

# WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

APRIL 16, 2012 - 7:00 P.M.

## Meeting called to order.

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

## Work Session

Presentation - Steve Sheftz & Jerry Keelen re: Potable Water Loan Program  
Jim McNutt, World Oceans Day  
Review & discussion on request of Ed Neimann re: support of Council for sale of lot to County Open Space  
Review of Consent & Regular Agenda Items

## Consent Agenda

Approval of Minutes	April 2, 2012
Res. #2012-99	Payment of Vouchers, \$1,809,365.40
Res. #2012-100	Recycling Tonnage Grant Resolution (annual resolution)
Res. #2012-101	Renewal of 2012 Campground Licenses (annual renewals)
Res. #2012-102	Issuance Ice Cream Peddling and Ice Cream Salesmen's Licenses for the Year 2012 to Summer Daze Ice Cream (Annual renewal)
Res. #2012-103	A Resolution to Affirm the Lower Township Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public That Come into Contact with Municipal Employees, Officials and Volunteers (Requirement for our joint insurance fund)
Res. #2012-104	Approval of Precious Metals License for Robin Whitehurst T/A Golden Eagle for the Year 2012
Res. #2012-105	Approval of Seashore Church of the Nazarene's Application to Conduct a Flea Market (Apr. 28)
Res. #2012-106	Award of Contract for Concession for 2012 Independence Day Festival Rides (\$12,500 w/vendor
Res. #2012-107	Capital Budget Amendment
Res. #2012-108	Authorizing the Person to Person Transfer of Liquor License #0505-33-007-003 from D.S.S.K. Inc. to Two Mile Crab House Limited Liability Company
Res. #2012-109	Resolution Adopting Revised Personnel Policy Manual (replaces existing employee manual with language changes mandated by Joint Insurance Fund)
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)
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, 1 <sup>st</sup> rdg. (4 vehicles w/higher MPG's)
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, 1 <sup>st</sup> rdg. (Funds not needed for original purpose being used for recreation equipment) 2 <sup>nd</sup> rdg May 7
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, 1 <sup>st</sup> rdg. (Various capital improvements for Court, Police, Public Works and Recreation) 2 <sup>nd</sup> rdg. May 7

## Regular Agenda

### Administrative Reports

Manager's Report

March Reports

Animal Control, Construction Official, Clerk, Dog Licenses, Engineer, Municipal Court, Tax Collector, Vital Statistics

## Council Comments

### Call to the Public

### Closed Session

Res. #2012-110 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. (Acquisition of Property, Labor Relations - PBA & Superior Officer's, Personnel)

### Return to Open Session

Res. #2012-111 Resolution Authorizing the Manager to Proceed as Discussed for the Acquisition of Property (if authorized at Closed Session)

Res. #2012-112 A Resolution Ratifying the Contract between the Township of Lower & PBA Local 59 as on the Attached Memorandum of Understanding (possible adoption if authorized at closed session)

Res. #2012-113 A Resolution Ratifying the Contract between the Superior Officer's Association and the Township of Lower as on the Attached Memorandum of Understanding (possible adoption if authorized at closed session)

### Adjournment

## PUBLIC INFORMATION

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

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

**ALL RENTAL PROPERTIES REQUIRE LICENSE 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.

## **Regular & Work Session Meeting Minutes - APRIL 2, 2012**

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 2, 2012 at 6:00p.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 has 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: Manager Michael Voll; Solicitor Michael Donohue and Assistant Clerk Julie Picard

### Proclamation: Animal Control Officers Week

Mayor Beck presented Lower Township's Animal Control Officers Don Montgomery, Steve Flitcroft and Steve Parker with a proclamation proclaiming April 8 thru April 14, 2012 as Animal Control Officer week in Lower Township and commended them on their outstanding work.

### Proclamation: Autism Month - Jacyn Pisieczko

Mayor Beck read a proclamation proclaiming April, 2012 as Autism Awareness Month in Lower Township and Blow Bubbles for Autism Day on April 26, 2012. Mr. Jacyn Pisieczko received the Proclamation. Jacyn's mother addressed Council and thanked the Mayor and Council for their continued support with Autism Awareness and updated Council on Autism. Jacyn then addressed Council and gave an update on how he is doing in school and presented the Mayor and Council with a plaque in appreciation.

### Certificates of Recognition to Participants of the Genesis Adult Health & Safety Fair

Mayor Beck and Council presented all the participants of the Adult Health & Safety Fair with certificates of Appreciation. Genesis thanked Lower Township for partnering with Genesis for the event and advised that there will be another health fair in the Fall. Genesis serviced over 100 Lower Township residents and gave out door prizes to participants.

### **Work Session**

#### Discussion of Water Quality Management Plan - William Galestok, Planning Director

Bill Galestok addressed Council and gave an update on the Water Quality Management Plan. He stated the State looked at the submission and removed several areas from the map. The State removed several areas noting a "25 acre clip" area. There are a few areas which will be corrected. Mr. Galestok stated the County received 180 days to complete the process and Lower Township meet with the County on March 18<sup>th</sup> and then met with the DEP on the 29<sup>th</sup> to point out certain areas. Mayor Beck questioned this is as a result of a change in the regulations? Mr. Galestok replied the time line is the result in the change of the regulations but we knew they were going to remove items from the map.

**Consent Agenda**

- Approval of Minutes March 19, 2012  
 Res. #2012-91 Approving the Municipal Access Plan (tabled March 19)  
 Res. #2012-92 Payment of Vouchers, \$1,819,351.98  
 Res. #2012-93 Approval of Cold Spring Presbyterian Church's Application To Conduct A Flea Market (May 26, 2012)  
 Res. #2012-94 Awarding an Economic Development Loan to Cape May Brewing, LLC (Loan of \$68,165.78)  
 Res. #2012-95 Resolution for Self-Examination of Budget (Annual resolution)  
 Res. #2012-96 Authorizing Change Order Number 4 with Gen li, Inc., in Connection with Contract No. M-5, roof Replacement and Related Work at the Recreation Center (final payment of \$51,519.58 minus all liquidated damages amounting to \$30,935.18)  
 Res. #2012-97 Recycling Tonnage Grant Certification of Taxes Paid (Requirement of the Recycling Enhancement Act which funds the recycling tonnage grants to municipalities)  
 Ord. #2012-06 An Ordinance Amending Chapter 157, Alcoholic Beverages, of the Code of the Township of Lower, 1<sup>st</sup> rdg. (Establishes guidelines and regulations for underage consumption of alcohol on private property) 2<sup>nd</sup> rdg. & public hearing Apr. 16<sup>th</sup>)  
 Motion to adopt the 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 Agenda**

**Budget Review - Leon Costello, Township Auditor**

Mr. Leon Costello, Township Auditor addressed Council and stated this is the public hearing on the 2012 budget. This process started in September with Lauren Read, CFO and Mike Voll, Manager, meeting with department heads, getting information together, meeting with Council, getting the introduction together and now we are at the Public Hearing. Mr. Costello stated Council's mission was to formulate a budget with no increase, which you were successful in doing. This is not an election year budget by any means, there are no gimmicks, no "one-timers", there is no miscellaneous junk, you are not raiding the fund balance, it is true hard working zero tax increase. Lower is within all the state mandates, otherwise you would not be able to do this. Tonight is the time for the public to comment and ask questions.

