

# WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

OCTOBER 3, 2011 - 7:00 P.M.

## Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Proclamation - Put the Brakes on Fatalities Day - October 10, 2011

## Work Session

Review of Consent & Regular Agenda Items

## Consent Agenda

Approval of Minutes September 19, 2011

Res. #2011-217 Resolution Authorizing the Township to Auction Equipment or Supplies No Longer Needed for the Bureau of Fire Safety (Resolution would permit Twp. to auction through Gov Deals on behalf of the Fire Bureau items no longer needed with proceeds going to Fire Bureau Misc. line item - tabled Aug. 1)

Res. #2011-262 Approval of Change Order No. 3 for Station Road Improvements, Contract M-6 (Reducing contract by \$13,900.80 - leaving final adjustment including all 3 change orders at overall increase of \$8,091 - tabled Sept 19)

Res. #2011-263 Payment of Vouchers, \$1,529,561.60

Res. #2011-264 Approving Seashore Church of Nazarene's Application to Conduct a Flea Market (October 8)

Res. #2011-265 A Resolution Requesting Release of Performance Guarantee for Sea Bay Estates; Block 753.04, Lot 10, Escrow #P04-04-13 (Improvements installed - maintenance guarantee being held)

Res. #2011-266 Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for the Engineering Services Related to Additional Work for 2011 Delaware Bayshore Outfall Extensions (Additional work required for easements & permits for Tweed property not originally included)

Res. #2011-267 Authorization for Refund of Taxes (1 property granted disabled veteran's status)

Res. #2011-268 Resolution Issuing License to Anthony Natale t/a We Buy Gold, LLC (New license, fee & bond posted)

Res. #2011-269 Resolution Supporting Lower Township Independence Day Festival and Fireworks for 2012 & Authorizing Donations Be Put Into a Reserve Account for the Event (Event date July 3, 2012)

Res. #2011-270 Resolution Approving Purchase of One 2001 Freightliner Tractor From the Cape May County MUA (Purchase tractor deemed surplus by CMC MUA for Public Works Dept. for \$9,500 )

Res. #2011-271 Appointment to Planning Board (Appt. of Class IV member - term exp June 2015 - formerly held by R. Imler)

## Regular Agenda

Ord. #2011-17 An Ordinance Amending Chapter 230 of the Revised General Ordinances of the Township of Lower 2004 (Amending Article II, Chap. 230, Disorderly Conduct by expanding the prohibition of offensive products of combustion or fumes and allowing for enforcement by Township officials - 2<sup>nd</sup> rdg.)

## Administrative Reports

Mayor's Appointment to Environmental Commission - Robert Rizzo - 3 yr. term

## Council Comments

## Call to the Public

### Closed Session

Res. #2011-272

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." (Labor Relations; Discussion on Possible Litigation re: Recreation Roof Contractor)

### Adjournment

### Public Information

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

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

**ALL RENTAL PROPERTIES REQUIRE LICENSE** - All rentals, commercial or residential, whether yearly, seasonal or weekly require a mercantile license and registration and inspection by the Bureau of Fire Safety. For more information or applications call 886-2005 or 889-0404.

## Work Session & Regular Meeting Minutes – September 19, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 19, 2011 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 Glenn Douglass  
Deputy Mayor Kevin Lare  
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Recording Clerk, Julie Picard  
Excused: Councilmember Simonsen

Proclamation – Constitution Week September 17, 2011 - September 23, 2011

Proclamation - Supporting NJ Run for the Fallen - September 24 & September 25

### Work Session

#### Update of Cox Hall Creek Restoration Project - Brian O'Connor, CMC Planning Department

Brian O'Connor addressed Council and gave an update on the Cox Hall Creek Restoration Project. Points included: The project started in 2001 and came out of the Watershed Management Grants Program. Three groups were formed: Citizen Advisory Group, Government Advisory Group and a Technical Group. A \$100,000.00 grant was secured to start the project which paid for elevation, environmental surveys and public meetings. After a feasibility study was analyzed, bringing the creek back to salt water in a controlled fashion was selected. Fresh Water Wet Land permits were applied for and received. Mr. O'Connor stated the final permit holding up the project was the Tideland Management Permit – which allows the NJ Fish & Wildlife Service to manage the area. The basic project was to connect the Delaware Bay to Cox Hall Creek through 400 foot of 48 inch pipe controlled by a double gated structure to control water levels. Funding included \$10,000.00 from the US Fish & Wildlife Service; \$25,000.00 for the purchase of materials from CWRP and US Fish & Wildlife Service in Delaware committed \$14,000.00. The Lower Township MUA had agreed to do some of the install work as well as the Lower Township Public Works Department agreed to put in the outfall work. The Cape May County Engineer Department would do all the lay outs for the elevations. An easement would be granted from Mr. Cahill. Once the Tidelands Permit was received, the materials would be purchased and installed.

#### Shared Services Discussion - Deputy Mayor Lare

Deputy Mayor Lare stated Council had been given a copy of an agenda from last months meeting of the MUA which stated there was a resignation of their CFO and requested Council give the Manager the approval to reach out to the MUA and explore the possibility of sharing a service.

Councilmember Conrad replied if Lauren thought she could do it, he would have no issue with it.

Councilmember Douglass replied it sounded like a good idea.

Mayor Beck stated he had no problem with it assuming that the MUA was on board.

## Work Session & Regular Meeting Minutes – September 19, 2011

### Review of Consent & Regular Agenda Items

#### **Consent Agenda**

Approval of Minutes September 7, 2011

Res. #2011-259 Payment of Vouchers, \$2,194,429.10

Res. #2011-260 Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for Engineering Services Related to Bayshore Estates Stormwater Investigation (\$2250 to prepare RFP for diving firms to investigate evaluate Roseanne Ave. trunkline)

Res. #2011-261 Approval to Submit a Grant Application and Execute Grant Agreement with the New Jersey Department of Transportation for the Beach Drive Pedestrian Access Improvement Project (Rescinding Res. 2011-250 adopted Sept 7 and replacing it to change roadway improvement to pedestrian access improvements)

#### **Public Comment on consent agenda:**

Joe Winters, Florida Ave, addressed Council regarding Resolution 2011-260, questioning if a camera could be used to view the pipe. Manager Voll replied because of the water and muck a diver was going to be sent through the line with a camera to give an actual assessment of the situation.

