

## WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

MAY 21, 2012 - 7:00 P.M.

**REMINDER - BEGINNING IN JUNE COUNCIL MEETINGS BEGIN AT 6 P.M.**

### **Meeting called to order.**

Opening Announcement  
Pledge of Allegiance & Moment of Silence  
Roll Call & Determination of Quorum  
Proclamation - Click It or Ticket  
Recognition of New CERT members  
Certificate of Recognition - Erin Walsh, Watershed Ambassador

### **Work Session**

Review of Consent & Regular Agenda Items

### **Consent Agenda**

Approval of Minutes May 3, 2012, May 7, 2012  
Res. #2012-116 Award of One (1) 2012 Ford Escape 4wd Xlt 6 Cylinder Steel Blue in Color with Sync Voice Advanced System (Original resolution removed at May 7, 2012 mtg.)  
Res. #2012-126 Payment of Vouchers, \$85,800.94  
Res. #2012-127 Drive Sober or Get Pulled Over Statewide Crackdown Grant (Res. approving submission of grant application and authorizing acceptance if received. Grant amount \$4400.00)  
Res. #2012-128 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Communities, \$59,083.07)  
Res. #2012-129 A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan; Block 512.14, Lot 29, Escrow #P09-04-02 (Work done)  
Res. #2012-130 Authorization Aart's Transportation, Inc. To Transfer Taxi License (changing vehicles)  
Res. #2012-131 Authorization for Refund of Taxes (3 properties)  
Res. #2012-132 Authorization for Villas Fishing Club Ladies Auxiliary to Conduct an Outdoor Flea Market on June 23, 2012  
Res. #2012-133 Approval for Pyrotecnico Fireworks to Load and Unload a Fireworks Barge in Lower Township (annual approval for Lower Township, Congress Hall, Avalon and Ocean City fireworks events in 2012)  
Res.#2012-134 Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Remedial Investigation of Underground Storage Tanks Removed in 1994 and 1995 (\$18,500)  
Ord. #2012-14 An Ordinance Amending the Code of the Township of Lower, Chapter 529, Secondhand Merchants and Dealers of Precious Metals, 1st rdg. (2nd rdg. & public hearing, June 4th)

### **Regular Agenda**

Res. #2102-135 Authorizing the Payment of Vouchers, \$6490.63 (per contract)  
Ord. #2012-11 An Ordinance Amending Chapter 400 of the Revised General Ordinance of the Township of Lower 2012, 1<sup>st</sup> rdg. (Establishing Guidelines for Beekeeping) 2<sup>nd</sup> rdg.  
Ord. #2012-12 An Ordinance Amending Chapter 90, of the Code of the Township, Entitled "Police Department", 1<sup>st</sup> rdg. (Increases fee Twp requires for use of off duty police for private work from \$45 per hour to \$60 per hour) 2<sup>nd</sup> rdg.  
Ord. #2012-13 An Ordinance Amending Chapter 400 of the Code of the Township of Lower, 1<sup>st</sup> rdg. (Adding permitted uses within airport hazard zone to include outdoor flea markets) 2<sup>nd</sup> rdg.

OVER

### Administrative Reports

Personnel Action Report

April Reports

Animal Control, Dog Licensing, Engineer, Municipal Clerk, Municipal Court, Police, Tax Collector,  
Vital Statistics

### Council Comments

### Call to the Public

### Closed Session

Res. #2012-136

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."

### Return to Open Session

Res. #2012-137

A Resolution to Ratify the Memorandum of Understanding Between Lower Township and the Lower Township Supervisors Union (possible)

### Adjournment

## **PUBLIC INFORMATION**

CHANGE IN JUNE - SEPTEMBER COUNCIL MEETING BEGIN AT 6 P.M.

JUNE 2, 2012 - 9 A.M. TO NOON - SHREDDING DAY FOR LOWER TOWNSHIP RESIDENTS AND BUSINESSES.  
Township Hall front parking lot

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

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

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

**SPECIAL Meeting Minutes - May 3, 2012**

The special meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 3, 2012 at 4:30 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 Walt Craig
- Councilmember Glenn Douglass
- Deputy Mayor Kevin Lare
- Mayor Michael Beck

Also present: Bill Blaney, Labor Attorney, Michael Voll, Manager and Asst. Clerk Picard

Res. #2012-112 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 (Collective Bargaining Agreements: Supervisors Union, Superior Officers Assoc & Teamsters)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG			X			
DOUGLASS		X	X			
LARE			X			
BECK			X			

**Return To Open Session** - Council reconvened at 4:36

Res. #2012-113 A Resolution To Ratify The Memorandum of Understanding Between Lower Township and the Lower Township Superiors Officers Association

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS			X			
LARE			X			
BECK			X			

**SPECIAL Meeting Minutes - May 3, 2012**

There being no further business, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Craig. Motion to adjourn unanimous by verbal "ayes". Meeting adjourned at 5:03p.m.

\_\_\_\_\_  
Mayor

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

Approved:

## Regular & Work Session Meeting Minutes - May 7, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 7, 2012 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Assistant 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 Assistant Clerk:

Councilmember Thomas Conrad  
Councilmember Walt Craig  
Councilmember Glenn Douglass  
Deputy Mayor Kevin Lare  
Mayor Michael Beck

Also present: Township Solicitor Michael Donohue and Municipal Clerk Claudia Kammer

Proclamation - Jeans for Troops - May 24, 2012

Mayor Beck read a proclamation proclaiming May 24, 2012 as "Jeans For Troops" day in Lower Township. An employee can donate \$5.00 and be able to wear jeans to work on that day. All proceeds go towards the G.I. Go Fund which assists veterans with identifying and providing a clear path for obtaining all available Federal, State and Local benefits.

### **Work Session**

Will Morey, World Aerobatic Championship proposal

Freeholder Will Morey addressed Council and requested Council's support on hosting the World Aerobatic Championship at the Cape May County Airport located in Lower Township. Mr. Morey stated that as of three (3) weeks ago, the contest was headed to Nevada. This is a contest where the worlds best pilots compete. The United States sees this contest once every ten (10) years and he was contacted to see if the County would be interested in sponsoring the event. The Delaware River and Bay Authority has been doing a lot of work at the airport recently and Mr. Morey stated he believes the contest could be promoted and add a lot of prestige to Lower Township. Mr. Morey is asking for Lower Township Council to officially support the event. He stated that the event has the County, Delaware River and Bay Authority (DRBA) Cape May County and Township Chamber of Commerce's support. Mr. Morey stated that the president of the committee came down on Friday to view the area and was very impressed with what he saw. Mr. Morey explained that the competition is about 12 minutes long during which time a pilot must locate and perform within a 1000 meter cube. The event is scheduled for October 9<sup>th</sup> thru 21<sup>st</sup>, 2013 which will have 60 aircrafts representing 10 to 15 countries. Mr. Morey stated the last weekend of the event proves to be a great opportunity for the public to view the free style competitions. Mr. Morey expressed what a great opportunity this would be to shed a good light on the community and the region and would like to promote the event over the next 15 months. Mr. Morey stated clearly, there would be noise, but it would be manageable. In addition, the U.S. Team would come 3 or 4 times for a day to practice on the field. Mr. Morey stated that currently we are in competition with Texas to host the event.

## Regular & Work Session Meeting Minutes - May 7, 2012

Councilmember Conrad stated there would be a lot of Europeans in the competition, and their planes would be quieter. The competition would be from 9am to 4 pm and this contest would consist of a lot less pilots than the Acroblast competition. He stated this event would be a wonderful opportunity for the area and could bring positive attention to Lower Township.

Councilmember Craig stated the Acroblast competitions have been very successful and believes hosting this event will draw attention to the airport and believes it is a great idea.

Mr. Morey stated he has had great conversations with the DRBA and they have been very responsive. He also stated that there would be some road closures during the contest which would impact Fulling Mill Road, but only for 5 minutes or so at a time during the competition. Councilmember Conrad stated that no acrobatic flying would be done over any residential areas.

Councilmember Douglass stated he believes this would be an outstanding event for the region and stated he had attended the Acroblast in the past. He agreed this would be a great opportunity for the Chamber as well.

Deputy Mayor Lare reiterated that this is a great opportunity for Lower Township and we should support the effort to have the event here and requested that the Chief of Police and fire personnel be included in the event planning as it gets closer.

Mayor Beck stated that closing a portion of Fulling Mill Road may require the County's approval as it is a county road and also, part of the road is in Middle Township. The Mayor emphasized that although it will be a minor inconvenience, the plus is so great. Mayor Beck stated that this Council is on board and thanked Mr. Morey.

### Recommendations to change certain provisions of Chapter 529, Secondhand Merchants & Dealers of Precious Metals.

Mayor Beck stated there are a lot of proposed changes and suggested meeting with the Solicitor Donohue, Chief Marker and another Councilmember to go over all the changes and bring it back to Council. Councilmember Conrad suggested Councilmember Craig meet with them. Mayor Beck stated the Township is starting to see a lot of gold dealers pop up and the Ordinance needs to be reviewed. Council agreed to a meeting with the above mentioned participants prior to the Ordinance coming before Council.

### Review of Consent & Regular Agenda Items

#### **Consent Agenda**

Approval of Minutes  
Membership Applic.

April 16, 2012

NJ State Fireman's Association - Michael Raspa & Ryan Toler for Erma Volunteer Fire Co.

Res. #2012-114

Appointing Contact Persons for the Employment Practices Liability Helpline at Atlantic County Municipal Joint Insurance Fund (Annual resolution)

Regular & Work Session Meeting Minutes - May 7, 2012

- Res. #2012-115 A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan; Block 512.14, Lo5 14, Escrow #P01-09-04 (Revegetation & restoration completed)
- Res. #2012-117 A Resolution Approving the Release Dumpster Bond Giordano's (Release of bond for various dumpsters temporarily placed in the Township)
- Res. #2012-118 A Resolution Requesting Release of Maintenance Guarantee for Bayview Properties, LLC; Block 496.01, Lots 1.01, 1.02, 1.03, 1.04 & 1.05; Escrow #P04-02-13 (Final inspections done & work completed)
- Res. #2012-119 Authorization for Refund of Taxes (1 property - overpayment)
- Res. #2012-120 Approval of 2012 Rotary Towing License for Blakeslee Towing & Recovery Inc. DBA Court House Towing (New license)
- Res. #2012-121 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Click It or Ticket - \$4,000)
- Res. #2012-122 Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2012 (May 17 & Oct. 6)
- Res. #2012-123 Municipal Enlistment in the Military Initiative (Supporting the Employment Initiative Program of the N.J. Employer Support Guard & Reserves)
- Res. #2012-124 Authorization for Waiver of Fees for Calvary Chapel Cape May (Waiving permissible fees for application to development board for site plan etc. in relocation to their new property at 596 Seashore Road)
- Res. #2012-125 Payment of Vouchers, \$4,389,647.97
- Ord. #2012-11 An Ordinance Amending Chapter 400 of the Revised General Ordinance of the Township of Lower 2012, 1<sup>st</sup> rdg. (Establishing Guidelines for Beekeeping) 2<sup>nd</sup> rdg. May 21
- Ord. #2012-12 An Ordinance Amending Chapter 90, of the Code of the Township, Entitled "Police Department", 1<sup>st</sup> rdg. (Increases fee Twp requires for use of off duty police for private work from \$45 per hour to \$60 per hour) 2<sup>nd</sup> rdg. May 21
- Ord. #2012-13 An Ordinance Amending Chapter 400 of the Code of the Township of Lower, 1<sup>st</sup> rdg. (Adding permitted uses within airport hazard zone to include outdoor flea markets) 2<sup>nd</sup> rdg.

Assistant Clerk Picard read the consent agenda and stated the second reading and public hearing for Ordinance #2012-11,12 and 13 would be on May 21, 2012. Motion to approve consent agenda moved by Councilmember Douglass, seconded by Councilmember Conrad.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Regular & Work Session Meeting Minutes - May 7, 2012

**Regular Agenda**

Ord. #2012-06 An Ordinance Amending Chapter 157, Alcoholic Beverages, of the Code of the Township of Lower, 2<sup>nd</sup> rdg. (Establishes guidelines and regulations for underage consumption of alcohol on private property)

The assistant clerk stated this is the second reading and public hearing for Ordinance #2012-06.

Council Comments - none

Public Comment - Kim Mounce, Cape Assist, addressed Council and stated alcohol is the number one drug in Cape May County. The average age of usage starts at 11. Studies have proven that if a child starts drinking before age 15, they are at greater risk of having problems later in life. She stated that a child's brain is not fully developed until the age of 25 and the brain develops from the back to front so drinking will interfere with normal development. This can be used as a deterrent to children and enables them to think about the consequences of underage drinking. Mayor Beck stated that Cape Assist has been a driving force behind this Ordinance and thanked them. Kim Mounce gave an explanation of a law that was passed in March of 2009 giving underage children who have been the drinking the ability to call 911 for help without being prosecuted. You must be the person who calls for help, you must stay with the individual who is intoxicated and then you will not have a permanent mark on your record, even though you may still get in trouble with your parents.

