

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

December 5, 2011 - 7:00 P.M.

Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Presentation - Certificates of Recognition - Kevin Boyle & Ed Dougherty & Colleen Horwath

Work Session

Discussion of Public Safety Building Review Committee

Discussion on the Bayshore Heritage Byway

Review of Consent & Regular Agenda Items

Consent Agenda

- Approval of Minutes November 21, 2011
- Membership Applic. NJ State Fireman's Association - Thomas Dunlevy - Town Bank Fire Company
- Res. #2011-305 Payment of Vouchers, \$455,705.70
- Res. #2011-306 Resolution Acknowledging The Award to Hess Corporation and South Jersey Energy for Electric Generation Supply Services (Bid A47) for Cape May County and Cooperative Members (Award of Township electric supplier bid including street lights and direct distribution accounts)
- Res. #2011-307 A Resolution Supporting the Amendment to the Bayshore Heritage Byway Route (Amendment to change the Route through Bayshore Road in Lower and add 2 spurs - Townbank/Ferry Road and Sunset Beach)
- Res. #2011-308 Resolution Canceling Taxes (Surviving spouse of disabled vet)
- Res. #2011-309 Resolution Refunding Taxes (1 property - duplicate payment)
- Res. #2011-310 Authorizing Pay Out of Terminal Leave (L. Russo - \$118,216.55 - retired Police)
- Res. #2011-311 Authorizing Pay Out of Terminal Leave (K. Boyle (\$69,211.68 - retired Police
- Res. #2011-312 Authorizing Pay Out of Terminal Leave (C. Horwath, \$28,364.52 - retired Twp Hall
- Res. #2011-313 Transfer of 2011 Appropriations (\$30,000 - from Insurance to Unemployment & Recreation)
- Res. #2011-314 Rejection of Bids for One (1) 2012 6.7 TO 8.4 Cubic Yard Dump Truck with Snow Plow (2 bids - over budget)
- Res. #2011-315, Creating a Special Committee for Review of Public Safety Building Issues (Establishing a committee to
- Res. #2011-316, Authorization for Waiver of Fees for Cape Island Masonic Lodge #30 for a Minor Site Plan (application will be to a erect a storage shed on the property)

Regular Agenda

- Ord. #2011-19 An Ordinance of the Township of Lower Vacating a Portion of Mulberry Road, 2nd rdg. (Vacates Township's interest in 50' x 100' street end)
- Ord. #2011-20 An Ordinance Amending Chapter 570, Entitled "Solid Waste" of the Code of the Township of Lower, 2nd rdg. (Deletes provision that would have ended commercial trash collection as of Dec. 31, 2011)

Administrative Reports

Personnel Action Report

November Reports

Continued on other side

Council Comments

Call to the Public

Closed Session

Res. #2011-317

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." (Potential Litigation - Baldini & Lease of Real Property - Cox Hall Drainage Easement)

Adjournment

Public Information

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

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

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

Regular & Work Session Meeting Minutes - November 21, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on November 21, 2011 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember Erik Simonsen
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Recording Secretary Julie Picard

Presentations - Certificates of Appreciation - Hurricane Irene Agencies & Volunteers

Mayor Beck, Council and Rich Harron, Lower Township Emergency Management Coordinator, presented Certificates of Appreciation for all the work performed during Hurricane Irene to the following agencies: Lower Township Police Department, Public Works Department, Construction Office, Animal Control Office, MUA, Fire Bureau, Erma Volunteer Fire Company, Townbank Volunteer Fire Company, Villas Volunteer Fire Company, Lower Cape May Regional School District Busses and Lower Township Elementary School District Busses. Volunteer Certifications were presented to: Linda Bowker, Joan Koeck, James Godfrey, David Perry, Penny Graham, Penny Kraus, Rick Kraus, Sandy Pierpont, Bruce Pierpont, Gloria Olexa, George Strayline, Roy Connors, Margaret Harron, Darryl Benjamin, Nan LaCort, Melisa Lawrence, Lou Marccucu and Suzanne Davis.

Presentations - Certificates of Appreciation for Township Hall & Recreation field updates

Deputy Mayor Lare explained that the work done on the Freeman Douglass Baseball Field and Hockey Rink had been done by volunteers who not only volunteered their time, but donated supplies as well. Deputy Mayor Lare, Mayor Beck and Council presented Certificates of Appreciation and plaques to: Novasak Turf Farms, Daves Trash Removal, Action Supply, Bayshore Landscaping, Church's Nursery, Smeltzer & Sons Feed & Pet Supplies, Lower Cape Hockey Association, South Jersey Hurricanes, Lower Township Phillies Mens Senior Baseball and Lower Cape May Little League

Work Session

Discussion - Mobile Meetings - Dep. Mayor Lare

Deputy Mayor Lare proposed moving a Council Meeting a quarter to the firehouses starting with the December 19th meeting at Townbank Fire Company and then establishing the dates for next year at the re-organization meeting in January. Having Council's approval, Deputy Mayor Lare will coordinate with the Manager and the fire companies to get tentative dates for next year.

Regular & Work Session Meeting Minutes - November 21, 2011

Discussion - Public Safety Building - Mayor Beck

Mayor Beck gave a history of the Public Safety building and all the problems the Township is currently facing with the up-keep of the building including fixing the roof and referred to the report that had been previously prepared on the building. Mayor Beck suggested forming a committee including himself, the Deputy Mayor and one appointment from each Councilmember with full knowledge the committee could not spend a nickel, only make recommendations to Council. Councilmember Conrad stated he was in agreement. Councilmember Simonsen stated the issue had been visited by the Mayors Advisory board previously and some research was done and he believes it would be a good idea to get as much input as possible to come up with the right solutions. Councilmember Douglass stated he had no problem with it and the key people would be involved - including the public. Deputy Mayor Lare stated he believed there would be no harm in exploring the situation and seeing what the issues were.

Review of Consent & Regular Agenda Items

Council Comments - Councilmember Simonsen noted a correction to the minutes.

Public Comment -

Joe Winters, Scott Ave, questioned if the Township has a federal Firearms dealer permit. Manager Voll replied we do not, but it is a common practice throughout the State of New Jersey to allow a retiring officer to purchase his service weapon.

Bob Webber, Cardinal Ave, questioned if any changes other than the "sunset" clause needed to be changed in Ordinance 2011-20 and suggested putting in an ending date.