Deputy Mayor Lare stated this was a communal effort by the Department Heads and employees. Council sets the parameters and understands where the public wants to be, with taxes being the most critical issue. Council gets the credit for it, but it is the department heads that deserve the credit. Deputy Mayor Lare

thanked the employees of the Township, the department heads, the CFO and Manager for their hard work in obtaining the zero tax increase.

Mayor Beck echoed the Deputy Mayors sentiments and stated we have asked our employees to do more with less, and one of the key factors is that we have reduced the work force over the last few years significantly. Also, we are finally seeing relief through the long awaited tool kit. Mayor Beck questioned the savings in the pension contributions and the impact of the health insurance increase. Lauren Read, CFO, replied the health insurance employee contributions decreased the line by approximately \$132,000.00 and the pension contributions are reduced by \$335,135.00 in the current fiscal year.

Res. #2012-98 Adoption of 2012 Municipal Budget (Final budget with 2 minor changes to State Aid - budget remains at zero tax increase)

Public Comment - None

Motion to adopt Resolution 2012-98 moved by Councilmember Conrad, seconded by Councilman Craig.

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

**Administrative Reports**

Personnel Action Report

Department Reports January & February - CFO

**Clerk’s Certification on Referendum Petition Re: Ord. #2012-02**

Clerk Kammer stated that regarding the Wood Burner Ordinance, a petition was filed containing 775 signatures, 601 signatures were validated. There were 174 signatures not validated for various reasons including duplicate signatures, illegible, no addresses and residents not registered.

Councilmember Douglass stated regarding the wood burner issue, he believes Council still needs to send it back to the planning Board for review with recommendations of restrictions because of the outpouring of residents who came forward to voice their opinion regarding the total banning. Mr. Douglass made a motion to repeal the Ordinance and send it back to the Planning Board for review, motion seconded by Mayor Beck. Mayor Beck requested the solicitor introduce an Ordinance at the next meeting which would repeal the original Ordinance and once the Planning Board has crafted their opinion, then we can institute a new Ordinance on the same issue. Manager Voll stated as requested by Council, this Ordinance has been sent back to the planning board for review and is scheduled for April 19<sup>th</sup> at 7:00 p.m.

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

Council Comments -

Councilmember Conrad congratulated Cape May Brewery on their economic development loan, it is a wonderful operation there. Cape may Brewing Company addressed Council and stated they competed at the Atlantic City Beer Festival and won first place for Best Indian Pale Ale. Councilman Conrad wished everyone a Happy Easter.

Councilmember Craig commended the supervisors on the budget they put forth and wished everyone a Happy Easter.

Councilmember Douglass thanked all the department heads and CFO Read and Manager Voll for doing a good job and stated he appreciated everyone working together, it makes it a lot easier to go through the process in this manner. Councilmember Douglass wished everyone a healthy and safe Easter.

Deputy Mayor Lare congratulated the Lacrosse team for an outstanding win against Middle Township. Deputy Mayor Lare wished everyone who does celebrate the Easter Holiday to have a happy and safe holiday.

Mayor Beck thanked the Fish & Wildlife for the stocking of the pond at Ponder Lodge. They loaded 500 trout in Flint Pond. Opening day is this Saturday. A number of residents stated prior to this being stocked, they had to drive to Dennis Township . Mayor Beck announced that the County provides prescription drug cards to anyone who does not presently have RX coverage. You can get discounts ranging from 2% to 50%. You can get additional information on the County web site @ [capemaycounty.gov](http://capemaycounty.gov).

Mayor Beck announced that the Lower Township Rotary Club is having a spaghetti dinner on Friday, April 20<sup>th</sup> from 4:30 to 8:00 p.m. at Uncle Bills Restaurant. Proceeds benefit the local food banks and programs. Tickets are available at Town Hall through Clerk Claudia Kammer.

Call to the Public -

John Fleming, 8 North Andrielle, addressed Council and stated he is confused regarding the rush for Council to take an Ordinance, which was properly developed and approved by the Council, based on a petition which is not even valid. Mayor Beck replied it is based upon a petition which has a lot of

signatures. There are a lot of people that we were not even aware of the Ordinance who are opposed to it. Mr. Fleming replied they had the opportunity to come to the meetings and voice their opinion. Mayor Beck replied once Council became aware of the opposition, we agree that there needs to be an adjustment to the Ordinance. By Council repealing the Ordinance, it solves the petition situation and gives the ability for the competing sides to return to the Planning Board - for both sides to show up and present their evidence or opinions as to how the Ordinance should be adjusted. Mr. Fleming stated the public has already had that opportunity and the petition is not valid. Mr. Fleming suggested that if the petition is presented with the adequate signatures, then repeal the Ordinance. Mayor Beck replied there are a lot of people that have an issue with this Ordinance and this will give the Planning board another shot to look at the Ordinance and make additional recommendations. The new Ordinance will also have two readings and there will be public comments on that as well.

