and/or up to 100 pounds per customer).

EXHIBIT "B"

TO THE SHARED SERVICES AGREEMENT FOR SOLID WASTE DISPOSAL AND RECYCLING

CAPE MAY COUNTY RECYCLING PROGRAM

Source Separated Material

Disposition

-
- **Litter Abatement Program** The Authority will continue to provide four (4) days of free Bulky Waste Disposal for Municipalities that participate in the "Litter Abatement Partnership Program".

 - **Abandoned Buildings** This service will allow free disposal of Type 13C solid waste resulting from municipal demolition of abandoned and/or fire damaged buildings up to an annual maximum amount equal to 1% of the billable tons (Types 10, 13 & 13C) delivered by or on behalf of Municipality; i.e., those tons directly paid for by the Municipality during the preceding calendar year. A representative from the CMCMUA Solid Waste Department must pre-approve any structures being demolished under this provision, and a five (5) days prior notice to the CMCMUA is required for free disposal of demolition material by the Municipality. No asbestos or asbestos containing materials will be accepted as part of this free disposal service.

 - **Lead Acid Batteries** - including motor vehicle, aviation, marine and SLA (sealed lead acid) batteries Delivered to CMCMUA Transfer Station or Sanitary Landfill at no charge.

 - **Antifreeze** – which is free of contaminants Delivered to CMCMUA's Transfer Station or Sanitary Landfill at no cost (limited to 5 gallons per day per customer).

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

RESOLUTION #2019-321

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH MOTT MACDONALD FOR PROFESSIONAL ENGINEERING SERVICES FOR STAIRS DESIGN PLAN FOR SHADELAND AVENUE, HOLLYWOOD AVENUE, ROSEWOOD AVENUE AND REDWOOD AVENUE

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11-1 et seq. to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Mott MacDonald has provided a proposal for Engineering Services including the following services for Shadeland Avenue, Hollywood Avenue, Roseland Avenue and Redwood Avenue:

- Topographic Survey at all four (4) locations including access paths to adjacent to the decks, adjacent dune and beach, existing layout of deck and stairs and existing bulkheads
• Plan for each site showing existing conditions and indicate location of proposed piles
• Coordination of with Public Works Department regarding locations of stairs
• Provide required notes to accurately ascertain quotes for project
• Prepare Request for Quote letter
• Attend Opening of Quotes and prepare a Report on Quotes

WHEREAS, Mott MacDonald has provided a proposal for the above services in an amount of \$8,600.00; and

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

Appropriation: 9-01-20-165-299

Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding is awarded as follows:

1. The Project Proposal between Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, in the amount of \$8,600. is hereby approved.

Table with 7 columns: MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT and 5 rows: CONRAD, PERRY, ROY, SIPPEL, SIMONSEN

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk



Mr. Gary Douglass, Public Works Superintendent
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Via email at gdouglass@townshipoflower.org

Your Reference
Beach Access Improvements

Professional Engineering Services Proposal
Beach Access Improvements – Piling Installation
Township of Lower, Cape May County, New Jersey

Our Reference
399094

October 15, 2019

211 Bayberry Drive
Suite 1A
Cape May Court House NJ
08210
United States of America

Dear Mr. Douglass:

T +1 (609) 465 9377
F +1 (609) 465 5270
www.mottmac.com

Please find enclosed herewith our proposal for professional engineering services for the above referenced project. As previously discussed, the Township intends to build a set of stairs at the end of the Shadeland Avenue beach access path, in order to provide pedestrian access over the dune and down to the beach. The Township plans to build the deck and stairs on piles in order to mitigate damage to the proposed structure that has occurred at other locations due to beach erosion. After discussing this need at Shadeland Avenue, the Township is also considering removing the existing deck and stairs from their current supports and installing the structures onto proposed timber piles at Hollywood Avenue, Rosewood Avenue and Redwood Avenue.

Mott MacDonald has been asked to aid in the timber pile design at the four locations as described above. Lower Township Public Works will be responsible for rebuilding the deck and stairs onto the proposed timber piles. Our scope of services is described below:

Survey Scope

Mott MacDonald will perform a topographic survey at all four (4) locations, as described above, which will include the access paths adjacent to the decks, adjacent dune and beach, existing layout of deck and stairs, and existing bulkheads (if present). We will establish survey control for the site. The Horizontal Datum will be NAD83 and the Vertical Datum will be NAVD88. Four (4) permanent benchmarks (one adjacent to each set of existing/proposed structures) will be established for use during the construction phase of the project.

Base Map and Pile Layout Plan

Mott MacDonald will prepare a plan for each of the four (4) sites showing the existing conditions, as surveyed, and indicate the locations of all the proposed piles. Mott MacDonald will coordinate the location of the proposed piles with the Public Works Department, as they will be constructing the stairs and decks. Applicable notes, which will be required by Contractors in order to accurately provide quotes, will be provided on the plan, and will include but not be limited to existing conditions information, access to the sites, pile installation requirements, timing restrictions and a breakdown of the Township's scope of work and the Contractor's scope of work for each site.

Request for Quotes

Mott MacDonald will prepare a Request for Quote letter that includes the above plans and information, Township requirements and response date, and provide to the Township for advertising on the Township's website. We will also contact several piling contractors to notify them of the Request for Quotes. Quotes will be received by the Township on a pre-determined date and time, and Mott MacDonald will attend the opening of quotes, and will provide to the Township a Report on Quotes.

We propose to complete the scope of work outlined above for the lump sum amount of **\$8,600**.

The following is a summary of assumptions that have been made to prepare this proposal along with project tasks that have been excluded from Mott MacDonald's scope of design services.

- Township to remove existing decks and stairs and rebuild decks and stairs, and the design of which is not part of this scope.
- Township will cut installed piles to the elevation they deem necessary for deck and stair construction.
- Construction Administration & Inspection services are not included in this proposal. Mott MacDonald can provide a proposal for these services if requested by the Township.
- Permitting services are not included in this proposal and no permitting is required.
- Wave force analysis of proposed timber piles has not been included in this scope, and the proposed length and depth of the piles will be based on the elevations of the beach and discussions with Lower Township Public Works personnel.
- Geotechnical services have been excluded from this proposal after discussions with and per direction from Lower Township Public Works Director. Soil conditions encountered during construction could result in changes to the design and construction.
- This scope of work excludes preparing bid documents and providing services for public bidding. Our research into the costs of the project indicates the work is likely below public bidding threshold. If the received quotes are above the public bidding threshold, Mott MacDonald is available to prepare a proposal for public bidding of the project.