Consent Agenda

Approval of Minutes	November 7, 2011
Res. #2011-298	Payment of Vouchers, \$170,489.67
Res. #2011-299	Authorization for Refund of Taxes
Res. #2011-300	Authorization for the Township of Lower to Apply for an Emergency Management Agency Assistance Subgrant
Res. #2011-301	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Body Armor Grant - \$3,908.30)
Res. #2011-302	Resolution Authorizing an Interlocal Service Agreement with the Township of Middle for Emergency Animal Control Services (To be used only when Lower's ACO's are unavailable and an emergency exists - Middle Township has reciprocal agreement with Lower when they need emergency animal control)
Res. #2011-303	Authorizing Sale of Personal Property Not Needed for Public Use by Private Sale (Sale of service weapon to Captain Lou Russo for \$275.00)
Ord. #2011-19	An Ordinance of the Township of Lower Vacating a Portion of Mulberry Road, 1 st rdg. (Vacates Township's interest in 50' x 100' street end - 2 nd rdg Dec. 5)
Ord. #2011-20	An Ordinance Amending Chapter 570, Entitled "Solid Waste" of the Code of the Township of Lower, 1 st rdg. (Deletes provision that would have ended commercial trash

Regular & Work Session Meeting Minutes - November 21, 2011

collection as of Dec. 31, 2011 - 2nd rdg. Dec. 5)

Motioned to adopt the consent agenda moved by Councilmember Douglass, seconded by Councilmember Conrad.

Roll Call Vote:

Councilmember Conrad	Yes
Councilmember Simonsen	Yes
Councilmember Douglass	Yes
Deputy Mayor Lare	Yes
Mayor Beck	Yes

Regular Agenda

Ord. #2011-18 An Ordinance Authorizing Certain Traffic Control Signage and Markings on Station Road in the Township of Lower, (Authorizing 10 mph speed limit and school crossing markings on Station Road) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance. There being no comments, Motion to adopt moved by Councilmember Conrad, seconded by Councilmember Simonsen.

Roll Call Vote:

Councilmember Conrad	yes
Councilmember Simonsen	yes
Councilmember Douglass	yes
Deputy Mayor Lare	yes
Mayor Beck	yes

Administrative Reports

Department Reports Animal Control, BOCA, Dog License, Bureau of Fire Safety, Clerks, Court, Engineer, Police and Vital Statistics

Council Comments

Councilmember Conrad wished everyone a very safe and Happy Thanksgiving.

Councilmember Simonsen reminded everyone of the Lower Cape May Regional High School Anchor Bowl being held on Thanksgiving Day and wished everyone a Happy Thanksgiving.

Upcoming Events in the Township include:

November 29 - 7p.m. - Tree Lighting Service at Lower Township Recreation Center

December 2 - Lower Township Hospitality Night

December 10 - 12 noon Veterans Memorial Service at Cold Spring Cemetery

December 10 - 7p.m. Lower Township Christmas Parade

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December 3 - West Cape May Christmas Parade

December 8 - 7p.m. Richard M. Titleman Winter Concert at Lower Cape May Regional High School

December 14 - 7p.m. Sandman School Winter Concert

December 15 - 7p.m. Lower Cape May Regional High School Winter Strings Concert

December 20 - 7p.m. Lower Cape May Regional High School Band and Choir

Councilman Douglass wished everyone a safe and Happy Thanksgiving.

Deputy Mayor Lare wished everyone safe travels and a Happy Thanksgiving

Mayor Beck, on behalf of Council, thanked Lower Township employees, volunteers, residents and veterans for all they do to make Lower Township a beautiful place to call home.

Call to the Public

600 Seashore Road

Scott Nusser, Seashore Road, addressed Council regarding 600 Seashore Road. It was a Zoning issue which ultimately resulted in a superior court ruling stating the lot was not to be used for commercial purposes. The property owner has since parked old junk tow trucks on the property violating the zoning ordinances and requests Council to do something about the situation. Solicitor Donohue replied he and the manager have visited the property and taken pictures and will be discussing the situation within the next few days.

Public Safety Building

Jack Sparks addressed Council regarding the Public Safety Building and requested they look into every possibility and also suggested this project may be a ballot referendum because of the cost.

Heritage Trail

Robert Rizzo, Mickels Run, addressed Council regarding the Heritage Trail article in the paper and thanked the Mayor, Council and all the people involved. He said hopefully, the Township will get something from this.

Drugs /Gangs

Marianne Rementer, Alexander Ave, addressed Council regarding drugs and gangs in the Villas. She said the cops and the prosecutors office blame each other and our young people are being effected. Ms. Rementer requested help dealing with these situations.

Uniform Fire Code

Dan Copley, 1425 Bayshore Road, addressed Council regarding the Uniform Fire Code and requested the excessive fees currently being charged be looked into and also questioned why Fire Safety has raised the fees for fire inspections.

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600 Seashore Road

Karen Matthews, Weekslanding Road, addressed Council regarding the abandoned vehicles on the property and stated she was almost in an accident because of the abandoned vehicles blocking the view.

Mike Sanger addressed Council to agree with the other residents that they are in fact junk vehicles on the property.

Angela Alexander, Weekslanding Road, addressed Council and stated the abandoned vehicles on the property were towed there.

Jeremy Roth, Weekslanding Road, addressed Council and stated the abandoned vehicles on the property are cutting off the street at the bus stop.

Abdelkrim Fadel, Seashore Road, addressed Council and requested something be done regarding the abandoned vehicles on the property.

Joe Boyle, 313 Arizona Ave, addressed Council and thanked the veterans.

Recreation Roof

Joe Winters, Scott Ave, addressed Council and questioned the status of the recreation roof. Manager Voll replied the Township is still addressing current situations but will not sign off until assurances are received no additional leaks will be found.

600 Seashore Road

Lou Altobelli, Seashore Road, addressed council and stated he is the property owner of 600 Seashore Road. He stated he went through the zoning process and both Lower Township Zoning Board and the Court have upheld the finding that the property can be used for the storage of vehicles. Most of the vehicles on the property are registered and operational. He said the property was deemed to be a storage facility by the court and by Lower Township, that is what it is being used for.

Joe Petruccelli, Seashore Road, addressed Council and stated he did not believe storage of vehicles should be extended to the edge of the property line. It is dangerous. He requested council to look at how many trucks are parked on the property and see they are unsafe and an eye-sore.