Dianne Morton, 7 South Andrielle Lane, addressed Council and handed out pictures. She stated an outdoor wood boiler is not just a structure to heat a house. It comes with smoke and fumes, piles and piles of wood, unsound structures to try to keep the wood dry and the sound of chainsaws on a quite Sunday morning. Ms. Morton addressed Mr. Lare and said he previously stated he would defend the rights of property owners and questioned the rights of the people who live around this burner. She stated after repeatedly talking to the owner, the neighbors they came to Council in August of 2011. This journey has been written about in the papers numerous times. The smoke and fume Ordinance was amended to include a special section regarding OWB's. There were no comments from the owners at that time. The Planning Board decided to ban the burners and Council passed the ban unanimously at the first reading. No one objected to the ban until the second reading. Now, there are 700 people who signed a petition to repeal the Ordinance. Where were all these people during the hearings? The Ordinance clearly states it does not include fire places. This Ordinance was to protect the health, safety and welfare of residents of Lower Township so they would not have to go through what these neighbors went through. Many of the people signed the petition without knowing what the Ordinance is truly about. OWB's do not belong in residential areas, but if they are, restrictions should include at least 5 acres and at least a 500 foot set back, burn times should be between Nov 1<sup>st</sup> to May 1<sup>st</sup>, new owb's should be at least EPA phase 2 certified and the fuel should be specified. Wood burning is not good for you. Numerous studies link burning to health problems and increase susceptibility to asthma. People think they are saving money by burning wood, but the health effects may be very expensive. Mayor Beck again reiterated that this is heading back to the Planning Board and the opportunity for both sides to present their case and perhaps come to a compromise will be available.

#### Adjournment

There being no further business, motion to adjourn moved by Councilmember Conrad, seconded by Councilman Craig. Motion approved unanimously by verbal "ayes". Meeting adjourned at 6:55p.m.

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Mayor Beck

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Clerk Kammer

Approved:



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01125 MARGARET CROMPTON	12-00856	04/02/12	MEDICAL CLAIMS	Open	60.00	0.00		
01171 VERIZON WIRELESS - TOWNHALL	12-00865	04/02/12	CELL PHONE BILL	Open	1,054.61	0.00		
	12-00934	04/09/12	03/29/12-04/28/12 CELL	Open	<u>111.95</u>	0.00		
					1,166.56			
01245 G & K SERVICES CO*	12-00915	04/04/12	UNIFORM RENTALS/DPW/MARCH 2012	Open	733.96	0.00		
01602 THOMSON WEST*	12-00759	03/21/12	ANNUAL DUES	Open	221.04	0.00		
01603 GENERAL CODE PUBLISHERS*	12-00849	03/30/12	CODE BOOK SUPP #19	Open	573.41	0.00		
01641 GALL'S INC*	12-00633	03/06/12	PATROL SUPPLIES	Open	110.00	0.00		
01806 ANTHONY J HARVATT, II, ESQ	12-00777	03/21/12	BOARD SOLICITOR SALARY	Open	383.33	0.00		
	12-00946	04/10/12	RESOLUTION B494.07 L-6	Open	<u>150.00</u>	0.00		
					533.33			
01820 DARRIN D. HICKOK	12-00943	04/09/12	MEDICAL CLAIMS-V	Open	148.00	0.00		
02220 LIFESAVERS INC*	12-00812	03/22/12	AED BATTERIES	Open	252.00	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN	12-00033	01/06/12	2012 SCHOOL TAXES DUE 1ST	Open	1,465,932.70	0.00		
02417 MAGELLAN HILL TECHNOLOGIES*	12-00857	04/02/12	PHONE SERVICE	Open	418.62	0.00		
02443 ALLEN MAGNAVITA	12-00858	04/02/12	SHOE ALLOWANCE FOR 2012/DPW	Open	244.80	0.00		
	12-00927	04/09/12	MEDICAL CLAIMS-V	Open	<u>280.00</u>	0.00		
					524.80			
02541 ROBERT D. MARTIN, JR	12-00925	04/09/12	MEDICAL CLAIMS	Open	110.98	0.00		
02590 ARTHUR MASON	12-00900	04/03/12	MEDICAL CLAIMS	Open	39.63	0.00		
02756 PHILADELPHIA TURF CO INC*	12-00587	03/01/12	RIDING MOWER PARTS/DPW	Open	55.61	0.00		
03274 P & J GAS SERVICE*	12-00824	03/26/12	PROPANE FOR PATCH TRUCK/DPW	Open	110.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03293 BLAINE PAYNTER	12-00924	04/09/12	MEDICAL CLAIMS	Open	49.00	0.00		
03374 SEASHORE SUPPLY*	12-00902	04/04/12	TANK FOR SPRINKLER SYSTEM	Open	689.99	0.00		
03537 RUTGERS, THE STATE UNIVERSITY*	12-00497	02/22/12	MUNICIPAL CLERK REVIEW COURSE	Open	545.00	0.00		
03560 S & O CORPORATION	12-00558	02/24/12	TARPS FOR ROLL-OFF TRUCKS/DPW	Open	313.95	0.00		
03765 TAX COLL&TREAS ASSN OF C M C*	12-00771	03/21/12	2012 MEMBERSHIP RENEWAL-	Open	200.00	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	12-00779	03/21/12	ONE CALL MESSAGES/DPW	Open	91.59	0.00		
03863 TREASURER, STATE OF NEW JERSEY	12-00935	04/09/12	STATE SURCHARGE-1ST QRT WCM	Open	576.00	0.00		
	12-00936	04/09/12	STATE SURCHARGE-1ST QRT LOWER	Open	<u>2,899.00</u>	0.00		
					3,475.00			
03917 STATE OF NJ DEPT OF CHILD/FAML	12-00926	04/09/12	QUARTER MARRIAGE-1ST QRT 2012	Open	625.00	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	12-00831	03/27/12	OFFICE SUPPLIES	Open	35.37	0.00		
03971 VERIZON WIRELESS	12-00864	04/02/12	MDT WIRELESS FEB 21-MARCH 20	Open	691.26	0.00		
04097 CINTAS FIRST AID AND SAFETY*	12-00862	04/02/12	FIRST AID SUPPLIES- TOWNHALL	Open	88.46	0.00		
	12-00914	04/04/12	FIRST-AID KIT SUPPLIES/DPW	Open	<u>161.13</u>	0.00		
					249.59			
04124 MOTOROLA	12-00727	03/15/12	RADIOS	Open	7,140.00	0.00		
04216 PRIVATE ISLAND EMBROIDERY*	11-03611	12/30/11	UNIFORMS	Open	2,426.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	12-00863	04/02/12	STATE DOG LICENSE FEES-MARCH	Open	262.80	0.00		
04276 WPCS INTERNATIONAL- LAKEWOOD*	12-00775	03/21/12	NEW VEHICLE OUTFITTING	Open	74.00	0.00		
04300 W B MASON CO INC*	12-00818	03/26/12	OFFICE SUPPLIES	Open	355.16	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04300 W B MASON CO INC*				Continued				
12-00826	03/26/12	OFFICE SUPPLIES	Open	<u>252.82</u>	0.00			
					607.98			
4104 DOUGLASS LANDSCAPING LLC*								
12-00687	03/09/12	LANDSCAPING/MAINTENANCE	Open	6,490.63	0.00		B	
5027 CAPE MAY COUNTY FIRE PROTECTIO								
12-00786	03/22/12	2012 NEW MEMBERSHIP	Open	50.00	0.00			
FRAMEGEO GEORGE FRAME								
12-00685	03/09/12	BASKETBALL REF FEES BIDDY DIV.	Open	78.00	0.00			
G-ISL ISLAND TROPHIES								
12-00464	02/16/12	RETIREMENT PLAQUES	Open	195.00	0.00			
12-00692	03/09/12	RETIREMENT PLAQUE	Open	<u>65.00</u>	0.00			
					260.00			
Total Purchase Orders:		60	Total P.O. Line Items:	91	Total List Amount:	1,809,365.40	Total Void Amount:	0.00