Contract: Mott MacDonald will perform this work under our 2019 "Agreement for Professional Engineering Services" with the Township of Lower.

Invoicing: Compensation shall be on a lump sum basis and the Township shall be invoiced on a percent complete basis.

We thank you for the opportunity to provide this Scope of Work. 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,

Mott MacDonald, LLC

Handwritten signature of Cathleen Marcelli in black ink.

Cathleen Marcelli, PE, CME
Senior Vice President
T 732.780.6565
cathleen.marcelli@mottmac.com

Handwritten signature of Shawn A. Carr in black ink.

Shawn A. Carr, PE, CME
Associate
T 609.465.9377
shawn.carr@mottmac.com

cc: Jim Ridgway, Township Manager (via email)
Julie Picard, Township Clerk (via email)
Margaret Vitelli, RPPS, QPA (via email)
Mitchell Plenn, Superintendent Parks and Recreation (via email)
Steven C. Morey, CEP, Mott MacDonald (via email)
Thomas R. Thornton, PE, CME, Mott MacDonald (via email)

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

RESOLUTION #2019-322

Title: CERTIFICATION OF BEST PRACTICES INVENTORY

WHEREAS, the New Jersey State Appropriations Act (P.L. 2011, c85) requires the Division of Local Government Services (DLGS) to determine the payment amount for each municipality's final share of State Aid based upon the results of the Best Practices Checklist; and

WHEREAS, the purpose of the Best Practices worksheet is to promote and improve financial accountability and transparency by withholding some or all of the final payment of State Aid from municipalities who do not score high enough on the annual worksheet; and

WHEREAS, the attached 2019 Best Practices worksheet for the Township of Lower shows that the Township scores a 39.5 (30+ equals No aid withholding) .

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the 2019 Best Practices Inventory has been reviewed and can be forwarded to the State of New Jersey Department of Community Affairs.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

Best Practices Inventory

Lower Township

Printable Current Answers

001	Core Competencies	Personnel	
	<p>The "Diane B. Allen Equal Pay Act" (P.L. 2018, c. 9) modifies current law to strengthen protections against employment discrimination and promote equal pay for all groups protected under the Law Against Discrimination (N.J.S.A. 10:5-1 et seq.). Have appropriate municipal officials (including labor counsel as necessary) evaluated whether your municipality is in compliance with this law?</p>		<p>[1.00] Yes Comment: Resolution #2018-200</p>
002	Core Competencies	Personnel	
	<p>P.L. 2017, c. 183, signed into law on August 7, 2017, amends the Local Budget Law to require municipal and county governing bodies to certify compliance with the following Federal civil rights requirements when submitting their approved budgets with DLGS: that their hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964." Local Finance Notice 2017-27 discusses this requirement in further detail. Has your governing body reviewed your municipality's policies on the use of criminal history when making personnel decisions, to ensure that those policies do not violate Title VII on the basis of either disparate treatment or disparate impact?</p>		<p>[1.00] Yes Comment: Resolution #2018-199</p>
003	Core Competencies	Personnel	
	<p>Has your municipality adopted a written vehicle use policy prohibiting personal use of municipal vehicles (except for commuting), and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.</p>		<p>[1.00] Yes</p>

004

Core Competencies

Personnel

Does your municipality have 1) an established documented process requiring department heads to submit notice of outside employment, and 2) upon receiving such notice, does your municipality have a documented process within its human resources function to determine whether a conflict of interest exists?

[1.00] Yes

005

Core Competencies

Personnel

Payments for waivers filed before May 21, 2010 and maintained continuously since, cannot exceed fifty percent (50%) of the amount saved by the local unit as a result of the employee's waiver of coverage. For waivers filed on or after May 21, 2010, which is the effective date of P.L. 2010, c. 2, payments cannot exceed the lesser of twenty-five percent (25%) of the amount saved by the local unit as a result of the waiver, or \$5,000. When calculating an employee's waiver payment, the local unit must deduct the employee's healthcare contribution obligation from the total premium cost. Local units have sole discretion as to whether or not to offer employees payments for waiver of health benefits, and may offer waiver payments below the statutory maximum. Health benefit waiver payments are statutorily excluded from collective bargaining. See Local Finance Notices 2010-12 and 2016-10 for further discussion on health benefit waiver payments. Are your municipality's healthcare waiver payments at or below the statutory maximum? "N/A" is only applicable where the municipality does not make payments in lieu of health benefits.

[1.00] Yes

006

Core Competencies

Personnel

The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?

[0.00] No

007

Core Competencies

Personnel

Employee personnel manuals or handbooks serve as a valuable tool to convey a municipality's policies, procedures and benefits. Many insurance carriers encourage the adoption of such a document and offer discounted rates for their use. These publications should review employees' rights and obligations in areas including, but not limited to: discrimination, harassment, personal days, use of municipal vehicles, and political activity. Has your municipality adopted an employee personnel manual/handbook by resolution or ordinance? If yes, please provide in the Comments section the date of the meeting at which the personnel manual was adopted. If not yes, please type "Did Not Answer Yes" into the comment box.

[1.00] Yes
Comment:
4/13/2012
9/17/2012
8/10/2016

008

Core Competencies

Personnel

Has your municipality reviewed and updated its employee personnel manual/handbook by resolution or ordinance within the past three years? If yes, please provide in the Comments section the date of the meeting at which the personnel manual was updated. If not yes, please type "Did Not Answer Yes" into the comment box.

[1.00] Yes
Comment: 9/16/19:
Resolution #2019-
288

009

Core Competencies

Personnel

Does your municipality maintain centralized records for all time worked and all employee leave time earned and used?

[1.00] Yes

010

Core Competencies

Personnel

N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC?

[1.00] Yes

011

Core Competencies

Budget

Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?