Motion to adopt the Consent agenda by Councilmember Douglass, seconded by Councilmember Conrad.

Roll Call Vote: Councilmember Conrad Yes, Councilmember Douglass Yes, Deputy Mayor Lare Yes  
Mayor Beck Yes

#### **Administrative Reports/Filings**

Recreation Advisory Board Recommendation - Beach Drive Pedestrian Safety Improvements

Departments Reports - Animal Control, Construction, Dog Licensing, Engineer, Municipal Clerk, Municipal Court, Police, Tax Collector, Vital Statistics

Certificate of Delivery & Payment for Refunding Bonds Aug. 31, 2011

#### **Council Comments**

Councilmember Conrad spoke on the Run For The Fallen and urged residents to attend.

On September 28, 2011 Flu Vaccinations will be administered at Town Hall.

The DAV will be hosting a Flag Retirement at the Cape May County Park South on October 9, 2011 at 1:00.

Councilmember Douglass thanked everyone involved in the Sept 11 ceremony at Sunset Beach.

Deputy Mayor Lare reiterated a great job was done by Eileen and the Hume's and everyone involved with the Sept. 11<sup>th</sup> event and also stated volunteers are needed for the Run for the Fallen breakfast.

Mayor Beck spoke on the Run For The Fallen and noted at every mile marker a veteran from the area will be honored. The Mayor also thanked Marvin Hume for his help with the service at Sunset Beach.

The Fishing Creek School Sneak Peak opening fund raiser is scheduled for Sunday, October 2, 2011 4-7 PM. The Mayor noted there was something magic about the School House which was originally meant for kids and now 130 years later, we were going to take it full circle and use it for early childhood intervention classes.

#### **Call to the Public**

Joseph Boyle, 313 Arizona Ave addressed Council and requested help to get his property cleaned.

#### **Labor Contracts**

Work Session & Regular Meeting Minutes – September 19, 2011

Joe Winters, Florida Ave, addressed Council regarding a Resolution at the last meeting which was not listed on the agenda. Mayor Beck replied Council tries to make sure all Resolutions are on the agenda so residents can review them prior to the meeting. Clerk Kammer stated the resolution, after its approval, was posted on the web-site along with all the other resolutions. This particular resolution was brought up during the meeting so there was no time to post it. Mayor Beck stated this issue had been debated several times over the past several months and action was taken.

Outdoor Wood Boilers

Diane Morton, 7 S. Andrielle, thanked Council for the smoke and fume Ordinance and questioned its status. Mayor Beck replied the second reading would be at the next meeting and it would be sent to the Zoning Board for their recommendations.

Labor Contracts

Ed Butler, Delaware Bay Drive, addressed Council regarding contracts and stated he felt Council was removing the public from contract negotiations and questioned what the cost would be to the taxpayers. Councilmember Douglass stated all approved Township contracts were on the Township Website.

Hurricane Irene Cleanup

Robert Rizzo, of Mickels Run addressed Council and suggested changing the recycling schedule until the storm clean-up is complete. Mayor Beck replied there were some delays in the clean-up to ensure the Township would receive FEMA money to help defray the overtime costs. Manager Voll replied the storm was overwhelming and we are making every effort to get caught up. Our people were doing an outstanding job and it would be another 2-3 weeks to complete the clean-up.

Beach Access

Bill Greenfield, of the Villas, thanked the Manager and Public Works for putting the steps to the beach on New York and New Jersey Avenues.

There being no further comment, motion to adjourn by Councilmember Douglass, seconded by Councilmember Conrad. Motion to adjourn unanimous. The meeting adjourned at 7:52 p.m.

\_\_\_\_\_  
Mayor

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

Approved:

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

RESOLUTION #2011-217

**TITLE: RESOLUTION AUTHORIZING THE TOWNSHIP TO AUCTION EQUIPMENT OR SUPPLIES  
NO LONGER NEEDED FOR THE BUREAU OF FIRE SAFETY**

WHEREAS, the Bureau of Fire Safety has equipment and/or vehicles that are no longer needed for public use, and

WHEREAS, the Township has a QPA who is authorized to sell and purchase equipment and supplies as necessary, and

WHEREAS, Board of Fire Commissioners has authorized the Bureau of Fire Safety to dispose of equipment or supplies as necessary and has agreed to do so through the Township's QPA and Gov Deals.

NOW, THEREFORE, BE IT RESOLVED the Township is authorized to auction surplus items as requested by the Bureau of Fire Safety for 2011 & 2012 with all proceed from said auctions to be posted to the line item "Fire Bureau Miscellaneous Revenue."

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-262

**TITLE: APPROVAL OF CHANGE ORDER NO. 3 FOR STATION ROAD IMPROVEMENTS, CONTRACT M-6**

**WHEREAS**, Charles Marandino, LLC was previously awarded a contract in the amount of \$119,361.00 for Station Road Improvements, and

**WHEREAS**, Change Orders #1 and #2 increased the contract by a total of \$21,991.80 and originally certified funds in the amount of \$119,361 from Line Item #1-01-56-750-354, and C-04-55-393-301, and

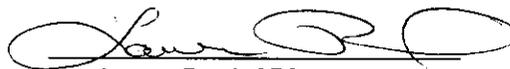
**WHEREAS**, the Engineer has reviewed and approved Changer Order No. 3 attached hereto decreasing the contract by \$13,900.80,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that Change Order No. 3 for Station Road Improvements is approved, completing the project and resulting in a final contract price of \$127,452.00.