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

I hereby certify the foregoing resolution was adopted by the Council at the April 16, 2012 meeting.

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

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

RESOLUTION #2012-100

TITLE: RECYCLING TONNAGE GRANT RESOLUTION

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW ,THEREFORE, BE IT RESOLVED** by the Township Council of Township of Lower that Township of Lower hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda Thomas, CRP to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 16, 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 #2012-101

**TITLE: RENEWAL OF 2012 CAMPGROUND LICENSES**

WHEREAS, Beachcomber Campground, Inc., Doug/Ted McPherson, Lake Laurie Inc. and Robbro, LLC Robert Lepor & Seashore Campsites, Inc., have applied for renewal of their Campground Licenses, and

WHEREAS, the applicants have paid the required license fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council the governing body of the Township of Lower that the Campground Licenses for the following are hereby renewed for the period of April 1, 2012 through March 31, 2013 subject to all real estate taxes being current.

Beachcomber Campground Inc.	t/a Beachcomber Campground
Doug/Ted McPherson	t/a Cold Spring Campground, Inc
Lake Laurie, Inc.	t/a Lake Laurie Campground
Robbro LLC	t/a Holly Shores Campground
Robert Lepor	t/a Cape Island Resort
Seashore Campsites, Inc.	t/a Seashore Campsites Inc.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of April 16, 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 #2012-102

**TITLE: ISSUANCE ICE CREAM PEDDLING AND ICE CREAM SALESMEN' S LICENSES FOR THE YEAR 2012 TO SUMMER DAZE ICE CREAM**

WHEREAS, Steven Lerch, T/A Summer Daze Ice Cream has submitted applications for Ice Cream Peddling and Ice Cream Salesman Licenses for the year 2012, and

WHEREAS, all required paperwork and fees have been received for the licenses.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the Clerk be authorized to issue the following licenses for the year 2012, after inspection of the vehicle with the Police Department

**Ice Cream Peddling Salesman License**

Steven R. Lerch - Summer Daze

John W. Frame - Summer Daze

**Ice Cream Peddling Business License**

1992 GMC G3500 Van Vin# 2GDHG31K6N4521973

FURTHER, RESOLVED, that anyone selling in conjunction with this license will do so only upon proper application and license approval by the Township.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 16, 2012.

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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 #2012-103**

**TITLE: A RESOLUTION TO AFFIRM THE LOWER TOWNSHIP CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS.**

WHEREAS, it is the policy of Lower Township to treat the public, employees, prospective employees, appointees volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of Lower Township has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Mayor and Council Members that:

- Section 1: No official, employee, appointee or volunteer of Lower Township by whatever title known, or any entity that is in any way a part of Lower Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of Lower Township's business or using the facilities or property of Lower Township.
- Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from Lower Township to provide services that otherwise could be performed by Lower Township.
- Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
- Section 4: The Manager shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.
- Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
- Section 6: The Manager shall establish written procedures that require all officials, employees, appointees and volunteers of Lower Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Manager shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Manager shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within Lower Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Lower Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of Lower Township in order for the public to be made aware of this policy and Lower Township's commitment to the implementation and enforcement of this policy.

I hereby certify the foregoing resolution has been adopted by the Township Council at a regular meeting held on April 16, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSTAIN
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-104

**TITLE: APPROVAL OF PRECIOUS METALS LICENSE FOR ROBIN WHITEHURST T/A GOLDEN EAGLE FOR THE YEAR 2012**

WHEREAS, application has been made for a Precious Metals license by Robin Whitehurst T/A Golden Eagle for the year 2012 in accordance with Ordinance #81-2, and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that a Precious Metals license to for the year 2012 is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 16, 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 -105**

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

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

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

WHEREAS, the Township Council has reviewed the application of Seashore Church of the Nazarene to conduct a flea market on April 28, 2012; and

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

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

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on April 16, 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 #2012-106

**TITLE: AWARD OF CONTRACT FOR CONCESSION FOR 2012 INDEPENDENCE DAY FESTIVAL RIDES**

WHEREAS, the request for proposals for the Concession for 2012 Independence Day Festival Rides was advertised on February 29, 2012 and due by March 22, 2012 at 11:00 a.m., and

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

WHEREAS, the vendor has supplied all required bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation 2-01-30-420-299

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 contract for the above is hereby awarded as follows.

**AWARD TO: WIZARDS FESTIVAL OF FUN INC.**  
**TOTAL: Option 3 -\$12,500.00 payment to Wizard's in addition, Wizard's Festival of Fun will collect \$1.00 per ride from participants.**

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized and directed to execute the contract for the same, which will then be submitted to the Atlantic County Municipal Joint Insurance Fund for final insurance review.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on April 16, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

**2012-01 Request for Proposal Concession  
Lower Township Independence Day Festival Rides**

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

**Option #1**

Flat fee concession payment from the Contractor to the Township of Lower, due upon contract award. A proposed wristband fee to be collected by the Contractor from the public at the event.

a. Concession Payment Option #1

N/A - We cannot participate under Option #1 terms.

b. Wristband Fee for Event Option #1

N/A - We cannot participate under Option #1 terms.

**Option #2**

Concession Payment waived from the Contractor to the Township with a REDUCED Proposed wristband fee to be collected by the Contractor from the public who attend the event.

a. Wristband Fee for Event Option #2

N/A - We cannot participate under Option #2 terms.