Motion to adopt moved by Councilmember Douglass, seconded by Councilmember Craig.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
CRAIG		X	X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Ord. #2012-07 An Ordinance Repealing Ordinance #2012-02, entitled An Ordinance Amending Chapter 400 of the Revised General Ordinances of the Township of Lower, 2004 (Repealing the ordinance that banned all new outdoor wood burning furnaces), 2<sup>nd</sup> rdg.

The Assistant Clerk stated this is the second reading and public hearing for Ordinance #2012-07

Council Comments - none

Public Comment - John Flemming, 8 North Andrielle addressed Council and stated the people in his area spearheaded the Ordinance to ban the boilers, then a petition was brought to Council that got Council to reconsider the issue and now this Ordinance repeals the ban Ordinance. Mr. Flemming requested that Council not pass this Ordinance until the Planning Board comes up with some regulations. He stated he believes the residents in that area should be given consideration for all their work in bringing up this Ordinance.

Motion to adopt Ordinance #2012-07 moved by Deputy Mayor Lare, seconded by Councilmember Conrad.

Regular & Work Session Meeting Minutes - May 7, 2012

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
CRAIG		X	X			
DOUGLASS			X			
LARE	X		X			
BECK			X			

Ord. #2012-08 Ordinance of the Township of Lower, in the County of Cape May, New Jersey \$63,000 for the Acquisition of Various Vehicles to Be Funded by the Capital Appropriating Surplus Fund, (4 vehicles w/higher MPG's) 2<sup>nd</sup> rdg.

The Assistant Clerk stated this is the second reading and public hearing for Ordinance #2012-08

Council Comment - None

Public Comments - None

Motion to adopt Ordinance #2012-08 moved by Councilmember Conrad, seconded by Councilmember Douglass.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

Ord. #2012-09 Ordinance Re-Appointing \$45,000 of the Proceeds of Obligation Not Needed for Their Original Purposes in Order to Provide for the Acquisition of Various Equipment In and By the Township of Lower, In The County of Cape May, New Jersey, (Funds not needed for original purpose being used for recreation equipment) 2<sup>nd</sup> rdg

The Assistant Clerk announced this is the second reading and public hearing for Ordinance #2012-09

Council Comment - None

Public Comment - Colleen Hughes questioned if part of the re-appropriation was to fund Project Lifesaver. Mayor Beck replied it had already been paid.

Motion to adopt Ordinance 2012-09 moved by Councilmember Conrad, seconded by Councilmember Craig.

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	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS			X			
LARE			X			
BECK			X			

Ord. #2012-10 Bond Ordinance Providing for Various Capital Improvements of the Township of Lower, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$905,000 Therefor and Authorizing the Issuance of \$830,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof,(Various capital improvements for Court, Police, Public Works and Recreation) 2<sup>nd</sup> rdg.

The Assistant Clerk stated this is the second reading and public hearing for Ordinance #2012-10.

Council Comment - None

Public Comment - None

Motion to adopt Ordinance #2012-10 moved by Councilmember Craig, seconded by Councilmember Douglass.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
CRAIG	X		X			
DOUGLASS		X	X			
LARE			X			
BECK			X			

**Administrative Reports**

Personnel Action Report

March Report                      Animal Control

**Council Comments**

Councilmember Conrad stated he believes a lot of people will be happy with what is happening in the Township and the things this Council is passing.

## Regular & Work Session Meeting Minutes - May 7, 2012

Councilmember Craig concurred with Councilmember Conrad regarding the bond issuance and added it is spring time spoke on the programs Lower currently has running, little league, t-ball, lacrosse, and how residents should come out and enjoy and cheer on our teams.

Councilmember Douglass stated how over the last 4 or 5 weekends, he has seen so many people surf fishing on the bay - and catching some nice fish - and how the Dave Douglass Park has been so packed you can't even park.

Deputy Mayor Lare stated how worthwhile the underage drinking Ordinance will be for Lower and stated that for 6 years he was the administrator of the grant through the County - "We Check For 21" program which was aimed to curb the underage drinking epidemic in the county. Deputy Mayor Lare emphasized that parental responsibility is first and foremost but this Ordinance is a piece of the puzzle. Deputy Mayor Lare stated that tons of good things are happening in Lower Township Recreation and a large part of it is coming through Jim Ridgeway and Mitch Plenn. Deputy Mayor Lare stated that on April 27<sup>th</sup>, the Lower Girls Lacrosse team swept the season series against Middle Township. The event was great, both the boys and girls played the same night and the youth teams played in between the games. In our Township, there are over 700 children involved in soccer, baseball, soft ball and lacrosse, which is amazing since the programs are run by volunteers. Deputy Mayor Lare stated that this Council spent a lot of money tonight and some of the purchases which will be bought from the funds include: vehicles for police dept/radar devices/recording devices/copies/fax machines/portable 2-way radios. For Dept of Public Works a heating/air conditioning unit/traffic sign materials/dump truck/refuse truck/computer equipment. For Recreation resurfacing the basketball courts at Mitnick Park and work at the Millman Center.

Mayor Beck congratulated Deputy Mayor Lare for his daughters accomplishments of her 100<sup>th</sup> goal. The Mayor made the following announcements:

Saturday, May 9<sup>th</sup>, South Jersey Gas will be at the Hall to help homeowners switch to gas.

Starting in June, Township meetings will begin at 6:00.

Code Enforcement will be out on the weekends throughout the season.

Saturday, May 19<sup>th</sup>, Lower Township Community Day at the Lower Township Rec Center - 12-3pm. It is a free event and a lot of fun. Music, hot dogs, free t-shirts, pony rides, bike rodeo, bike auction, police/fire representation.

Shredding Day - June 2<sup>nd</sup>, Town-hall 9am-12 noon

Cape May County Municipal Utilities Authority - Hazardous waste collection day - Saturday, May 12<sup>th</sup> at the transfer station 8 a.m. - 11 a.m.

### **Call to the Public**

Tom Frisoli addressed Council and stated this Sunday is Mother's Day and is important to a lot of mothers. This Saturday is the Lower Cape May Regional Prom at the Cape May County Convention Center and the after prom at the high school from 11 p.m. to 6 a.m. Most of the volunteers who will be attending will be mothers. It is an honor that these mothers think enough of our children to keep them out of trouble like this.

Ed Butler addressed Council and spoke of the robbery at his house in January and within two weeks, the Lower Township Police found the perpetrators and he got some of his jewelry back. Mr Butler thanked Chief Brian Marker and the police officers and detectives for doing such a great job and also stated some of his jewelry was found in Atlantic City.

Jim Neville addressed Council and stated on May 31, Lower Cape May Regional High School will be hosting their

Regular & Work Session Meeting Minutes - May 7, 2012

Fine Arts Show. All the work is done by the students and is an amazing show and invited all to attend and support the students.

David Shank, pastor of Calvary Chapel addressed and thanked them for waiving the fees.

Fred Long addressed Council and stated he could not be at the last Council Meeting regarding the Neiman property and stated a trust fund was set up in 1989 for open space and farmland and the accent was to preserve farmland and informed Council that 70% of the property is already reserved.

Colleen Hughes addressed Council and thanked Deputy Mayor Lare for getting a "potty" for the Cape Storm rugby team and invited all to go and watch a game.

**Adjournment**

There being no further business, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Craig. Meeting adjourned at 7:59 p.m by verbal "ayes".

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Mayor

Township Clerk

Approved:



May 17, 2012  
01:55 PM

Lower Township  
Bill List By Vendor Id

Page No: 2

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE							
	12-00784	03/22/12	LIFEGUARD ADVERTISEMENT	Open	20.00	0.00		
	12-01198	05/10/12	LEGAL NOTICES	Open	<u>16.74</u>	0.00		
					36.74			
00820	COMCAST OF WILDWOOD* DPW							
	12-01156	05/03/12	INTERNET PROVIDER/DPW	Open	95.18	0.00		
00825	COMCAST*							
	12-01248	05/16/12	MONTHLY INTERNET ACCESS MILLMA	Open	67.07	0.00		
01083	COMTEC SYSTEMS INC*							
	12-01178	05/04/12	ANNUAL RENEWAL	Open	2,145.00	0.00		
01139	CORELOGIC							
	12-01252	05/16/12	REFUND PROPERTY TAX	Open	1,897.46	0.00		
01170	VERIZON WIRELESS* F/S							
	12-01189	05/07/12	CELL SERVICE- FIRE- 3/27-4/26	Open	68.55	0.00		
01171	VERIZON WIRELESS - TOWNHALL							
	12-01196	05/07/12	CELL PHONE 04/29/12-05/28/12	Open	113.37	0.00		
01219	CONTRACTOR SERVICE*							
	12-00810	03/22/12	AUGER BITS FOR RDS/DPW	Open	686.70	0.00		
01220	DRAEGER SAFETY DIAGNOSTICS*							
	12-00557	02/24/12	ANNUAL CERT	Open	142.00	0.00		
01245	G & K SERVICES CO*							
	12-01212	05/10/12	UNIFORM RENTALS/DPW	Open	730.64	0.00		
01437	ERCO CEILINGS*							
	12-00969	04/11/12	CEILING TILES FOR POOL BLDG.	Open	169.34	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	12-01219	05/14/12	INSTALL NEW OUTLETS IN GAME RM	Open	150.00	0.00		
01577	MIKE FLINN**							
	12-01249	05/16/12	INSTRUCTOR FOR JUDO CLASSES	Open	910.00	0.00		
01598	DEARBORN NATIONAL							
	12-01259	05/16/12	APRIL LIFE INSURANCE	Open	486.90	0.00		
01685	W W GRAINGER, INC.*							
	12-01090	04/25/12	SMOKE DETECTOR TESTERS	Open	101.28	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	12-01182	05/07/12	PROFESSIONAL ENGINEERING	Open	138.00	0.00		
	12-01183	05/07/12	PROFESSIONAL ENGINEERING	Open	<u>376.65</u>	0.00		
					514.65			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01806 ANTHONY J HARVATT, II, ESQ								
	12-00985	04/17/12	BOARD SOLICITOR SALARY	Open	466.66	0.00		
	12-01186	05/07/12	RESOLUTIONS	Open	<u>300.00</u>	0.00		
					766.66			
02016 JERSEY ARCH DOOR & SUPPLY INC*								
	12-00879	04/03/12	DOOR CLOSURES FOR POOL	Open	370.00	0.00		
02108 KEEN COMPRESSED GAS CO*								
	12-00610	03/02/12	BOTTLED GAS FOR GARAGE/DPW	Open	829.23	0.00		
02125 KDI*								
	12-01195	05/07/12	COPIER OVERAGE 02/01/12-04/30/	Open	701.26	0.00		
02136 TED KINGSTON INC*								
	12-01140	05/02/12	PART FOR POLICE VEH/DPS	Open	146.93	0.00		
	12-01192	05/07/12	REPEATER / RADIO TOWER	Open	300.00	0.00		
	12-01193	05/07/12	OUTFITTING NEW VEHICLES	Open	<u>639.39</u>	0.00		
					1,086.32			
02140 KINDLE FORD LINC/MERC., INC.*								
	12-01142	05/02/12	PARTS FOR DPS VEHICLES	Open	1,089.53	0.00		
02223 LANDSMAN UNIFORMS*								
	12-00479	02/16/12	UNIFORMS	Open	1,181.00	0.00		
	12-00693	03/09/12	UNIFORMS	Open	1,649.50	0.00		
	12-00776	03/21/12	UNIFORMS	Open	87.00	0.00		
	12-00941	04/09/12	UNIFORMS	Open	<u>987.00</u>	0.00		
					3,904.50			
02229 CHRISTIAN J. LAMBERT								
	12-01271	05/16/12	TRAINING MEALS	Open	26.92	0.00		
02541 ROBERT D. MARTIN, JR								
	12-01181	05/07/12	MEDICAL CLAIMS	Open	38.00	0.00		
02585 WILLIAM MASTRIANA								
	12-01273	05/16/12	TRAINING MEALS	Open	51.07	0.00		
02609 ANDREW MCGRAW JR								
	12-01180	05/04/12	SHOE ALLOWANCE FOR 2012/DPW	Open	89.99	0.00		
03001 STATE TOXICOLOGY LABORATORY*								
	12-00883	04/03/12	APPLICANT TESTING	Open	90.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*								
	12-01084	04/25/12	TRAINING	Open	120.00	0.00		
03158 NYSCA*								
	12-00882	04/03/12	COACHING CERTIFICATIONS	Open	100.00	0.00		
03160 OFFICE BASICS, INC*								
	12-01136	05/02/12	OFFICE SUPPLIES/DPW	Open	49.99	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03279 PARDO'S TRUCK PARTS WHSE*	12-01030	04/19/12	PARTS FOR RDS/SANT/RECY/DPW	Open	977.16	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	12-01048	04/20/12	30 L-46 36X60 3 mil BLACK *50/	Open	807.00	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*	12-01088	04/25/12	INTERPRETER	Open	199.05	0.00		
03305 PEDRONI FUEL*	12-01139	05/02/12	NO LEAD GAS/DPW	Open	1,328.62	0.00		
03330 PENNANT SPORTS, INC*	12-01049	04/20/12	FIRST AID KITS	Open	189.50	0.00		
03366 AMERI-GAS*	12-01075	04/25/12	PROPANE @ BENNETT'S	Open	168.18	0.00		
03370 PHYSIO CONTROL CORPORATION	12-00940	04/09/12	PARTOL OP	Open	528.00	0.00		
03374 SEASHORE SUPPLY*	12-01074	04/25/12	ADA TOILETS AND SUPPLIES	Open	874.56	0.00		
03387 POGUE INC. *	12-01144	05/02/12	PRE-EMPLOYMENT TESTING/DPW	Open	399.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	12-01029	04/19/12	TIRES FOR RDS/SANT/RECY/DPW	Open	7,990.98	0.00		
03654 SPECIALTY AUTO REPAIR*	12-01034	04/19/12	ALIGNMENTS FOR DPS VEHICLES	Open	140.00	0.00		
03659 SOUTH JERSEY WIPING CLOTH*	12-01025	04/19/12	RAGS FOR GARAGE SHOP/DPW	Open	432.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	12-01214	05/11/12	5/23/2012 M VITELLI SJNIGP	Open	30.00	0.00		
03783 THIS AND THAT UNIFORMS*	12-01147	05/02/12	UNIFORMS	Open	136.00	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	12-01250	05/16/12	WATER SERVICE DUE 06/04/12	Open	1,168.87	0.00		
	12-01251	05/16/12	SEWER SERVICE DUE 06/04/12	Open	160.00	0.00		
					<u>1,328.87</u>			
03820 MUNICIPAL UTIIL. AUTH ON CALL	12-01108	04/30/12	ONE-CALL MESSAGES/DPW	Open	134.66	0.00		
03821 TRANS AXLE*	12-01137	05/02/12	PARTS FOR LEAF TRUCK/DPW	Open	1,148.92	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03867 UNIVERSAL SUPPLY CO.	12-00709	03/12/12	LUMBER,MATERIALS/DPW	Open	3,120.73	0.00		
03902 DONALD VANAMAN JR	12-01272	05/16/12	TRAINING MEALS	Open	24.80	0.00		
03904 LOWE'S HOME CENTER INC*	12-01021	04/19/12	DOOR FOR MAINTENANCE SHOP/DPW	Open	474.41	0.00		
	12-01157	05/03/12	HARDWARE FOR BUS SHELTERS	Open	293.19	0.00		
					<u>767.60</u>			
03915 TURF EQUIPMENT & SUPPLY CO*	12-01035	04/19/12	BRAKE CABLES FOR COUNTY EQUIP	Open	139.06	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	12-01095	04/26/12	LEXMARK E260D MONO LASER PRINT	Open	170.69	0.00		
03963 US LUBES, LLC *	12-01036	04/19/12	BULK OIL FOR SANT/RECY/RDS	Open	4,080.47	0.00		
03971 VERIZON WIRELESS	12-01152	05/02/12	MDT'S	Open	672.69	0.00		
03985 VILLAS NAPA AUTO PARTS	12-01026	04/19/12	PARTS FOR RDS/SANT/RECY/DPS	Open	2,609.14	0.00		
03992 VAL-U AUTO PARTS LLC*	12-01027	04/19/12	PARTS FOR RDS/SANT/RECY/DPS	Open	4,859.36	0.00		
04037 DOUGLASS WHITTEN	12-01236	05/14/12	MEDICAL CLAIMS-V	Open	1,010.00	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	12-00131	01/12/12	2012 POSTAGE EXPIRES 6/01/12	Open	451.00	0.00		B
04117 BILL ROLLINS	12-01056	04/23/12	LACROSSE REF	Open	60.00	0.00		
04300 W B MASON CO INC*	12-01103	04/30/12	OFFICE SUPPLIES	Open	831.86	0.00		
04301 SEASHORE ASPHALT CORPORATION*	12-01099	04/26/12	PATCH FOR RDS/DPW	Open	282.70	0.00		
5022 INSTITUTE FOR FORENSIC PSYCHO*	12-01148	05/02/12	PSYCHOLOGICAL EVAL	Open	750.00	0.00		
5031 THE FIBAR GROUP, LLC*	12-00951	04/10/12	PLAYGROUND SAFETY MULCH	Open	8,792.00	0.00		
5039 DICK BAUMGARDNER	12-01097	04/26/12	RETURN OF ESCROW FEES	Open	3,225.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
5045 BRANDON TRINIDAD	12-01185	05/07/12	REIMBURSEMENTS	Open	81.00	0.00		
5046 GIORDANO'S SCRAP MATERIAL	12-01187	05/07/12	RELEASE OF DUMPSTER BOND	Open	500.00	0.00		
5047 RICHARD MATTHEWS	12-01200	05/10/12	REFUND-MERCANTILE LICENSE	Open	50.00	0.00		
CANCELO DON CANCELOSI	12-01146	05/02/12	LACROSSE REF	Open	60.00	0.00		
CENTRAL CENTRAL MORTGAGE COMPANY	12-01253	05/16/12	REFUND PROPERTY TAX	Open	454.27	0.00		
SIXSM LLOYD SIXSMITH*	12-00850	03/30/12	LOWER TOWNSHIP SHIRTS	Open	2,097.75	0.00		
TILL TILL PAINT CO CORP*	12-01050	04/20/12	CS KRYLON WHITE ATHLETIC FIELD	Open	1,480.00	0.00		

