

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

APRIL 2, 2012 - 6:00 P.M.

Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Proclamation - Animal Control Officer's Week

Proclamation - Autism Month - Jacyn Piszczko

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

Work Session

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

Review of Consent & Regular Agenda Items

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, 1st rdg. (Establishes guidelines and regulations for underage consumption of alcohol on private property) 2nd rdg. & public hearing Apr. 16th)

Regular Agenda

Budget Review Leon Costello, Township Auditor

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

Administrative Reports

Personnel Action Report

Department Reports January & February - CFO

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

Council Comments

Call to the Public

Res. #2012-99 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." (Labor Negotiation Update)

Adjournment

PUBLIC INFORMATION

ANNUAL FREE RABIES CLINIC FOR DOG/CATS - SATURDAY APR. 14, 2012 1 - 3 P.M. - Public Works, 771 Seashore Road, Cold Spring. All dogs must be leashed - aggressive dogs should be muzzled. Cats must be in a carrier or enclosure that prevents escape.

CHANGE IN COUNCIL MEETING TIME FOR JUNE THROUGH SEPTEMBER - Beginning with the June 5th meeting and continuing through the September 17th meeting, all Council meetings will begin at 6:00 p.m.

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, under Form Center.

Regular & Work Session Meeting Minutes - March 19, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 19, 2012 at 7:00 p.m. at the Erma Fire Company, 415 Breakwater Road, Erma, 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: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Picard

Work Session

Mayor Beck - Discussion on ordinance for in home underage drinking - Cape Assist

Mayor Beck stated this request has been generated by Cape Assist. In New Jersey, Ordinances can be enacted to make it illegal for under-aged juvenile's to drink alcohol in private residences. Police have the power to arrest adults, but not to cite the juvenile. 10 of 16 municipalities have already enacted Ordinances giving police the additional authority. The Ordinance does not infringe on a parents right nor a religious ceremony. Cape Assist has statistics showing that the average age of first use of alcohol is now 11 years old. Chief Marker stated he is looking to educate the children, and is seeking to get the parents involved. He stated it is the intent to make education a crucial part of the program. The police role is not to arrest, but to help prior to a tragedy. Council's consensus is to have the solicitor move forward with the Ordinance putting emphasis on the educational component.

Review & discussion on Municipal Public Access Plan

Mayor Beck commended Bill Galestok on his outstanding job on the presentation booklet for the Municipal Public Access Plan. Mr. Galestok credited his son Joseph and co-worker Lisa Schubert with taking the breath taking pictures. Mr. Galestok explained the process which started last summer and how er arrived to where we are in the process today. Mr. Galestok reminded everyone this is a draft plan which will be submitted. Mayor Beck spoke of his excitement over a possible fishing pier at the end of Lincoln & Beach drive and hopes the component will be kept in the plan. Hopefully this will all connect to the Ferry spur of the By-Way. Mayor Beck again spoke on what an excellent job was done on the preparation of the Access Plan is and stated we will keep moving forward with the plan until we are told we can't.

Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes	March 5, 2012
Res. #2012-81	Payment of Vouchers, \$1,962,121.66

Regular & Work Session Meeting Minutes - March 19, 2012

- Res. #2012-82 A Resolution Requesting Release of Maintenance Guarantee for Cape Bank, 1899 Bayshore Road, Villas; Block 297, Lots 6-12, 20.02 & 22; Escrow P06-09-07)
- Res. #2012-83 Authorizing Pay Out of Terminal Leave (Pay out of 480 sick hours - pursuant to employment contract)
- Res. #2012-84 Approval of Holy Sprit Lutheran Church's Application To Conduct Flea Markets (June 9 & Sept. 29)
- Res. #2012-85 Resolution Requesting Cape May County Establish a No Parking Zone on a Portion of Seashore Road (Area in front of Seashore Church of the Nazarene)
- Res. #2012-86 Approval for Roadside Solicitation by Villas Volunteer Fire Company, Inc. (May 26, June 30 & Sept. 1)
- Res. #2012-87 Appointment of Public Defender for the Balance of 2012 (replacing C. Gibson who resigned due to appt. as a Superior Court Judge)
- Res. #2012-88 Appointment to Recreation Advisory Board (Regular member position - 3 yr term)
- Res. #2012-91 A Resolution Approving the Municipal Public Access Plan (if approved at work session)

Motion to move Resolution 2012-91 to the April 2, 2012 Agenda moved by Deputy Mayor Lare, seconded by Councilmember Conrad. Motion unanimous.

Motion to insert the name Seth Fuscellaro in Resolution 2012-87 moved by Councilmember Craig.
 Motion to insert the name Mark DiDonato into Resolution 2012-88 moved by Deputy Mayor Lare.

Motion to approve the Consent Agenda with the aforementioned names inserted into the proper Resolutions 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

Res. 2012-89 Payment of Voucher, Douglass Landscaping (pursuant to contract)

Motion to approve Resolution 2012-89 moved by Councilmember Conrad, seconded by Councilman Craig

Regular & Work Session Meeting Minutes - March 19, 2012

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

Ord. #2012-05 An Ordinance Amending Chapter 591 of the Code of the Township of Lower 2004 (to amend current regulations to license up to two additional taxis) 2nd rdg.

Motion to approve Ordinance 2012-5 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

February Reports

Animal Control, Construction, Clerk, Dog Licensing, Engineer, Mun. Court, Police, Public Works, Tax Collector, Vital Statistics

Council Comments

Councilmember Douglass stated that regarding the Outdoor Wood Boiler Ordinance that was passed at the last meeting, a petition has been brought forth looking at a possible referendum. He questioned if Council would consider sending the situation back to the Planning Board for review and possible minimum acreage or additional set-backs. Councilmember Douglass stated the vote on Council floor was based on the recommendation from the Planning Board and believes it should go back to Planning for another review.

Bill Galestok replied it would be looked at during a work session and they can possibly look at the zoning, lot size, set backs and they may be able to make other recommendations. Deputy Mayor Lare stated at this point, Council has three options - Amend the Ordinance, rescind the Ordinance or put it to referendum, or the petitioners withdraw.

Regular & Work Session Meeting Minutes - March 19, 2012

Councilmember Douglass stated he is suggesting Council send it back to Planning for review pending the review of the petitions.

Deputy Mayor Lare thanked Erma Fire Company for hosting the Council meeting and spoke of the Fire Company's generosity to the pee-wee football team. Deputy Mayor Lare spoke on the thousands of man power hours put in by the volunteer fire fighters and thanked them for their dedication.