Closed Session

Res. #2011-304 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." (Personnel - Police Dept., Potential Litigation, Labor Relations)

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

Roll Call Vote:

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Councilmember Conrad	Yes
Councilmember Simonsen	Yes
Councilmember Douglass	Yes
Deputy Mayor Lare	Yes
Mayor Beck	Yes

Council returned to open session and there being no further comment, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Conrad. The meeting unanimously adjourned by verbal "ayes" at 9:15 p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00348	BENNETT BATTERIES, LLC*							
	11-02840	10/17/11	SUPPLIES FOR DPS/POLICE	Open	1,325.70	0.00		
	11-03019	11/03/11	BATTERY FOR COUNTY VEH.	Open	98.90	0.00		

					1,424.60			
00354	BILLOWS ELECTRIC SUPPLY CO*							
	11-02954	10/31/11	DELUXE DAYLIGHT BULBS - COURT	Open	47.10	0.00		
00356	BEAVER SUPPLY INC*							
	11-03007	11/03/11	REBAR FOR DRAINAGE/DPW	Open	115.28	0.00		
00363	MARTIN J. BIERSBACH							
	11-03309	11/29/11	CONTRACT REIMB VISION	Open	135.00	0.00		
00367	APM BLAST PEST CONTROL*							
	11-03234	11/16/11	PEST CONTROL/CLEM MULLIGAN STD	Open	20.79	0.00		
00370	BLUE CROSS/BLUE SHIELD OF NJ							
	11-03300	11/28/11	MED D DECEMBER 2011	Open	3,209.02	0.00		
00385	BOYCE ASSOCIATES							
	11-02546	09/14/11	MISC PARTS FOR PLAYGROUND	Open	67.00	0.00		
00403	BLUE WAVE EXPRESS CAR WASH*							
	11-03290	11/28/11	CAR WASH	Open	415.00	0.00		
00611	COUNTY OF CAPE MAY							
	11-03271	11/18/11	GAS/DIESEL/DPW OCT, 2011	Open	30,899.47	0.00		
00616	ANIMAL ALLIANCE OF CAPE							
	11-03255	11/18/11	TNR & SPAY NEUTER PROGRAM	Open	50.00	0.00		
	11-03256	11/18/11	2010 PETSMAST GRANT	Open	258.00	0.00		

					308.00			
00735	CATERINA SUPPLY, INC.*							
	11-02962	10/31/11	A-INLETS/PIPING/DPW/DRAINAGE	Open	9,381.00	0.00		
00741	CMC CHIEF'S OF POLICE ASSOC.							
	11-02830	10/17/11	LETN	Open	2,016.00	0.00		
00784	CAPE MAY STAR & WAVE							
	11-02902	10/25/11	NOTICE-FINANCE OFFICE	Open	20.80	0.00		
	11-03293	11/28/11	11/16/2011 ORD /NOTICE TO BID	Open	87.42	0.00		

					108.22			
00807	CDW-GOVERNMENT INC*							
	11-03014	11/03/11	COMPUTER SUPPLIES	Open	285.00	0.00		
00820	COMCAST OF WILDWOOD* DPW							
	11-03267	11/18/11	INTERNET PROVIDER/DPW	Open	95.11	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00825 COMCAST*	11-03304	11/28/11	FIRE SAFETY	Open	100.07	0.00		
01130 GAYLE HADLEY	11-03302	11/28/11	ZUMBA INSTRUCTOR	Open	10.00	0.00		
01319 EDWARD EDWARDS	11-01367	05/16/11	2011 EQUIP. ALLOWANCE	Open	150.00	0.00		
01502 PAMELA FELDER	11-03310	11/29/11	CONTRACT REIMBURSEMENT	Open	51.00	0.00		
01577 MIKE FLINN**	11-03316	11/29/11	JUDO CLASSES	Open	1,260.00	0.00		
01641 GALL'S INC*	11-02946	10/27/11	VEHICLE GUN LOCKS	Open	2,380.00	0.00		
	11-03013	11/03/11	PATROL SUPPLIES	Open	117.99	0.00		

					2,497.99			
01667 GLOUCESTER COUNTY POLICE ACAD*	11-03158	11/09/11	TRAINING	Open	200.00	0.00		
01690 GRANTURK EQUIPMENT CO*	11-02556	09/14/11	PARTS FOR TRASH TRUCKS/DPW	Open	319.24	0.00		
	11-02716	10/03/11	WATER TANK/TANK STRAPS/TRK39	Open	6,271.17	0.00		
	11-03005	11/03/11	DRUM WINCH FOR TRASH #27	Open	3,092.22	0.00		
	11-03168	11/09/11	PARTS FOR TRASH TRUCK/DPW	Open	471.09	0.00		

					10,153.72			
01785 ROBERT HARTMAN SR	11-02172	08/01/11	CONTRACT REIMB 2011	Open	115.40	0.00		
01803 HORIZON DENTAL OPTION*	11-03298	11/28/11	DECEMBER	Open	14,831.73	0.00		
01859 HESS CORPORATION	11-03339	12/01/11	ELECTRICITY 9/20/11-10/20/11	Open	7,027.19	0.00		
01860 GNL DOORS & HARDWARE*	11-02955	10/31/11	ADJUSTABLE WEATHER STRIPPING	Open	414.00	0.00		
01912 GRUCCIO, PEPPER, DESANTO&RUTH PA	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.74	0.00		
01951 INNOVATIVE DATA SOLUTIONS*	11-03154	11/09/11	POWER DMS ANNULA CONTRACT	Open	1,862.00	0.00		
02045 LIBERTY PARKS AND PLAYGROUNDS*	11-02871	10/19/11	INSTALL RUBBER MULCH	Open	3,600.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-02161		08/01/11		REPLACE MEMORY BOARD AND	Open	750.00	0.00		
03466	R & R SPECIALTIES								
11-02688		09/28/11		SOCCER SPONSOR PLAQUE	Open	70.00	0.00		
03478	RED THE UNIFORM TAILOR, INC.*								
11-03015		11/03/11		UNIFORMS	Open	255.00	0.00		
03611	SERVICE TIRE TRUCK CENTERS*								
11-02843		10/17/11		TIRES FOR RDS/SANT/RECY/DPW	Open	5,011.55	0.00		
03619	THOMAS SOLENSKI								
11-03320		11/30/11		SHOE ALLOWANCE FOR 2011/DPW	Open	269.60	0.00		
03659	SOUTH JERSEY WIPING CLOTH*								
11-03157		11/09/11		CLOTH RAGS FOR GARAGE SHOP/DPW	Open	384.00	0.00		
03663	SOUTH JERSEY AUTO SUPPLY*								
11-03024		11/03/11		PARTS FOR POLICE VEH/DPS	Open	144.68	0.00		
03678	SMELTZER & SONS INC.*								
11-03170		11/09/11		WIRE FOR WASHBAY/DPW	Open	79.99	0.00		
03683	SNAP-ON TOOLS*								
11-02314		08/17/11		TIRE SENSOR TYSTEM TOOL/DPW	Open	1,124.96	0.00		
03692	SOUTH JERSEY GAS CO*								
11-03340		12/01/11		OCTOBER, 2011 GAS	Open	2,478.06	0.00		
03810	MUNICIPAL UTIL AUTH USAGE COST								
11-03306		11/29/11		SEWER CHARGES 12/2/2011	Open	1,426.65	0.00		
03820	MUNICIPAL UTIL. AUTH ON CALL								
11-02901		10/25/11		ONE-CALL MESSAGES/DPW	Open	147.11	0.00		
03902	DONALD VANAMAN JR								
11-03260		11/18/11		TRAINING MEALS	Open	57.49	0.00		
03904	LOWE'S HOME CENTER INC*								
11-03180		11/14/11		MISC. ITEMS FOR CLEM MULLIGAN	Open	292.72	0.00		
03921	UNIFORM & ACCESSORIES WHSE*								
11-02944		10/27/11		NEW VEHICLE OUTFITTING	Open	489.93	0.00		
03935	STAPLES BUSINESS ADVANTAGE*								
11-02964		11/01/11		OFFICE SUPPLIES TAX/TREAS	Open	169.88	0.00		
03963	US LUBES, LLC *								
11-03230		11/16/11		TRANSMISSION FLUID/HYDRAULIC	Open	2,347.22	0.00		
03969	VERIZON								
11-03341		12/01/11		PHONE SERVICE - OCTOBER, 2011	Open	2,189.61	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03981 SECARE, RYAN & HENSEL LAW FIRM	11-02710	10/03/11	RESOLUTION 2011-224	Open	1,075.00	0.00		B
03985 VILLAS NAPA AUTO PARTS	11-03021	11/03/11	PARTS FOR COUNTY VEH/DPW	Open	185.44	0.00		
	11-03023	11/03/11	PARTS FOR REDS/TRASH/RECY/DPS	Open	2,878.34	0.00		
	11-03161	11/09/11	BRAKES FOR ASSESSORS CAR	Open	108.83	0.00		
	11-03190	11/14/11	MISC. PARTS FOR RC-5	Open	198.71	0.00		