[1.00] Yes

012	Core Competencies	Budget
	A formal policy regarding municipal budget surplus (i.e. fund balance) is crucial to making informed financial decisions, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy the CFO should analyze and explain at least a five (5) year trend of surplus, describing the factors causing each annual increase or decrease; to develop a realistic and sustainable surplus policy. Has your municipality adopted a written annual goal for the amount of surplus available in support of municipal operations?	[1.00] Yes

013	Core Competencies	Budget
	Revenue earned from Uniform Construction Code (UCC) fees must be dedicated to UCC enforcement. The amounts of UCC revenue generated and funds appropriated to UCC enforcement appear on the User-Friendly Budget as well as the UCC Annual Report submitted to the Division of Codes and Standards. Does your municipality's construction code fee schedule comply with the parameters set by N.J.A.C. 5:23-4.17, 5:23-4.18 and Local Finance Notice 2017-15, specifically does your municipality comply with the law prohibiting the imposition of UCC fee amounts greater than necessary to operate the UCC office?	[1.00] Yes

014	Core Competencies	Budget
	Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5?	[1.00] Yes

015	Core Competencies	Budget
	Does your municipality annually review 1) its fee schedules against revenue collected, and 2) its fee ordinance(s) to determine whether fees need to be brought more in line with expenses?	[1.00] Yes

016	Best Practices	Budget
	N.J.S.A. 40A:4-62.1 allows municipalities to establish a storm recovery reserve for purposes such as, but not limited to, snow, ice, and debris removal. Unexpended balances budgeted annually for storm recovery purposes may be lapsed into the reserve. Has your municipality established a storm recovery reserve to ensure the consistent availability of funds for this purpose?	[0.50] Yes

017

Best Practices

Budget

Does your current year annual budget appropriate an amount for snow removal based on, at minimum, an average of the municipality's snow removal expenses over the last three (3) years? A Yes answer is permitted where the budget appropriation is below the three-year average, but the balance remaining in a snow removal or storm recovery reserve trust fund would bring the total amount equal to or above the three-year average.

[0.50] Yes

018

Core Competencies

Financial Administration

Audit findings address areas needing improvement and ignoring these findings devalues the process. Municipalities should correct noted deficiencies. Have the audit findings in your municipality's 2017 audit been identified in a corrective action plan and not been repeated in the 2018 audit? If the answer is no, please list the repeat findings, along with the date the corrective action plan was submitted to DLGS, under Comments. Only answer "N/A" if there were no audit findings in the 2018 audit. If you did not answer no, please type "Did Not Answer No" into the Comment Box.

[1.00] N/A

Comment: Did not answer No.

019

Core Competencies

Financial Administration

Effective for CY2019/SFY2020 and CY2020/SFY2021 municipal budgets, the annual maximum contribution a municipality can appropriate for use by its volunteer fire companies or board of fire commissioners pursuant to N.J.S.A. 40A:14-34 is \$154,518.75. In any municipality where there are more than three volunteer fire companies or fire districts, the governing body may appropriate an additional \$50,000 annually for each additional volunteer company or fire district. At least 50% of the municipality's annual appropriation must be used by a volunteer fire company or board of fire commissioners for the purchase of fire equipment, materials and supplies. N.J.S.A. 40A:14-34 requires the volunteer fire company or fire district to provide the municipal governing body, on an annual basis, an accounting of the use of all municipal funds. See Local Finance Notice 2019-01 for further details. Is your municipality obtaining from each volunteer fire company or fire district an accounting of the use of all municipal funds?

[1.00] N/A

020

Core Competencies

Financial Administration

N.J.S.A. 40:5-2 limits to \$70,000 the maximum annual dollar amount that a municipality may contribute to a duly incorporated first aid and emergency or volunteer ambulance or rescue squad association, except that if any such associations experience extraordinary need, a municipality may contribute an additional amount of not more than \$35,000 annually. Whenever the total annual contribution exceeds \$70,000, the municipal CFO shall receive an audit performed by a CPA or RMA of the association's current year financial records which shall certify that such records are being maintained in accordance with sound accounting principles. If your municipality contributed in excess of \$70,000 toward a first aid, ambulance, rescue or EMS squad in its current budget, was an audit performed pursuant to N.J.S.A. 40:5-2?

[1.00] Yes

021

Core Competencies

Financial Administration

Local Finance Notice 2018-13 discusses the Local Finance Board's recent adoption of regulations permitting all local units, county colleges, and school district boards of education/boards of trustees to utilize standard electronic funds transfer (EFT) technologies for payment of claims. Use of EFT technologies such as, but not necessarily limited to, Automated Clearing House (ACH) transactions, wire transfers and e-checks are subject to certain fiscal, operational, and technological control requirements as a condition of use. Has your municipality considered 1) where the use of electronic payment methods could benefit the municipality; and 2) where the adopted regulations may require changes in the municipality's current claims payment procedures as pertain to electronic payment methods?

[1.00] Yes

022

Core Competencies

Financial Administration

The Government Electronic Payment Acceptance Act (N.J.S.A. 40A:5-43 et seq.) and its implementing regulations (N.J.A.C. 5:30-9.1 et seq.) set forth requirements for municipalities accepting credit cards, debit cards, and other electronic fund transfer mechanisms as means of collecting payment. In part, N.J.A.C. 5:30-9.9 limits any surcharges or convenience fees charged by a municipality for handling and processing the transaction. Is your municipality adhering to N.J.A.C. 5:30-9.9 when charging surcharges or convenience fees relating to electronic payment acceptance?

[1.00] Yes

023

Core Competencies

Capital Projects

Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?

[1.00] Yes

024	Core Competencies	Capital Projects
Is your municipality appropriating sufficient funding for maintenance, repair, and replacement of environmental and transportation infrastructure?		[1.00] Yes

025	Core Competencies	Capital Projects
Does your municipality evaluate the age and condition of municipally-owned underground infrastructure (e.g. water and sewer mains) to determine whether age or condition necessitate repair or replacement before performing needed repairs or replacement in conjunction with a road resurfacing or road reconstruction project and coordinate with owners of non-municipally owned underground infrastructure to avoid having to redo a recently-completed road project? Only answer N/A if there is no underground infrastructure underneath any municipally-owned roads or your municipality does not own any roads.		[1.00] Yes

026	Core Competencies	Capital Projects
If your municipality charges administrative fees for off-duty police traffic safety personnel on a public works or utility project, are such fees set by ordinance at an amount not exceeding the municipality's actual costs for administering the off-duty work? See Local Finance Notice CFO 2000-14 for further guidance.		[1.00] Yes

027	Core Competencies	Transparency
The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file annual Financial Disclosure Forms. Have all of your local elected officials filed their Financial Disclosure Form in 2019 that covers the 2018 calendar year?		[1.00] Yes

028	Core Competencies	Transparency
Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?		[1.00] Yes

029	Core Competencies	Transparency
Has your municipality recodified its ordinances within the past five (5) years?		[1.00] Yes