Mayor Beck also thanked the Erma Fire Department and all the fire volunteers for not only their sacrifices, but for the sacrifices their families also endure.

Mayor Beck stated that certificates of appreciation will be presented at the next meeting to the Genesis Health Care System for their amazing job at the Health Clinic held at Township Hall which was well attended by our residents.

Lower Township Rabies Clinic is scheduled fro April 14, 2012 at the Public Works facility

Please Note the next meeting - April 2, 2012 will begin at 6:00p.m. and also note Council Meeting time change for the summer months. New meeting scheduled are available at the Township as well as on line.

Call to the Public

Deb Johns, Chair of the Recreation Advisory Board, addressed Council and gave an update of happenings in the Recreation Department including a Basketball skills competition, which included approximately 100 participants. The Easter Egg Hunt is scheduled for March 31st at Freeman Douglass Field. She updated programs currently running including soccer and Lacrosse and Little League. The Rec Dept is currently working on implementing a security ID System.

Steve Sheftz, Lower Township, addressed Council and stated at the April 16, 2012 Council Meeting, Jerome Keelen, Director of the Single Family Division of the New Jersey's Housing and Mortgage Finance Agency will discuss and answer questions related to the State's Potable Water Loan Program.

Eric Simonsen, addressed Council and informed that the R.M. Tietleman School raised almost \$25,000.00 for the Saint Baldrick Day head shaving. He thanked all the students who raised the funds by approaching local businesses. He stated how very proud the school is of the students and the money is so appreciated.

George Dougherty address Council regarding the Outdoor Wood Burners and stated Council voted 3-2 to outlaw the burners, the residents had 20 days to submit signatures to go for a referendum. No one came to the hearing, Council needs to take another look at the situation.

Michael Mann, 604 Sunset Boulevard, addressed Council and stated the number of signatures received would not have be opposed if the burners would have been regulated instead of banned. Minimum acreage could have been set, set backs could have been set. A property owner has the right to heat their house with wood.

Mayor Beck suggested Mr. Mann get the people to attend the planning board meeting and voice their concern over the banning of the burners.

Regular & Work Session Meeting Minutes - March 19, 2012

Fred Long addressed Council and suggested using a piece of equipment like one used to clean up car exhaust.

Closed Session

Res. #2012-90

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Labor Relations - Negotiations Update)

Motion to approve moved by Councilmember Conrad, seconded by Councilman Douglass.

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad	X		X			
Craig			X			
Douglass		X	X			
Lare			X			
Beck			X			

Council returned to open session and there being no further comment, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Lare. Meeting adjourned at 8:55 pm by verbal "ayes".