					3,371.32			
03992 VAL-U AUTO PARTS LLC*	11-03020	11/03/11	PARTS FOR COUNTY VEH/DPW	Open	156.59	0.00		
	11-03022	11/03/11	PARTS FOR RDS.TRASH/RECY/DPW	Open	3,833.36	0.00		

					3,989.95			
04030 WEST PUBLISHING PAYMENT *	11-03308	11/29/11	COURT #823890813	Open	178.00	0.00		
04059 THOMAS WILL	11-03324	11/30/11	CONTRACT REIMBURSEMENT	Open	15.00	0.00		
04077 RONALD J. GELZUNAS	11-03145	11/09/11	DWI SPECIAL SESSION 10/31/11	Open	200.00	0.00		
04101 SPANKY'S BBQ CATERING*	11-02913	10/25/11	FOOD FOR HAUNTED TRAILS VOLUNT	Open	250.00	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	451.00	0.00		
04123 TAMMY DECKER	11-03301	11/28/11	PILATES CLASS	Open	39.00	0.00		
04126 NICK OLEXA	11-03277	11/28/11	SOCCER REF FOR PEEWEE GAMES	Open	270.00	0.00		
04160 RONALD YOUNG	11-03283	11/28/11	SHOE ALLOWANCE FOR 2011/DPW	Open	123.60	0.00		
04272 PROPET DISTRIBUTORS*	11-03165	11/09/11	DOGGIE BAGS	Open	488.35	0.00		
04278 RICHARD SANDMAN, ESQ	11-02897	10/25/11	CONFLICT PD 10/20/2011	Open	200.00	0.00		
04301 SEASHORE ASPHALT CORPORATION*	11-03156	11/09/11	PATCH FOR RDS/DPW	Open	224.00	0.00		
04302 MALOUF FORD LINCOLN INC*	11-02356	08/22/11	2 2012 FORD FOCUS	Open	26,142.00	0.00		

RESOLUTION #2011-305
Lower Township
Bill List
12/05/2011

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
Division of Motor Vehicle	11-03345	Title 2 Ford Focus	46419	12/02/11	\$ 120.00
Total Manual Checks					\$ 120.00
Total brought forward from computer generated bill list					\$ 445,585.70
TOTAL BILL LIST					<u>\$ 445,705.70</u>

I certify the foregoing to be a Resolution adopted by the Township Council on December 5, 2011.

 Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-306

TITLE: RESOLUTION ACKNOWLEDGING THE AWARD TO HESS CORPORATION AND SOUTH JERSEY ENERGY FOR ELECTRIC GENERATION SUPPLY SERVICES (BID A-47) FOR CAPE MAY COUNTY AND COOPERATIVE MEMBERS

WHEREAS, Lower Township is a member of the South Jersey Power Cooperative, SJPC, and Camden County is the lead agency. Camden County energy consultant, Dome-Tech, publicly advertised bids for the purpose of procuring electric energy services (BID A-47) and

WHEREAS, County of Camden received and opened publicly advertised bids for Electric Generation Service for SJPC and Hess Corporation and South Jersey Energy were the lowest responsible bidders for electric generation service and submitted the following rates:

HESS CORPORATION (Direct Distribution)

	<u>Type of Electric</u>	<u>Rate</u>	<u>Contract Duration</u>
Atlantic City Electric (ACE)	MGS,AGS, DDC	\$0.08695	18 Months Dec 2011-June 2013

SOUTH JERSEY ENERGY (Street Lighting)

	<u>Type of Electric</u>	<u>Rate</u>	<u>Contract Duration</u>
Atlantic City Electric (ACE)	SPL and CSL	\$0.06000	18 Months Dec 2011-June 2013

NOW, THEREFORE, BE IT RESOLVED the Township of Lower acknowledges the contract award to HESS CORPORATION AND SOUTH JERSEY ENERGY for a 18 month period beginning December 2011-June 2013.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on Dec. 5, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