**BE IT FURTHER RESOLVED** Change Order #3 completes the project and as such the certification of funds previously listed is being revised to reflect the total cost for the entire project as follows:

DOT-1-01-56-750-354 (102,501.00)

ADA - C-04-55-393-301 (\$24,951.00)



Lauren Read, CFO

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

**CONTRACT CHANGE ORDER**

CHANGE ORDER NO.: 3  
 DATE: September 16, 2011  
 PROJECT DESCRIPTION: Station Road Improvements,  
 Contract No. M-6, Township of Lower, Cape May County, New Jersey

REASON FOR CHANGE ORDER: See Below.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	ADDITIONS	DEDUCTIONS
1	Quantity changes to adjust the original contract quantities to match the as-built contract quantities.	See Attach.	See Attach.	\$1,833.00	\$5,233.00
2	Reduction in Contract due to unused portion of \$20,000 that was added to contract under Change Order No. 2				\$10,135.00
3	Addition of Item No. 15 - Reinforced Concrete Driveway Apron, 8" Thick	59 SY	\$70.00	\$4,130.00	
4	Deletion of Item No. CO1-2 - Reinforced High Early Strength Concrete, 8" Thick	59 SY	\$76.20		\$4,495.80
Sub-Total:				\$5,963.00	\$19,863.80

**Total Change Order No. 3 Value: (\$13,900.80)**

ACCEPTED:

ORIGINAL CONTRACT BID PRICE:

\$119,361.00

CHANGE ORDER NO. 1: + \$1,991.80  
 CHANGE ORDER NO. 2: + \$20,000.00  
 CHANGE ORDER NO. 3: - \$13,900.80

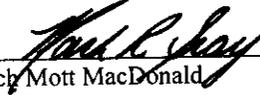
NET CHANGE: \$8,091.00

REVISED CONTRACT PRICE INCLUDING CHANGE ORDER NOS. 1, 2 & 3:

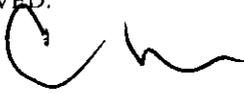
\$127,452.00

 9/20/11  
 Contractor Date

APPROVAL RECOMMENDED:

 9/16/11  
 Hatch Mott MacDonald Date

APPROVED:

 9/27/11  
 Owner Date



**Hatch Mott  
MacDonald**

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

September 22, 2011  
Via email: gdouglasslowertownship@comcast.net & 1<sup>st</sup> Class Mail

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

**RE: Change Order No. 3  
Station Road Improvements, Contract M-6  
Township of Lower, Cape May County  
HMM No. 293297**

Dear Mr. Douglass:

Please find enclosed herewith Change Order No. 3 submitted by Charles Marandino, LLC for the above referenced project.

Incorporated into Change Order No. 3 are the following items:

1. Quantity changes to adjust the original contract quantities to match the as-built contract quantities;
2. Reduction in Contract due to unused portion of \$20,000 that was added to the contract under Change Order No. 2;
3. Addition of Item No. 15 back into the contract (was deleted under Change Order No. 1); and
4. Deletion of Item No. CO1-2 from the contract (was added under Change Order No. 1).

This change order results in a net reduction in the Contract Price of \$13,900.80 and upon execution of this change order the revised Contract Price will be \$127,452.00.

Should you have any questions regarding the above change order or should you require additional information, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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

cc (via Email): Michael Voll, Township Manager  
Claudia Kammer, Township Clerk  
Margaret A. Vitelli, RPPS, QPA, Township Purchasing Agent  
Bernard W. Kirkland, HMM

**STATION ROAD IMPROVEMENTS, CONTRACT M-6**  
**TOWNSHIP OF LOWER, CAPE MAY COUNTY, JEW JERSEY**  
**QUANTITY ADDITIONS AND DELETIONS TO REFLECT AS-BUILT CONDITIONS**

(Attachment to Change Order No. 3)

**ADDITIONS IN WORK**

Item	Description	Estimated Contract		Quantity Completed	Quantity Added	Unit Price	Amount
		Quantity	Unit				
13	Concrete Driveway Apron, 6" Thick	26	SY	59	33	\$ 55.00	\$ 1,815.00
18	Traffic Stripes, Long-Life, Epoxy Resin, 4" Wide	988	LF	1000	12	\$ 1.50	\$ 18.00
<b>Total</b>							<b>\$ 1,833.00</b>

**REDUCTIONS IN WORK**

Item	Description	Estimated Contract		Quantity Completed	Quantity Reduced	Unit Price	Amount
		Quantity	Unit				
2	Soil Aggregate Base Course, Type I-5, Var. Thk.	25	CY	0	25	\$ 40.00	\$ 1,000.00
3	NJDOT 57 Stone, If and Where Directed	25	CY	0	25	\$ 40.00	\$ 1,000.00
6	H.M.A. 9.5M64 Surface Course, 1-1/2" Thick	125	TON	120	5	\$ 80.00	\$ 400.00
7	12" Ductile Iron Pipe, Class 56	52	LF	41	11	\$ 75.00	\$ 825.00
12	Concrete Sidewalk, 4" Thick	431	SY	421	10	\$ 48.00	\$ 480.00
17	8" x 18" Concrete Vertical Curb	1014	LF	994	20	\$ 24.00	\$ 480.00
19	Traffic Markings, Thermoplastic	500	SF	484	16	\$ 3.00	\$ 48.00
24	Asphalt Price Adjustment	1	LS	0	1	\$ 500.00	\$ 500.00
25	Fuel Price Adjustment	1	LS	0	1	\$ 500.00	\$ 500.00
<b>Total</b>							<b>\$ 5,233.00</b>

Extra Work (+) \$ 1,833.00  
 Reduction in Work (-) \$ 5,233.00  
**Total Change \$ (3,400.00)**