Total Purchase Orders: 102 Total P.O. Line Items: 295 Total List Amount: 85,800.94 Total Void Amount: 0.00

I hereby certify this is the original Resolution adopted by the Township Council at the meeting of May 21, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012- 116

**TITLE: AWARD OF ONE (1) 2012 FORD ESCAPE 4WD XLT 6 CYLINDER STEEL BLUE IN COLOR WITH SYNC VOICE ADVANCED SYSTEM**

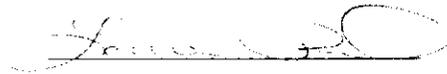
WHEREAS, proposals were solicited via the Township's Website on May 7, 2012 and due on May 17, 2012 at 11:00a.m. for one (1) 2012 Ford Escape 4WD XLT 6 cylinder, Steel Blue in Color with Sync Voice Advanced System; and

WHEREAS, two (2) proposals were submitted and reviewed by the QPA and the Chief of Police; and

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

Budget Year and Appropriation 0100-55-400-250 (cont'd 10-14)

CFO Signature



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

AWARD TO: GENTILINI FORD  
TOTAL: \$23,914.37

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

**2012-05 PROPOSAL PAGE**

**New One (1) 2012 Ford Escape XLT 4WD 6 Cylinder**

**Exterior Paint: Slate Blue in color**

**Sync Voice Advanced System**

**List any additional features that may come with your proposed vehicle**

**Vehicle must be delivered within 10 days of award**

The undersigned hereby declares that they have carefully read the documents attached and they fully understand Instructions to Bidders and will strictly adhere to all terms and conditions of said documents if awarded a contract therefore.

Total Bid: \$ 23914.37  
In Numbers

Twenty three thousand nine hundred four and thirty seven cents  
In Words Dollars

  
Signature

Paul V. Gentilini  
Printed Name

V.P.  
Title

Gentilini Ford Inc  
Name of Firm

555 John S. Penn Blvd.  
Address

Woodbine NJ-08270  
Address

Rick Bailey  
Contact Person

609-861-0100  
Telephone

221751289  
Tax ID#

Rick.Bailey@GentiliniMotors.com  
E-mail

List Additional Equipment on the 2012 Ford Escape:

Power moon Roof  
Microsoft Sync

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

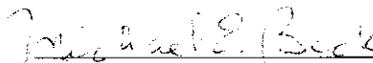
**RESOLUTION #2012-127**

**TITLE: Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant**

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 \$4400.00 to carry out a Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant from August 17, 2012 – September 3, 2012;

BE IT THEREFORE 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:

  
Michael E. Beck, Mayor

  
Brian Marker, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on May 21, 2012

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-128

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

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

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

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$59,083.07 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –  
Revenue Offset with Appropriations - Clean Communities  
Total with increase to be \$59,083.07

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$59,083.07 be and the same is hereby appropriated under the caption of:

General Appropriations –  
Public & Private Programs Offset by Revenues - Clean Communities  
State/Federal Share \$ 59,083.07  
Non State Share \$  
Total with increase to be \$ 59,083.07

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

I hereby certify this is the original resolution adopted by the Township Council on May 21, 2012

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						



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

**RESOLUTION #2012-129**

**TITLE:** A resolution requesting **release** of Revegetation and Restoration Guarantee for Dune Site Plan; Block 512.14, Lot 29, Escrow #p09-04-02

WHEREAS Annette M. Tobia posted a bond for the revegetation and restoration of dune grass with the Township of Lower, in the amount of \$1,000.00; and

WHEREAS the Township Planning Director recommends that the required restoration and revegetation of dune grass has been properly completed;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower the Governing body thereof, that the Guarantee be and hereby is **released.**

AND HEREBY BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$1,000.00 plus any accrued interest for payment of the above released Guarantee.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

MEMORANDUM

TO: Mayor Michael Beck &  
Council Members

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

DATE: May 15, 2012

RE: Release of Bond for Restoration  
and Revegetation of Dune Grass;  
Annette M. Tobia Dune Area Site Plan  
Block 512.14, Lot 29  
Escrow #P09-04-02  
Resolution #2012-131

Annette Tobia posted a bond for the restoration and revegetation of Dune grass, on September 12, 2009 per Planning Board Resolution #09-24. A site inspection by the Planning Director on May 14, 2012 revealed that all the required work was complete. Therefore, I recommend return of the above referenced bond for revegetation of dune grass by Township Council.

Thank you.

c: Claudia R. Kammer,  
Township Clerk

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

RESOLUTION #2012-130

**TITLE: AUTHORIZATION FOR AARTS TRANSPORTATION, INC. TO TRANSFER TAXI LICENSE**

WHEREAS, AARTS Transportation, Inc. applied for and received a taxi license for a 2002 Chrysler Town & Country, Vin #2C4GP74L32R551037, and

WHEREAS, AARTS Transportation, Inc. has replaced the above vehicle with a 2002 Chrysler Town & Country Vin #2C8GT64L92R672339 and has requested the license be transferred to the new vehicle, and

WHEREAS, AARTS Transportation, Inc. has paid the required twenty five dollar (\$25) transfer fee and provided the required insurance certificate showing the new vehicle.

NOW, THEREFORE BE IT RESOLVED, the Township Council that the license transfer is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-131

**TITLE: AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, refunds are due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
349.13	28	Central Mortgage	paid by owner	424.27
494.26	8	Corelogic	paid by title company	613.47
741.04	17.07	Corelogic	paid by title company	1,897.46

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

**RESOLUTION #2012-132**

**TITLE: AUTHORIZATION FOR VILLAS FISHING CLUB LADIES  
AUXILIARY TO CONDUCT AN OUTDOOR FLEA MARKET ON  
JUNE 23, 2012**

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 the Villas Fishing Club Ladies Auxiliary to conduct an outdoor Flea Market on Saturday, June 23 (rain date June 24) and 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 May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

**APPLICATION FOR OUTDOOR FLEA MARKET**

Name of Organization Villas Fishing Club Ladies Auxillary

Name of Applicant (Responsible Party): Karen Logue

Address/Phone # of Responsible Party: 886 1582 271 0019 (cell)  
116 East Pacific Ave

Location of Flea Market: 301 Pennsylvania Ave, Villas (Parking Lot)

Proceeds to Benefit: Building Renovation Fund

Date of Flea Market: Saturday, June 23<sup>rd</sup>

Rain Date: Sunday, June 24<sup>th</sup>

Please check appropriate category for organization

Non-Profit     Civic     Charitable     Religious

Karen Logue  
Signature of Person in Charge

---

FOR TOWNSHIP USE ONLY

Approved by Council on \_\_\_\_\_

Resolution # \_\_\_\_\_

Notes/Conditions \_\_\_\_\_

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

**RESOLUTION #2012-133**

**TITLE: APPROVAL FOR PYROTECNICO FIREWORKS TO LOAD AND UNLOAD A FIREWORKS BARGE IN LOWER TOWNSHIP**

WHEREAS, Pyrotecnico has requested permission to load and unload a barge in Lower Township fireworks displays on the following dates:

1. July 3<sup>rd</sup> for Lower Township
2. July 4<sup>th</sup> for the Congress Hall
3. July 4<sup>th</sup> and October 6<sup>th</sup> for Ocean City
4. July 4<sup>th</sup> for the Borough of Avalon, and

WHEREAS, Pyrotecnico has provided the required proof of liability insurance required by Uniform Fire Code Section 5:18-3.27 and signed a Hold Harmless agreement, and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower that Pyrotecnico is hereby granted permission to load and unload the "fireworks barge" for the events listed above in accordance with all other necessary approvals and permits.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of May 17, 2012