"Event 1": ACE Accounts

TRANCH# NUMBER	EDC	ACCOUNT CATEGORY (FP or CIEP)	Rate Classes	SERVICE START	CONTRACT TERM	Approximate # of ACCOUNTS	Opening Time of each Auction (Eastern Prevaling Time)	Initial Ending Time of each Auction (Eastern Prevaling Time)	Current Rate	Low Bid Rate	Average Price to Compare	Max PTC for rate classes	Savings (Low Bid Rate vs. PTC)	% Savings vs. PTC (or vs. current rate for large accounts)
1	ACE	FP	MGS, AGS, DDC	Dec-11	12 Months	1601	10:30am	11:00am	\$ 0.09147	\$ 0.09500	\$ 0.1074	\$ 0.1104	\$ 0.0124	12%
2	ACE	FP	SPL and CSL	Dec-11	12 Months	578	10:30am	11:00am	n/a	\$ 0.09500	\$ 0.0943	\$ 0.0955	\$ (0.0007)	-1%
3	ACE	FP	MGS, AGS, DDC	Dec-11	18 Months	1601	10:30am	11:00am	\$ 0.09147	\$ 0.08695	\$ 0.1074	\$ 0.1104	\$ 0.0204	19%
4	ACE	FP	SPL and CSL	Dec-11	18 Months	578	10:30am	11:00am	n/a	\$ 0.06000	\$ 0.0943	\$ 0.0955	\$ 0.0343	36%
5	ACE	CIEP	AGS-P and MGS-P	Jun-12	12 Months	3	10:30am	11:00am	\$ 0.09225	\$ 0.08075	n/a	n/a	\$ 0.0115	12%

AWARDED-HESS
AWARDED-SOUTH JERSEY ENERGY
AWARDED-SOUTH JERSEY ENERGY

"Event 2": PSE&G Accounts

TRANCH# NUMBER	EDC	ACCOUNT CATEGORY (FP or CIEP)	Rate Classes	SERVICE START	CONTRACT TERM	Approximate # of ACCOUNTS	Opening Time of each Auction (Eastern Prevaling Time)	Initial Ending Time of each Auction (Eastern Prevaling Time)	Current Rate	Low Bid Rate	Average Price to Compare	Max PTC for rate classes	Savings (Low Bid Rate vs. PTC)	% Savings
6	PSE&G	FP	GLP and LPL-S	Dec-11	12 Months	477	11:30am	11:45am	\$ 0.09068	\$ 0.09900	\$ 0.0917	\$ 0.1327	\$ (0.0073)	-8%
7	PSE&G	FP	BPL and PSAL	Dec-11	12 Months	75	11:30am	11:45am	n/a	\$ 0.07000	\$ 0.0670	\$ 0.0692	\$ (0.0030)	-4%
8	PSE&G	FP	GLP and LPL-S	Dec-11	18 Months	477	11:30am	11:45am	\$ 0.09068	\$ 0.09582	\$ 0.0917	\$ 0.1327	\$ (0.0041)	-4%
9	PSE&G	FP	BPL and PSAL	Dec-11	18 Months	75	11:30am	11:45am	n/a	\$ 0.06195	\$ 0.0670	\$ 0.0692	\$ 0.0051	8%
10	PSE&G	CIEP	LPL-P and HTS	Jun-12	12 Months	12	11:30am	11:45am	\$ 0.08246	\$ 0.08195			\$ 0.0005	1%

NOT AWARDED
AWARDED-HESS
AWARDED-HESS

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

RESOLUTION #2011-307

TITLE: A RESOLUTION SUPPORTING THE AMENDMENT TO THE BAYSHORE HERITAGE BYWAY ROUTE

WHEREAS, the Bayshore Heritage Byway Advisory Group has worked closely with New Jersey Department of Transportation in determining ways to showcase the importance of the western shore of Salem, Cumberland and Cape May counties and their natural, historic, cultural, and scenic intrinsic qualities to the general public; and

WHEREAS, a properly administered scenic byway can provide benefits to the community by increasing general awareness of the area's unique historic, natural, and cultural assets by welcoming visitors to explore and share in the significant natural and historic qualities along this byway; and

WHEREAS, a byway can further benefit the community by fostering economic development that is in keeping with our rural character and providing access to federal resources and for improving established roadways that constitute the byway alignment; and

WHEREAS, designation of the byway involves a coordinated effort among the municipalities and counties through which it passes; and

WHEREAS, the Township of Lower supports the revision to the Bayshore Heritage Byway Route as follows:

The section of the Byway from Bayshore Road (County 603) and Route #47 to Seashore Road and Breakwater Road will be deleted, and replaced by the following:

At Route #47 and Bayshore Road, the route will turn west on Bayshore Road, remaining on this road as it turns south and leaves Middle Township and enters Lower Township. The route will continue south and bear to the left at Fishing Creek Road, turning east onto Breakwater Road at Fishing Creek Road. The route will follow Breakwater Road to Seashore Road where it will turn south and resume the original plan.
In addition,

It also requested that spurs to the Byway be created at the following locations:

#1 Townbank /Ferry Spur between Seashore Road at Sandman Blvd. and Lincoln Blvd. at Beach Drive

#2 Sunset Beach Spur- extend the Byway to the end of Sunset Blvd.

; And

WHEREAS, The Township of Lower has received community support for this change to the route, and

WHEREAS, the Township of Lower is submitting this revision to the route to the South Jersey Bayshore Coalition during the preparation of a Corridor Management Plan; and

WHEREAS, Administration of the byway, once formally designated, further requires continuing commitment on the part of all participants involving establishment of a permanent body to oversee its long-term operation and promotion; and

WHEREAS, the Township of Lower wishes to express its support for the concept of a Scenic Byway and its commitment to participating in the process necessary for its implementation; and

BE IT FURTHER RESOLVED that it is the intention of the Township of Lower to be an active participant in administering the byway and in the development of the corridor management plan.