Mayor

Township Clerk

Approved: April 2, 2012

March 30, 2012
02:02 PM

Resolution 2012-92
Lower Township
Bill List By Vendor Id

Page No: 1

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

Include Project Line Items: Yes

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

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00109 ARAWAK PAVING CO., INC.*								
	12-00605	03/02/12	ASPHALT FOR PAVING/DPW	Open	853.52	0.00		
	12-00747	03/19/12	AASPHALT FOR PAVING/DPW	Open	<u>15,542.33</u>	0.00		
					16,395.85			
00110 ANCO HOME CENTER*								
	12-00565	02/28/12	MISC. SUPPLIES FOR MARCH	Open	248.60	0.00		
00153 ATLANTIC CITY ELECTRIC*								
	12-00743	03/16/12	FEBRUARY 2012 ELECTRIC	Open	6,553.86	0.00		
00179 AVERY TEITLER*								
	12-00563	02/28/12	BOARD SOLICITOR SALARY	Open	383.33	0.00		
	12-00744	03/19/12	RESOLUTIONS	Open	<u>300.00</u>	0.00		
					683.33			
00301 BELMONT AND CRYSTAL SPRINGS*								
	12-00731	03/15/12	BOTTLED WATER FOR DPW	Open	26.27	0.00		
	12-00769	03/21/12	RECREATION - BOTTLED WATER	Open	50.29	0.00		
	12-00817	03/26/12	WATER	Open	<u>13.19</u>	0.00		
					89.75			
00367 APM BLAST PEST CONTROL*								
	12-00703	03/12/12	2012 PEST CONTROL CONTRACT	Open	1,922.40	0.00		
00370 BLUE CROSS/BLUE SHIELD OF NJ								
	12-00814	03/22/12	APRIL 2012 MED-D	Open	2,625.93	0.00		
	12-00842	03/29/12	MARCH 2012 HEALTH BENEFITS	Open	<u>233,802.87</u>	0.00		
					236,428.80			
00406 BLANEY & DONOHUE, PA								
	12-00441	02/14/12	2012 CONTRACT ONE \$50,000	Open	4,166.66	0.00		B
00432 MICHAEL BROGAN								
	12-00835	03/28/12	MEDICAL CLAIMS	Open	213.74	0.00		
00480 BURKE CHEVROLET*								
	12-00615	03/02/12	PARTS FOR POLICE VEH/DPS	Open	393.01	0.00		
00616 ANIMAL ALLIANCE OF CAPE								
	12-00735	03/15/12	TNR SPAY/NEUTER PROGRAM	Open	350.00	0.00		
	12-00807	03/22/12	TNR/SPAY NEUTER PROGRAM	Open	<u>100.00</u>	0.00		
					450.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00731	CAPE PORT MARINE*							
	12-00730	03/15/12	PARTS FOR GARAGE/DPW	Open	154.17	0.00		
	12-00737	03/16/12	OUTFALL MATERIALS/DPW	Open	<u>725.25</u>	0.00		
					879.42			
00736	CAPE PRINTING EXPRESS*							
	12-00295	01/27/12	BAYRUN APPLICATIONS	Open	465.00	0.00		
	12-00583	03/01/12	BUSINESS CARDS/TAX SALE CARDS	Open	<u>148.00</u>	0.00		
					613.00			
00743	COUNTY OF CAPE MAY, TREASURER							
	12-00706	03/12/12	PHOTO-COPIES/HEALTH DEPT.	Open	6.75	0.00		
00775	CAPRIONI PORTABLE TOILETS, INC*							
	12-00770	03/21/12	MONTHLY RENTAL - J.HOFFMAN	Open	46.50	0.00		
00784	CAPE MAY STAR & WAVE							
	12-00725	03/15/12	LEGAL NOTIFICATION-2012 BUDGET	Open	62.00	0.00		
	12-00830	03/27/12	LEGAL NOTICES	Open	<u>26.04</u>	0.00		
					88.04			
00825	COMCAST*							
	12-00821	03/26/12	MONTHLY INTERNET- FIRE SAFETY	Open	107.15	0.00		
00991	COLONIAL ELECTRIC SUPPLY*							
	12-00741	03/16/12	PHONE WIRE	Open	137.34	0.00		
01130	GAYLE HADLEY							
	12-00840	03/29/12	ZUMBA INSTRUCTOR	Open	345.00	0.00		
01164	DIVISION OF LOCAL GOV SERVICES							
	12-00751	03/19/12	RENEWAL TAX CERT T-1395	Open	50.00	0.00		
01196	H A DEHART & SON*							
	12-00660	03/07/12	PARTS FOR COUNTY SWEEPER	Open	820.84	0.00		
01450	ERMA DELI*							
	12-00710	03/13/12	BASKETBALL PIZZA PARTY	Open	143.93	0.00		
01499	JOSEPH FAZZIO, INC*							
	12-00736	03/16/12	SUPPLIES FOR OUTFALL/DPW	Open	560.23	0.00		
01502	PAMELA FELDER							
	12-00772	03/21/12	MEDICAL CLAIMS	Open	83.35	0.00		
	12-00782	03/21/12	MEDICAL CLAIMS	Open	<u>12.00</u>	0.00		
					95.35			
01510	WALTER FIORE							
	12-00820	03/26/12	MEDICAL CLAIMS-V	Open	110.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01519 TOM FOLS ELECTRICALCONTRACTOR*								
	12-00760	03/21/12	SIGN/FLAG POLE/DPW	Open	250.00	0.00		
	12-00767	03/21/12	MICROPHONES @ MILLMAN	Open	<u>275.00</u>	0.00		
					525.00			
01530 FIRE DISTRICT #1								
	12-00665	03/08/12	2012 TAXES DUE	Open	104,260.79	0.00		
01550 FIRE DISTRICT #3								
	12-00841	03/29/12	FIRE DISTRICT TAXES	Open	148,211.10	0.00		
01649 GARDEN STATE HWY PRODUCTS, INC*								
	12-00466	02/16/12	SIGN MATERIALS/DPW	Open	844.00	0.00		
01653 GENTILINI FORD*								
	12-00715	03/13/12	PARTS FOR POLICE VEHICLE	Open	19.76	0.00		
01690 GRANTURK EQUIPMENT CO*								
	12-00600	03/02/12	PARTS FOR RDS/DPW	Open	797.35	0.00		
01730 GTBM INC.*								
	12-00758	03/21/12	ANNUAL MAINT. CONTRACT	Open	3,937.50	0.00		
01781 HATCH MOTT MACDONALD, LLC*								
	12-00636	03/06/12	DNE \$5000 ADDTL ENG GEN II	Open	2,967.00	0.00		B
01803 HORIZON DENTAL OPTION*								
	12-00813	03/22/12	APRIL 2012 DENTAL INSURANCE	Open	14,938.01	0.00		
01834 RICHARD HOOYMAN								
	12-00832	03/27/12	MEDICAL CLAIMS	Open	187.00	0.00		
01859 HESS CORPORATION								
	12-00829	03/26/12	ELECTRICITY 02/17/12 TO 03/20	Open	7,167.04	0.00		
01889 JOHN J HERMAN								
	12-00681	03/09/12	BASKETBALL REF FEES GIRLS DIV.	Open	36.00	0.00		
02025 HUNTER JERSEY PETERBILT*								
	12-00602	03/02/12	PARTS FOR TRASH TRUCK/DPW	Open	361.18	0.00		
02027 JESCO INC*								
	12-00599	03/02/12	PARTS FOR RDS/DPW	Open	572.22	0.00		