09/29/11  
14:46:35

RESOLUTION #2011-263  
Lower Township  
Bill List By Vendor Id

Page No: 1

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

Include Project Line Items: Yes

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

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00028 ACTION SUPPLY*								
	11-02419	08/30/11	PARKING BUMPERS FOR TOWNHALL	Open	517.25	0.00		
00029 MARTIN A. ACKLEY ASSOC., INC.								
	11-02080	07/21/11	CORE TESTING SERVICE STAT. RD	Open	1,600.00	0.00		
00110 ANCO HOME CENTER*								
	11-02180	08/02/11	SUPPLIES FOR RDS/SIGNS/BLDG	Open	593.19	0.00		
00153 ATLANTIC CITY ELECTRIC*								
	11-02661	09/27/11	ELECTRIC	Open	10,000.28	0.00		
00179 AVERY TEITLER*								
	11-01284	05/06/11	BOARD SOLICITOR SALARY	Open	383.33	0.00		
	11-02484	09/08/11	PROF SERVICES - ALTOBELLI	Open	780.00	0.00		
					-----			
					1,163.33			
00189 AUSTINS SPORTS CENTER								
	11-02355	08/22/11	CHEERLEADING UNIFORMS	Open	133.50	0.00		
00206 JOSHUA MARCUS GROUP LLC*								
	11-02485	09/08/11	HATS/BOTTLE KITS/PICTURE BOOKS	Open	3,525.60	0.00		
00257 BAYSHORE LANDSCAPING INC*								
	11-00944	04/12/11	2011 GROUNDS/PARKS MAINT BID	Open	9,290.00	0.00		B
	11-02510	09/12/11	INSTALL IRRIGATION TOWN HALL	Open	8,690.00	0.00		
					-----			
					17,980.00			
00301 BELMONT AND CRYSTAL SPRINGS*								
	11-02583	09/19/11	BOTTLED WATER FOR REC. CENTER	Open	69.66	0.00		
00346 BERGEY'S TRUCK CENTERS*								
	11-02506	09/12/11	PARTS FOR TRASH TRUCKS/DPW	Open	1,033.45	0.00		
00348 BENNETT BATTERIES, LLC*								
	11-02183	08/02/11	PARTS FOR DPS VEHICLES	Open	766.50	0.00		
00356 BEAVER SUPPLY INC*								
	11-02502	09/12/11	REBAR FOR PRK LOT/TWP. HALL	Open	14.38	0.00		
00367 APM BLAST PEST CONTROL*								
	11-02624	09/21/11	REMOVE BEES NEST AT MULLIGAN	Open	165.79	0.00		
00370 BLUE CROSS/BLUE SHIELD OF NJ								
	11-02590	09/21/11	OCTOBER, 2011 MED D	Open	3,208.82	0.00		



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02298	08/12/11	SIGN MATERIALS/DPW	Open	1,196.09	0.00		
01781 HATCH MOTT MACDONALD, LLC*	11-02674	09/27/11	ESCROW BILLING	Open	1,319.00	0.00		
01785 ROBERT HARTMAN SR	11-02172	08/01/11	CONTRACT REIMB 2011	Open	115.40	0.00		B
01797 GROVE SUPPLY INC*	11-02501	09/12/11	PARTS FOR WASHBAY/DPW	Open	2,381.30	0.00		
01803 HORIZON DENTAL OPTION*	11-02589	09/21/11	OCTOBER, 2011 DENTAL	Open	15,411.07	0.00		
01859 HESS CORPORATION	11-02660	09/27/11	ELECTRICITY 8/18/11 - 9/20/11	Open	8,922.35	0.00		
01895 HERMAN FEHRLE & SONS INC*	11-01945	07/07/11	CONCRETE CURB FOR TWP HALL	Open	13,800.00	0.00		
01912 GRUCCIO, PEPPER, DESANTO&RUTH PA	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
02021 JERSEY CAPE DOOR*	11-02345	08/19/11	OVERHEAD GARAGE DOOR/WASHBAY	Open	3,768.00	0.00		
02025 HUNTER JERSEY PETERBILT*	11-02392	08/24/11	PARTS FOR RECYCLING TRUCKS/DPW	Open	1,498.64	0.00		
02108 KEEN COMPRESSED GAS CO*	11-01958	07/08/11	BOTTLED GAS FOR GARAGE/DPW	Open	257.50	0.00		
02200 KOHLER'S AUTO GLASS*	11-02438	09/01/11	POLICE WINSHIELD	Open	285.00	0.00		
02223 LANDSMAN UNIFORMS*	11-02244	08/08/11	UNIFORMS	Open	686.00	0.00		
	11-02414	08/30/11	UNIFORMS	Open	468.50	0.00		
					----- 1,154.50			
02334 LOWER TWP CHAMBER OF COMMERCE	11-02679	09/28/11	OCT 13 INSTALLATION DINNER	Open	300.00	0.00		
02351 LOWER CAPE MAY REGIONAL	11-01281	05/06/11	SCHOOL TAX DUE THE 15TH	Open	1,132,850.77	0.00		
02402 MGL PRINTING SOLUTIONS	11-02154	08/01/11	MINUTE BOOK PAPER	Open	106.00	0.00		
02473 FRANCIS P. MAJANE	11-02646	09/26/11	CONTRACTUAL REIMBURSEMENT	Open	435.54	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02940 MUNICIPAL RECORD SERVICE*	11-02515	09/13/11	COURT FORMS	Open	341.50	0.00		
03001 STATE TOXICOLOGY LABORATORY*	11-02286	08/12/11	APPLICANT TESTING	Open	35.00	0.00		
03026 NJ STATE HEALTH BENEFITS	11-02643	09/26/11	OCTOBER, 2011 HEALTH BENEFITS	Open	222,762.71	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALIT*	11-02569	09/14/11	LEGISLATIVE BULLETIN 2011-2012	Open	28.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*	11-02148	08/01/11	TRAINING	Open	2,000.00	0.00		
	11-02242	08/08/11	TRAINING	Open	500.00	0.00		
					-----			
					2,500.00			
03104 NORTHEAST IND.&MARINE SUPPLY*	11-02454	09/02/11	ALUMINUM FLAT BAR 1X6X12	Open	2,490.99	0.00		
03158 NYSCA*	11-02441	09/01/11	COACHING CERTIFICATION	Open	20.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	11-02153	08/01/11	36X60 3 MIL BLACK TRASH BAGS	Open	1,064.00	0.00		
03305 PEDRONI FUEL*	11-02554	09/14/11	NO LEAD GAS/DPW	Open	84.52	0.00		
03377 JULIE PICARD	11-02651	09/27/11	REIMB MILEAGE - CLASSES	Open	485.98	0.00		
03387 POGUE INC. *	11-02553	09/14/11	EMPLOYMENT TESTING/DPW	Open	100.00	0.00		
03414 WILLIAM PRIOLE	11-02673	09/27/11	CONTRACTUAL REIMBURSEMENT	Open	155.00	0.00		
03427 POLAR BEAR*	11-00756	03/23/11	GAS HOOK UP RECREATION	Open	4,450.00	0.00		
	11-02512	09/13/11	HVAC	Open	289.95	0.00		
					-----			
					4,739.95			
03452 THOMAS QUINN	11-02574	09/19/11	CONTRACTUAL REIMBURSEMENT	Open	495.56	0.00		
03466 R & R SPECIALTIES	11-02684	09/28/11	PLAQUES FOR BAYRUN SPONSORS	Open	57.60	0.00		
03484 LAUREN M. READ	11-02683	09/28/11	TRAVEL REIMBURSEMENT	Open	72.43	0.00		