030	Core Competencies	Transparency
Are your municipality's codified and uncodified ordinances, including all current salary ordinances, available online?		[1.00] Yes

031	Best Practices	Transparency
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content?		[0.50] Yes

032	Best Practices	Transparency
Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at https://www.state.nj.us/treasury/taxation/relief.shtml ?		[0.50] Yes Comment: Departments/Tax Collector/Property Tax Relief Programs

033	Core Competencies	Authorities
<p>Note: The following question does not apply to authorities with more than one member municipality. For those which this question does not apply, please type "N/A" into the comment box. Municipalities should annually evaluate the authority or authorities they created and publicly discuss their findings and conclusion. Findings and conclusions should address whether existing authorities continue to serve the public interest and are more efficient than other potential alternatives in providing services and financing public facilities. Within the past year, 1) has the above-referenced discussion appeared as a listed agenda item on a scheduled governing body meeting, and 2) do the findings and conclusion appear in publicly-available meeting minutes? Please identify the meeting date(s) under "Comments". Those that answer No should type "Answered No" into the comment box.</p>		[1.00] Yes Comment: Meeting of 10/21/19

034

Best Practices

Authorities

Local Finance Notice 2017-23 describes the avenues through which a municipality can consolidate multiple fire districts into a single fire district. Does your municipality have a single fire district or, if your municipality has multiple fire districts, is it reviewing the feasibility of consolidating its multiple districts into a single district? Only answer N/A if your municipality does not have a fire district.

[0.00] No

035

Core Competencies

Procurement

Do your municipality's professional services contracts include a "not to exceed" amount?

[1.00] Yes

036

Best Practices

Procurement

If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law?

[0.00] No

037

Best Practices

Procurement

Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees?

[0.50] Yes

038

Core Competencies

Cybersecurity

A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?

[1.00] Prospective

039

Core Competencies

Cybersecurity

Does your municipality perform daily computer backups to off-network devices for all data files and operating application software?

[1.00] Yes

040	Core Competencies	Cybersecurity	
<p>Does your municipality employ defensive software to protect its network and data from cyberattacks, including an email anti-virus filter and a firewall designed to block unauthorized network access?</p>			[1.00] Yes

041	Core Competencies	Cybersecurity	
<p>Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?</p>			[1.00] Yes

042	Unscored Survey	Shared Services	
<p>Has your municipality explored new or expanded shared service opportunities with other local governments (including boards of education) within the past year?</p>			<p>[0.00] Yes Comment: Lower Cape May Regional: Football program Wildwood: First responder Middle Township: Aquatic center</p>

043	Unscored Survey	Shared Services	
<p>If no shared services agreement was reached, please set forth under Comment the shared service considered, the local unit with whom it was considered, and the reason(s) why an agreement was not reached. If you did not answer yes to Question 42, please type "NA" into the Comment Box.</p>			Comment: N/A

044	Best Practices	Shared Services	
<p>Has your municipality entered to a new or expanded shared services agreement this year with another local government entity?</p>			[1.00] Yes

045	Best Practices	Shared Services	
<p>Does another government entity handle all public safety and emergency dispatch functions for your municipality or, if your municipality has its own dispatch (whether directly staffed or outsourced to a private entity), has it explored having another government entity perform all dispatch functions? If the answer is Yes, please state in the Comment Box the government entity that provides the entirety your municipality's dispatch functions; or, if your municipality has its own dispatch, when discussions with other entities have occurred, with which entities, whether an agreement resulted and, where no agreement was reached, the reason(s) why. If you did not answer Yes, please type "Did Not Answer Yes" into the Comment Box.</p>			<p>[0.50] Yes Comment: Cape May County</p>

046	Best Practices	Shared Services
<p>Does your municipality have another government entity fulfilling all local public health functions; or if your municipality has its own health department or board of health, has it explored having another government entity perform all local public health functions? If the answer is Yes, please enter into the Comment Box the government entity that performs your municipality's public health functions; or, if your municipality has its own health department or board of health, when discussions with other entities have occurred, with which entities, whether an agreement resulted and, where no agreement was reached, the reason(s) why. If you did not answer Yes, please type "Did Not Answer Yes" into the Comment Box.</p>		<p>[0.50] Yes Comment: Cape May County</p>

047	Core Competencies	Miscellaneous Operations
<p>Municipalities are encouraged to investigate all available grant opportunities; however, certain grants have conditions that pose additional budgetary costs (e.g. match dollars, hiring requirements). For all grants accepted within the past year, has your municipality evaluated whether the grant's benefits exceed the actual and/or potential costs associated with the grant?</p>		<p>[1.00] N/A</p>

048	Best Practices	Miscellaneous Operations
<p>Does your municipality regularly evaluate opportunities for alternate revenue streams to help offset its property tax levy?</p>		<p>[0.50] Yes</p>

049	Unscored Survey	Miscellaneous Operations
<p>Have all professional appointments requiring governing body approval been approved within 30 days after the municipality's annual reorganization meeting?</p>		<p>[0.00] Yes</p>

050(a)	Unscored Survey	Miscellaneous Operations
<p>Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Financial Administration?</p>		<p>[0.00] No</p>

050(b)	Unscored Survey	Miscellaneous Operations
<p>Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Capital Improvements?</p>		<p>[0.00] No</p>

050(c)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Asset Management?		[0.00] No

050(d)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Tax Incentives?		[0.00] No

050(e)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Procurement?		[0.00] No

050(f)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Training and Support for Elected Officials?		[0.00] No

050(g)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Management Training?		[0.00] No

050(h)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Shared Services?		[0.00] No

050(i)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Risk Management?		[0.00] No

050(j)	Unscored Survey	Miscellaneous Operations
Would your municipality like to receive additional technical assistance from DLGS's new Local Assistance Bureau in the area of Ethics?		[0.00] No

050(k)

Unscored Survey

Miscellaneous Operations

Would your municipality like to receive additional technical assistance from DLGS in any other area? If you answered Yes, please fill in under Comments what area or areas your municipality would like assistance.

[0.00] No

051

Unscored Survey

Miscellaneous Operations

Has your municipality converted all mechanical parking meters (analog or digital display) to an electronic parking system (e.g. pay-and-display, numbered spaces, license plate)?

[0.00] N/A

052

Unscored Survey

Miscellaneous Operations

Have public electric vehicle charging stations been installed on municipal property?