02136 TED KINGSTON INC*								
	11-03425	12/09/11	TOWER PROJECT PARTS	Open	512.25	0.00		
02140 KINDLE FORD LINC/MERC., INC.*								
	12-00335	02/01/12	PARTS FOR DPS VEHICLES	Open	1,839.44	0.00		
02236 NIGP MEMBERSHIP DEPT*								
	12-00757	03/20/12	2012 MEMBERSHIP	Open	330.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02247 LAWSON PRODUCTS, INC.*	12-00606	03/02/12	SUPPLIES FOR GARAGE/DPW	Open	930.52	0.00		
02351 LOWER CAPE MAY REGIONAL	12-00836	03/28/12	SCHOOL TAXES DUE 04/15/12	Open	1,132,850.76	0.00		
02538 MARSH & MCLENNAN AGENCY, LLC*	12-00738	03/16/12	ANNUAL ROAD OPENING BOND	Open	100.00	0.00		
02940 MUNICIPAL RECORD SERVICE*	12-00621	03/05/12	SPECIAL COMPLAINTS	Open	332.25	0.00		
03001 STATE TOXICOLOGY LABORATORY*	12-00628	03/06/12	APPLICANT TESTING	Open	90.00	0.00		
03160 OFFICE BASICS, INC*	12-00707	03/12/12	OFFICE SUPPLIES/DPW	Open	50.97	0.00		
03226 OLD DOMINION BRUSH CO.*	12-00604	03/02/12	LINER FOR LEAF TRUCK CHUTE/DPW	Open	225.00	0.00		
03305 PEDRONI FUEL*	12-00729	03/15/12	NO LEAD GAS/DPW	Open	442.84	0.00		
	12-00823	03/26/12	NO LEAD GAS-DPW	Open	650.65	0.00		
					<u>1,093.49</u>			
03374 SEASHORE SUPPLY*	12-00734	03/15/12	SUPPLIES TO MOVE TANKS	Open	491.61	0.00		
03387 POGUE INC. *	12-00705	03/12/12	PRE-EMPLOYMENT TESTING/DPW	Open	135.00	0.00		
03427 POLAR BEAR*	12-00431	02/14/12	CONVERT PILOT SYSTEM ON BOILER	Open	1,305.00	0.00		
03449 QC INC*	12-00394	02/08/12	2012 SEASONAL POOL TESTING	Open	319.00	0.00		
03466 R & R SPECIALTIES	12-00624	03/05/12	MEDALLIONS FOR BASKETBALL	Open	148.40	0.00		
03518 RIGGINS, INC.*	12-00732	03/15/12	OFF-HIGHWAY DIESEL/DPW	Open	962.75	0.00		
	12-00822	03/26/12	OFF-HIGHWAY DIESEL/DPW	Open	1,712.03	0.00		
					<u>2,674.78</u>			
03608 SEAWAVE CORPORATION*	12-00726	03/15/12	LEGAL NOTICE-MEETING SCHEDULE	Open	25.52	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	12-00332	02/01/12	TIRES FOR RDS/SANT/RECY/DPW	Open	4,824.04	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03688 SOUTHERN NJ CHAPTER NIGP*	12-00781	03/21/12	APRIL MEETING M VITELLI	Open	30.00	0.00		
03692 SOUTH JERSEY GAS CO*	12-00815	03/22/12	GAS FOR MONTH OF FEB 2012	Open	5,088.91	0.00		
03723 STAPLES, INC.*	12-00617	03/02/12	OFFICE SUPPLIES	Open	116.33	0.00		
	12-00618	03/02/12	OFFICE SUPPLIES	Open	<u>70.13</u>	0.00		
					186.46			
03734 STEWART INDUSTRIES, INC.*	12-00631	03/06/12	FAX PARTS	Open	76.13	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	12-00728	03/15/12	ONE-CALL MESSAGES/DPW	Open	106.62	0.00		
03969 VERIZON	12-00745	03/19/12	MARCH 2012 PHONE BILL	Open	3,751.94	0.00		
03981 SECARE, RYAN & HENSEL LAW FIRM	11-02710	10/03/11	RESOLUTION 2011-224	Open	325.00	0.00		B
03992 VAL-U AUTO PARTS LLC*	12-00334	02/01/12	PARTS FOR RDS/SANT/RECY/DPS	Open	5,493.64	0.00		
04123 TAMMY DECKER	12-00839	03/29/12	PILATES CLASS INSTRUCTOR	Open	72.00	0.00		
04288 NUANCE COMMUNICATIONS INC*	12-00427	02/14/12	ANNUAL MAINT CONTRACT	Open	4,759.01	0.00		
04301 SEASHORE ASPHALT CORPORATION*	12-00591	03/01/12	PATCH FOR RDS/DPW	Open	196.90	0.00		
	12-00661	03/07/12	PATCH FOR RDS/DPW	Open	<u>599.50</u>	0.00		
					796.40			
04385 SOUTH JERSEY ENERGY SERVICE PL	11-01784	06/15/11	DIRECT INSTALL PROGRAM	Open	55,546.32	0.00		
	11-02432	09/01/11	CHANGE ORDER #1	Open	11,016.78	0.00		
	12-00837	03/28/12	EECBG GRANT PAYMENT	Open	<u>13,100.00</u>	0.00		
					79,663.10			
04445 TRICOMM SERVICES CORP*	11-03624	12/30/11	TELEPHONE ISSUES/DID	Open	270.00	0.00		
	12-00362	02/06/12	REPAIR PRI/COMMUNICATION	Open	<u>1,440.00</u>	0.00		
					1,710.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
5004 MICHAEL MATTHEWS	12-00683	03/09/12	BASKETBALL REF FEES BIDDY DIV.	Open	202.00	0.00		
5017 JIM D'S MOBILE DPF CLEANING	12-00657	03/07/12	PNEUMATIC CLEANINGS/DPW	Open	3,718.00	0.00		
	12-00746	03/19/12	PNEUMATIC CLEANING FILTERS	Open	<u>2,410.00</u>	0.00		
					6,128.00			
5018 TRI-STATE PUMP, INC*	12-00623	03/05/12	NEW PUMP AT BENNETT'S	Open	1,841.76	0.00		
5022 INSTITUTE FOR FORENSIC PSYCHO*	12-00742	03/16/12	PSYC EXAM	Open	425.00	0.00		
5024 JEFFREY ROBINSON	12-00763	03/21/12	REFUND - SOCCER	Open	15.00	0.00		
5025 BRIAN MOORE	12-00766	03/21/12	REFUND - SOCCER FOR DREW MOORE	Open	15.00	0.00		
5028 STEVEN, MARY & IRENE EWING	12-00787	03/22/12	RETURN OF UNUSED ESCROW	Open	12.50	0.00		
AIKEN PATRICK AIKEN	12-00740	03/16/12	UNIFORM RIMBURSEMENT	Open	493.00	0.00		
BONNER ROBERT BONNER JR	12-00679	03/09/12	BASKETBALL REF FEES	Open	104.00	0.00		
BOSNA KAREN MANETTE BOSNA	12-00838	03/29/12	YOGA CLASS INSTRUCTOR	Open	130.00	0.00		
HOOVER ROBERT HOOVER & SONS INC*	12-00603	03/02/12	PARTS FOR RDS/SANT/RECY/DPW	Open	2,655.98	0.00		
REEB MICHAEL REEB	12-00733	03/15/12	DJ SERVICES FOR BASKETBALL	Open	100.00	0.00		
ROMANOW FRED ROMANOWSKI	12-00768	03/21/12	REF ASSIGNER FEES	Open	75.00	0.00		
ROSSI JOE ROSSI	12-00680	03/09/12	BASKETBALL REF FEES MIDGET DIV	Open	126.00	0.00		
RUTHERF WILLIAM RUTHERFORD	12-00684	03/09/12	BASKETBALL REF FEES BIDDY DIV.	Open	132.00	0.00		
SEAGE SEAGEAR MARINE SUPPLY*	12-00708	03/12/12	SUPPLIES FOR GARAGE/DPW	Open	186.00	0.00		