**Option #3**

Flat fee payment from the Township of Lower with \$ 1 per rides tickets in lieu of the REDUCED proposed wristband fee to be collected from the public by the Contractor from the public who attend the event. Please see our attached proposal.

a. Payment from Township of Lower Option #3

Twelve-Thousand, Five-Hundred Dollars (US) + \$4,500 (US) Additional to reserve July 5, 2012 as a rain date.

- Amount in words

\$ 12,500.00 (US) + \$ 4,500 (US) Additional if rain date is reserved.

Amount in numbers

b. Wristband Fee for Event Option #3

N/A

Amount in words

\$ N/A

Amount in numbers

Wizard's Festival of Fun Inc. \_\_\_\_\_

22-2977470 Federal EIN

Company Name

Federal I.D. # or Social Security #

22 Monroe Drive, Laurel Springs, NJ 08021

Address

Albert M. Belmont Jr., President  
Signature of Authorized Agent

Albert M. Belmont Jr.

Type or Print Name and Title

(609) 206-5244

Albert 3-22-2012

Telephone Number

Date

**LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:**

- 1. ERRORS & OMISSIONS/PROFESSIONAL LIABILITY INSURANCE WITH LIMITS OF LIABILITY NOT LESS THAN \$500,000:** This coverage is not available to our firm because unlike a lawyer, architect or doctor, we are not licensed professionals. Our equipment is licensed and inspected by the DCA. Should we not perform per our contract, we would be subject to breach of contract litigation - not malpractice or professional malfeasance. Professional Liability Insurance is inapplicable to this situation because we are simply providing rides and inflatable attractions as specified in the RFP.
- 2. HOLD HARMLESS:** We will consent to a hold harmless in the form outlined below. It is a standard form that has been provided to us by the MEL-JIF for past contracts.
- 3. SCOPE:** Per attached proposal APPENDIX A. Wizard's will provide 6 rides.
- 4. CERTIFICATE OF EMPLOYEE INFORMATION:** We have attached a copy of our Form AA302 State of NJ Employee Information Report completed on 2/21/12.
- 5. RIGHT TO EXTEND - TIME FOR AWARD:** We cannot offer this privilege. Due to the high demand for our attractions, we cannot give holds on services. We must continue to solicit business for the items in this RFP

**APPENDIX A** - If you have any questions, I can be reached at (609) 206-5244. Based on terms and conditions outlined in this proposal by Wizard's, if selected for the Township of Lower Independence Day Festival, Wizard's Festival of Fun Inc will provide the following six (6) amusement rides as outlined below.

- **Fun Slide**



Thirty-eight feet to the top of its flags, the spectacular Fun Slide for adults and children provides a thrill for every age while at the same time providing a truly towering Grand Entrance to your event.

*new equip.*

- **Patriotic Chair Swing Ride.**



This spectacular ride for adults and children is bedecked with lights and provides exciting action for the whole family.

- **Firehouse Fun Town - Soft, Safe Playspace.**



A treat for children from 3 to 12. This colorful Firehouse provides a host of interactive activities including a ball pool, cargo net climb, swinging suspension bridge and enclosed slide tube. 36' w x 16' deep

*on T trailer*

- **Road Rally.**



A flashy, raceway themed kid ride that generates lots of repeat rides thanks to a combination of vehicles including fire trucks, beach patrol & ski-patrol jeep, tow truck and sports car.

• **(1) Mickey Mouse Club House Combination Unit.**



Children of all ages can choose five different activities in our licensed Mickey Mouse Club House. Mickey, Minnie, Daffy, Daisy and Goofy invite guests to join the fun. This moonwalk really stands out with trademark Mickey Ears atop and artwork showing the gang having all kinds of fun riding a winding slide and going for a drive. Our 5-in-1 Bounce is the ultimate in inflatable jumpers offering a basketball hoop, both log and pop-up obstacles in addition to a climb and an exit slide. Parents have a clear view through the 360-degree mesh sides.

• **(1) Engine Company 1 Humvee 4 X 4 Fun Bounce.** Your young guests through age 10 will love this beautiful Fire Engine themed bounce.



To complete the Carnival Look, we will bring our traditional Carnival Concession Trailer that will offer Cotton Candy, Caramel Corn, Nachos, Popcorn, Candy & Caramel Apples, Sno-Kones and cold drinks for those who wish to purchase them. 100% of the revenue from these concessions will go to Wizard's. Any permit or participation fees for these attractions will be waived or paid by the Township of Lower.

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**  
**RESOLUTION #2012-107**

**CAPITAL BUDGET AMENDMENT**

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

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

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

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

**FROM**  
**CAPITAL BUDGET (Current Year Action)**  
**2012**

Planned Funding Services for  
 Current Year 2012

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

RESOLUTION #2012-107  
 Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION #2012-107

CAPITAL BUDGET AMENDMENT

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

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

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

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

RESOLUTION #2012-107  
Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
 RESOLUTION #2012-107

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

Planned Funding Services for  
 Current Year 2012

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,598,700.00		53,505.00			479,195.00	1,066,000.00
Recreation Facilities	323,300.00		17,435.00			305,865.00	0.00
Police Equipment	38,500.00		1,740.00			19,260.00	17,500.00
Municipal Buildings	28,000.00		2,320.00			25,680.00	0.00
Vehicles	363,000.00			63,000.00		0.00	300,000.00
Road Program	200,000.00					0.00	200,000.00
<b>Total All Projects</b>	<b>2,551,500.00</b>	<b>0.00</b>	<b>75,000.00</b>	<b>63,000.00</b>	<b>0.00</b>	<b>830,000.00</b>	<b>1,583,500.00</b>

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

Project	Estimated Total Costs	Anticipated Project Schedule and Funding Requirement					2016	2017
		2012	2013	2014	2015	2016		
Equipment	1,598,700.00	532,700.00	465,000.00	453,000.00	46,000.00	56,000.00	46,000.00	
Recreation Facilities	323,300.00	323,300.00	0.00	0.00	0.00	0.00	0.00	
Police Equipment	38,500.00	21,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00	
Municipal Buildings	28,000.00	28,000.00	0.00	0.00	0.00	0.00	0.00	
Vehicles	363,000.00	63,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	
Road Program	200,000.00		200,000.00			0.00	0.00	
<b>Total All Projects</b>	<b>2,551,500.00</b>	<b>968,000.00</b>	<b>728,500.00</b>	<b>516,500.00</b>	<b>109,500.00</b>	<b>119,500.00</b>	<b>109,500.00</b>	