[0.00] No

053

Unscored Survey

Miscellaneous Operations

Has your municipality implemented a web application that allows residents to submit service requests to municipal departments?

[0.00] Yes

054

Unscored Survey

Miscellaneous Operations

Has your municipality implemented an emergency communication system that encompasses cell phones?

[0.00] Yes

055

Unscored Survey

Miscellaneous Operations

How is residential garbage collected?

[0.00] Municipal pickup

056

Unscored Survey

Miscellaneous Operations

If your residential garbage is collected through a private hauler contracted by the municipality, did your municipality receive at least two bids in its latest procurement?

[0.00] N/A

057	Unscored Survey	Miscellaneous Operations
<p>If your municipality's residential garbage pickup is done through a private hauler contracted directly by residents, does your municipality know the number of hauler services servicing residents? If yes, please state in the Comments how many garbage haulers service your municipality's residents. If you did not answer yes, please type "Did Not Answer Yes" into the Comment Box.</p>		<p>[0.00] N/A Comment: Did not answer yes.</p>
058	Best Practices	Miscellaneous Operations
<p>If your municipality provides residential garbage pickup or contracts with a private hauler to do so, is garbage pickup scheduled for no more than once-per-week?</p>		<p>[0.50] Yes</p>
059	Unscored Survey	Miscellaneous Operations
<p>Does your municipality have a revenue-generating residential recycling program?</p>		<p>[0.00] Yes</p>
060	Unscored Survey	Miscellaneous Operations
<p>What is the primary reason your municipality has not established a SALT charitable fund?</p>		<p>[0.00] Lack of resident interest</p>
061	Unscored Survey	Miscellaneous Operations
<p>P.L. 2017, c.266, enacted in January 2018, permits municipalities to establish by ordinance a list of residents identifying themselves as needing special assistance in an emergency. This list, which can only be used for public safety purposes, is maintained by the municipal clerk and shall be cross-indexed by the name and address of each resident opting in to the list, identifying the special circumstances for each. Please review Local Finance Notice 2018-17 for further information. Has your municipality adopted an ordinance pursuant to P.L. 2017, c.266 to establish a special needs assistance list? If yes, please list in the Comments which type of assistance is predominantly needed. If you did not answer yes, please type "Did Not Answer Yes" into the Comment Box.</p>		<p>[0.00] No Comment: Did not answer yes.</p>
062	Core Competencies	Ratables/PILOTs
<p>If your municipality's Director's Ratio (defined as the ratio of assessed values to true market values) is less than 85%, your municipality needs to undertake a reassessment/revaluation. Have at least 20% of properties in your municipality been inspected? Please state the percentage of properties inspected in the Comments. If you answered No or NA, type in the Comment Box "Answered No" or "Answered NA"</p>		<p>[1.00] N/A Comment: Answered N/A Current ratio is 89.97%</p>

063	Core Competencies	Ratables/PILOTs	
<p>Before formalizing negotiations and entering into a Long-Term Financial Agreement, does your municipality have at least one staff member or contractually-retained professional evaluate all proposed Long-Term PILOTs to assure that the proposed agreement is a net-benefit to the municipality?</p>			[1.00] Yes
064	Core Competencies	Ratables/PILOTs	
<p>Payments In Lieu of Taxes (PILOTs) can be a useful tool for economic development. However, municipalities must monitor PILOT agreements to ensure recipients comply with all agreement terms, particularly timely payment and reporting. Does your municipality have an official designated to monitor exemptions/abatements and ensure compliance with the PILOT agreement terms?</p>			[1.00] Yes
065	Best Practices	Planning and Economic Development	
<p>Does your municipality actively maintain an inventory of buildings and vacant properties that would benefit from redevelopment? If yes, state how in the Comment Box or, if no, state "Did not answer Yes"</p>			[0.00] No Comment: Did not answer yes.
066	Unscored Survey	Planning and Economic Development	
<p>Is your municipality presently considering establishing a land bank entity pursuant to P.L. 2019, c.159 and, if so, which entity (if any) is being considered to operate the land bank?</p>			[0.00] Not considering land bank
067	Unscored Survey	Planning and Economic Development	
<p>Does your municipality have a current community and/or economic development plan in place with established metrics, and regularly review and measure progress toward development goals set forth in the plan(s)?</p>			[0.00] No
068	Unscored Survey	Planning and Economic Development	
<p>Does your municipality either employ or contractually retain a licensed professional planner?</p>			[0.00] Yes

069	Unscored Survey	Planning and Economic Development
Does your municipality either employ an economic development staff person or contractually retain an economic development consultant?		[0.00] No

070(a)	Unscored Survey	Planning and Economic Development
The Office of Local Planning Services (LPS) in the Department of Community Affairs works with communities to achieve local land use and planning goals. As part of DCA's commitment to provide technical assistance to municipalities, our professional planning staff offers comprehensive planning services at no-cost to eligible local governments. Would your municipality benefit from assistance with respect to its Master Plan?		[0.00] Yes

070(b)	Unscored Survey	Planning and Economic Development
Would your municipality benefit from LPS assistance with respect to Redevelopment Plans?		[0.00] Yes

070(c)	Unscored Survey	Planning and Economic Development
Would your municipality benefit from LPS assistance with respect to Land Use Ordinances?		[0.00] No

070(d)	Unscored Survey	Planning and Economic Development
Would your municipality benefit from LPS assistance with respect to Land Use Mapping?		[0.00] No

070(e)	Unscored Survey	Planning and Economic Development
Would your municipality benefit from LPS assistance with respect to Economic Development Plans?		[0.00] No

070(f)	Unscored Survey	Planning and Economic Development	
Would your municipality benefit from LPS assistance with respect to Storm and Natural Disaster Resiliency?			[0.00] No

071	Unscored Survey	Planning and Economic Development	
P.L. 2017, c.253 permits a municipality to authorize its parking authority to serve as a redevelopment entity, subject to Local Finance Board approval. A parking authority so authorized may exercise redevelopment powers within an area in the municipality designated as in need of redevelopment or rehabilitation; however, revenue from fees charged for parking shall be utilized solely for the purposes set forth in N.J.S.A. 40:11A-6. Is your municipality considering seeking Local Finance Board approval to authorize its parking authority to serve as a redevelopment entity?			[0.00] N/A