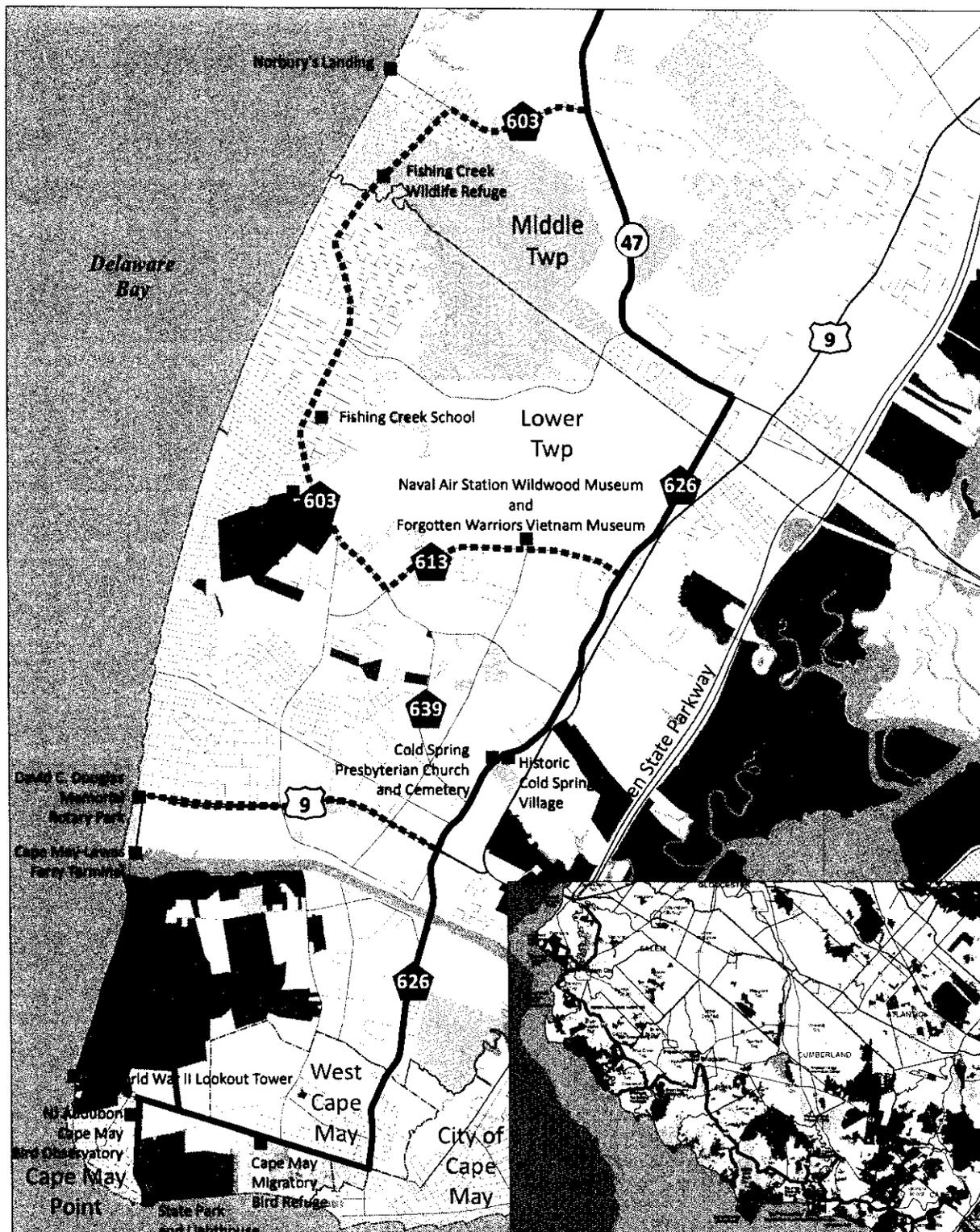
BE IT FURTHER RESOLVED that the Township of Lower will cooperate with all other municipalities and counties involved in ongoing planning efforts that support the designation, recognition and retention of the Bayshore Heritage Byway.

BE IT FURTHER RESOLVED a certified copy of this resolution shall be enclosed with Lower Township's New Jersey Scenic Byways Application packet.

I hereby certify the above to be a true copy of a Resolution adopted by the Township of Lower at a meeting held December 5, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



LEGEND: Route Map

Bayshore Heritage Byway	County/municipal lands
Proposed Alternate Byway Route	NJ DEP lands
Municipal boundaries	Federal open space
Sites Related to Byway	Coast Guard Station

Notes:

- Public open space includes county/municipal lands, NJ DEP lands and federal lands (National Park Service and Fish & Wildlife Service properties).
- Data for properties included in the PBS&G Estuary Enhancement Program are forthcoming.
- Sites shown on the map were identified during the Cape May County public meeting on November 17, 2011. A complete list will be developed as part of the corridor management planning process.

GIS data sources: NJ Department of Environmental Protection, NJ Department of Agriculture, NJ Department of Transportation, ESRI/Rutgers University

Bayshore Heritage Byway
 Cape May, Cumberland and Salem Counties, NJ

Lardner/Klein Landscape Architects, P.C.
 in association with
 Fitzgerald and Halliday, Inc., McCormick Taylor, Inc. and John Milner Associates, Inc.

DRAFT



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

RESOLUTION #2011-308

TITLE: CANCELLATION OF 2011 PROPERTY TAX

WHEREAS, Block 503.02 lot 4, assessed to Eileen M. McKernan was changed to property class 15F as of December 1, 2011 due to being a surviving spouse of a 100% disabled veteran.

NOW, THEREFORE, BE IT RESOLVED that the 2011 taxes be canceled.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on December 5, 2011.

Claudia R. Kammer, Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-309

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund has been requested.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
496.28	1	Virginia Gowen	Paid Twice	1,227.82

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on December 5, 2011.

Claudia R. Kammer, Township Clerk

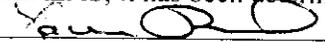
	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011- 310**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Louis Russo in the amount of \$ 118,216.55 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on Dec. 5, 2011

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE: 12/1/2011

EMPLOYEE:	Louis Russo
DATE OF RETIREMENT	12/1/2011
DATE OF PAYMENT:	
RESOLUTION #:	2011

Annual Salary:	\$107,885.64
Longevity 10%	\$10,788.56
Hourly Rate:	\$57.05
College Credits :	

SALARY:		
Salary due to 11/30/2011	\$110,914.74	
Salary paid through 11/26/21	\$109,545.36	
Balance due	\$1,369.38	

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	57.05	0.00
Personal	35.38	57.05	2,018.69
Sick	1,440.00	57.05	82,152.00
Vacation	460.77	57.05	26,286.88
Holidays	112.00	57.05	6,389.60
College Credits			0.00
Terminal Leave Payout			\$116,847.18
Total Due			\$118,216.55

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual	47 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp				0.00		0.00
Personal		48.00	0.90	43.38	8.00	35.38
Sick	2,100.00	128.00	0.90	115.69	508.00	1,440.00
Vacation	320.00	200.00	0.90	180.77	40.00	460.77
Holidays (10)		120.00	(8.00)	112.00		112.00
Total	2,420.00	496.00		339.85	556.00	2,048.15

1440 Max

Accrual and time used are current to _____ subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

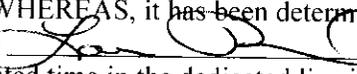
Date: _____

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011- 311**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Kevin Boyle in the amount of \$ 69,211.68 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on Dec. 5, 2011.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE: 12/1/2011