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**  
**RESOLUTION #2012-107**

**CAPITAL BUDGET AMENDMENT**

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

Project	Estimated Total Costs	Capital		Grants and Other Funds	General Debt Authorized
		Improvement Fund	Capital Surplus		
Equipment	1,598,700.00	362,000.00			1,236,700.00
Recreation Facilities	323,300.00	85,500.00			237,800.00
Police Equipment	38,500.00	9,000.00			29,500.00
Municipal Buildings	28,000.00	6,500.00		0.00	21,500.00
Vehicles	363,000.00	81,500.00	63,000.00		218,500.00
Road Program	200,000.00	86,500.00			113,500.00
<b>Total All Projects</b>	<b>2,551,500.00</b>	<b>631,000.00</b>	<b>63,000.00</b>	<b>0.00</b>	<b>1,857,500.00</b>

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

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

Certified by me:

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

RESOLUTION #2012-107  
 Capital Budget Amendment

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

**RESOLUTION #2012-108**

**TITLE: AUTHORIZING THE PERSON TO PERSON TRANSFER OF LIQUOR LICENSE #0505-33-007-003 FROM D.S.S.K. INC. TO TWO MILE CRAB HOUSE LIMITED LIABILITY COMPANY**

WHEREAS, an application has been filed by Two Mile Crab House Limited Liability Company for a person to person transfer of Plenary Retail Consumption License #0505-33-007-003 issued to D.S.S.K., Inc., and

WHEREAS, the submitted application form is complete in all respects, the proper fees have been paid; and

WHEREAS, the Police Department has reviewed all documentation submitted with the application, completed the background check, reviewed the fingerprint report showing no record for the applicant and has no objection to the transfer.

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Council does hereby approve, effective April 17, 2012, the Person to Person transfer of the aforesaid Plenary Retail Consumption License #0505-33-007-003, to Two Mile Crab House Limited Liability Company.

FURTHER RESOLVED the Clerk is hereby authorized to endorse said license certificate as follows:

"This license, subject to all its terms and conditions is hereby transferred effective April 17, 2012, to Two Mile Crab House limited Liability Company."

I hereby certify the foregoing to be a resolution adopted by the Township Council on April 16, 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 #2012-109**

**TITLE: A RESOLUTION ADOPTING THE UPDATED PERSONNEL  
POLICIES AND PROCEDURES FOR LOWER TOWNSHIP**

**WHEREAS**, it is the policy of Township to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Township Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Township Council that the current Personnel Policy Manual is hereby replaced in its entirety with the new updated Personnel Policy Manual in the form attached hereto, which is hereby adopted. Each employee will receive a copy of the manual attached hereto and with the acknowledgment of receipt to be placed in their personnel file.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township Council.

**BE IT FURTHER RESOLVED** the Township Solicitor, is hereby appointed as to advise the Township in personnel matters.

**BE IT FURTHER RESOLVED** that the Township Manager and all managerial/supervisory personnel are responsible for these employment practices. The Personnel Officer and the Township Solicitor shall assist the Township Manager in the implementation of the policies and procedures in this manual.

I hereby certify the foregoing was adopted by the Township Council at a meeting held on April 16, 2012.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

**ORDINANCE #2012-07**

**AN ORDINANCE REPEALING ORDINANCE #2012-02, ENTITLED "AN ORDINANCE AMENDING CHAPTER 400 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER, 2004"**

WHEREAS, Ordinance #2012-02, entitled An Ordinance Amending Chapter 400 of the Revised General Ordinances of the Township of Lower 2004, was adopted by the Township Council at a meeting held on February 22, 2012 and prohibited outdoor wood burning furnaces in the Township with the exception of those in existence at the time of ordinance adoption, and

WHEREAS, the governing body, at a meeting held on April 2, 2012, authorized an ordinance to repeal Ordinance #2012-02.

NOW, THEREFORE BE IT ORDAINED that Ordinance #2012-02 adopted on February 22, 2012 is hereby repealed in its entirety.

FURTHER RESOLVED, 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**

**ORDINANCE #2012-08**

**ORDINANCE OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY APPROPRIATING \$63,000 FOR THE ACQUISITION OF VARIOUS VEHICLES TO BE FUNDED BY THE CAPITAL SURPLUS FUND**

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

Section 1. \$63,000 is hereby appropriated, all of which will be funded by the Capital Surplus Fund, for the acquisition of various vehicles, consisting of a Chevrolet Colorado pick-up truck with a regular cab for the Recreation Department and a 4-wheel drive, Ford Escape and a vehicle for the Construction Department, including all related costs and expenditures incidental thereto.

Section 2. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

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

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

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

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

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

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

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

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

**ORDINANCE #2012-09**

**ORDINANCE RE-APPROPRIATING \$45,000 OF THE PROCEEDS OF OBLIGATIONS 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**

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

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$45,000 of the proceeds of obligations originally made available pursuant to the following bond ordinances of the Township of Lower, in the County of Cape May, New Jersey (the "Township") are no longer necessary for the various purposes for which the obligations previously were authorized:

<u>Section and Ordinance Number</u>	<u>Improvement Description</u>	<u>Amount to be Re-appropriated</u>
Section 3(e) 2004-07	Improvements to buildings and grounds.	\$3,178.83
Section 3(f) 2004-07	Improvements to the Recreation Building.	\$6,821.17
Section 3(f) 2005-08	Improvements to recreational facilities.	\$35,000

Section 2. The \$45,000 proceeds described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 are hereby re-appropriated to provide for the acquisition of various equipment for the Recreation Department, consisting of a television, an X-Box, a computer, a foosball table, a hockey table, treadmills with monitors, carpeting and a camera system.