Total Purchase Orders: 106 Total P.O. Line Items: 307 Total List Amount: 1,819,351.98 Total Void Amount: 0.00

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

RESOLUTION #2012-92

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

TOTAL BILL LIST \$ 1,819,351.98

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 2, 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 - 93

TITLE: APPROVAL OF COLD SPRING PRESBYTERIAN CHURCH'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 Cold Spring Presbyterian Church to conduct a flea market on May 26, 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 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

RECEIVED
3-23-12

APPLICATION FOR OUTDOOR FLEA MARKET
NO FEE LICENSE

Name of Organization: Cold Spring Presbyterian Church Activities

Name of Applicant (Responsible Party): Bonnie Bakley

Address & Phone Number: (H) (609)-263-2485

(C) (609)-334-9028

Location of Event: Price Hall

Proceeds to Benefit: ALL Profit to go to the Church.

Dates of Flea Market: May 26, 2012
(Two Days Only)

Rain Date: None

State Applicable Status: Non-Profit Civic

Charitable Religious

Marilyn Meikel
Signature of Person in Charge

FOR TOWNSHIP USE ONLY

Date Approved by Council: _____

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

RESOLUTION #2012-94

TITLE: AWARDING AN ECONOMIC DEVELOPMENT LOAN TO CAPE MAY BREWING, LLC

WHEREAS, the Township of Lower has established a revolving loan fund to finance economic development projects; and

WHEREAS, CAPE MAY BREWING, LLC's application for a Lower Township loan meets all the qualifications of the Lower Township Economic Development Program Guidelines; and

NOW, THEREFORE BE IT RESOLVED, that Lower Township Council approves a loan of \$68,165.78 to CAPE MAY BREWING, LLC whose business is located at 1288 Hornet Road in the Cape May County Airport, Lower Township, contingent upon fulfillment of all collateral and administrative requirements.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 2, 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 #2012-95

Title: RESOLUTION FOR SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS N.J.A.C. 5:30-7.2 through 7.5 the Township of Lower has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year, so now therefore

BE IT RESOLVED, by the governing body of the Township of Lower that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at 40A: 4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.

Resolution #2012-95

Resolution for Self-Examination of Budget

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

RESOLUTION #20012-95

Title: Resolution for Self-Examination of Budget (continued)

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled

BE IT FURTHER RESOVED that a copy of this resolution is forwarded to the Director of the Division of Local Government Services upon adoption.

I hereby certify the foregoing to be a resolution adopted by the Township Council on April 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A: 4-78(b) and N.J.A.C. 5: 30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5: 30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5: 30-7.6.

Dated: 4/2/2012

By: 
Lauren Read
CFO, Township of Lower

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5: 30-7.6 (e))

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

RESOLUTION #2012-96

TITLE: AUTHORIZING CHANGE ORDER NUMBER 4 WITH GEN II, INC., IN CONNECTION WITH CONTRACT NO. M-5, ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER

WHEREAS, the Township Council of the Township of Lower, in the County of Cape May, State of New Jersey has been presented with Change Order #4 in connection with the Township's Project to Replace the Roof at the Recreation Center; and

WHEREAS, the Township Engineer has recommended that Change Order #4, attached hereto and made a part hereof by reference, be approved; and

WHEREAS, Change Order #4 reflects the final change order and takes into account certain delays and contractual damages adjustments to make the Township whole for additional costs incurred by the Township as a result of construction delays and corrections that occurred through no fault of the Township; and

WHEREAS, Change Order #4 adjusts prior Change Order #2 and increases the total contract amount by \$2,084 to \$427,805.00; and

WHEREAS, the Township agrees via Change Order #4 to adjust the aforementioned contractual damages amounts in consideration of the successful completion of the project, whereupon the contractor will pay back to the Township by way of a reduction in the payment to the contractor in the amount of \$30,935.18. Change Order #4 also allows the Township to withhold the amount of \$4,902.56, until such time as said amount is paid by the Township to the relevant subcontractor or the contractor supplies proof of satisfaction of the demand of the subcontractor, and

WHEREAS, the final payment due to Gen II Inc. of \$51,519.58 after all above reductions is hereby authorized and the the CFO has certified the funds as shown below:


Lauren Read, CFO

C-04-55-397-661
Budget Account

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, in the County of Cape May and the State of New Jersey, duly assembled in public session this 2nd day of April, 2012, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order #4 be and hereby is authorized;

BE IT FURTHER RESOLVED that the Mayor and/or Township Manager be and hereby are authorized to execute Change Order #4 and final payment to Gen II, Inc. in the amount of \$51,519.58, on behalf of the Township.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 2, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						



Hatch Mott
MacDonald

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

March 28, 2012
Via Federal Express

Mr. Frank Knight
Gen II Contracting Co., Inc.
395A Millstone Road
Clarksburg, NJ 08510

**RE: Payment Application No. 4 - FINAL & Change Order No. 4
Roof Replacement & Related Work at the Recreation Center, Contract M-5
Township of Lower, Cape May County
HMM No. 287096**

Dear Mr. Knight:

Please find enclosed herewith the following for the above referenced project:

1. Payment Application No. 4 – FINAL;
2. Lower Township “M-5 Roof Replacement Recreation Roof” Summary;
3. HMM Invoices for additional engineering services provided to the Township; and
4. Change Order No. 4.

The attached indicates the work completed by Gen II Contracting Co., Inc. for the above referenced project is valued at \$427,805.00. Following deduction of previous payments, compensatory damages and value of filed liens, the amount due the contractor at this time for Application No. 4 - FINAL is **\$51,519.58**. Please sign the attached payment application form and Change Order and return to our office at your earliest convenience so we can forward to the Township for processing of final payment.

Should you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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

Steven C. Morey, CEP
Associate
T 609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

Encl.

cc (via Email): Michael Voll, Township Manager
Margaret A. Vitelli, RPPS, QPA, Township Purchasing Agent
Michael J. Donohue, Township Solicitor
Christopher Klammer, HMM



**CONTRACTOR'S APPLICATION AND CERTIFICATE FOR PAYMENT UNDER
 CONTRACT M-5 WITH GEN II CONTRACTING CO., INC.
 ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER
 TOWNSHIP OF LOWER, CAPE MAY COUNTY**