\_\_\_\_\_  
Claudia Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

CHECKLIST FOR SUBMISSION TO MEL UNDERWRITING MANAGER FOR APPROVAL

TOWN: Township of Lower

JIF: ACMJIF

VENDOR: Pyrotecnico

DATE OF EVENT: 7/3/12

RAIN DATE (IF APPLICABLE): N/A

RMC OR MUNICIPALITY E MAIL ADDRESS: bweigand@niagroup.com

- (1) Copy of Complete Contract (As respects to fireworks, the contract should indicate that the Fireworks Contractor is responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12).
- (2) Hold Harmless Agreement
- (3) Certificate of Insurance for General Liability naming member as Additional Insured
- (4) Certificate of Insurance for Exp. 5/27/12 Workers Compensation and Automobile OK
- (5) Surety Bond or alternate surety (\$2,500) as per Statute N.J.S.A. 21:3-5. (A copy of Statute N.J.S.A. 21:3-5 is available upon request. This applies to Fireworks Displays only).
- (6) A letter from the Fireworks contractor indicating that they are responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12. THIS LETTER IS ONLY NECESSARY IF THE CONTRACT, AS STATED IN (1) ABOVE, DOES NOT INCLUDE THIS STATEMENT. (This applies to Fireworks Displays only).
- N/A (7) ~~Proof of registration of amusement ride equipment, as well as, a copy of the contractor's permit application for the rides being utilized for the member sponsored event. Once the equipment is delivered to the event site, the member should confirm that the actual permit is affixed to the equipment. (This applies to Amusement rides only).~~



HEADQUARTERS

P.O. Box 149  
New Castle, PA 16103

OFFICE  
724. 652. 9555

PHONE  
800. 854. 4705

FAX  
724. 652. 1288

WEB  
[www.pyrotecnico.com](http://www.pyrotecnico.com)

EMAIL  
[info@pyrotecnico.com](mailto:info@pyrotecnico.com)

U.S. LOCATIONS

Atlanta, GA	Montgomery, AL
Auburn, NY	New Castle, PA
Dallas, TX	New Orleans, LA
Fort Lauderdale, FL	Saluda, SC
Jaffrey, NH	Tampa, FL
Las Vegas, NV	Vineland, NJ

March 20, 2012

Ms. Colleen Horwath  
Lower Township  
2600 Bay Shore Road  
Villas, NJ 08251-1399

Subject: Request for Fireworks Resolution for Loading/Unloading of Product onto  
& off of barge.

Dear Ms. Horwath:

I am requesting for a fireworks resolution for the following for Loading/Unloading of fireworks:

- 1) Lower Township – July 3, 2012
- 2) Borough of Avalon – July 4, 2012
- 3) Congress Hall Hotel – July 4, 2012
- 4) City of Ocean City – July 4, 2012 & October 6, 2012

Attached you will see the insurance certificates, Hold Harmless Agreement, NJ Surety Bond and First Light Inspection letter.

If you have any questions, please contact me at 856-697-1023.

Respectfully,

Raquel L. Flowers  
Fireworks Coordinator



HEADQUARTERS

P.O. Box 149  
New Castle, PA 16103

TEL: 724. 652. 9555

TOLL FREE: 800. 854. 4705

FAX: 724. 652. 1288

WEB: [www.pyrotecnico.com](http://www.pyrotecnico.com)

EMAIL: [info@pyrotecnico.com](mailto:info@pyrotecnico.com)

U.S. LOCATIONS

Atlanta, GA	Montgomery, AL
Auburn, NY	New Castle, PA
Dallas, TX	New Orleans, LA
Fort Lauderdale, FL	Saluda, SC
Jaffrey, NH	Tampa, FL
Las Vegas, NV	Vineland, NJ

March 20, 2012

Ms. Colleen Horwath  
Lower Township  
2600 Bayshore Road  
Villas, NJ 08251

Dear Colleen,

A representative from our company will do a first light inspection at The Atlantic Cape Fisheries in Lower Township as well as an inspection on beach front starting at Town Bank Road heading South all the way to the Light House the morning of first light on July 4<sup>th</sup>, 2012 and July 5, 2012 for the loading/unloading of product for Borough of Avalon, NJ, Congress Hall Hotel, NJ & City of Ocean City, NJ and (October 7, 2012). We will be responsible for policing the fireworks display and search for and disposing of unfired fireworks.

Please also be aware that we do police the area after the fireworks display has been completed. This is our procedure for all of our shows.

If you have any questions, please do not hesitate to contact our office at 856-697-1023.

Sincerely,

Raquel L. Flowers  
Fireworks Coordinator



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/19/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**  
MCGRIFF, SEIBELS & WILLIAMS, INC.  
P.O. Box 10285  
Birmingham, AL 35202

**CONTACT NAME:** Melanie Allen  
**PHONE (A/C, No, Ext):** 800-476-2211  
**E-MAIL ADDRESS:** mall@mcgriff.com

**FAX (A/C, No):**

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A :United States Fire Insurance Company	21113
INSURER B :James River Insurance Company	12203
INSURER C :Catlin Specialty Insurance Company	15989
INSURER D :See Attachment	
INSURER E :	
INSURER F :	

**INSURED**  
S. Vitale Pyrotechnic Industries, Inc.  
dba Pyrotechnico  
P.O. Box 149  
New Castle, PA 16103

### COVERAGES

CERTIFICATE NUMBER: SLK6P7QM

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		000292804	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 Policy Aggregate: \$ 5,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS <input checked="" type="checkbox"/> Tfr InterChg \$ limit		1337318084	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp. \$1000 deductible Coll. \$1000 deductible
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		000292524	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
D	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A		See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	<b>EXCESS UMBRELLA COVERAGE</b>		XSA2002600113	01/14/2012	01/14/2013	XS Underlying \$4, Mil \$ 5,000,000 \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Fireworks Display Date: July 3, 2012.

Location: On Barge - Delaware Bay - Lower Twp, NJ

Northstar Marine, Inc. & Cape Atlantic Fisheries.

The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.

The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

### CERTIFICATE HOLDER

### CANCELLATION

Lower Township  
2800 Bayshore Road  
Villas, NJ 08251

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

AGENCY CUSTOMER ID: \_\_\_\_\_  
LOC #: \_\_\_\_\_



## ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico	
POLICY NUMBER			
CARRIER	NAIG CODE	ISSUE DATE: 03/19/2012	

### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: \_\_\_\_\_ FORM TITLE: \_\_\_\_\_

\*\*\*\* Pennsylvania -Workers Compensation and Employers Liability \*\*\*\*  
PROOF OF INSURANCE ONLY  
(Policy issued directly by State Workers Ins Fund to Named Insured)  
\*\*NO WAIVER OF SUBROGATION UNDER THIS POLICY\*\*  
Insurance Carrier: State Workers Insurance Fund

Policy Number: 05284171  
Policy Period: 5/27/2011 to 5/27/2012

Employers Liability Limits:  
Bodily Injury by Accident \$1,000,000 each accident  
Bodily Injury by Disease \$1,000,000 policy limit  
Bodily Injury by Disease \$1,000,000 each employee



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/26/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER  
MCGRIFF, SEIBELS & WILLIAMS, INC.  
P.O. Box 10265  
Birmingham, AL 35202

CONTACT NAME: Melanie Allen  
PHONE (A/C, No, Ext): 800-476-2211 FAX (A/C, No):  
E-MAIL ADDRESS: mail@mcgriff.com

INSURED  
S. Vitale Pyrotechnic Industries, Inc.  
dba Pyrotecnico  
P.O. Box 149  
New Castle, PA 16103

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A :United States Fire Insurance Company	21113
INSURER B :James River Insurance Company	12203
INSURER C :Catlin Specialty Insurance Company	15989
INSURER D :See Attachment	
INSURER E :	
INSURER F :	

### COVERAGES

CERTIFICATE NUMBER: HNH6YEG6

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		000292604	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Trr InterChg \$1mil		1337318064	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp \$1000 deductible Coll \$1000 deductible
B	<b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		000292624	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
D	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	<b>EXCESS UMBRELLA COVERAGE</b>		XSA2002600113	01/14/2012	01/14/2013	XS Underlying \$4, Mil \$ \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Fireworks Display Date: July 4, 2012 / Rain Date: To Be Determined.  
Location On Barge Atlantic Ocean 1/4 to 1/2 mile off of 30th Street Beach - Avalon, NJ.  
Lower Township, NJ - Northstar Marine, Inc. - Cape Atlantic Fisheries.  
The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.  
The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

### CERTIFICATE HOLDER

Borough of Avalon  
3100 Dune Dr.  
Avalon, NJ 08202

### CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

AGENCY CUSTOMER ID: \_\_\_\_\_  
LOC #: \_\_\_\_\_



## ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico	
POLICY NUMBER		ISSUE DATE: 01/26/2012	
CARRIER	NAIC CODE		

### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: \_\_\_\_\_ FORM TITLE: \_\_\_\_\_

Workers Compensation and Employers Liability  
Insurance Carrier: Liberty Mutual Insurance Group

State Insured: New Jersey

Policy Number: WC7-33S-345309-011  
Policy Period: 6/02/2011 to 6/02/2012

Employers Liability Limits:  
Bodily Injury by Accident \$ 1,000,000 each accident  
Bodily Injury by Disease \$ 1,000,000 policy limit  
bodily Injury by Disease \$ 1,000,000 each employee



AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



### ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotechnico	
POLICY NUMBER		ISSUE DATE: 02/29/2012	
CARRIER	NAIC CODE		

#### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: \_\_\_\_\_ FORM TITLE: \_\_\_\_\_

Workers Compensation and Employers Liability  
Insurance Carrier: Liberty Mutual Insurance Group

State Insured: New Jersey

Policy Number: WC7-338-345309-011  
Policy Period: 6/02/2011 to 6/02/2012

Employers Liability Limits:  
Bodily Injury by Accident \$ 1,000,000 each accident  
Bodily Injury by Disease \$ 1,000,000 policy limit  
bodily Injury by Disease \$ 1,000,000 each employee



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/26/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**  
MCGRIFF, SEIBELS & WILLIAMS, INC.  
P.O. Box 10265  
Birmingham, AL 35202

**CONTACT NAME:** Melanie Allen  
**PHONE (A/C, No, Ext):** 800-476-2211  
**E-MAIL ADDRESS:** mail@mcgriff.com

**FAX (A/C, No):**

**INSURER(S) AFFORDING COVERAGE**

**NAIC #**

**INSURER A :**United States Fire Insurance Company

21113

**INSURER B :**James River Insurance Company

12203

**INSURER C :**Catlin Specialty Insurance Company

15989

**INSURER D :**See Attachment

**INSURER E :**

**INSURER F :**

**INSURED**  
S. Vitale Pyrotechnic Industries, Inc.  
dba Pyrotechnico  
P.O. Box 149  
New Castle, PA 16103

**COVERAGES**

**CERTIFICATE NUMBER:**UCGKTVTD

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		000292804	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 6,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> Trlr InterChg \$1mil <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		1337318064	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp. \$1000 deductible Coll. \$1000 deductible
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE DED RETENTION \$		000292624	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	EXCESS UMBRELLA COVERAGE		XSA2002800113	01/14/2012	01/14/2013	XS Underlying \$4, Mil \$ \$ \$ \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)**

Fireworks Display Date: July 4, 2012 & October 6, 2012.  
Location: On Barge Atlantic Ocean, Ocean City, NJ.  
Lower Township, NJ - Northstar Marine, Inc. - Cape Atlantic Fisheries.  
The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.  
The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

**CERTIFICATE HOLDER**

**CANCELLATION**

City of Ocean City  
861 Asbury Ave.  
Ocean City, NJ 08226-3642

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



### ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotechnico	
POLICY NUMBER			
CARRIER	NAIC CODE	ISSUE DATE: 01/26/2012	

#### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: \_\_\_\_\_ FORM TITLE: \_\_\_\_\_

\*\*\*\* Pennsylvania -Workers Compensation and Employers Liability \*\*\*\*

PROOF OF INSURANCE ONLY

(Policy issued directly by State Workers Ins Fund to Named Insured)

\*\*NO WAIVER OF SUBROGATION UNDER THIS POLICY\*\*

Insurance Carrier: State Workers Insurance Fund

Policy Number: 05284171

Policy Period: 5/27/2011 to 5/27/2012

Employers Liability Limits:

Bodily Injury by Accident \$1,000,000 each accident

Bodily Injury by Disease \$1,000,000 policy limit

Bodily Injury by Disease \$1,000,000 each employee



Bond No: 21BSBFH9165  
Bond Amount: \$2,500.00  
Bond Term: 1/30/12 to 1/30/13

THE STATE OF NEW JERSEY  
DEPARTMENT OF LABOR  
OFFICE OF SAFETY COMPLIANCE

SURETY BOND

Discharging, Firing-off, Exploding or Displaying Fireworks,  
at any Public Exhibition or Exhibition.