Section 3. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

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

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

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

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

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

ORDINANCE #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

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of Lower, in the County of Cape May, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$905,000, including the aggregate sum of \$75,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$830,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) <u>Court</u> Acquisition of a recording system, including all related costs and expenditures incidental thereto.	<u>\$3,000</u>	<u>\$2,750</u>	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
<b>b) Police Department</b>		\$19,260	
Acquisition of various police equipment, consisting of radar recorder traffic devices, a digital camera package and conducted energy devices, including all related costs and expenditures incidental thereto.	\$21,000		10 years
Acquisition of various office equipment, consisting of a copier, a fax machine, desktop computers, a tablet computer and Phase II of a server system, including all related costs and expenditures incidental thereto.	\$44,000	\$40,360	5 years
Acquisition of portable 2 way radios for Communications, including all related costs and expenditures incidental thereto.	\$3,000	\$2,750	10 years
<b>TOTAL:</b>	<b>\$68,000</b>	<b>\$62,370</b>	
<b>c) Department of Public Works</b>			
Acquisition of heating, ventilation and air conditioning units, stop signs and sign posts, including all related costs and expenditures incidental thereto.	\$57,000	\$52,275	15 years
Acquisition of various equipment, consisting of a single axle dump truck with plow, a rear loading refuse truck, computer equipment, office equipment and furniture, including all related costs and expenditures incidental thereto.	\$390,000	\$357,670	5 years
<b>TOTAL:</b>	<b>\$447,000</b>	<b>\$409,945</b>	
<b>d) Recreation Department</b>			
Various improvements, consisting of the replacement of the kitchen at Millman Center and the resurfacing of the courts at Mitnick Park, including all related costs and expenditures incidental thereto and including	\$262,500	\$240,745	10 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
all work and materials necessary therefor and incidental thereto.			
Various improvements, consisting of the acquisition and installation of a fence for the pool, the installation of sports grass at Bennetts, improvements to the basketball court and playground at Mitnick Park and park equipment upgrades to the playground, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$75,000	\$68,790	15 years
Acquisition of various equipment, consisting of a center curtain for the Recreation Building and office equipment, including all related costs and expenditures incidental thereto.	\$9,500	\$8,715	5 years
TOTAL:	<u>\$347,000</u>	<u>\$318,250</u>	
<b>e) Security</b>			
Acquisition of cameras for the Department of Public Works yard and Millman Center, including all related costs and expenditures incidental thereto.	\$40,000	\$36,685	10 years
GRAND TOTAL:	<u>\$905,000</u>	<u>\$830,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or

delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.27 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$830,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$15,200 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated costs indicated herein for the purposes or improvements.

Section 7. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

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

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

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

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

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

# ANIMAL CONTROL MONTHLY REPORT

MONTH OF march 2012

ACO parker DATE 3/16/2012

	<b>DOGS</b>	<b>CATS</b>	<b>WILDLIFE</b>
<b>TOTAL CALLS</b>	9	0	1
<b>TO SHELTER</b>	1	0	0
<b>RETURNED</b>	1	0	1
<b>TO VET</b>	0	0	0
<b>DOA</b>	0	0	0
<b>WARNINGS</b>	0	0	0
<b>TICKETS</b>	0	0	0
<b>BITES</b>	0	0	0
<b>QUARANTINES</b>	0	0	0
<b>OTHER</b>	7	0	0

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

**Additional Comments**

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

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 03/01/2012 To 03/31/2012

April 05 , 2012 3:42:27PM

**SUMMARY**

**CONSTRUCTION COSTS**

**COUNT**

Cost Of Construction:	\$1,127,400.00	Cubic Footage:	202608 Cu.ft	Permit Issued:	71
Cost Of Alteration:	\$303,762.00	Square Footage:	19791 Sq.ft	Updates Issued:	7
Cost Of Demolition:	\$0.00			All Fees Waived:	2
Total Cost:	\$1,431,162.00			Municipal Fees Waived:	0

<b><u>PERMIT FEES</u></b>		<b><u>ADMIN FEES</u></b>		<b><u>WAIVED FEES</u></b>		<b><u>TOTAL FEES</u></b>	
Building:	\$11,702.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$11,702.00
Electrical:	\$4,559.00	Electrical:	\$0.00	Electrical:	\$75.00	Electrical Fees:	\$4,484.00
Fire :	\$3,066.00	Fire :	\$0.00	Fire :	\$290.00	Fire Fees:	\$2,776.00
Plumbing:	\$4,570.00	Plumbing:	\$0.00	Plumbing:	\$125.00	Plumbing Fees:	\$4,445.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$490.00	Technical Fees:	\$23,407.00

**DCA**

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$675.00	\$0.00	\$675.00
Alteration Training Fee:	\$521.00	\$79.00	\$442.00
DCA Minimum Fee:	\$8.00	\$1.00	\$7.00
Sub total Training Fee:	\$1,204.00	\$80.00	\$1,124.00

**TECHNICAL ISSUES**

Building Technical:	45
Electrical Technical:	51
Fire Protection Technical:	29
Plumbing Technical:	38
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$1,493.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$1,493.00

**CERTIFICATE ISSUES**

Certificate of Occupancy:	6
Certificate of Approval:	6
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$23,407.00
DCA FEES:	\$1,124.00
CERTIFICATE FEES:	\$1,493.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$26,024.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$26,024.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 03/01/2012 To 03/31/2012

April 5, 2012 3:43:05PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,076.00	\$24,948.00	\$0.00	\$26,024.00
Copies	Sub Totals:	\$0.00	\$18.30	\$0.00	\$18.30
LICENSE FEES	Sub Totals:	\$0.00	\$300.00	\$0.00	\$300.00
<b>GRAND TOTALS:</b>		\$1,076.00	\$25,266.30	\$0.00	\$26,342.30

BOROUGH OF WEST CAPE MAY  
 2600 Bayshore Road  
 Borough of West Cape May, NJ 08251  
 609-886-1455

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 03/01/2012 To 03/31/2012

April 05 , 2012 3:43:34PM

**SUMMARY**

<u>CONSTRUCTION COSTS</u>		<u>COUNT</u>			
Cost Of Construction:	\$174,300.00	Cubic Footage:	24936 Cu.ft	Permit Issued:	8
Cost Of Alteration:	\$189,030.00	Square Footage:	2402 Sq.ft	Updates Issued:	3
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$363,330.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$3,591.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$3,591.00
Electrical:	\$738.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$738.00
Fire :	\$760.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$760.00
Plumbing:	\$852.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$852.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$5,941.00

<u>DCA</u>	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$84.00	\$0.00	\$84.00
Alteration Training Fee:	\$322.00	\$0.00	\$322.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$406.00	\$0.00	\$406.00

**TECHNICAL ISSUES**

Building Technical:	7
Electrical Technical:	8
Fire Protection Technical:	6
Plumbing Technical:	3
Elevator Technical:	
Mechanical Technical:	