EMPLOYEE: Kevin Boyle
 DATE OF RETIREMENT: 12/1/2011
 DATE OF PAYMENT:
 RESOLUTION #: 2011

1/1/11-10/13/11		
Annual Salary:		\$85,522.26
Longevity	6%	\$5,131.34
Hourly Rate:		\$41.51
Prorated		\$69,733.60

10/14/11-11/30/11		
Annual Salary:		\$85,522.26
Longevity	8%	\$6,841.78
Hourly Rate:		\$42.29
Prorated		\$14,162.86

SALARY:		
Salary due to	11/30/2011	\$84,657.71
Salary paid through	11/26/2011	\$83,896.46
CC due		
Balance due		\$761.25

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	34.00	42.29	1,437.86
Personal	(4.62)	42.29	(195.18)
Sick	1,123.69	42.29	47,520.95
Vacation	353.52	42.29	14,950.33
Holidays	112.00	42.29	4,736.48
Terminal Leave Payout			\$68,450.43
Salary Due			\$761.25
Total			69,211.68

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual	47 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp				34.00		34.00
Personal		48.00	0.90	43.38	48.00	(4.62)
Sick	1,116.00	128.00	0.90	115.69	108.00	1,123.69
Vacation	316.75	200.00	0.90	180.77	144.00	353.52
Holidays (10)		120.00	(8.00)	112.00		112.00
Total	1,432.75	496.00	2.71	373.85	300.00	1,618.60

1440 Max

Accrual and time used are current to November 1, 2011 subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

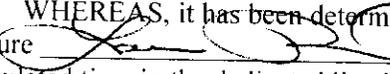
Date: _____

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011- 312**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Colleen Horwath in the amount of \$ 28,364.52 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on Dec. 5, 2011.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 2010

EMPLOYEE:	Colleen Horwath
DATE OF RETIREMENT:	12/1/2011
DATE OF PAYMENT:	
RESOLUTION #:	2011

Annual Salary:	\$49,576.71
Hourly Rate:	\$27.24
Longevity	\$3,000.00

SALARY:		
Salary due to	11/30/2011	\$46,335.16
Salary paid through	11/27/2011	\$45,763.20
Balance due		\$571.96
Longevity Due		\$3,000.00
Longevity paid		\$2,353.92
Longevity to be paid		\$646.08

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	27.24	0.00
Personal	16.06	27.24	437.41
Sick	840.00	27.24	22,881.56
Vacation	150.42	27.24	4,097.52
Terminal Leave Payout			\$27,416.49
Salary Due			\$1,218.04
Total			\$28,634.52

	(A)	(B)	(C)	(B * C)	(E)	A + D - E	
	Carryover	Annual	47 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp				0.00		0.00	
Personal	5.25	28.00	0.90	25.31	14.50	16.06	Max sick 840
Sick	1,424.75	105.00	0.90	94.90	174.00	840.00	
Vacation	75.00	175.00	0.90	158.17	82.75	150.42	
Total	1,505.00	308.00		278.38		1,006.48	

Accrual and time used are current to 11/14/11 subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

Date: _____

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

RESOLUTION #2011-313

Title: Transfer of 2011 Appropriations

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two months of the current fiscal year when it has been determined that any appropriation is insufficient to pay the claims authorized or incurred during the current year, which are chargeable to said appropriation, and there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers totaling \$30,000.00 be made between the 2011 budget appropriations.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
UNEMPLOYMENT	OE	1-01-23-225-500	25,000.00	
RECREATION	OE	1-01-28-370-299	5,000.00	
INSURANCE	OE	1-01-23-220-499		30,000.00
			<u>30,000.00</u>	<u>30,000.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on
December 5, 2011

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011- 314

**TITLE: REJECTION OF BIDS FOR ONE (1) 2012 6.7 TO 8.4 CUBIC YARD
DUMP TRUCK WITH SNOW PLOW**

WHEREAS, the Township advertised for bids on November 16, 2011 for One 2012 6.7 to 8.4 cubic yard Dump Truck with Snow Plow and two (2) sealed bids were received by the Township QPA on November 30, 2011 at 11:00 a.m.; and

WHEREAS, two bids were submitted and opened and reviewed by the QPA and the Director of Public Works; and

WHEREAS, the bids exceeded the budget appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Lower that all bids are hereby rejected and the QPA is authorized to re-advertise the bid.

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 5, 2011.

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-315

TITLE: CREATING A SPECIAL COMMITTEE FOR REVIEW OF PUBLIC SAFETY BUILDING ISSUES

WHEREAS, under the authority the New Jersey Statute 40:69A-1, the governing body of the Township of Lower is empowered to form Special Committees for the handling of extraordinary matters; and

WHEREAS, the governing body has identified a need to create a special advisory committee of interested persons to formulate an approach to effectively assess the feasibility of the continued use of what is commonly known as the Public Safety Building at Cape May County Airport for the location; and

WHEREAS, the referenced analysis is found to be important to the interests of the health, safety and welfare of the people of the Township of Lower,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lower, duly assembled this 5th day of December 2011, that a Special Committee be created, subject to the following:

1. The Committee shall be known as the Special Advisory Committee for Review of Issues Related to the Public Safety Building or PSB Committee;
2. The Committee shall consist of the following members:
 - Voting Members
 - The Mayor
 - The Deputy Mayor
 - One person respectively appointed by each of the five members of the governing body.
 - Non-Voting Members
 - The Township Manager
 - The Chief of Police
 - The Construction Official
 - Public Works Director
3. The governing body, at their meeting next following the adoption of this Resolution, shall approve members of the committee. The committee shall hold its organizational meeting within 30 days of the appointment of its membership. The Mayor shall be the Chairman of the committee, and in his absence, the Deputy Mayor shall assume the role of Chairman. The committee shall agree upon a schedule of meetings, which schedule shall be published by the Clerk once in an official newspaper together with the time and location of such meetings and shall also be posted on the Township website. The committee shall comply with the Open Public Meetings Act where applicable if an effective majority of the governing body is participating in the meeting. Otherwise, the committee shall have discretion to include the public as appropriate in its meetings and deliberations.
4. The PSB Committee shall be strictly advisory in nature and shall advise the governing body to which it is subordinate. The PSB and its members, jointly and severally, shall have no authority, apparent or otherwise, to bind the Township of Lower in any fashion.