Item No.	Description	Est. Total Contract Quantity	Quantity Previous Estimate	Quantity Completed To Date	Unit Price	Amount
1	Bonds	1 LS	1	1	\$ 10,700.00	\$ 10,700.00
2	Mobilization	1 LS	1	1	\$ 21,300.00	\$ 21,300.00
3	Bilco Roof Hatch & Rail Installed	1 LS	0.50	1	\$ 4,500.00	\$ 4,500.00
4	Remove Existing & Install New Ladder	1 LS	1	1	\$ 5,700.00	\$ 5,700.00
5	Remove Enclose Skylights - Upper Roof	1 LS	1	1	\$ 3,600.00	\$ 3,600.00
6	Remove Brick Install New Flashing & New Brick	1 LS	1	1	\$ 12,000.00	\$ 12,000.00
8	Chimney Removal & Install Decking in Opening	1 LS	1	1	\$ 4,500.00	\$ 4,500.00
9	Skylight Dismantle & Prepare for New Installation	1 LS	1	1	\$ 12,000.00	\$ 12,000.00
10	New Skylights - Material	1 LS	1	1	\$ 37,000.00	\$ 37,000.00
11	New Skylights - Installed	1 LS	0.70	1	\$ 84,000.00	\$ 84,000.00
12	Flue & Fall Protection Support	1 LS	0.85	1	\$ 14,250.00	\$ 14,250.00
13	New Roof Material, Insulation and EPDM Products	1 LS	1	1	\$ 70,000.00	\$ 70,000.00
14	Roof Removal	1 LS	1	1	\$ 46,750.00	\$ 46,750.00
15	Roof Install	1 LS	0.90	1	\$ 68,000.00	\$ 68,000.00
16	Provide & Install Gravel Stop Edgeing	1 LS	0.90	1	\$ 17,028.00	\$ 17,028.00
17	Provide & Install Scupper Boxes	1 LS	0	1	\$ 3,750.00	\$ 3,750.00
18	Provide & Install NE Leader	1 LS	0.90	1	\$ 3,375.00	\$ 3,375.00
19	Install Additional Wood Blocking	1 LS	1	1	\$ 5,000.00	\$ 5,000.00
20	Final Cleanup	1 LS	1	1	\$ 3,167.00	\$ 3,167.00
CO-1	Waterproofing - Brick Walls	1 LS	1	1	\$ 1,185.00	\$ 1,185.00
CO-2	Roof Leaks - Clean Up and Lost Wages	1 LS	1	1	\$ (2,084.00)	\$ (2,084.00)
CO-4	Roof Leaks - Clean Up and Lost Wages	1 LS	1	1	\$ 2,084.00	\$ 2,084.00
TOTAL AMOUNT OF WORK COMPLETED TO DATE						\$ 427,805.00
LESS PREVIOUS PAYMENTS						\$ 340,447.68
LESS COMPENSATORY DAMAGES (ARTICLE XXII) FOR COSTS INCURRED BY LOWER TOWNSHIP FOR CLEANUP AND LOST WAGES DUE TO VARIOUS ROOF LEAKS						\$ 2,404.51
LESS COMPENSATORY DAMAGES (ARTICLE XXII) FOR CONSTRUCTION ENGINEERING SERVICES PROVIDED BY HATCH MOTT MACDONALD TO ADDRESS VARIOUS ROOF LEAKS						\$ 5,221.17
LESS COMPENSATORY DAMAGES (ARTICLE XXII) FOR CONSTRUCTION ENGINEERING SERVICES PROVIDED BY HATCH MOTT MACDONALD BEYOND THE REVISED CONTRACT COMPLETION DATE						\$ 23,309.50
LESS VALUE OF ATLANTIC AERIAL LIEN (ARTICLE XXXVII)						\$ 4,902.56
LESS 10% RETAINAGE (N/A - Final Payment)						\$ -
TOTAL AMOUNT DUE THIS APPLICATION NO. 4- FINAL						\$ 51,519.58

AMOUNT DUE THIS APPLICATION: \$ 51,519.58



**CONTRACTOR'S APPLICATION AND CERTIFICATE FOR PAYMENT UNDER
CONTRACT M-5 WITH GEN II CONTRACTING CO., INC.
ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER
TOWNSHIP OF LOWER, CAPE MAY COUNTY**

CERTIFICATE OF CONTRACTOR

I certify that all items, units, quantities and prices of work and material shown in this application for Payment are correct; that all work has been performed and materials supplied in full accordance with the terms of the Roof Replacement and Related Work at the Recreation Center, Contract M-5, between the Township of Lower and Gen II Contracting Co., Inc., and all authorized changes thereto; that the foregoing is a true and correct statement of the contract account up to and including the last day of the period covered by this application and that no part of the stated amount due has been received.

BY:

GEN II CONTRACTING CO., INC.

DATE

RECOMMENDED:

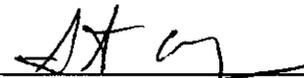


HATCH MOTT MACDONALD

3/27/12

DATE

RECOMMENDED:



HATCH MOTT MACDONALD

3/28/12

DATE

APPROVED:

TOWNSHIP OF LOWER

DATE



**CONTRACTOR'S APPLICATION AND CERTIFICATE FOR PAYMENT UNDER
CONTRACT M-5 WITH GEN II CONTRACTING CO., INC.
ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER
TOWNSHIP OF LOWER, CAPE MAY COUNTY**

PROGRESS REPORT

1. WORK INCLUDED IN THIS PROGRESS REPORT

Contractor installed roof hatch, skylights, remainder of roof, scupper boxes and completed all remaining punchlist items.

2. CONDITION OF THE WORK

The condition of the work is satisfactory.

3. APPLICATION OF THE AMOUNT AND VALUE OF THE WORK TO DATE UNDER THIS CONTRACT

The Contractor has completed work on the project valued at \$427,805.00. Following deduction of previous payments, compensatory damages and value of filed liens, payment is recommended in the amount of \$51,519.58 at this time.

4. REMARKS

CONTRACT CHANGE ORDER

CHANGE ORDER NO.: 4
DATE: March 27, 2012
PROJECT DESCRIPTION: Roof Replacement and Related Work at the Recreation Center, Contract No. M-5, Township of Lower, Cape May County, New Jersey

REASON FOR CHANGE ORDER: See Below.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	ADDITIONS	DEDUCTIONS
1	This change order is to eliminate the reduction in the contract value (\$2,084.00 for clean up and lost wages incurred by the Township) that was previously approved under Change Order No. 2. The above costs are liquidated and/or compensatory damages that will be withheld from final payment rather than a value change to the contract.	1 LS	\$2,084.00	\$2,084.00	
Sub-Total:				\$2,084.00	
Total Change Order No. 4 Value:					\$2,084.00

ACCEPTED:

Gen II Contracting, Co., Inc. Date

APPROVAL RECOMMENDED:

 3/27/12
 Hatch Mott MacDonald Date

APPROVED:

Owner Date

ORIGINAL CONTRACT BID PRICE:
 \$426,620.00

CHANGE ORDER NO. 1: + \$1,185.00
 (Twp. Resolution No. 2011-190)
 CHANGE ORDER NO. 2: - \$2,084.00
 (Twp. Resolution No. 2011-219)
 CHANGE ORDER NO. 4: + \$2,084.00

NET CHANGE ORDER: \$1,185.00

REVISED CONTRACT PRICE INCLUDING
 CHANGE ORDER NO. 1, 2 & 4:
\$427,805.00

ORIGINAL CONTRACT COMPLETION DATE:
 September 8, 2011

CHANGE ORDER NO. 3: +21 DAYS
 (Twp. Resolution No. 2011-255)

REVISED CONTRACT COMPLETION DATE:
September 29, 2011

The Contractor acknowledges that he is contractually liable for liquidated and/or compensatory damages totaling \$95,935.18. The Township and Contractor, in consideration of the provisions of this Change Order, have agreed to adjust the amount to \$30,935.18, as listed in Payment Application No. 4 - FINAL dated March 27, 2012, which the Contractor acknowledges will make the Township whole for the following costs under the contract: \$30,935.18. The Contractor further acknowledges that as per Article XXXVII of the Contract, the Township will withhold the following amount to cover the following lien claim: \$4,902.56.