072	Unscored Survey	Planning and Economic Development	
The New Jersey Redevelopment Authority (NJRA) provides financial and technical resources into urban redevelopment projects in eligible municipalities throughout the State. A list of eligible municipalities can be found at https://www.njra.us/maps . Is NJRA providing redevelopment financing to your municipality? Answer "NA" if your municipality is not on the list of eligible municipalities.			[0.00] N/A

073	Unscored Survey	Planning and Economic Development	
Have officials from your municipality participated in one or more workshops offered by NJRA's Redevelopment Training Institute (RTI)?			[0.00] No

074	Unscored Survey	Planning and Economic Development	
If your municipality has one or more opportunity zones, have you been actively marketing your zones to investors and developers? If yes, please state in the Comments whether this has resulted in one or more projects coming before your municipality for approval. If you did not answer Yes, please provide an explanation in the Comment Box.			[0.00] Yes Comment: See Manager**

075	Unscored Survey	Planning and Economic Development
Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment?		
		[0.00] No

076	Unscored Survey	Planning and Economic Development
If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.		
		Comment: N/A

077	Best Practices	Environment
Has your municipality changed its master plan and zoning ordinances within the past two years to improve resiliency in the face of extreme weather events? Only answer NA if your municipality has determined, after a review of its master plan and zoning ordinances within the past two years, that no such changes are necessary.		
		[0.50] N/A

078	Best Practices	Environment
If your municipality has a combined sewer overflow (CSO) system, has the conversion to a non-CSO overflow system been incorporated into your municipality's capital improvement program? If your municipality does not have a CSO system, is it undertaking affirmative measures to reduce stormwater runoff? Non-CSO municipalities answering Yes should explain these measures in the Comment Box.		
		[0.00] No

079	Unscored Survey	Affordable Housing
Does your municipality currently have an affordable housing element and fair share housing plan? If so, please state in the Comments section whether or not the fair share housing plan is on your municipality's website. If you did not answer Yes, please provide an explanation in the Comment Box.		
		[0.00] Yes Comment: Yes**

080	Unscored Survey	Affordable Housing
If your municipality has an affordable housing element and fair share housing plan, has the element and plan been approved by the Superior Court?		[0.00] No

081	Unscored Survey	Affordable Housing
If you answered "Yes" to either of the above questions, fill in under Comments the number of affordable housing unit obligations for the following periods: Prior Round (1987-1999); Present Need (Rehabilitation Share); and Third Round (Prospective Need 1999-2025), as well as the number of units that have been constructed and are ready for occupancy that count toward the affordable housing obligations in your municipality's affordable housing element and fair share housing plan. If you did not answer yes to either question 80 or 81, please type "NA" into the Comment Box.		Comment: N/A

082	Unscored Survey	Affordable Housing
Does your municipality collect a non-residential development fee?		[0.00] No

083	Unscored Survey	Affordable Housing
Does your municipality have a municipal housing liaison?		[0.00] Yes

084	Unscored Survey	Affordable Housing
Does your municipality have an affordable housing trust fund?		[0.00] No

Home (/) > BPI (/bpi/) > Surveys (/bpi/surveys/?id=841e8795-efcf-e911-a987-001dd800d601)
> Survey View (/bpi/surveys/question-list/?id=d412da05-bdd0-e911-a98b-001dd800a749) > **Scoring**

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Best Practices Inventory

Lower Township

Scoring

Current Score: 39.50

Score	Aid Withheld
30 +	No aid withholding
25 - 29	25% of final aid payment withheld
20 - 24	50% of final aid payment withheld
0 - 19	100% of final aid payment withheld

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

RESOLUTION # 2019-323

Title: AUTHORIZING PAYOUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick, 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 her 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 Township Council of the Township of Lower, County of Cape May, State of New Jersey that a payment due to Joseph Boyle in the amount of \$ 58,132.32 is authorized and chargeable to the Reserve for Accumulated Absences.

BE IT FURTHER RESOLVED that the funds shall be disbursed in one payment of \$25,000.00 in 2019 and one payment of \$33,132.32 in 2020.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

Boyle, Joseph

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE:

EMPLOYEE: Boyle, Joseph
 DATE OF RETIREMENT 10/1/2019
 DATE OF PAYMENT:
 RESOLUTION #:

Annual Salary:	\$107,865.05
Hourly Rate:	\$49.3888

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	118.63	49.39	5,858.99
Personal	10.62	49.39	524.28
Sick	660.81	49.39	32,636.47
Vacation	322.98	49.39	15,951.62
Holiday	64.00	49.39	3,160.96
College Credits			
Terminal Leave Payout			\$58,132.32

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)	
	Carryover	Annual	31 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp	45.25	93.38		0.00	20.00	118.63	
Personal	0.00	48.00	0.60	28.62	18.00	10.62	contract max
Sick	992.50	128.00	0.60	76.31	408.00	660.81	1440 hours
Vacation	251.75	200.00	0.60	119.23	48.00	322.98	
Holidays						64.00	
Total	1,289.50	469.38	1.79	224.15	494.00	1,113.03	

Accrual and time used are current to 9/16/19 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 # 2019-324

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the employee listed below has accrued sick time due from the Township and has requested payment for this 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 her signature _____ that adequate funding is available for such payment in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Robert Hartman Jr. in the amount of \$47,036.78 is authorized and chargeable to the Reserve for Accumulated Absences.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held October 21, 2019.

Julie A Picard, Township Clerk

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

RESOLUTION #2019-325

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

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

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

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

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

	SELL ON GOV DEALS	
Date 10/17/19	Resolution 2019-325	
FA#	DECRPTION	LOCATION
2774	KANGURU DVD DUPLICATOR	POLICE DEPARTMENT

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

RESOLUTION # 2019-326

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the employee listed below has accrued sick time due from the Township and has requested payment for this 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 her signature _____ that adequate funding is available for such payment in the dedicated line item "reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Douglass Whitten in the amount of \$31,205.24 is authorized and chargeable to the Reserve for Accumulated Absences.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held October 21, 2019.

Julie A Picard, Township Clerk

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

RESOLUTION # 2019-327

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this 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 her signature _____ that adequate funding is available for such payment in the current budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Michael James in the amount of \$2,427.60 is authorized and chargeable to the 2019 Budget account 9-01-25-240-125.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held October 21, 2019.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief William Mastriana

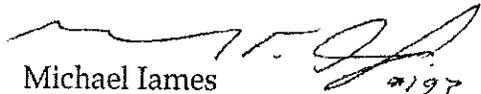
FROM: Detective Michael James

DATE: October 18, 2019

SUBJECT: Comp. Time Pay Out

I'm submitting this special as a request to cash in 81 hours of earned comp. time. Thank you for your consideration in this matter.