09/29/11  
14:46:35

Lower Township  
Bill List By Vendor Id

Page No: 6

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02669	09/27/11	SHOE ALLOWANCE FOR 2011/DPW	Open	112.35	0.00		
04320	PREMIER OFFICE SUPPLY*							
	11-02460	09/07/11	PAPER/STAPLER/STAPLES	Open	106.45	0.00		
BAALS	ROBERT & CAROL BAALS							
	11-02658	09/27/11	RETURN UNUSED ESCROW	Open	13.40	0.00		
BOSNA	KAREN MANETTE BOSNA							
	11-02653	09/27/11	INSTRUCTOR - YOGA CLASS	Open	240.00	0.00		
CARROT	CARROT-TOP INDUSTRIES, INC*							
	11-02453	09/02/11	500'UNCUT SPOOL OF HALYARD	Open	222.84	0.00		
CMCHUR	THE CAPE MAY CHURCH, INC							
	11-02676	09/28/11	RETURN UNUSED ESCROW	Open	60.00	0.00		
KOPOU	ATHANASIOS KOPOULOS							
	11-02594	09/21/11	RETURN UNUSED ESCROW	Open	205.00	0.00		
LINDS	KURT LINDSAY							
	11-02616	09/21/11	NYSCA SOCCER MEMBERSHIP	Open	20.00	0.00		
MCCARTY	MICHAEL MCCARTY							
	11-02593	09/21/11	RETURN UNUSED ESCROW	Open	1.25	0.00		
MEMPHIS	MEMPHIS AVE, LLC							
	11-02675	09/28/11	RETURN UNUSED ESCROW	Open	10.37	0.00		
MURRAYC	CAROL MURRAY							
	11-02654	09/27/11	REFUND - FARMERS MARKET	Open	125.00	0.00		
QUIGLEY	WILLIAM QUIGLEY							
	11-02659	09/27/11	RETURN UNUSED ESCROW	Open	30.00	0.00		
SIXSM	LLOYD SIXSMITH*							
	11-02155	08/01/11	OEM DENIM SHIRTS	Open	174.70	0.00		
	11-02678	09/28/11	EMBROIDERED SHIRTS	Open	297.40	0.00		
					472.10			
WALSHR	ROBERT J WALSH							
	11-02685	09/28/11	REF OVERPYMT OF TAX	Open	56.12	0.00		
-----								
Total Purchase Orders:	102	Total P.O. Line Items:	265	Total List Amount:	1,525,508.78	Total Void Amount:		0.00
-----								

**Lower Township  
Bill List  
10/03/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
Verizon	11-02578	Phone Service	45859	9/19/11	\$ 1,249.93
Verizon	11-02629	Phone Service	45912	9/23/11	2,742.89
NJ Div of Motor Veh	11- 02690	Title Transfer	45913	9/29/11	60.00
Total Manual Checks					\$ 4,052.82
Total brought forward from computer generated bill list					\$ 1,525,508.78
TOTAL BILL LIST					<u>\$ 1,529,561.60</u>

I certify the foregoing to be a Resolution adopted by the Township Council on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

**RESOLUTION #2011-264**

**TITLE: APPROVING SEASHORE CHURCH OF NAZARENE'S  
APPLICATION TO CONDUCT A FLEA MARKET**

WHEREAS, Section 359-13 of the Code of Lower Township prohibits outdoor flea markets within the confines of Lower Township except as provided for in Section 359.13b, and

WHEREAS, Section 359-13 of the General Ordinances of the Township of Lower permits non-profit, charitable, civic and religious organizations to conduct four (4) outdoor flea markets within the confines of the Township if approved by the Township Council.

WHEREAS, the Township Council has reviewed the application of Seashore Church of the Nazarene to conduct a flea market on October 8, 2011 at 446 Seashore Road, and

WHEREAS, the Council has determined the applicant meets the ordinance requirements of a non-profit, charitable, civic and/or religious organization.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that approval is hereby granted.

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

**RESOLUTION #2011-265**

**TITLE: A resolution requesting RELEASE of Performance Guarantee for Sea Bay Estates; Block 753.04, Lot 10, Escrow #P04-04-13**

WHEREAS, Mark Platzer & Wayne K. Remster posted a Performance Guarantee with the Township of Lower, in the reduced amount of \$42,991.42; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$42,991.42 have been properly installed and are presently acceptable; and

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

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$17,913.09; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$17,913.09 on account as Maintenance Guarantee.