M-5 Roof Replacement Recreation Roof
Gen II

Gen II Original Contract Amount		\$ 426,620.00	
Payment	\$	91,800.00	
Payment	\$	68,602.50	
Payment	\$	180,045.18	
		Balance Due Original Contract	\$ 86,172.32
		Change Order #1	\$ 1,185.00
		Amount Due Gen II	\$ 87,357.32

<u>Hatch Mott Engineer Fees</u>			
Res #2011-218	\$	4,353.78	
DNE \$7000	\$	607.50	
	\$	259.89	
<u>Additional Engineering Expenses</u>			
	\$	2,684.22	
	\$	3,595.32	
	\$	472.50	
	\$	688.50	
	\$	10,948.96	
	\$	1,656.00	
	\$	297.00	
	\$	703.80	
	\$	2,263.20	
		Engineer Expenses	\$ 28,530.67

<u>Township of Lower Expenses</u>			
Labor 8/28/11	\$	210.43	
Labor 8/21/11	\$	215.10	
Labor 7/9-10/11	\$	478.36	
Service Master	\$	1,500.62	
		Township Expenses	\$ 2,404.51
		Atlantic Aerial Lien	\$ 4,902.56

<u>TOTAL EXPENSES TO BE DEDUCTED FROM GEN II</u>			
HMM Expense To Date	\$	28,530.67	
Township of Lower Expenses	\$	2,404.51	
Lien Atlantic Aerial Inc.	\$	4,902.56	
		Total Expenses	\$ 35,837.74

Balance Due Gen II	\$	87,357.32
Total Expenses	\$	35,837.74
Proposed Total Amount	\$	51,519.58

Prepared by Margaret Vitelli, QPA
Revised 3-27-2012

Additional Work
Recreation Roof Project, Contract M-5

3/27/12

Recreation Roof - Addressing Leaks
Township PO No. 11-02220

<u>Work Through</u>	<u>Invoice No.</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>
11-Nov-11	IV00136446	16-Nov-11	\$ 259.89
23-Sep-11	IV00133830	27-Sep-11	\$ 607.50
5-Aug-11	IV00131586	9-Aug-11	\$ 4,353.78
		TOTAL	\$ 5,221.17

Recreation Roof - Additional Engineering Services
Township PO Nos. 12-00444 & 12-00636

<u>Work Through</u>	<u>Invoice No.</u>	<u>Invoice Date</u>	<u>Invoice Amount</u>
16-Mar-12	IV00143042	19-Mar-12	\$ 2,263.20
2-Mar-12	IV00142411	5-Mar-12	\$ 703.80
24-Feb-12	IV00141834	27-Feb-12	\$ 297.00
17-Feb-12	IV00141354	20-Feb-12	\$ 1,656.00
10-Feb-12	IV00141059	15-Feb-12	\$ 2,684.22
3-Feb-12	IV00140787	8-Feb-12	\$ 3,595.32
13-Jan-12	IV00139769	19-Jan-12	\$ 472.50
16-Dec-11	IV00138404	20-Dec-11	\$ 688.50
11-Nov-11	IV00136446	16-Nov-11	\$ 10,948.96
		TOTAL	\$ 23,309.50

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

RESOLUTION #2012-97

Title: RECYCLING TONNAGE GRANT CERTIFICATION OF TAXES PAID

WHEREAS, the Recycling Enhancement Act, P.L. 2007, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2011 in the amount of \$34,749.99. Documentation supporting this submission is available at the Municipal Hall located at 2600 Bayshore Road, Villas, NJ 08251 and shall be maintained for no less than five years from this date.

REA Tax certified by: Lauren Read, CFO, Township of Lower

Date: 4/16/2012

I hereby certify the foregoing to be a resolution adopted by the Township Council on April 2, 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 #2012-2012-06

**AN ORDINANCE AMENDING CHAPTER 157, ALCOHOLIC BEVERAGES, OF
THE CODE OF THE TOWNSHIP OF LOWER**

WHEREAS, the Township has been requested to consider adopting an ordinance regarding underaged drinking on private property and after discussion agreed that the ordinance would be beneficial.

NOW, THEREFORE, BE IT RESOLVED as follows:

SECTION 1. Chapter 157, entitled Alcoholic Beverages, of the Revised General Ordinances is hereby amended to include the following new sections:

§ 157-14. Unlawful possession or consumption.

It shall be unlawful for any minor under the age of 21 years to knowingly possess or knowingly consume any alcoholic beverage upon private property without legal authority therefor except as otherwise set forth herein.

A. Exceptions.

1. A minor under the age of 21 years may possess or consume an alcoholic beverage in connection with a religious observance, ceremony or rite, or consume or possess an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative, who has obtained the legal age to purchase and consume alcoholic beverages.

2. A minor under the age of 21 years may possess alcoholic beverages while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes of the State of New Jersey, or while such minor is actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution.

B. Definitions.

The definitions contained in N.J.S.A. 40:48-1.2c(2) are applicable to this article and are currently as follows:

1. **GUARDIAN:** A person who has qualified as a guardian of the underaged person, pursuant to testamentary or court appointment.

2. **RELATIVE:** The underaged person's grandparent, aunt, uncle, sibling, or any other person related by blood or affinity.

C. Violations and penalties; suspension or postponement of driving privileges; Diversion Encouraged

Anyone convicted of a violation of this article shall be subject to a fine of \$250 for the first offense and \$350 for any subsequent offense. In addition thereto, the sentencing court may, in addition to the fine authorized herein, suspend or postpone, for six months, the driving privileges of the defendant. If the defendant, at the time of sentencing, is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years. Nothing in this section shall be deemed to prevent the Municipal Prosecutor, in the exercise of sound discretion, from proposing and the Court approving, without a plea of guilty, an informal diversionary program which would require an assessment of an underaged individual's possible alcohol dependency and/or an educational component related to the dangers of underage alcohol consumption.

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 E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____, 2012

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the _____ TOWNSHIP _____ of _____ LOWER _____, County of _____ CAPE MAY _____ for the Fiscal Year 2012

Be it resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Fiscal year 2012;

Be It Further Resolved, that said Budget be published in the _____ CAPE MAY STAR AND WAVE _____

In the issue of _____ March 14th _____, 2012

The Governing Body of the _____ TOWNSHIP _____ of _____ LOWER _____, does hereby approve the following as the Budget for the Fiscal Year 2012:

RECORDED VOTE

(Insert last name)

Ayes

Nays

Abstained

Absent

Notice is hereby given that the Budget and Tax Resolution was approved by the _____ TOWNSHIP COUNCIL _____ of the _____ Township _____ of _____ LOWER _____, County of _____ CAPE MAY _____, on _____ February 22nd _____, 2012.