Respectfully Submitted,


Michael James
Detective Badge # 193

0* *
0* *
81* x
29*9704 =
2,427*602 *+

C	File	Date	Officer	Comments
		10/18/19	MB	FWD to Twp

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

RESOLUTION # 2019-328

Title: **BID ACCEPTANCE AND AWARD OF ONE (1) 2020 FORD EXPLORER 4WD XLT FOR THE CONSTRUCTION OFFICE**

WHEREAS, Bid # P2P 2019-20 to purchase One (1) 2020 or newer Ford Explorer 4WD XLT model for the Construction Office was advertised on the Township website September 26, 2019 and accepted and opened on Wednesday, October 9, 2019 at 11:00 a.m. Three (3) Proposals were submitted and reviewed by the QPA; and,

WHEREAS, the bidder complied with the specifications and supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Appropriation: C-04-55-425-450

CFO Signature: _____

Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract for the above is hereby awarded as follows:

**AWARD TO: KINDLE FORD
2020 FORD EXPLORER 4 WD XLT
TOTAL AWARD: \$33,604.70**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 21, 2019.

Julie A Picard, Township Clerk

**BID PROPOSAL FORM
TOWNSHIP OF LOWER
P2P #2019-20**

The undersigned proposes to furnish and deliver the above goods/services pursuant to the bid specification and made part hereof FOB Destination:

OPTION #1: 2020 or newer Ford Explorer 4WD XLT

Color and Year of Vehicle: MAGNETIC, 2020

Estimated Delivery in Days: 95

THIRTY THREE THOUSAND SIX HUNDRED FOUR AND 70/100

Amount in words

\$ 33604.70

Amount in numbers

Kindle Ford Lincoln INC.
Company Name

221 837 660
Federal I.D. # or Social Security #

525 Stone Harbor Blvd. CMCH, NJ 08210
Address

[Signature]
Signature of Authorized Agent

Peter Ferenc
Type or Print Name

Title: GSM

609 465-5000
Telephone Number

10/7/19
Date

609-465-2090
Fax Number

bill.Rogers@Kindleautoplast.com
E-mail address

LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:

- NO FOG LIGHTS
- ONE PIECE LEFT GATE
- 2.3L ECO BOOST ENGINE
- 10 SPEED AUTOMATIC TRANSMISSION

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

RESOLUTION #2019- 329

Title: **AUTHORIZING THE PAYMENT OF VOUCHERS**

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Lower Twp Rescue	Contribution	\$35,000.00

TOTAL \$35,000.00

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on OCT 21, 2019.

Julie A Picard, Township Clerk

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

BOND ORDINANCE #2019-14

BOND ORDINANCE PROVIDING FOR VARIOUS SAFETY AND IDENTIFICATION IMPROVEMENTS TO SCHELLENGER'S LANDING, BY AND IN THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,000,000, said sum being inclusive of \$50,000 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$950,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various safety and identification improvements to Schellenger's Landing, including installation of new curbing and sidewalks, acquisition and installation, as applicable, of pedestrian safety equipment including, but not limited to, lighting, traffic control signals and signage, and installation of pedestrian crosswalks, rumble strips and pavement markings and shall include, but not be limited to, as applicable, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, and all associated roadway improvements within such improvements or purposes.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$950,000.

(c) The estimated cost of said improvement or purpose is \$1,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said improvement or purpose in the amount of \$50,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Cape May make a contribution or grant in aid to the Township, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Cape May. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Cape May, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply,

however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

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

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$950,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 10 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

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

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

Dated: October 7, 2019



Julie Picard,
Clerk of the Township of Lower

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Councilmember

ADOPTED ON SECOND READING

Dated: October 21, 2019

Julie Picard,
Clerk of the Township of Lower

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

APPROVAL BY THE MAYOR ON THIS 21st DAY OF October, 2019

ERIK SIMONSEN,
Mayor

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

ORDINANCE # 2019-15

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 340, FIRE PREVENTION, SUBSECTIONS 340-13(B)(14) THROUGH (16) FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER.

WHEREAS, Chapter 340, Fire Prevention, of the Code of the Township of Lower sets forth and memorializes the Basic Fire Prevention Code and Uniform Fire Safety Code within the Township of Lower; and

WHEREAS, at the request of the Lower Township Bureau of Fire Safety and the commissioners of Fire Districts #1, #2, and #3 have approved and recommended that the Township of Lower revise provisions of Chapter 340, Subsection 340-13(B)(14) through (16) in order to enhance the safety of the residents of the Township of Lower by ensuring that properties are registered and inspected by the Lower Township Bureau of Fire Safety.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 340, Fire Prevention, of the Code of the Township of Lower, shall be amended as follows:

SECTION 1. Chapter 340, Fire Prevention, Subsections 340-13(B)(14) through (16) is hereby repealed and replaced as follows:

14. For the sale of properties, the inspection fee shall be One Hundred Twenty-Five (\$125.00) Dollars. This \$125 fee shall include only the sale of property inspection applications received in the Fire Bureau office more than ten (10) working days from the date of settlement. For any and all sale of property inspection applications received by the Fire Bureau office with less than ten (10) working days to the date of settlement, the inspection fee shall be Two Hundred Fifty (\$250.00) Dollars. The inspection fee for rental properties shall be One Hundred Twenty-Five (\$125.00) Dollars per unit. This inspection fee shall also include campground and mobile home park rental units including but not limited to, houses, cabins and trailers that are used for dwelling purposes. All seasonal/vacation and year round rental properties shall be inspected one (1) time per calendar year. All seasonal/vacation rentals must pass inspection prior to the start of the rental season (June 1) in any given calendar year.

There shall be a penalty of not less than Five Hundred (\$500.00) Dollars nor more than Two Thousand (\$2,000.00) Dollars for any rental property not registered and inspected as required by this ordinance. The Lower Township Bureau of Fire Safety shall, upon the sale of any property, conduct a fire inspection prior to the date of settlement. For all rentals including one (1) and two (2) family dwelling units, the Lower Township Bureau of Fire Safety shall conduct a fire inspection one (1) time per calendar year. This fire inspection shall be for the purpose of:

- (a) Establishing that the occupancy has not changed unless the structure has been upgraded to the new use as required under the New Jersey Administrative Code 5:23-2.6(b), change of use group;
- (b) Ensuring that the property is in compliance with the New Jersey Uniform Fire Code 2015, N.J.A.C. 5:70-4.19 and other Fire Safety requirements;
- (c) Ensuring that the required fire extinguisher (2A:10BC or 3A:40BC) is properly located in plain view within the property and is maintained in accordance with National Fire Protection Association standard #10;
- (d) Ensuring that any heat-producing device is inspected and certified safe by a New Jersey Licensed professional prior to the Fire Bureau inspection; and

(e) Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.

15. In the event the Lower Township Bureau of Fire Safety is required to re-inspect a sale property or rental property for a continuing violation, two (2) or more times, there will be an additional re-inspection fee of Sixty (\$60.00) Dollars per re-inspection beginning with the third re-inspection and in connection with any and all subsequent re-inspections thereafter.

16. All uses listed in the aforementioned schedule shall be inspected annually for compliance with the provisions of this section and the New Jersey Uniform Fire Code, unless otherwise exempted herein.

SECTION 2. *Repeal:* All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. *Severability:* In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the 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. *Effective date:* This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Councilmember

First Reading: October 7, 2019

Adoption:

Frank Sippel, Deputy Mayor

Attest:

Julie Picard, Township Clerk

Erik Simonsen, Mayor

September 2019 Clerk Report

Register Report - Last month

9/1/2019 through 9/30/2019

10/4/2019

Page 1

Date	Account	Description	Memo	Category	Amount
		INCOME			3,045.00
		Business Mercantil 2019-2020			575.00
		Rental 2019-2020			600.00
		Street Openings			680.00
		Vac Prop Reg			1,000.00
		Yard Sale Permit			190.00
		TRANSFERS			-3,045.00
		Council Checking			-3,045.00
				OVERALL TOTAL	0.00

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

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 09/01/2019 To 09/30/2019

October 08, 2019 9:30:58AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$886,812.00	Cubic Footage:	264175 Cu.ft	Permit Issued:	115
Cost Of Alteration:	\$1,331,740.00	Square Footage:	20844 Sq.ft	Updates Issued:	18
Cost Of Demolition:	\$5,000.00			All Fees Waived:	1
Total Cost:	\$2,223,552.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$33,400.00	Building:	\$0.00	Building:	\$2,100.00	Building Fees:	\$31,300.00
Electrical:	\$12,847.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$12,847.00
Fire :	\$6,170.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$6,170.00
Plumbing:	\$11,250.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$11,250.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$2,865.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$2,865.00
				* Total Waived:	\$2,100.00	Technical Fees:	\$64,432.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$978.00	\$0.00	\$978.00
Alteration Training Fee:	\$2,536.00	\$114.00	\$2,422.00
DCA Minimum Fee:	\$13.00	\$0.00	\$13.00
Sub total Training Fee:	\$3,527.00	\$114.00	\$3,413.00

TECHNICAL ISSUES

Building Technical:	67
Electrical Technical:	89
Fire Protection Technical:	28
Plumbing Technical:	54
Elevator Technical:	
Mechanical Technical:	31

CERTIFICATE ISSUES

Certificate of Occupancy:	5
Certificate of Approval:	26
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$2,788.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$2,788.00
PERMIT FEES:	\$64,432.00
DCA FEES:	\$3,413.00
CERTIFICATE FEES:	\$2,788.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$70,633.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$50.00
GRAND TOTAL FEES:	\$70,683.00

* By State law (see N.J.S. 52:27D-126c): \$2,100.00

* By Municipality (see N.J.S. 52:27D-126b): \$0.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 09/01/2019 To 09/30/2019

October 8, 2019 9:31:43AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,864.00	\$68,819.00	\$0.00	\$70,683.00
BOUNCED CHECK	Sub Totals:	\$0.00	\$614.00	\$0.00	\$614.00
dumpster	Sub Totals:	\$0.00	\$10.00	\$0.00	\$10.00
LICENSE FEE	Sub Totals:	\$0.00	\$900.00	\$0.00	\$900.00
GRAND TOTALS:		\$1,864.00	\$70,343.00	\$0.00	\$72,207.00

BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER



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

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

For the month of SEPTEMBER 2019, the Lower Township
Bureau of Fire Safety made deposits of \$18,435.00 in the
Lower Township Tax office.

Sincerely,

Donna Blackley
Fire Official

cc: file

Board Members
Lauren Read
James Ridgway

**2019 CASH RECEIPTS
SEPTEMBER**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Preliminary Tax Year (2020)	55,154.04	788,215.98
Current year taxes (2019)	762,704.57	47,069,606.43
Prior year taxes (2018)	120,436.44	790,515.72
Prior year taxes (2017)		0.00
Previously exempt property		0.00
State Audit Pay Back	-	5,000.00
Municipal Lien	565.40	21,192.01
Recording	12.00	32.00
Bankruptcy		0.00
6% Penalty	1,189.55	3,430.10
Municipal Service Fees	3,390.00	70,183.49
Tax Search Fees		20.00
Interest	28,921.12	157,168.47
Lot clearing	850.00	4,500.00
Returned Check Fees*	40.00	560.00
Duplicate Bills	40.00	705.00
Trash	5,014.50	40,694.75
Tax Sale Costs	2,836.77	4,311.14
MUA	19,045.54	40,812.87
TOTAL DEPOSITS	1,000,199.93	48,996,947.96
DEPOSITED TO COUNCIL CHECK	827,471.92	45,418,793.10
DEPOSITED TO WIPP ACCOUNT	172,728.01	3,578,154.86
TOTAL DEPOSITS	1,000,199.93	48,996,947.96
NSF Reversals *	6,861.40	47,914.24
WIPP NSF Reversals	1,533.72	31,343.49
NSF Fee Reversal (20.00)*		0.00
TOTAL NSF	8,395.12	79,257.73
TOTAL	991,804.81	48,917,222.23

Prepared by Kathy Brown

2019 SEPTEMBER VITAL STATISTICS

Marriages,Civil Unions	23
Domestic Partners	0
Certified Copies	231
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	\$575.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$69.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,310.00
Certified Copies EDRS	\$0.00
Burial Permits State	\$0.00
Burial Permits Twp	\$0.00

TOTAL	\$2,954.00
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