I hereby certify the foregoing resolution was adopted by the governing body at a meeting held on September 19, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MEMORANDUM

TO: Mayor Michael Beck &  
Council members

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

DATE: September 20, 2011

RE: WKR Construction  
Seashore Road/Seabay Drive  
Block 753.04, Lot 10  
Resolution # 2011-265

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

Pursuant to the above referenced Subsection 400-81E, Resolution # 2011-265 is required to release the Performance Guarantee held in trust by the Township of Lower for Sea Bay Estates, Major Subdivision, Block 753.04, Lot 10. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends release of the retained \$42,991.21.

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

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$17,913.09, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

RESOLUTION #2011-266

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

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

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to additional work for 2011 Delaware Bayshore Outfall Extensions which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

WHEREAS, the Township Council desires to approve the Project Proposal, and

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

  
Lauren Read, CFO

C-04-55-395-910 <sup>#</sup> 02109-12  
Account

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$4,973.00, is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



**Hatch Mott  
MacDonald**

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

September 22, 2011

Via email: [mvoll@townshipoflower.org](mailto:mvoll@townshipoflower.org) & 1<sup>st</sup> Class Mail

Mr. Michael J. Voll, Township Manager  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

**RE: Additional Work  
2011 Delaware Bay Shore Outfall Extensions  
Township of Lower, Cape May County, New Jersey  
HMM No. 291956**

Dear Mr. Voll:

As you are aware Hatch Mott MacDonald (HMM) was authorized by Council to perform surveying, engineering and permitting services for the 2011 Delaware Bay Shore outfall extensions on March 21, 2011 (Township Resolution No. 2011-91) based on our March 2, 2011 proposal.

Under Task 6 of the aforementioned proposal a budget of \$9,500 was established to handle any reimbursable services or direct expenses incurred during the performance of Tasks 1-5 such as meetings, travel, plan and report reproduction and follow-up with the NJDEP and USACE during the permitting process. Included in that budget was preparing the necessary easement plans, legal descriptions and providing support to the Township Solicitor as required to acquire stormwater easements for existing outfalls not located on Township property.

As you are aware subsequent to our authorization from the Township to perform work on the above referenced project, the Township Solicitor requested a stormwater easement from the owner of Block 1, Lot 2 (Stewart and Gail Tweed) for the existing outfall located on their property at the extension of St. John's Avenue. Instead of providing a stormwater easement to the Township Mrs. Tweed asked if the Township was interested in purchasing Block 1, Lot 2 and subdividing it from her single family home lot(s) at Schellinger Ave. The Township asked HMM to prepare the required deed and map, meet with Mrs. Tweed and have the minor subdivision approved by the appropriate agencies under Task 6 of our proposal. To date we have used \$4,973 of our budget on this out of scope and unanticipated work.

As of September 16, 2011 we reached our Task 6 budget of \$9,500 and there is still remaining work to be performed for stormwater easement acquisition and with the permitting agencies (NJDEP, USACE, NJNLT), work that was anticipated and included in the Task 6 budget.



Hatch Mott  
MacDonald

As a result of the out of scope work performed for the Tweed property we request that the Township authorize an additional **\$4,973** (allocated to the Task 6 budget) so HMM can complete the remainder of the work contemplated under Task 6. As indicated in our previous proposal, all work performed under Task 6 will be based on a reimbursable method of compensation for the actual time required and at the actual hourly rates for the individuals employed.

We thank you for your consideration of this request. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

A handwritten signature in black ink, appearing to read "Mark R. Sray".

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

A handwritten signature in black ink, appearing to read "Steven C. Morey".

Steven C. Morey, CEP  
Associate  
T609.465.9377 F 609.465.5270  
steven.morey@hatchmott.com

cc (via Email): Claudia R. Kammer, Township Clerk  
Gary Douglass, Public Works Superintendent  
Robert C. Mainberger, PE, CME, HMM (File: 287118CM10-III-3)

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

RESOLUTION #2011-267

**TITLE: AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, a refund has been requested.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
48	1.02	Robert Walsh	Disabled Veteran	56.12

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

**RESOLUTION #2011-268**

**TITLE: APPROVAL OF PRECIOUS METALS LICENSE FOR ANTHONY NATALE T/A WE BUY GOLD, LLC FOR THE YEAR 2011**

WHEREAS, application has been made for a Precious Metals license by Anthony Natale t/a We Buy Gold, LLC for the year 2011 in accordance with Ordinance #81-2, and

WHEREAS, the applicant has paid the proper fee, posted the required bond and the police have no objection to the issuance of said license,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that Anthony Natale t/a We Buy Gold, LLC for the year 2011 is hereby approved for a Precious Metals License.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-269

**TITLE: RESOLUTION SUPPORTING LOWER TOWNSHIP INDEPENDENCE DAY FESTIVAL AND FIREWORKS FOR 2012 & AUTHORIZING DONATIONS BE PUT INTO A RESERVE ACCOUNT FOR THE EVENT**

WHEREAS, the Township Council feels the annual Independence Day Festival & Fireworks is a family and community event they would like to see preserved, and

WHEREAS, the Township Council would like to continue this annual family and community event without undo burden on the budget and taxpayers, and

WHEREAS, in order to fund this event the Township will need to solicit donations from the community and local businesses prior to the event and in preparation of the 2012 budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the 2012 Independence Day Festival & Fireworks event to be held on Tuesday, July 3, 2012 has the full support of Council and all donations solicited and collected on behalf of the event shall be given to the CFO to be put into a reserve account dedicated to the event.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-270

TITLE: RESOLUTION APPROVING PURCHASE OF ONE 2001 FREIGHTLINER TRACTOR FROM THE CAPE MAY COUNTY MUA

WHEREAS, the Cape May County Municipal Utilities Authority, Resolution #89-11 authorizes the sale of surplus equipment to the Township of Lower, and

WHEREAS, the Township seeks to purchase one (1) 2001 Freightliner Tractor, Serial Number 1FUY3WEB21LH33895 deemed surplus by the Cape May County MUA for the fee of \$9,500.00, and

WHEREAS, the CFO has certified the availability of funds as evidenced by her signature below:

  
\_\_\_\_\_  
Lauren Read, CFO

Ord #07-14 C 04-55-391-250  
Account #

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the purchase of one 2001 Freightliners Tractor, Serial No. 1FUY3WEB21LH33895 from the Cape May County Municipal Utilities Authority is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



# Cape May County Municipal Utilities Authority

P.O. BOX 610  
CAPE MAY COURT HOUSE, NEW JERSEY 08210

RESOLUTION NO. 89-11

DATE: September 21, 2011.