A Hearing on the Budget and Tax Resolution will be held at _____ TOWNSHIP HALL MUNICIPAL BUILDING _____, on _____ APRIL 2nd _____, 2012 at _____ 6:00 _____ o'clock _____ (P.M.) _____ at which time and place objections to said Budget and Tax Resolution for the year 2012 may be presented by taxpayers or other interested persons.

	<u>Total</u>	<u>Jan</u>
BEG. BAL. JAN. 1, 2012	5,285,705.22	5,285,705.22
RECEIPTS:		
Per Revenue Status	13,352,114.81	5,486,213.36
less: post cash surplus	0.00	
Interest due from- Dev. Escrow	(69.42)	(39.12)
Capital	(1.90)	(0.82)
	13,352,043.49	5,486,173.42
Grants Received		
JIF \$ Recd	4,700.00	4,700.00
NJ DOT \$ Recd	38,597.40	
43,297.40		
TOTAL RECEIPTS:	13,395,340.89	5,490,873.42
DISBURSEMENTS:		
2011 Reserves	393,033.00	232,832.41
2012 Current	11,765,008.47	5,311,769.49
2012 Capital	412,614.96	273,213.44
12,570,656.43		
Appropriation Refunds:	(61,813.41)	(44,880.23)
TOTAL DISBURSEMENTS	12,508,843.02	5,772,935.11
END. BAL. DEC. 31, 2012	6,172,203.09	5,003,643.53
Total Appropriation Refunds	(61,813.41)	(44,880.23)

Bank Balance	
Checking	4,598,733.32
Online Payment Acct	
MBIA	1,522,699.19
Total Bank Balance	6,121,432.51
ADD: Deposits in Transit	475,480.23
LESS: Outstanding Checks	(1,593,269.21)
Adjusted Bank Balance	5,003,643.53
	0.00

OUTSTANDING CHECKS

JAN 2012

<u>PRIOR</u>			<u>JAN</u>		<u>DIT'S</u>
12/10/10	43930	26.25	DUE TRUST	600.00	442.39 DUE FROM ESCROW
	44435	17.16	46655	275.00	83,454.81 DUE FROM GRANTS
	45910	30.00	46689	300.21	4,767.45
	45943	115.40	46693	24,438.33	9,369.00
	46104	20.00	46694	1,248.75	
			46695	30.92	1,540.15
			46696	699.64	10,033.00
			46697	724.30	578.51
			46698	195.60	40,179.80
			46699	407.14	26,603.62
			46700	550.00	39,915.54
			46702	1,250.00	85,862.82
			46703	22.00	122,250.52
			46704	74.80	49,281.22
			46705	67.29	50.00
			46706	186.00	387.00
			46708	79.17	58.00
			46710	917.14	5.00
			46711	399.46	40.00
			46713	1,190.00	653.00
			46714	257.90	8.40 DUE DOG
			46717	2,305.87	
			46718	131.46	
			46719	8,604.66	
			46720	73.68	
			46722	170.94	
			46723	215.92	
			46726	1,042.50	
			46727	150.00	
			46728	3,144.79	
			46737	88.15	
			46738	306.00	
			46739	270.40	
			46741	177.93	
			46742	205.00	
			46743	120.00	
			46744	360.00	
			46745	399.59	
			46747	41.04	
			46749	34.00	
			46750	858.00	
			46752	22.29	
			46755	150.00	
			46757	6,481.00	
			46762	195.00	
			46763	925.00	
			46764	653.00	
			46766	7,500.00	
			46768	2,890.43	
			46771	2,650.00	
			46773	8.40	
			46775	1,461.52	
			46776	300.00	
			46777	300.00	
			46778	51.25	
			46779	50.00	
			46780	25.00	
			46782	900.00	
			DUE CAP	1,515,733.93	
			DUE TRUST	150.00	
				<u>1,593,060.40</u>	
				<u>1,593,269.21</u>	<u>475,480.23</u>

TOTAL OUTSTANDING CHECKS

1,593,269.21

475,480.23

	Total	Jan	Feb
BEG. BAL. JAN. 1, 2012	5,285,705.22	5,285,705.22	5,003,643.53
RECEIPTS:			
Per Revenue Status	13,352,265.03	5,486,213.36	7,866,051.67
less: post cash surplus	0.00		
Interest due from- Dev. Escrow	(69.42)	(39.12)	(30.30)
Capital	(1.90)	(0.82)	(1.08)
	13,352,193.71	5,486,173.42	7,866,020.29
Grants Received			
JIF \$ Recd	4,700.00	4,700.00	
NJ DOT \$ Recd	38,597.40		38,597.40
43,297.40			
TOTAL RECEIPTS:	13,395,491.11	5,490,873.42	7,904,617.69
DISBURSEMENTS:			
2011 Reserves	393,033.00	232,832.41	160,200.59
2012 Current	11,765,008.47	5,311,769.49	6,453,238.98
2012 Capital	412,614.96	273,213.44	139,401.52
12,570,656.43			
Appropriation Refunds:	(61,813.41)	(44,880.23)	(16,933.18)
TOTAL DISBURSEMENTS	12,508,843.02	5,772,935.11	6,735,907.91
END. BAL. DEC. 31, 2012	6,172,353.31	5,003,643.53	6,172,353.31
Total Appropriation Refunds	(61,813.41)	(44,880.23)	(16,933.18)

Bank Balance		
Checking	4,598,733.32	6,024,799.59
Online Payment Acct		1.00
MBIA	1,522,699.19	1,522,711.37
Total Bank Balance	6,121,432.51	7,547,511.96
ADD: Deposits in Transit	475,480.23	177,377.95
LESS: Outstanding Checks	(1,593,269.21)	(1,552,536.60)
Adjusted Bank Balance	5,003,643.53	6,172,353.31
	0.00	0.00

PERSONNEL ACTIONS

Report for Council Meeting of 4/02/2012

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Public Safety	Anzelone, Lauren	3/30//2012	Crawford, Dorothy	PT to FT	Dispatcher	yes
Public Safety	McCabe, Kristi	3/30/2012	Camp, Brenda	PT to FT	Dispatcher	yes
Recreation	Brown, Kathleen	4/02/2012		New Hire	PT Rec Aide	yes

Date of report: 3/28/2012

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File

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

RESOLUTION # 2012-99

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. (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.

_____ (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 2, 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 2, 2012.

 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						