5. The PSB committee shall have no budget and shall have no authority to expend the funds of the Township, though the Chair may appear before the governing body, as authorized by the committee, with any request for expenditure of funds, for example to hire an expert to assist the committee, which expenditure shall only occur upon approval of the governing body in accordance with law and Township policy.
6. Committee members are expressly volunteers, shall serve without compensation, shall not be considered employees, are offered and given no contract, serve at the complete discretion of the governing body, may be removed without cause from the committee and all members acknowledge same by their acceptance of appointment. The Clerk shall provide each member with a copy of this Resolution.
7. The purview of the committee shall be limited to the question of the continued viability of the Public Safety Building and issues related to the future use of the building.
8. The committee will report to Council as may be requested by the governing body from time-to-time but shall report at the expiration of six months from the date of this Resolution or sooner at the discretion of the standing committee, with an interim or final report of recommendations. In the event that this six month report is an interim report, then the committee shall report to Council at or before the last meeting of the governing body of December 2012, with the committee's final report of recommendations or a request for extension of time in which to report which shall be supported by reasons deemed sufficient by the governing body.
9. The committee's existence shall terminate after the delivery of the final report to the governing body or as determine by the governing body by subsequently duly adopted Resolution.

I hereby certify the foregoing resolution was adopted at a meeting of the Township Council held on December 5, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-316

TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR CAPE ISLAND MASONIC LODGE #30 FOR A MINOR SITE PLAN

WHEREAS, the Cape Island Masonic Lodge #30 will be applying for a Minor Site Plan to erect a storage building on their property known as Block 753.01, Lots 27.02 known as 1105 Seashore Road, , and

WHEREAS, the Cape Island Masonic Lodge is a fraternal non-profit organization and has requested the Township waive any and all application, professional service and permit fees, and

WHEREAS, the Township Council has reviewed their request and deems it appropriate to support local non-profit organizations that support and enhance the township and its community.

NOW, THEREFORE, BE IT RESOLVED that all permissible Township application, professional service & permit fees associated with this project be waived.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 5, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Cape Island Lodge No. 30



Cape Island Lodge No. 30
Office of the Secretary
P.O. Box 2101
Cape May, N.J. 08204

FREE AND ACCEPTED MASONS

CHARTER GRANTED JANUARY 11, 1854 -- LODGE INSTITUTED JUNE 8, 1854

November 17, 2011

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Attn: Claudia Kammer, Clerk

RE: Cape Island Masonic Lodge
1105 Seashore Road
Lower Township
Block 753.01 Lot 27.02

Dear Claudia,

Cape Island Masonic Lodge will shortly be making application to the Lower Township Planning Board for minor site plan approval and whatever else is needed in order to erect a storage shed/building at its above referenced property.

As you may be aware, Cape Island Masonic Lodge is a fraternal non-profit organization that undertakes various charitable and community activities including but not limited to providing scholarships for local students. The substantial majority of our members are Lower Township residents and property owners.

The Lodge is requesting that the Township Committee waive all application escrows and other fees in connection with the above described project.

Thank you for your attention to this matter. If anyone has any questions or further information is needed, please feel free to contact me at 425-1180.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Bruce S. Graham'.

Bruce S. Graham, Secretary

cc: Michael Voll, Township Manager

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

ORDINANCE NO. 2011-19

**AN ORDINANCE OF THE TOWNSHIP OF LOWER VACATING A
PORTION OF MULBERRY ROAD**

WHEREAS, one of the owners of property (the "Property") adjacent to Mulberry Road in the Township of Lower (the "Road"), has requested that the Township vacate said the street end portion of Mulberry Road; and

WHEREAS, the Township's Planning Board, at a meeting on October 20, 2011, voted to recommend complete or partial vacation of the requested street after receiving letters from the LTMUA and Fire Safety Bureau stating they had no objections, and

WHEREAS, the Township Council desires to accept the recommendation of the Planning Board.

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

Section 1. All owners of property adjacent to the proposed portion of Mulberry Road to be vacated receive notification that as a result of this street vacation, their property assessment will be increased by a portion of the vacated street, thus increasing the assessed value of their property.

Section 2. Such notification to the adjacent property owners will contain information regarding the public hearing to be held on by the Township Council of the Township and the procedure to register objections, if any, to the street vacation.

Section 3. Barring objection by the public, the public right, title and interest in the Road described on the attached Schedule A will be vacated, surrendered and extinguished.

Section 4. Nothing contained herein shall be deemed to vacate, surrender or extinguish any right or privilege of the Township of Lower to any easements which it has, whether or not of record, or of any public utility, as defined in N.J.S.A. 48:2-13, and any cable television company, as defined in N.J.S.A. 48:5A-1, et seq. to maintain, repair and replace their existing facilities in, adjacent to, over and under the street herein vacated, or any part or parts thereof.

Section 5. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

Section 6. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 7. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

Section 8. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

SCHEDULE A

DESCRIPTION OF PROPERTY

Beginning at the intersection of the Northerly line of Mulberry road and the Easterly line of Bybrook Drive and extending thence:

- (1) Eastwardly along the northerly line of Mulberry Road 100 feet to a point; thence
- (2) Southwardly along a line 50 feet to the Southerly line of Mulberry Road; thence
- (3) Westwardly along the Southerly line of Mulberry Road 100 feet to the Easterly line of Bybrook Drive; thence
- (4) Northwardly along the Easterly line of Bybrook Drive 50 feet to the point and place of beginning.

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

ORDINANCE NO. 2011-20

AN ORDINANCE AMENDING CHAPTER 570, ENTITLED "SOLID WASTE" OF
THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, the Township adopted Ordinance #2010-10 October 4, 2010 which in part amended the fee and collection schedule for commercial trash and added a sunset clause that would have ended commercial trash collection as of December 31, 2011, and

WHEREAS, the Public Works Director presented a report to Council at the November 7, 2011 meeting on the impact of the changes made for the calendar year 2011 and noted several businesses requested the Township continue their service, and

WHEREAS, the Council reviewed the information provided and agreed to continue commercial trash collection for those who wished to continue to pay the Township.

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

Section 1. Chapter 570-5, entitled "Commercial trash rates and schedules." of the Township Code is hereby amended to read as follows:

Section 570-5 C. Subsection A of this section shall take effect on January 1, 2011.

SECTION 3. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 4. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

PERSONNEL ACTIONS

Report for Council Meeting of 12/05/11

<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	Russo, Louis	12/1/11		retired	Police Captain	yes
Public Safety	Ed Dougherty	12/1/11		retired	Police Officer	yes
Public Safety	Kevin Boyle	12/1/11		retired	Police Officer	yes
Public Safety	Hegarty, Adam	11/28/11		new hire	Class II Officer	yes
DPW	McCloskey, Andrew	12/1/11		new hire	Temp Laborer	yes

Date of report: 12/2/11

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

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

RESOLUTION # 2011-317

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.
- X (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- _____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- _____ (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 December 5, 2011 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 5, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					