## **RESOLUTION AUTHORIZING SALE OF SURPLUS EQUIPMENT TO THE TOWNSHIP OF LOWER**

WHEREAS, the Cape May County Municipal Utilities Authority ("CMCMUA"/ "Authority") has certain surplus equipment which is no longer needed for public use; and

WHEREAS, it is desirable to dispose of said surplus equipment pursuant to law; and

WHEREAS, the Authority's has declared one (1) 2001 Freightliner Tractor, Serial Number: 1FUY3WEB21LH33895, as surplus equipment; and

WHEREAS, the Township of Lower, located in Villas, New Jersey, has advised the CMCMUA that it has a need for the above referenced surplus equipment currently owned by the Authority; and

WHEREAS, the Township of Lower has offered to purchase said Authority owned property, for a fee of \$9,500.00; and

WHEREAS, in accordance with the provisions of the State of New Jersey's Local Public Contracts Law, N.J.S.A. 40:11-36(2), the CMCMUA is authorized to sell surplus equipment no longer intended for public use without advertising for bids when such sale is to another governmental unit within the United States; and

WHEREAS, the CMCMUA has determined that the sale of the surplus equipment described herein to the Township of Lower is in the best interest of the Authority.

- Continued -

NOW, THEREFORE BE IT RESOLVED by the Cape May County Municipal Utilities

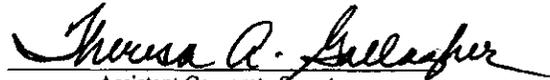
Authority, a body corporate and politic, as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made part hereof.
2. The surplus equipment identified below is to be sold to the Township of Lower, Cape May County, New Jersey, for a price of \$9,500.00, in accordance with the provisions of the Local Public Contracts Law:
  - Unit T-17 - 2001 Freightliner Tractor -  
Serial Number: 1FUY3WEB21LH33895.
3. The Authority's Purchasing Agent and Solid Waste Program Manager are authorized to coordinate the sale of the above listed property to the Township of Lower in a manner consistent with the provisions of this Resolution and N.J.S.A. 40A:11-36(2) of the Local Public Contracts Law.

PASSED: September 21, 2011.

**Certification**

I hereby certify the foregoing to be a true and correct copy of Resolution No. 89-11 adopted by the Cape May County Municipal Utilities Authority at its Regular Meeting on the 21st day of September 2011.

  
Assistant Corporate Secretary

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

RESOLUTION #2011-271

TITLE: APPOINTMENT TO THE PLANNING BOARD

WHEREAS, there exists a vacancy on the Planning Board, and

WHEREAS, Council has reviewed the applications on file.

NOW, THEREFORE, BE IT RESOLVED the following individuals are hereby appointed.

<u>Name</u>	<u>Type</u>	<u>Term Exp.</u>
	Regular Member (Formerly R. Imler)	June 30, 2015

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

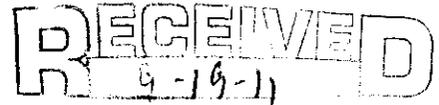
FOR TOWNSHIP USE ONLY

Res. # \_\_\_\_\_

Board/Comm./Auth. \_\_\_\_\_

Term Exp. \_\_\_\_\_

Replaced \_\_\_\_\_ or Reappointed



TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

NAME JOHN S. LOUDERBACK

CITY AND STATE CAPE MAY (TRANQUILITY), N.J.  
PARK

YEARS OF RESIDENCY IN TOWNSHIP 33 OCCUPATION BUSINESS OWNER

Please number in order of preference which ones you wish to be considered for.

\_\_\_\_ Citizen Advisory Board

1 Planning Board

\_\_\_\_ Environmental Commission

\_\_\_\_ Recreation Advisory Board

\_\_\_\_ Municipal Utilities Authority

\_\_\_\_ Zoning Board of Adjustment

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

AS AN EMPLOYEE OF ATLANTIC COUNTY DEPT OF PLANNING, I HAVE ALMOST  
10 YEARS EXPERIENCE IN CIVIL DRAFTING & DESIGN. WHILE WORKING  
MOSTLY ON ROAD RECONSTRUCTION PROJECTS, I DEVELOPED A KEEN  
INTEREST IN THE DEVELOPMENT <sup>OF</sup> PROJECTS AND THEIR IMPACT ON THEIR  
SURROUNDING COMMUNITIES.

Date: 9/19/11 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

**Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251**

**\*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE**

Address of Residence 316 PORTSMOUTH RD. Email GAISS1@COMCAST-NEW

Primary Phone Number 609-425-7735(L) Work Phone Number 609-886-5121(W)  
609-898-9802(H)

\*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

FOR TOWNSHIP USE ONLY

Res. # \_\_\_\_\_ Board/Comm./Auth. \_\_\_\_\_

Term Exp. \_\_\_\_\_ Replaced \_\_\_\_\_ or Reappointed

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

RECEIVED  
5/25/11

NAME John M LINDY

CITY AND STATE 319 Suzanne Ave Cape May NJ 08204

YEARS OF RESIDENCY IN TOWNSHIP 52yr OCCUPATION landscape Contractor owner/operator

Please number in order of preference which ones you wish to be considered for.

- |  |  |
|--|--|
| <input type="checkbox"/> Cable Television Advisory Board   | <input type="checkbox"/> Municipal Utilities Authority         |
| <input type="checkbox"/> Environmental Commission          | <input checked="" type="checkbox"/> Planning Board             |
| <input type="checkbox"/> Historic Preservation Commission  | <input type="checkbox"/> Recreation Advisory Board             |
| <input checked="" type="checkbox"/> Citizen Advisory Board | <input checked="" type="checkbox"/> Zoning Board of Adjustment |

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

High School Grad. Business Degree.