Know All Men by these Presents, that we S. Vitale Pyrotechnic Ind. Inc. dba Pyrotechnico  
Fireworks Vendor

1640 Garden Road, Vineland, NJ 08360 of (in the County of Cumberland), as  
Fireworks Vendor Street Address County Name

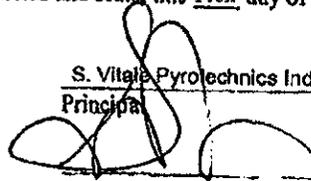
Principal, are held and stand firmly bound unto the Treasurer and Receiver General of the State of New Jersey in the just sum of TWO THOUSAND FIVE HUNDRED dollars (\$2,500) to be paid to the Treasurer and Receiver General or his successor in office, to which payment well and truly to be made, we hereby jointly and severally bind ourselves, our respective heirs; executors and administrators, successors and assigns, firmly by these presents.

The Condition of this Obligation, is such that if the said, Hartford Fire Insurance Company, his heirs, executors and administrators, successors and assigns, shall pay any judgment obtained in an action brought against the said S. Vitale Pyrotechnic Ind. Inc. dba Pyrotechnico for discharging,  
Fireworks Vendor Name

firing-off, exploding or displaying of said fireworks at any public exhibition or exhibitions hereof, for or on account of any loss, damage or injury resulting to persons or property by reason of the said discharging, firing-off, exploding or displaying of said fireworks, at said public exhibition or exhibitions; provided that said judgment is obtained in an action brought within a period of twelve months following the date of the public exhibition or exhibitions, in which cause of said action is alleged to have occurred, this obligation shall be void, otherwise it shall remain in full force and effect. The maximum amount of said bond shall in no way exceed the face amount of said bond no matter how many claims are made on said bond, in each Municipality, per display.

In Witness Whereof, we hereunto set our hands and seals, this 14th day of December, 2011

S. Vitale Pyrotechnics Ind. Inc. dba Pyrotechnico  
Principal



[Signature]  
WITNESS

[Signature]  
WITNESS

Hartford Fire Insurance Company

[Signature]  
Attorney In Fact Mark W. Edwards, II

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

**THE HARTFORD**  
 BOND, T-4  
 One Hartford Plaza  
 Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5635

Agency Code: 21-250036

**KNOW ALL PERSONS BY THESE PRESENTS THAT:**

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of unlimited:

*R. E. Daniels, Shelby E. Daniels of Pensacola, FL; Robert M. Verdin of Metairie, LA; Robert Read Davis of Atlanta, GA; Mark W. Edwards II, Jeffrey M. Wilson, Ronald B. Gladrosich, Ailsa B. Pounders, Robert R. Freel, Evondia H. Woessner of Birmingham, AL*

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Scott Sadowsky*

Scott Sadowsky, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT }  
 COUNTY OF HARTFORD } ss. Hartford

On this 3<sup>rd</sup> day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above Instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Scott B. Paseka*

Scott B. Paseka  
 Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of Dec. 14, 2011.

Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Assistant Vice President

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

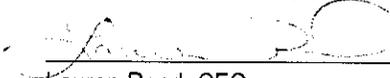
RESOLUTION #2012-134

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO REMEDIAL INVESTIGATION OF UNDERGROUND STORAGE TANKS REMOVED IN 1994 AND 1995

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 environmental consulting services related to Site Addendum Reports for underground storage tanks removed from the former Police Department & the Public Works Department in 1994 & 1995, which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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

  
Lauren Read, CFO

C-04-55-391-910 (Ord #07-14)  
Account

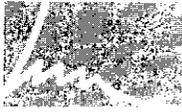
NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey, that:

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 \$18,500 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 May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
DOUGLASS						
LARE						
BECK						



**Hatch Mott  
MacDonald**

**Hatch Mott MacDonald**  
833 Rt 9 North  
PO Box 373  
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May 10, 2012

Via Email at [gdouglasslowertownship@comcast.net](mailto:gdouglasslowertownship@comcast.net) & 1<sup>st</sup> Class Mail

Mr. Gary Douglass, CPWM  
Superintendent of Public Works  
Township of Lower  
2600 Bayshore Road  
Lower Township, New Jersey 08204

**RE: Remedial Investigation Activities  
Former Lower Township Police Department  
NJDEP PI # 010818  
Department of Public Works  
NJDEP PI # 003967**

Dear Mr. Douglass:

Hatch Mott MacDonald (HMM) has prepared this proposal to provide Lower Township (Township) with a scope of work and cost proposal for environmental consulting services related to the Township's former Police Department facility located on Bayshore Road and the Department of Public Works (DPW) facility located on Seashore Road. Underground storage tanks (USTs) were removed from these sites in 1994 and 1995. Based on a review of the NJDEP's Data Miner on-line database the NJDEP expects the Township to submit Site Investigation Addendum Reports for both of the facilities.

As you may know, the NJDEP no longer provides case management services for most contaminated sites. Due to the passage of a statute in 2009 known as the Site Remediation Reform Act (SRRA), Licensed Site Remediation Professionals (LSRP) are now licensed as "Agents of the NJDEP" to process contaminated sites through site remediation and case closure. LSRPs are experienced environmental professionals deemed to have the skills necessary to make decisions and process contaminated sites through site remediation.

Discharges and other environmental matters, such as the closure of a UST system, must now be handled by a LSRP. A LSRP can conduct studies and issue Response Action Outcomes (RAO) that now replace No Further Action (NFA) letters previously issued by the NJDEP to close out a site. The NJDEP reserves the right to rescind an RAO issued by a LSRP if the Department conducts a case audit within three years of the issuance of the RAO and finds deficiencies in the site remediation process completed by the LSRP.

The following tasks are proposed at the Township's Department of Public Works and the former Police Station sites to identify those actions necessary to ascertain the



environmental issues that must be addressed to satisfy the NJDEP's regulatory requirements to bring these cases to closure.

<b>Task 1</b>	<b>Site Inspections</b>
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HMM will schedule a site inspection with the Township to identify those areas where soil and groundwater samples will be collected to determine if residual soil and/or groundwater contamination is present at the site. These areas would consist of the locations of the former UST systems that were removed from the sites. HMM will photo document the areas requiring investigation in preparation for Task 3 described below.

<b>Task 2</b>	<b>NJDEP File Reviews</b>
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Copies of job reference data including previous report submittals, soil and groundwater analytical data, monitoring well certification forms etc. may not be available from the Township. HMM will schedule file reviews with the NJDEP of all archived materials relating to the Township's former Police Department and DPW facilities. HMM will make copies of the pertinent available information, including reports and site related correspondence. This information will be necessary to ensure that the NJDEP's previous requirements and directives are met. The files will be used as a reference for guiding future remedial activities at the sites.

<b>Task 3</b>	<b>Soil and Groundwater Investigations</b>
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- *Soil Investigations*

Residual soil contamination may be present in the areas of the former USTs removed at the two facilities. To investigate the potential presence of soil contamination, soil samples will be collected at each facility in the former UST areas for analysis. Soil samples will be collected via a Geoprobe drill rig to minimize the extent of disturbance at the two facilities.

HMM will retain the services of a New Jersey licensed well drilling subcontractor to complete soil borings in the areas of the former USTs. Seventeen soil borings will be installed, nine (9) at the former Police Station and eight (8) at the DPW facility. The number of borings is based on the sizes of the former USTs removed from the facilities. The boring locations will be determined following HMM's site inspections and a review of the documents obtained from the NJDEP file reviews. Prior to initiating the drilling activities, the drilling contractor will contact the NJ One-Call system to locate all underground utilities in the work area. The proposed locations of each soil boring will be marked at the site and the drilling contractor will use a vacuum excavator to pre-clear all of the boring locations to a depth of 4 feet below the surface. This will minimize the chance of damaging unmarked underground utilities at the boring locations. Should underground utilities be found, proposed boring locations will be moved to stay clear of utilities. HMM will observe the installation of the borings and record the boring locations on a site plan. Macro-core samples will be collected during the boring installation and field screened for volatile



organic vapors using a photo-ionization detector (PID). The recovered soil will also be physically classified for purposes of preparing boring logs for each location.

Soil samples will be collected from the boreholes as they are advanced into the subsurface in accordance with the NJDEP's *Technical Requirements for Site Remediation* (N.J.A.C. 7:26E). The sampling locations will be logged in a field book along with sampling depth, location, PID readings and time of sample collection. Soil samples will be collected utilizing dedicated Encore® sampling devices and stainless steel trowels. The borings will be completed to a depth 12 inches below the bottom of the former USTs. Soil samples will be collected at each boring to determine if any contamination is present in the subsurface. Samples will be collected from each boring at the soil interval exhibiting the greatest PID reading and from the bottom of the boring. The soil samples will be submitted to an NJDEP certified laboratory for analysis of target compound list (TCL) volatile organic compounds with a library search (VO+TICs) at former gasoline UST locations, and for Extractable Petroleum Hydrocarbons (EPH) in former heating oil/diesel fuel UST locations. Twenty-five percent of any samples that show an EPH concentration detected over 1,000 mg/kg will also be analyzed for 2-methylnaphthalene and naphthalene. If necessary, samples can be submitted to the laboratory for analysis with an expedited turnaround time at an additional cost. HMM has not included these additional costs in our proposed budget however, they can be added if the Township wants to expedite the sample analyses.

- *Groundwater Investigations*

Petroleum product discharges to the subsurface may have impacted groundwater quality at the facilities. To investigate the potential impacts to the groundwater quality, HMM will collect groundwater samples in the former UST locations at each facility for analysis.

HMM will subcontract with a NJDEP licensed well driller to install three temporary wells at each of the facilities to an estimated depth of 15 feet below the surface to determine if groundwater contamination is present. The temporary wells will be removed following sample collection and each borehole location will be grouted to the surface and a blacktop patch will be placed over the borehole.

HMM will collect one groundwater sample from each of the temporary wells and submit the samples to a NJDEP certified laboratory for analysis. Samples collected at the former gasoline UST locations will be analyzed for Target Compound List (TCL) volatile organic compounds and tentatively identified compounds (VO+TICs). Samples collected at the former diesel and heating oil USTs will be analyzed for TCL VO+10 and TCL semi-volatile compounds and tentatively identified compounds (SVO+TICs).

Upon receipt of the laboratory analytical results, HMM will recommend whether permanent groundwater monitoring wells are required at either of the sites. Please note that HMM has not included a cost for the installation, sampling and analysis of permanent groundwater monitoring wells in this proposal.



If groundwater contamination is detected in the temporary well samples above the NJDEP Ground Water Quality Standards (GWQS), additional vertical and horizontal delineation of the groundwater contamination will be required. As noted, the installation of permanent monitoring wells or the installation, sampling and analysis of additional temporary wells to delineate the extent of groundwater contamination plumes is not included in this scope. In this instance HMM will prepare a separate scope and cost proposal for the Township's review and authorization if this work is required.

It is estimated that the above described field activities will take two days to complete. We estimate that one day in the field will be required for each facility to collect the appropriate soil and groundwater samples.

<b>Task 4</b>	<b>Public Notification &amp; Receptor Evaluation</b>
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- *Public Notification*

Amendments to the NJDEP Technical Requirements for Site Remediation N.J.A.C. 7:26E - 1.4 and 1.11 require the Township to comply with Public Notification requirements. Compliance would include either the posting of signs at the sites, or issuing letters to all property owners within 200 feet of the site property boundaries informing the Public that environmental investigations and cleanups are being conducted. Posting a sign is the more common method of compliance with the Public Notification requirements. Specific language needs to be included on the signs or letters and HMM will assist the Township in providing the necessary information to prepare the chosen method of public notification. Photographs of the signs or copies of the letters sent to the surrounding property owners need to be distributed to several local and state agencies. HMM's proposal includes preparing and mounting the signs and sending the required notifications to the designated state and local officials.

- *Receptor Evaluation*

HMM has already completed Receptor Evaluations for the Township's Department of Public Works facility and the former Police Station. These were preliminary Receptor Evaluations and will need to be updated based on the information obtained during this investigation.

A Receptor Evaluation serves to identify land use in the vicinity of the site, potable water use, whether there is a vapor intrusion situation (where volatile substances are entering occupied structures) and it evaluates the potential for adverse impact to ecological receptors.

- *Well Search*

If groundwater contamination is discovered at the sites a well search of the area(s) would have to be completed utilizing the available records at the NJDEP's Bureau of Water Allocation to identify all the permitted wells in the area. The Bureau's files



would be searched to identify all irrigation, monitoring and domestic wells located within a one-half mile radius of the facility and all industrial, public supply wells and any wells having a water allocation permit located within a one mile radius of the site. The wells identified would have to be plotted on a USGS Topographic Map for the area and all the wells identified tabulated on a spreadsheet. The well tabulation spreadsheet would have to be submitted both as a hardcopy and electronically to the NJDEP as required. HMM has not included the costs associated with conducting any well searches or completing any additional activities that may be required by the NJDEP for receptor evaluations.

### Cost Proposal

The lump sum cost for the scope of services for Task 1 through Task 4 described above is **\$18,500**. This cost includes the completion of the site inspections, conducting the NJDEP file reviews, conducting the soil and groundwater investigations as described above for the two sites and the completion of the NJDEP Public Notification and Receptor Evaluation requirements for the two sites.

This proposal only includes the initial steps necessary to comply with NJDEP requirements. Depending on the analytical results of the activities proposed in Task 3, additional soil and groundwater investigation activities may be necessary and the results of the investigation will need to be reported. This proposal does not include the preparation of Remedial Investigation Reports, Remedial Action Reports or Response Action Outcome (RAO) letters.

### Terms and Conditions

All work proposed herein has been based on the applicable regulations as they exist as of the submission date of this Proposal. These regulations include but may not be limited to:

- Underground Storage Tank Regulations NJAC 7:14B
- Administrative Requirements for Remediation of Contaminated Sites NJAC 7:26C
- Remediation Standards NJAC 7:26D
- Technical Requirements for Site Remediation NJAC 7:26E

The following additional terms are made applicable to any environmental project on which the Consultant has been retained to perform the services of a Licensed Site Remediation Professional ("LSRP"):

- a. The Client acknowledges that the Consultant must report an Immediate Environmental Concern [as defined in the Site Remediation Reform Act, C.58:10C-2] within the regulatory and mandatory time periods set forth in NJAC 7:26C, subchapter 3.
- b. The Consultant must also report any discharge of a toxic substance, if such discharge has not been previously reported.



- c. Should any time deadline set forth in NJAC 7:26C not be met due to the acts or inaction of the Client, the Consultant shall not be liable for any additional costs, permit fees, fines, penalties or other costs that are assessed or incurred as a result of the failure to timely meet such deadline.
- d. The Consultant may issue a Remedial Action Outcome (“RAO”) based upon its judgment that the remediation of the site in question has been completed and the public health, safety and environment are protected. However, the Client acknowledges and understands that the New Jersey Department of Environmental Protection (“NJDEP”) can audit an RAO within three (3) years after its submission, and can rescind that RAO at its discretion. The Client agrees that it will be responsible for payment of any additional costs to be incurred by the Consultant, as well as its additional professional fees to be generated, as a result of such audit.
- e. The Client agrees that the Client shall indemnify and defend Hatch Mott MacDonald and the LSRP for any claim, loss, damage (including reasonable attorney’s fees), and liability should the Client fail to:
  - Perform their affirmative obligation to remediate;
  - Adequately fund the remediation;
  - Review documents or take action in a timely manner;
  - Disclose relevant information; and/or
  - Follow the LSRP’s recommendations
- f. If contracting for LSRP professional services, the Client recognizes that the LSRP must fulfill a dual role, serving as the Client’s consultant while required to meet the responsibilities identified in the NJ Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq.) including a priority of protection of public health, safety, and the environment. Because the LSRP is frequently acting without NJDEP oversight, and is responsible for decisions and opinions consistent with the NJDEP Site Remediation Program requirements including statute, regulation, and guidance, he may require additional follow-up to support decisions, judgments, and opinions based on conditions observed during the course of services.
- g. The Client understands, acknowledges, and agrees that in the event that the LSRP’s obligations under the LSRP Program conflict with the wishes or intentions of the Client, the LSRP is bound by law to comply with the requirements of the LSRP Program.
- h. The Client acknowledges that a RAO is subject to a three (3) year period, during which time the NJDEP may inspect, audit, modify or rescind the RAO if the remediation is not deemed not to be protective of human health, safety and the environment. In the event of an inspection, review or audit by the NJDEP, Hatch Mott MacDonald and the LSRP are not responsible for additional requirements imposed by NJDEP during an inspection, review or audit. Furthermore, any additional requirements imposed by the NJDEP after the issuances of the RAO shall be considered as outside the approved scope of work under this Contract.



- i. The Client acknowledges that while the work performed by Hatch Mott MacDonald and the LSRP shall be performed in accordance with the LSRP Program and professional industry standards, Hatch Mott MacDonald and the LSRP do not guarantee the long-term effectiveness of the remedial work.
  - Remedy failure can be caused by many factors and no claim of liability, loss, or damage shall be brought against Hatch Mott MacDonald and the LSRP by the Client and /or Person Responsible for Conducting the Remediation (PRCR); and
  - The issuance of an RAO by the LSRP is not a guarantee or warranty that the site is free of contamination, that the remediation complies with all legal requirements, or that the RAO will be accepted by NJDEP.
- j. Where prior remedial work has been performed or Hatch Mott MacDonald and the LSRP are retained by a Client to be the LSRP of Record, it may be necessary for the LSRP to conduct reviews of work previously conducted and planned for any such remediation to provide for the necessary reliance as required by the LSRP Program. The LSRP must have the ability to make judgments regarding the adequacy of work, based on compliance with applicable statute, regulations, and guidance. If such judgments are not supported by the Client or their employees, representatives, PRCR, legal counsel, consultants, and contractors, the LSRP will notify the Client of such difference, and after reasonable discussion, and at any time the LSRP retains the right to submit a notice of termination of LSRP of Record status to the NJDEP.
- k. The LSRP has an obligation to submit documents to the NJDEP that verify the remediation process in accordance with applicable NJDEP regulations and guidance in effect at the time the document was submitted and provide evidence that the remedy was protective of human health and the environment.
  - At the expiration of the standard document retention period, Hatch Mott MacDonald and the LSRP may require the project documents to be archived. The Client may be responsible for payment of the archival costs and the years 4 to 13 shall be paid prior to issuance of the RAO.
  - Confidential documents, e.g. those prepared by counsel or by the LSRP under attorney-client work product privilege, may be excluded from the submission and/or record retention requirements provided they have been characterized as such by the Client or the PRCR.

### Summary

As stated above we propose to complete the scope of work outlined above in Task 1 thru Task 4 for the lump sum amount of **\$18,500**.

It is hoped that the above discussion and proposal adequately addresses the concerns and requirements of Lower Township. We thank you for the opportunity to provide this



Hatch Mott  
MacDonald

Scope of Work for the Remedial Investigation Activities for the above referenced sites.  
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

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cc (via Email): Michael Voll, Township Manager  
Claudia R. Kammer, Township Clerk  
Steven C. Morey, CEP, HMM  
Robert C. Mainberger, PE, CME, HMM (File: 287118CM10-III-3)

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

ORDINANCE #2012-14

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER, CHAPTER 529,  
SECONDHAND MERCHANTS AND DEALERS OF PRECIOUS METALS

**SECTION 1.** Chapter 529, of the Code of the Township of Lower, is hereby repealed in its entirety and shall be replaced with the following:

**§ 529-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**SECONDHAND MERCHANT OR SECONDHAND DEALER OF PRECIOUS METALS**

Any person, firm or corporation, who, within the Township, purchases, trades, handles or deals in any secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals.

**§ 529-2. License required.**

- A. It shall be unlawful for any person, firm or corporation to engage in the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, without first obtaining a license therefore, as hereinafter provided. A separate license shall be required for each location, place or premises used for the conduct of the business of secondhand merchants and secondhand dealers of precious metals.
- B. Each application shall be referred to the Chief of Police or his designee, who shall institute whatever investigation of the applicant's business responsibility and criminal history, in the case of owner, and of criminal history only, in the case of a salesman, as is considered necessary for the protection of the public. No license shall be issued to any person who has been convicted of any crime, or a disorderly person offense involving theft. The findings of the Chief of Police or his designee shall be communicated in writing, together with any recommendations which he may have, to the Township Council within a reasonable time after the application has been filed. The Township Council shall consider the application at a regular meeting after receiving a report of the investigation. If, based upon the information contained in the application and the report, there is no adverse showing with respect to the applicant's business responsibility and criminal history, services or activity are free from fraud, in the case of an owner, or that there is no indication that the applicant's criminal history is unsatisfactory, in the case of a salesman, the Township Council may approve the application and the Township Clerk shall then issue the license, provided that the required license fees and bond fees have been paid, and further provided that there are authorized, but unissued, licenses available.

**§ 529-3. Application.**

- A. Any person, firm or corporation desiring a license to conduct the business of secondhand merchant or secondhand dealer of precious metals, as defined in this chapter, shall make a written application for a license, which shall contain the full name and address of the applicant and all employees and, if the applicant is a corporation, the full name and address of all its officers and directors.
- B. The number of licenses issued under this chapter to businesses, dealing in precious metals shall be limited to a maximum of ten, which number is deemed sufficient to meet the public need and prevent the creation of a nuisance to the public. No licensee shall retain custody of any license created hereunder, unless he owns and is prepared to operate a business as described herein.

**§ 529-4. License fee and term.**

The license fee to be paid to the Township by any secondhand merchant or secondhand dealer of precious metals shall be \$500. The license shall be valid from January 1 to December 31, renewable annually.

**§ 529-5. Place of business; soliciting on streets; canvassing.**

- A. Any license issued under the provisions of this chapter shall designate the place in which the secondhand merchant or secondhand dealer shall carry on such business; and such business shall not be carried on or conducted in any other place than that designated in or by such license. No secondhand merchant or secondhand dealer of precious metals shall be permitted to solicit business upon any street or public highway of the Township.
- B. No person, firm, or corporation shall conduct a house-to-house canvass for the purchase or sale of secondhand or used watches, jewelry, cutlery, gold, or other precious metals, wrought gold or other wrought precious metals, or any other secondhand or used article whatsoever composed or manufactured in whole or in part of gold or other precious metals, within the Township.

**§ 529-6. Record of purchases, sales and exchanges; daily reports.**

Every secondhand merchant and secondhand dealer shall keep a tightly bound book, not loose-leaf, with pages numbered in sequence in which there shall be made at the time of the transaction a record, in English, of every article received, purchased, sold or exchanged by him, setting forth the following: the name, age, sex, residence and a picture with the general description of the individual with whom the transaction is had, the price or consideration paid or received at the time of the transaction and a picture with the description of every article received, sold or exchanged, giving the manufacturer's name or other marks of identification appearing on the same. Every secondhand dealer shall deliver or mail by U.S. Mail, first class, postage prepaid, to the Chief of Police of the Township of Lower, a legible and accurate exact copy of the aforementioned record of purchases, sales and exchanges before any subsequent transaction or changing of the composition or character of the item(s) received by the secondhand dealer.

It will be at the discretion of the Chief of Police of the Township of Lower to switch the method of delivery of such notifications to electronic via internet or electronic mail if said system is established by the Lower Township Police department. Any costs associated with this method will be the responsibility of the dealer.

**§ 529-7. Record inspection, transmission and maintenance.**

- A. This book, and all goods, articles, or things purchased, received or kept for sale or exchange by every secondhand merchant and secondhand dealer of precious metals shall be subject to inspection of the Chief of Police of the Township or such persons as may be designated by the Chief of Police.
- B. Any secondhand merchant or secondhand dealer of precious metals not at a permanent place of business in the Township shall, at the conclusion of the last day of business in the Township, turn over to the Police Department the book containing the recordation of all purchases, sales and exchange a mentioned in § 529-6.
- C. Any secondhand merchant or secondhand dealer of precious metals with a permanent place of business in the Township shall keep said book mentioned in § 529-6 for a minimum of one year from the date of the latest transaction recorded in said book.

**§ 529-8. Storage of purchased goods prior to sale or disposal.**

Every secondhand merchant and secondhand dealer of precious metals must keep, without concealment, for a period of ten (10) days, subject to inspection by any police officer, all goods, wares and merchandise purchased or received from any person before selling, shipping or otherwise disposing of the same. This provision shall be followed in addition to § 529-6, requiring reports and records.

**§ 529-9. Use of unlicensed premises prohibited.**

No secondhand dealer of precious metals shall make use of any property, private or public, not included within the licensed premises, or bank vault, within the Township, leased to the secondhand dealer for the storage, handling or display of any secondhand article.

**§ 529-10. Melting, wrecking and remodeling.**

No secondhand dealer of precious metals shall take apart or melt up any watch, watch case or article composed or manufactured, in whole or in part, of gold, silver or platinum or other precious metal until he shall have made a record of his intention to do so, along with all other data required to be recorded in the book mentioned in § 529-6, and unless and until he shall have kept such article in his licensed place of business or bank vault in the Township, leased to the secondhand dealer, for inspection for a period of not less than ten (10) days after the report provided for under § 529-6 has been made, unless the article proposed to be taken apart, melted up, wrecked or remodeled has been sooner inspected by the Chief of Police or his deputy or received clearance for such melting, wrecking or remodeling.

**§ 529-11. Display of license.**

Every secondhand dealer of precious metals shall maintain and display his license at all times during the period of his license in a conspicuous place or in the licensed premises.

**§ 529-12. Bond.**

Every secondhand dealer of precious metals shall, at the time of receiving such license, execute a bond to the Township of Lower in the penal sum of \$10,000 with good and sufficient surety or sureties to be approved by the Township Solicitor conditioned upon the licensee faithfully observing and complying with the provisions of this chapter at all times during the continuance of such license and conditioned further upon a promise to indemnify, keep and hold the Township of Lower harmless against all liabilities, judgments, costs, damages and expenses which may in any way come against the Township in consequence of the issuance of said license or by any act or thing done or neglected to be done by said licensee under and by virtue of the authority granted in said license or for the failure or neglect of such licensee to observe and comply with the ordinances of the Township relating to the business licensed.

**§ 529-13. Purchases from minors.**

No secondhand dealer of precious metals shall purchase any secondhand article whatsoever from any minor or minors without written parent or guardian consent.

**§ 529-14. Exceptions.**

The provisions of this chapter shall not apply to secondhand material purchased from any regular motor vehicle dealer, public utility corporation, governmental agency, regularly licensed junk dealer, industrial plant, licensed electrical or plumbing contractor, to purchases at judicial sales or to items left for repair.

**§ 529-15. Suspension or revocation of license; hearing.**

In addition to being subject to the penalties provided in §§ 529-16 of this chapter, any license issued under this chapter may be revoked or suspended as outlined in code 432-17.

**§ 529-16. Violations and penalties.**

For the violation of any provision of this chapter, the maximum penalty, upon conviction of the violation, shall be a fine not exceeding \$500 or imprisonment in the county jail for a period not exceeding 90 days, or both. In addition thereto, upon such conviction, the person, firm or corporation violating any of the provisions of this chapter shall be subject to suspension or revocation of the license issued.

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

\_\_\_\_\_  
Walt Craig, Councilmember

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

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

\_\_\_\_\_  
Michael Beck, Mayor

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

Adopted: \_\_\_\_\_, 2012

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

RESOLUTION #2012- 135

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
DOUGLASS LANDSCAPING	12-00687	LANDSCAPING	\$6490.63
<b>TOTAL BILL LIST</b>			<b><u>\$6490.63</u></b>

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

1<sup>st</sup> Rdg 5/17  
2<sup>nd</sup> Rdg 5/21

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

**ORDINANCE #2012- 11**

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

(ESTABLISHING GUIDELINES FOR BEEKEEPING IN THE TOWNSHIP OF LOWER)

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

[New Section]

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

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

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

§ 400-57(H)(2) **Purpose.**

To allow the keeping of bees in Lower Township on small lots in populated areas according to the best management practices of the New Jersey Department of Agriculture.

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

New Jersey State best management practices shall be followed by all bee keepers in order to avoid conflict with other neighborhood property owners:

1. The number of hives of honey bees according to lot size shall be governed by the table below:
  - a. Lot size of ½ acre or less; one (1) hive.
  - b. Lot size of ½ acre to one (1) acre; two (2) hives
  - c. Lot size of one (1) acre to two (2) acres; three hives.
  - d. Lot sizes over two (2) acres; no restriction.
2. No hive of honey bees will be maintained within 15 feet of a boundary line of the property on which the hive is located.
3. All colonies must be located at least 25 feet from a public sidewalk, alley, street or roads.
4. All apiaries must have on site an adequate source of water within 25 feet of the hive(s) at all times (especially between March 1<sup>st</sup> and October 31<sup>st</sup>).
5. A six (6) feet high solid fence or hedge must be erected, along the property line, in the rear yard, if the colonies are within fifteen (15) feet of a neighbor's property.

6. All bee equipment and hives must be maintained in good condition.
7. All colonies must be kept in moveable frame hives in accordance with N.J.S.A. 4:6-10.
8. All colonies must be inspected by a qualified beekeeper or his delegate no less than three times between March 1 and October 1 of each year.
9. A substantial fence must be erected at least four (4) feet in height to prevent animals and children from coming into close contact with the hives.
10. Bee hives shall be located in the rear yard only.

§ 400-57(H)(4)            **Registration**

All bee yard locations with a lot size of less than, or equal to, two (2) acres shall be registered as beekeepers with the New Jersey Department of Agriculture.

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

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

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

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

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

\_\_\_\_\_  
Walt Craig, Councilmember

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

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

\_\_\_\_\_  
Michael Beck, Mayor

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

Adopted: \_\_\_\_\_, 2012.

# TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

## MEMORANDUM

TO: Claudia Kammer,  
Twp. Clerk

FROM: Bill Galestok, PP, AICP  
Director of Planning 

DATE: May 9, 2012

RE: Proposed Beekeeping Ordinance

I have modified the above Ordinance (attached) to reference the concerns of Mr. Tim Schuler, State Apiarist, New Jersey Department of Agriculture (e-mail dated 5/9/12, attached). Please call to discuss the procedure for introduction. Thank you.

WJG:las

att.2

cc: Planning Board members, w/att.

**Bill**

---

**From:** "Schuler, Tim" <tim.schuler@ag.state.nj.us>  
**Date:** Wednesday, May 09, 2012 11:50 AM  
**To:** <planning@townshipoflower.org>  
**Cc:** "Schulze, Carl" <carl.schulze@ag.state.nj.us>; "Zoltowski, Joseph" <joseph.zoltowski@ag.state.nj.us>; "Schuler, Tim" <tim.schuler@ag.state.nj.us>  
**Subject:** Proposed Lower Township ordinance # 2012-11  
Mr. Galestok,

Mr. Seth Belson from the New Jersey Beekeepers Association sent me a copy of the Lower Township proposed beekeeping ordinance # 212-11.

I wanted to thank you for the fact that Lower Township is not prohibiting beekeeping, and for the fact that you are using most of the New Jersey Department of Agriculture's (NJDA) Guidelines for Keeping Bees in Populated Areas. I wanted to bring to your attention that in section 400-57(H)(3) The proposed ordinance states that New Jersey State best management practices shall be followed by all beekeepers to avoid conflict with other neighborhood property owners. The practices you are referring to state that on lots of ¼ acre or less no more than three hives may be kept. Then in the proposed ordinance there is a table limiting the number of hives that may be kept by lot size. This table is not the same as the NJDA Guidelines and I think that inconsistency can be a source for confusion. If the proposed ordinance simply stated no more than 3 colonies on lots of ¼ acre or less it would avoid confusion.

I also wanted to bring to your attention in section 400-57(H) (4) Registration, that all locations where honey bees are kept over winter must be registered with the NJDA regardless of lot size.

If you would like to discuss my suggestions, or if I can be or any assistance to you and the Township of Lower, please do not hesitate to contact me at 609-462-7820.

Sincerely

Tim Schuler

State Apiarist  
New Jersey Department of Agriculture  
Division of Plant Industry  
PO Box 330  
South Warren & Market Streets  
Trenton NJ 08625  
[Tim.Schuler@ag.state.nj.us](mailto:Tim.Schuler@ag.state.nj.us)  
609-406-6939  
Web Site <http://www.state.nj.us/agriculture/divisions/pi/prog/beeinspection.html>

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

(ESTABLISHING GUIDELINES FOR BEEKEEPING IN THE TOWNSHIP OF LOWER)

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

[New Section]

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

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

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

§ 400-57(H)(2) **Purpose.**

To allow the keeping of bees in Lower Township on small lots in populated areas according to the best management practices of the New Jersey Department of Agriculture.

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

The local best management practices that shall be followed by all Lower Township bee keepers in order to avoid conflict with other neighborhood property owners are:

1. The number of hives of honey bees according to lot size shall be governed by the table below:
  - a. Lot size of ½ acre or less; one (1) hive.
  - b. Lot size of ½ acre to one (1) acre; two (2) hives
  - c. Lot size of one (1) acre to two (2) acres; three hives.
  - d. Lot sizes over two (2) acres; no restriction.
2. No hive of honey bees will be maintained within 15 feet of a boundary line of the property on which the hive is located.
3. All colonies must be located at least 25 feet from a public sidewalk, alley, street or roads.
4. All apiaries must have on site an adequate source of water within 25 feet of the hive(s) at all times (especially between March 1<sup>st</sup> and October 31<sup>st</sup>).

5. A six (6) feet high solid fence or hedge must be erected, along the property line, in the rear yard, if the colonies are within fifteen (15) feet of a neighbor's property.
6. All bee equipment and hives must be maintained in good condition.
7. All colonies must be kept in moveable frame hives in accordance with N.J.S.A. 4:6-10.
8. All colonies must be inspected by a qualified beekeeper or his delegate no less than three times between March 1 and October 1 of each year.
9. A substantial fence must be erected at least four (4) feet in height to prevent animals and children from coming into close contact with the hives.
10. Bee hives shall be located in the rear yard only.

§ 400-57(H)(4)            **Registration**

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

§ 400-57(H)(5)            All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

§ 400-57(H)(6)            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.

§ 400-57(H)(7)            Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

§ 400-57(H)(8)            This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

1<sup>st</sup> rdg 5/7  
2<sup>nd</sup> rdg 5/21

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

ORDINANCE NO. 2012-12

AN ORDINANCE AMENDING CHAPTER 90, OF THE CODE OF THE TOWNSHIP,  
ENTITLED "POLICE DEPARTMENT"

WHEREAS, in 2003, the Township established the rate for compensation from private persons or entities to the Township when patrol officers, sergeants and superior officers are performing extra-duty details for police related matters, and

WHEREAS, it has been determined the rate is no longer adequate to cover all related costs for extra-duty details.

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

Section 1. Section 90-20 (a) shall be deleted in its entirety and replaced with the following:

(a) The compensation from the private persons or entities to the Township of Lower Police Officers shall be fixed at SIXTY (\$60.00) DOLLARS per hour. In addition, the private person or entity shall also pay the Township of Lower the sum of FIVE (\$5.00) DOLLARS per hour worked by each Lower Township Police Officer to offset the cost of administration. For the use of Lower Township Police Department vehicles, the private person or entity shall pay the Township of Lower the sum of FIFTY (\$50.00) DOLLARS per day (or fraction thereof), which fee may be waived when vehicles are used by other public entities.

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

Section 4. This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

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

\_\_\_\_\_  
Walt Craig, Councilmember

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

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

\_\_\_\_\_  
Michael Beck, Mayor

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

Adopted: \_\_\_\_\_, 2012.

1<sup>st</sup> REG 5/7

2<sup>nd</sup> REG 5/21

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

ORDINANCE 2012-13

**TITLE: AN ORDINANCE AMENDING CHAPTER 400 OF THE CODE OF THE TOWNSHIP OF LOWER**

Whereas, Section 400-27 of the Code of The Township of Lower (the "code") establishes a Airport Hazard Zone as directed by the New Jersey Commissioner of Transportation pursuant to N.J.S.6:1-80 et seq.; and

Whereas, The Township Council desires to amend Section 400-27 of the Code to add General Business uses, specifically General Business GB and GB-1 principal permitted uses on land and in buildings; and

Whereas, The Lower Township Planning Board recommended the additional General Business uses as part of a recent re-examination of the Master Plan as set forth in a report dated April 14, 2011.

Now Therefore, Be It Ordained, by The Township Council of the Township of Lower, in the County of Cape May and State of New Jersey as follows:

Section 1. Section 400-27H. Permitted land uses within airport hazard zone shall be amended and supplemented by adding a New Section (8) as follows:

400-27H. (8) GB, GB-1 General Business, (not located in a clear zone). GB, GB-1, General Business shall be a permitted use in all or part of the following Blocks and Lots, as plotted on the Airport Hazard Area Map:

Block 410.01, Lots 36, 37 & 37.01.

Section 2. Section 400-27H. shall be amended and supplemented by adding a New Section (9) as follows:

400-27H.(9) Outdoor Flea Markets, (not located in a clear zone). Outdoor flea markets shall be a permitted use in all or part of the following Blocks and Lots.

Block 410.01, Lots 36, 37 & 37.01.

Section 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

Section 4. 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 5. This Ordinance shall be approved by The Commissioner of the Departmental of Transportation as required by N.J.S. 6:1-80 the "Air Safety and Zoning Act of 1983."

# ANIMAL CONTROL MONTHLY REPORT

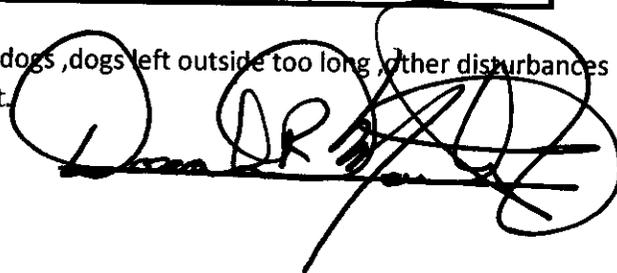
MONTH OF APRIL 2012

ACO D.Montgomery 4/1 to/30/12

	<b>DOGS</b>	<b>CATS</b>	<b>WILDLIFE</b>
<b>TOTAL CALLS</b>	252	90	73
<b>TO SHELTER</b>	0	7	0
<b>RETURNED</b>	12	1	65
<b>TO VET</b>	1	3	0
<b>DOA</b>	3	4	8
<b>WARNINGS</b>	26	10	0
<b>TICKETS</b>	17	0	0
<b>BITES</b>	3	0	0
<b>QUARANTINES</b>	1	0	0
<b>OTHER</b>	189	0	0

\*OTHER includes complaints of barking dogs ,dogs left outside too long ,other disturbances and reports of animal abuse or neglect.

Additional Comments

A large, stylized handwritten signature in black ink, possibly reading 'D. Montgomery', is written over the 'Additional Comments' section. The signature is highly stylized and includes several loops and flourishes.

# ANIMAL CONTROL MONTHLY REPORT

MONTH OF April 2012

ACO Parker DATE 5/3/2012

	<b>DOGS</b>	<b>CATS</b>	<b>WILDLIFE</b>
<b>TOTAL CALLS</b>	8	0	8
<b>TO SHELTER</b>	0	0	0
<b>RETURNED</b>	2	0	0
<b>TO VET</b>	0	0	0
<b>DOA</b>	1	0	1
<b>WARNINGS</b>	0	0	0
<b>TICKETS</b>	0	0	0
<b>BITES</b>	1	0	0
<b>QUARANTINES</b>	1	0	0
<b>OTHER</b>	3	0	7

\*OTHER includes complaints of barking dogs ,dogs left outside too long ,other disturbances and reports of animal abuse or neglect.

**Additional Comments**

New Jersey State Department of Health and Senior Services  
 Infectious and Zoonotic Disease Program  
 PO Box 369  
 Trenton, New Jersey 08625-0360

FOR STATE USE ONLY	
Check # _____	Amount _____
Date of check _____	
Trans. Number _____	
Date of Trans. _____	

**Monthly Dog License Report**

**A: IDENTIFICATION**

Municipality : TOWNSHIP OF LOWER County: CAPE MAY Date: 5/ 2/2012

**B: LICENSE DATA**

1. Period Covered	From: 04/01/2012	To: 04/30/2012
2. First License # of this report .....	1052	
3. Last License # of this report .....	1323	
4. Last License # of last report .....	1051	
5. Total Licenses issued this report ....	272	

**C: LICENSES ISSUED FOR WHICH NO MONEY IS SUBMITTED**

List individually all licenses issued for which no fee is submitted.

Hearing Ear Dog License# 1233 [1233]; Hearing Ear Dog License# 1234 [1234]; Replace License # 705 [1314]

**D: PILOT CLINIC FUND**

Surcharge for all licenses issued except for seeing eye & hearing ear .

Numbers: 269 Amount : \$53.80

**E: ANIMAL POPULATION CONTROL FUND**

Additional surcharge for licenses issued for non-spayed & non-neutered dogs except for seeing eye and hearing ear.

Number: 70 Amount: \$210.00

**F: FEE DATA**

1. Total licenses reported with registration fee :	\$269.00
2. Total Amount due for pilot clinic fund ( sec. D) :	\$53.80
3. Total Amount due for Animal population control fund ( sec. E) :	\$210.00
4. Total Amount due for this report :	\$532.80

**G: CERTIFICATION**

I certify this report is a true and complete statement of licenses issued during the period indicated above.

Officer Name : Claudia R Kammer

Title : Municipal Clerk

Signature : *Claudia R Kammer*

Date: 5/2/12

Phone : 609-886-2005





## TOWNSHIP OF LOWER

### Engineer's Report

Meeting Date: May 21, 2012

➤ 2011 Delaware Bay Shore Outfalls

The USACE permit was issued 12/21/11. The NJDEP permits were issued 3/30/12 and received by our office on 4/11/12.

Subsequent to the initial Tidelands license application for this project the Bureau of Tidelands Management recently revised its regulations to authorize a Tidelands Grant for Municipal outfalls in lieu of its previous Tidelands Licenses for these structures. At a great savings to the Township the Grant will require only a one-time payment in lieu of the annual payment the township now pays for its previously reconstructed outfalls. HMM is working with the NJDEP Bureau of Tidelands Management to coordinate and complete the Tidelands Grant application(s) for all of the Township's outfalls.

➤ Bayshore West Stormwater Management Improvements

The diving contractor completed the underwater evaluation of the main storm sewer line in Roseann Avenue at the end of February/beginning of March. HMM is currently formulating recommendations regarding the next phase of the project based on the findings of the above evaluation.

➤ Lower Township UST Compliance Assistance

NJDEP no longer provides case management services for most contaminated sites. Due to the passage of a statute in 2009 known as the Site Remediation Reform Act (SRRA), Licensed Site Remediation Professionals (LSRP) are now licensed as "Agents of the NJDEP" to process contaminated sites through site remediation and case closure.

HMM was requested and is acting in this role on behalf of the Township for two locations where underground storage tanks were removed. Our office has reviewed existing UST closure documents for two sites as requested by the Township in response to recent correspondence from the NJDEP. Initial forms have been completed and submitted to the NJDEP. A scope of services for the next phase of work has been identified to address the initial site investigations at the Township's Department of Public Works and the former Police Station sites. These investigations are required to identify those actions necessary to ascertain the environmental issues that must be addressed to satisfy the NJDEP's regulatory requirements to bring these cases to closure.

Municipal Clerk's  
Register Report

4/1/2012 Through 4/30/2012

5/2/2012

Page 1

Account	Description	Memo	Category	Amount
<b>INCOME</b>				
	TOTAL Business Mercantile 2011-2012			100.00
	TOTAL Business Mercantile 2012-2013			250.00
	TOTAL Business Mercantile One Day Event			120.00
	TOTAL Campgrounds & Trailers			114.00
	TOTAL Copies & Postage			0.50
	TOTAL Rental Merc 2011-2012			150.00
	TOTAL Rental Merc 2012-2013			6,000.00
	TOTAL Street Openings			250.00
	TOTAL Towing			200.00
	TOTAL Yard Sales			385.00
	<b>TOTAL INCOME</b>			<b>7,569.50</b>
<b>TRANSFERS</b>				
	TOTAL Council Checking			-7,569.50
	<b>TOTAL TRANSFERS</b>			<b>-7,569.50</b>
			<b>OVERALL TOTAL</b>	<b>0.00</b>

**LOWER TOWNSHIP MUNICIPAL COURT  
MONTHLY DISBURSEMENTS**

TRAFFIC (All fines split w/ County)	\$ 3,962.00
TRAFFIC COSTS (We receive all costs)	\$ 1,630.50
CRIMINAL FINES (We receive both Criminal & Local Ordinance fines)	\$ 3,430.50
CRIMINAL COSTS	\$ 583.00
REINSTATED BAILS	\$ -
LOCAL PARKING	
CONTEMPT CHARGES	\$ 81.50
PUBLIC DEFENDER FEES	
MISCELLANEOUS FEES (Spinal & Overpayments)	\$ 15.73
DWI SURCHARGE	\$ 148.62

**APRIL 2012 DISBURSEMENTS**

APRIL 2012 COMPLAINTS ISSUED	CRIMINAL IND.	CRIMINAL DP	TRAFFIC	DUI	TOTAL
	27	52	88	5	172
<b>TOTAL RECEIPTS</b> \$19,894.30	<b>TOWNSHIP SHARE</b> \$9,851.85				

COMPLAINTS IN WARRANT STATUS	CRIMINAL	TRAFFIC	TOTAL
	204	126	330



**Lower Township Police Department  
Monthly Activity Report**

2012

	April	Total:
<b>General Complaints and Service Calls</b>	2884	8209
<b>Emergency Medical Calls with L. T. Rescue</b>	163	614
<b>Fire Alarm Call Outs (Total)</b>	51	197
Villas Fire Company	17	66
Town Bank Fire Company	17	70
Erma Fire Company	17	61
<b>Assaults</b>	9	34
<b>Robbery</b>	1	3
<b>Domestic Violence Complaints</b>	31	128
<b>Domestic Violence with Assaults</b>	7	38
<b>Motor Vehicle Accidents</b>	36	141
<b>Traffic Warnings</b>	35	131
<b>Traffic Summons</b>	79	245
<b>Motor Vehicle Stops</b>	361	1222
<b>Local Ordinance Warnings</b>	6	22
<b>Local Ordinance Complaints</b>	4	11
<b>Assaults on Police Officers</b> (UCR Report Return "A")	1	5
<b>Residential and Commercial Alarm Calls</b>	59	230
<b>Property Checks</b>	932	3404
<b>Death Investigations</b>	1	5
<b>Burglaries</b>	10	73
<b>Thefts</b>	40	207
<b>Criminal Mischief Complaints</b>	45	162
<b>Disorderly Conduct Complaints</b>	90	230
<b>Animal Control Complaints</b>	470	1094
<b>Adult Arrests</b> (UCR Report Return "A")	51	197
<b>Juvenile Arrests</b> (UCR Report Return "A")	10	38
<b>D.W.I. Arrests</b> (UCR Report JV & Adult Arrests Combined)	3	13
<b>Drug Possession Arrests</b> (UCR Report JV & Adult Arrests Combined)	3	25
<b>Investigation Reports Completed</b>	121	449
<b>Supplemental Investigation Reports Completed</b>	41	175
<b>Total Value Property Stolen</b> (UCR Report Return "A")	\$39,521.00	\$133,098.00
<b>Total Value Property Recovered</b> (UCR Report Return "A")	\$14,677.00	\$44,439.00



**Lower Township Police Department  
Monthly Activity Report**

2012

	April	Total:
<b>Man Power Loss in Hours</b>		
Union	0	0
Suspended	176	296
Vacation	841.5	2820.5
Personal	97	262
Comp Hours	65.5	250
Sick Hours	160	968
Injury Hours	0	0
Training Hours	248	1712
Military Training	228	1320
<b>Police Department Overtime in Hours</b>		
Operations Overtime	113.5	694.75
Operations Comp Time	9	93.5
Investigation Division Overtime	42	168
Investigation Division Comp Time	10	46.25
Court Overtime	8	95
Court Comp Time	0	0
Holiday Overtime	100.5	361
Holiday Comp Time	14.5	68
<b>Government/Grant Funding Overtime in Hours</b>		
Click It or Ticket	0	0
Cops n Shops	0	0
JV Curfew	0	0
DWI Patrol	0	0
Other	0	0
<b>Private Funding Overtime in Hours</b>		
Special Detail	311.5	423

Prepared by:

Chief Brian Q. Marker

Date:

*Brian Q. Marker*  
5/14/12

**2012 CASH RECEIPTS  
APRIL**

Township of Lower  
Office of the Tax Collector

	<b>MONTH TO DATE</b>	<b>YEAR TO DATE</b>
<b>Receipts</b>		
Current year taxes (2012)	5,214,885.08	17,208,362.53
Prior year taxes (2011)	385,700.44	1,081,394.20
Arrears (2010)	1,218.08	1,468.08
6% Penalty	2,451.45	5,370.98
Municipal Service Fees	420.00	36,090.00
Tax Search Fees	20.00	20.00
Interest	42,486.62	97,168.69
Lot clearing	2,926.70	5,236.70
Returned Check Fees		200.00
Duplicate Bills	110.00	260.00
Trash	2,981.00	36,389.50
Tax Sale Cost	12,142.64	15,878.79
MUA	132,417.24	143,466.56
<b>DEPOSITED COUNCIL CHECKING</b>	<b>5,797,759.25</b>	<b>18,631,306.03</b>
<b>PREMIUM ACCOUNT</b>	<b>261,400.00</b>	<b>261,400.00</b>
<b>TOTAL DEPOSITS</b>	<b>6,059,159.25</b>	<b>18,892,706.03</b>
NSF Reversals		-9,897.04
<b>TOTAL</b>	<b>6,059,159.25</b>	<b>18,882,808.99</b>

Prepared by Susan Jackson

VITAL STATISTIC  
APRIL DEPOSIT  
2012

Marriage / CU License Total	14
D.P. Lic. Total	0
Total Burial Permits	0

State Marriage / CU Fee	\$ 350.00
Twp. Marriage / CU Fee	\$ 42.00
State D.P. Fee	\$ -
Twp. D.P. Fee	\$ -
State Burial Permit Fee	\$ -
Twp. Burial Permit Fee	\$ -
Twp. Cert. Copy Fee	\$ 1,390.00

<b>TOTAL</b>	<b>\$ 1,782.00</b>
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**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION # 2012-136**

**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 or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- \_\_\_\_\_ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- \_\_\_\_\_ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

\_\_\_\_\_ (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 \_\_\_\_\_ 2012 that an Executive Session closed to the public shall be held on this date at approximately \_\_\_\_\_ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on May 21, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-137

**TITLE: A RESOLUTION TO RATIFY THE MEMORANDUM OF UNDERSTANDING BETWEEN LOWER TOWNSHIP AND THE LOWER TOWNSHIP SUPERVISORS UNION**

WHEREAS, extensive negotiations were conducted by the Township Manager and Labor Counsel with The Lower Township's Supervisors Union; and

WHEREAS, the parties have reached an agreement in a Memorandum of Understanding which will be utilized to prepare the Collective Bargaining Agreement with the Lower Township Supervisors Union; and

WHEREAS, the Township Manager and Labor Counsel recommend the Township Council's ratification of the Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED the attached Memorandum of Understanding is hereby ratified.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the ratified Collective Bargaining Agreement, once prepared, in accordance with and under the terms as outlined herein above, on behalf of the Township.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						