**CERTIFICATE ISSUES**

Certificate of Occupancy:	0
Certificate of Approval:	0
Certificate of Continued Occupancy:	1

Certificate of Occupancy Fee:	\$310.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$310.00

PERMIT FEES:	\$5,941.00
FEES:	\$406.00
CERTIFICATE FEES:	\$310.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$6,657.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$151.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$6,808.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 03/01/2012 To 03/31/2012

April 5, 2012 3:53:17PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$197.00	\$6,460.00	\$0.00	\$6,657.00
CCO FEES	Sub Totals:	\$0.00	\$151.00	\$0.00	\$151.00
LICENSE FEES	Sub Totals:	\$0.00	\$300.00	\$0.00	\$300.00
<b>GRAND TOTALS:</b>		\$197.00	\$6,911.00	\$0.00	\$7,108.00

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: 4/ 2/2012

**B: LICENSE DATA**

1. Period Covered	From: 03/01/2012	To: 03/31/2012
2. First License # of this report .....	902	
3. Last License # of this report .....	1051	
4. Last License # of last report .....	901	
5. Total Licenses issued this report ....	150	

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

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

Replace License # 659 [947]

**D: PILOT CLINIC FUND**

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

Numbers: 149 Amount : \$29.80

**E: ANIMAL POPULATION CONTROL FUND**

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

Number: 28 Amount: \$84.00

**F: FEE DATA**

1. Total licenses reported with registration fee : .....	\$149.00
2. Total Amount due for pilot clinic fund ( sec. D) : .....	\$29.80
3. Total Amount due for Animal population control fund ( sec. E) : .....	\$84.00
4. Total Amount due for this report : .....	\$262.80

**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 : Township Clerk

Signature : *Claudia R Kammer*

Date: 4/2/12

Phone : 609-886-2005





## TOWNSHIP OF LOWER

### Engineer's Report

Meeting Date: April 16, 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. The Tidelands License/Grant will be issued by the NJDEP Bureau of Tidelands Management upon their receipt of a copy of the CAFRA/WFD permits.

➤ 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 and is finalizing a report on his findings.

➤ Lower Township UST Compliance Assistance

Our office has reviewed existing UST Closure documents as requested by the Township in response to recent correspondence from the NJDEP. A scope of work to address NJDEP requests for information will be coordinated with the Township within the next couple of weeks.

MUNICIPAL CLERK  
Register Report  
3/1/2012 Through 3/31/2012

4/2/2012

Page 1

Account	Description	Memo	Category	Amount
<b>INCOME</b>				
	TOTAL Bonds & Escrow			1,000.00
	TOTAL Business Mercantile 2011-2012			80.00
	TOTAL Business Mercantile 2012-2013			75.00
	TOTAL Campgrounds & Trailers			8,368.00
	TOTAL Liquor Licenses			200.00
	TOTAL Opra Request			10.00
	TOTAL Precious Metals			50.00
	TOTAL Rental Merc 2011-2012			1,425.00
	TOTAL Rental Merc 2012-2013			2,400.00
	TOTAL Street Openings			750.00
	TOTAL Yard Sales			85.00
	<b>TOTAL INCOME</b>			<b>14,443.00</b>
<b>TRANSFERS</b>				
	TOTAL Council Checking			-14,443.00
	<b>TOTAL TRANSFERS</b>			<b>-14,443.00</b>
			<b>OVERALL TOTAL</b>	<b>0.00</b>

## LOWER TOWNSHIP MUNICIPAL COURT

### MONTHLY DISBURSEMENTS

TRAFFIC (All fines split w/ County)	\$ 4,444.95
TRAFFIC COSTS (We receive all costs)	\$ 2,196.09
CRIMINAL FINES (We receive both Criminal & Local Ordinance fines)	\$ 1,857.00
CRIMINAL COSTS	\$ 437.50
REINSTATED BAILS	\$ -
LOCAL PARKING	
CONTEMPT CHARGES	\$ 85.00
PUBLIC DEFENDER FEES	\$ 66.50
MISCELLANEOUS FEES (Spinal & Overpayments)	\$ 6.04
DWI SURCHARGE	\$ 157.35

#### MARCH 2012 DISBURSEMENTS

MARCH 2012 COMPLAINTS ISSUED	CRIMINAL IND.	CRIMINAL DP	TRAFFIC	DUI	TOTAL
	36	74	95	1	206

TOTAL RECEIPTS	TOWNSHIP SHARE
\$20,954.25	\$9,250.43

COMPLAINTS IN WARRANT STATUS	CRIMINAL	TRAFFIC	TOTAL
	207	139	346

**2012 CASH RECEIPTS  
MARCH**

Township of Lower  
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
<b>Receipts</b>		
Current year taxes (2012)	593,477.19	11,993,477.45
Prior year taxes (2011)	205,453.13	695,693.76
Arrears (2010)		250.00
6% Penalty	2,181.11	2,919.53
Municipal Service Fees	33,990.00	35,670.00
Tax Search Fees		0.00
Interest	22,179.12	54,682.07
Lot clearing	2,310.00	2,310.00
Returned Check Fees	40.00	200.00
Duplicate Bills	55.00	150.00
Trash	14,841.75	33,408.50
Tax Sale Cost	3,736.15	3,736.15
MUA	11,049.32	11,049.32
<b>DEPOSITED COUNCIL CHECKING</b>	<b>889,312.77</b>	<b>12,833,546.78</b>
<b>TOTAL DEPOSITS</b>	<b>889,312.77</b>	<b>12,833,546.78</b>
NSF Reversals		-9,897.04
<b>TOTAL</b>	<b>889,312.77</b>	<b>12,823,649.74</b>

Prepared by Susan Jackson

**Vital Statistics  
March Deposit  
2012**

Marriage / CU License Total	8
D.P. Lic. Total	0
Total Burial Permits	0

State Marriage / CU Fee	\$ 200.00
Twp. Marriage / CU Fee	\$ 24.00
State D.P. Fee	\$ -
Twp. D.P. Fee	\$ -
State Burial Permit Fee	\$ -
Twp. Burial Permit Fee	\$ -
Twp. Cert. Copy Fee	\$ 1,630.00

<b>TOTAL</b>	<b>\$ 1,854.00</b>
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**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION # 2012.**

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body. (Update on Labor Contract Negotiations)
- (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.

X (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 April 16, 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 April 16, 2012.

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 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						