Church Member

own and operate my own Business for 24 years

Employment of 12 Employees

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: 5/16 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

**Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251**

<b>*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE</b>	
Address of Residence _____	Email _____
Primary Phone Number _____	Work Phone Number _____

\*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

FOR TOWNSHIP USE ONLY

Res. # \_\_\_\_\_

Board/Comm./Auth. \_\_\_\_\_

Ward 3

Term Exp. \_\_\_\_\_

Replaced \_\_\_\_\_ or Reappointed

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

RECEIVED  
5-10-11

NAME GEORGE DOHERTY

CITY AND STATE LRMA N.J. 552 SEASHORE RD ERMA NJ 08204

YEARS OF RESIDENCY IN TOWNSHIP 13 OCCUPATION MAINTENANCE

Please number in order of preference which ones you wish to be considered for.

- Cable Television Advisory Board
- Environmental Commission
- Historic Preservation Commission
- Citizen Advisory Board

- 2 Municipal Utilities Authority
- 4 Planning Board
- Recreation Advisory Board
- 3 Zoning Board of Adjustment

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

I AM JUST BASICLY INTERESTED IN HELPING LOWER TWP BECOME A MORE DESIREABLE PLACE TO LIVE. I HAVE WATCHED PEOPLE LEAVE OUR TOWNSHIP FOR VARIOUS REASONS AND I FEEL WE COULD REVERSE THIS TREND WITH SOME SIMPLE CHANGES

Date: 5-10-11 Signature: George Doherty (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251

\*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

Address of Residence \_\_\_\_\_ Email \_\_\_\_\_

Primary Phone Number \_\_\_\_\_ Work Phone Number \_\_\_\_\_

\*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

FOR TOWNSHIP USE ONLY

Res. # \_\_\_\_\_

Board/Comm./Auth. \_\_\_\_\_

RECEIVED  
R 5/5/11

Term Exp. \_\_\_\_\_

Replaced \_\_\_\_\_ or Reappointed

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

NAME Robert C. Crompton Jr

CITY AND STATE VILLAS N.J.

YEARS OF RESIDENCY IN TOWNSHIP 14 OCCUPATION MAINT. TRAM CAR

Please number in order of preference which ones you wish to be considered for.

- Cable Television Advisory Board
- Environmental Commission
- Historic Preservation Commission
- Mayor' Advisory Board

- Municipal Utilities Authority
- Planning Board
- Recreation Advisory Board
- Zoning Board of Adjustment

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

PLANNING BOARD ReApplying

Date: 5-6-11 Signature: Robert C. Crompton Jr (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

**Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251**

**\*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE**

Address of Residence 160 W. New Jersey Ave Email \_\_\_\_\_

Primary Phone Number 425-1029 Work Phone Number \_\_\_\_\_

\*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

1<sup>st</sup> rdg 7-7-11  
3<sup>rd</sup> rdg 10-3-11

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

ORDINANCE #2011-17

AN ORDINANCE AMENDING CHAPTER 230 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER 2004

(Expanding the prohibition of offensive products of combustion or fumes and allowing for enforcement by Township officials)

Section 1. Section 230-8 of the Revised General Ordinances of the Township of Lower is hereby amended as follows:

No person shall cause or permit to be emitted smoke, fumes, gases or other substances of a nature, or of such quantity as to be injurious to life or health or property of such a nature or of such quantity as to be offensive, obnoxious or nauseating to any member of the public or Township official.

No person operating an Outdoor Woodburning Boiler (also known as OWBs, Outdoor Furnaces, Outdoor Wood Heaters, or Outdoor Wood-Fired Hydronic Heaters) shall allow smoke or other products of combustion to escape from the unit in such a manner as to be offensive, obnoxious, injurious to any person or to create a nuisance of any duration that negatively impacts any property by the infiltration of such property or any structure thereupon by smoke or other products of combustion.

This section may be enforced by the issuance of a complaint-summons as attested to by a private citizen in accordance with the Rules of Court and/or the policies of the Administrative Office of the Courts or by any appropriate Township Official after personal observation of the offensive condition. This section does not limit or relieve any operator of any Outdoor Woodburning Boiler (also known as OWBs, Outdoor Furnaces, Outdoor Wood Heaters, or Outdoor Wood-Fired Hydronic Heaters) from the obligation to comply with all laws and regulations applicable to such units, including, but not limited to, the Uniform Fire Code, the Uniform Construction Code and regulations of the State of New Jersey applicable to such units. Any person operating such a unit in violation of any of the above, shall be deemed in violation of this Ordinance and any penalties assessed hereunder shall be in addition to and supplementary of any other penalties assessed by any other governmental agency.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

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

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

\_\_\_\_\_  
Erik Simonsen, Councilmember

\_\_\_\_\_  
Glenn Douglass, Councilmember

\_\_\_\_\_  
Kevin Lare, Councilmember

\_\_\_\_\_  
Michael E. Beck, Mayor

Attest: \_\_\_\_\_  
Claudia R. Kammer, Township Clerk

Adopted: \_\_\_\_\_, 2011

# MEMORANDUM

**To:** Claudia R. Kammer, Clerk  
**From:** Michael Beck, Mayor *MB*  
**Date:** September 21, 2011  
**Subject:** Environmental Commission

Please be advised that I am appointing Robert Rizzo to the Environmental Commission for a three year term. This will fill the Regular Member position previously held by Jaqueline Bell.

Please make the necessary notifications.

Thank you.

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

RESOLUTION # 2011-272

**TITLE: A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.”**

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

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

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

- \_\_\_\_\_ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- \_\_\_\_\_ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- \_\_\_\_\_ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- X   (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- \_\_\_\_\_ (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- \_\_\_\_\_ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- X   (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. (Recreation Roof Contractor)

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on October 3, 2011 that an Executive Session closed to the public shall be held on this date at approximately \_\_\_\_\_ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on October 3, 2011.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk