

# WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

SEPTEMBER 7, 2011 - 7:00 P.M.

## Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Presentation - Lt. Thomas Keywood

Oath of Office - Captain William Mastriani, Lt. Martin Biersbach, Lt. Thomas Beeby, Sgt. Ernest Macomber, Sgt. Patrick Greene

## Work Session

Discussion on Outdoor Wood Boilers & ordinance for possible introduction

Review of Consent & Regular Agenda Items

## Consent Agenda

Approval of Minutes

August 15, 2011

Approval

NJ State Fireman's Association - Scott R. Cooley Jr., Villas Volunteer Fire Company and William G. Wilson III, Townbank Volunteer Fire Company

Res. #2011-240

Payment of Vouchers, \$1,885,884.25

Res. #2011-241

Authorization for Refund of Taxes (8 refunds -1 disabled vet,1 paid in error & 6 duplicate payments)

Res. #2011-242

Drunk Driving Enforcement Fund Application, \$8,514.15 (Annual application for grant funds)

Res. #2011-243

Adoption of State Model Citizen Participation Plan for DCA Small Cities Program (Required as part of Res. #2011-245)

Res. #2011-244

Identifying Small Cities Fair Housing Officer (Required in connection with grant application - Res. 2011-245)

Res. #2011-245

Approval of Public Facilities Grant Management Plan Removal of Architectural Barriers (Application for \$400,000 to remove barriers for elderly and handicapped at Rec Center and former Fishing Creek Schoolhouse)

Res. #2011-246

Appointment to Recreation Advisory Board (Regular member 3 yr term)

Res. #2011-247

Authorizing Payout of Terminal Leave (T. Keywood \$95,725.80 - Retired

Res. #2011-248

Authorizing Payout of Terminal Leave (K. McPherson \$52,601 Retired Sept. 1)

Res. #2011-249

Authorizing Payout of Terminal Leave (B. Marker \$29,308.80 pursuant to contract)

Res. #2011-250

Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the Beach Drive Access Improvement Project (Authorizing Hatch Mott to prepare and electronically file grant application)

Res. #2011-251

Resolution approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for Engineering Services Related to Beach Drive Improvement Project \$2500 to prepared and submit the application for construction of pedestrian safety and access improvements to Beach Drive from Lincoln to Pinewood including 6 ft. wide sidewalk for 1.48 miles & ADA improvements at intersections)

Res. #2011-252

Acceptance and Contract Award for Suspended Modular Tile Sports Floor System (\$36,632.00 including supervisor for installation - 2 proposals rec'd. )

Res. #2011-253

Resolution Acknowledging Award of Contract for Natural Gas Services for the South Jersey Power Cooperative (Award to Woodruff Energy for 3 yr term beginning Dec 1, 2011)

Ord. #2011-17

An Ordinance Amending Chapter 230 of the Revised General Ordinances of the Township of Lower 2004 ( Amending Article II, Chap. 230, Disorderly Conduct by expanding the prohibition of offensive products of combustion or fumes and allowing for enforcement by Township officials - possible 1<sup>st</sup> rdg.)

## Regular Agenda

Res. #2011-254

Payment of Voucher to Lower Township Rescue Squad \$35,000. 00 (2011 fuel expense)

Res. #2011-255

Approval of Change Order No. 3 for Roof Replacement and Related Work at the Recreation Center (possible adoption of resolution for a 30 day extension if documentation is received)

Ord. #2011-15 An Ordinance Amending Chapter Seven Entitled "Traffic" of the Code of the Township of Lower, 2<sup>nd</sup> rdg. (Ordinance would prohibit parking on both sides of Seashore Road Beginning at the point 725 feet north of Tabernacle and continue 765 feet northerly therefrom - the area of the curve near Sunset Towing & S & E Auto Repair)

Ord. #2011-16 An Ordinance Authorizing Execution of a Conveyance by Quit Claim Deed of Certain Potential Property Interests to the Lower Township Rescue Squad in Connection With Providing Emergency First Aid Services to the Township of Lower, 2<sup>nd</sup> rdg. (This ordinance allows for execution of a quit claim deed of certain land & conveying any Township interest to the Lower Twp. Rescue Squad to be used in connection with the provision of emergency first aid service to the citizens of the township.

### Administrative Reports

Personnel Action Report

### Council Comments

### Call to the Public

### Closed Session

Res. #2011-256 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Acquisition of Property)

### 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.

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 15, 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 Clerk, Julie Picard

### **WORK SESSION**

#### Review of Municipal Best Practices Checklist

Mayor Beck asked if Council had any questions regarding the checklist. Manager Voll stated the list had been completed if Council would like to re-visit it. Mayor Beck replied that Lauren Read, Claudia and a few of the others went through it. We did really well with it. We have a 96%. 48 yes out of 50. We are in the process of repairing the other two. For instance, we are in the process of re-doing the personnel policy manual for Council which would include use of electronic methods of communications. We have always had an absentee policy, but we are now going to put it on paper. There is also an issue with "requiring" Councilmembers to attend training. We will discuss this in further detail when the policy is placed before Council. We try to comply with the check list. Mayor Beck stated that he believes they did a good job with the list and it is the people inside the hall that deserve the credit for taking this thing seriously and making sure we do comply with all these items.

#### Solicitor's Report Re: Collective Bargaining Agreements & 3<sup>rd</sup> party input

Solicitor Donohue stated that this issue has been around for a while and there are a lot of things to take into consideration when it comes to bargaining agreements. He gave a confidential memo to Council touching on some of the issues. The Open Public Meetings Act contains a specific exception for collective bargaining negotiations and it actually goes a step further to allow the negotiating committee into closed session. Typically, the reason for closed sessions is you don't want anyone else in there because you have confidential litigation personnel type issues to discuss. The Legislature has carved out a specific exception for negotiations. From a legal interpretation, you find very strong legislative intent to provide confidentiality for negotiations. At what point is it appropriate to release a proposed bargaining agreement? That is what will ultimately come to the Council. The concern that the solicitor raised previously is that we cannot put a third party at the table. Solicitor Donohue stated that his opinion is that the proposed agreement should not be made public prior to a vote of the governing body. He thinks that the concept of an Ordinance approach takes every issue into consideration. There would be a vote before any third party had the ability to review the proposal, it would not be a final vote. It would then give the public a full two weeks to review it. You also have a statutorily required public comment prior to the adoption of the Ordinance. This is NOT a common practice. He could only find one other community which does it this way. If the intention is to allow public input but avoid those pitfalls in terms of it being collective bargaining, this solves the problem.

Deputy Mayor Lare questioned what the next step would be.

Solicitor Donohue replied when the next agreement is due, you come out with an Ordinance.

Deputy Mayor Lare stated then it is not needed to be established as policy, as each contract comes due, we would act on it as an Ordinance.

Solicitor Donohue replied when a full agreement comes through, we would put an Ordinance together and state that it is on file with the clerk and it would be adopted as an Ordinance. After the final adoption, it would be ratified.

Mayor Beck stated it seems like it is down to a Resolution versus an Ordinance. With an Ordinance, does it open it up to a referendum?

Solicitor Donohue replied with this form of government, it is a concern.

Mayor Beck stated with an Ordinance it does not become law for twenty days and if a group got the amount of signatures needed, they could bring it to a referendum. With a Resolution, there would be a consensus vote and the public would have the right to speak on it.

Solicitor Donohue replied you could also have two resolutions instead of the Ordinance. You could preliminary approve a resolution and it would advance the ratification to the next meeting. You need to have a second vote for the input to be meaningful. You would have to craft the first resolution so that it specifically states it is the first vote and the final ratification would be a specific date and it could be advertised that the document is available in the clerk's office.

Deputy Mayor Lare requested the process be solidified in a summary memo from the solicitor.

Solicitor Donohue also requested the unions be notified.

### Manager's Report

Police department structure - We will have one chief, one captain, two lieutenants, four sergeants, four corporals and the balance will be all sworn officers. We are currently staffed at 35 sworn officers. Two recruits will start the police academy on the 29<sup>th</sup>. There is now an officer assigned in the Villas. We plan to open up a police sub-station in the Recreation Center in the middle of September at no additional cost. We are looking at a Cape May County Dispatch in this County. We had met with Middle officials to discuss doing a Lower/Middle dispatch and then the County notified us that there is going to be an upgrade by Verizon which will cost up to \$200,000 per dispatch panel – which we have three in Lower. Everyone will agree it just doesn't make sense to have ten communities buying the same equipment and repeating the same process.

Comcast - We are continuing on with the process with Comcast Cable to discuss the enhancements to the high school. Councilman Simonson will discuss this in further detail.

The Millman Center will be closed for the next 3 weeks as we are retrofitting the building for cost savings upgrades including natural gas. We have accommodated all groups which use the building.

Beach Ave – we are putting a local aid application in to the Department of Transportation. We are looking to widen the street and they will be down to tour the facility.

The Coxhall Creek project - Bill O'Connor from the County Planning Dept. will brief our Council and the public at our meeting on Sept 19<sup>th</sup>. All funding is in place and we are asking for a match from the MUA

The Recreation Center roof – we are waiting for the sky lights to be installed and then the project will be complete.

Wildlife Management Area – the fence will be coming down with the next couple weeks. The new person who will be hired is from the Lower Township area.

Parking Lot - the lot has been completed. It has been mainly paid for through grants and our Public Works guys really did a fine job.

Tab Program - the tabs which are taken off from a can are aluminum and we had a nice lady come in and ask for help for the Shriners Hospitals. The hospitals don't get any government funding and they help children in need with their medical issues. At the reception area, the clerk has placed a container for the collection of the tabs. If you would kindly start saving them, you will be helping a child that has been stricken with some crippling disease.

Food Bank - We thank all that have contributed to the food bank. It has been very helpful. The food has been distributed to the churches.

Vehicles - Council has received a list of vehicles. We have been asked to be as efficient as possible. We are getting rid of a lot of 4-wheel drive vehicles. We are downsizing and have ordered 2 Ford Focuses.

Deputy Mayor Lare questioned the status of the Redwood Ave steps. Manager Voll replied that the steps will be installed on September 7<sup>th</sup>.

Councilman Simonsen stated the Township has to enter into a new franchise agreement with Comcast for the Township. Chris Kobik was at the meeting and brought a list of upgrades needed for the schools. Comcast did not seem to have any problem agreeing to all of the requests. In our school district, 40% of the students receive free lunch due to their social-economic situations. Any family which receives a free lunch, Comcast is offering an internet essentials program which gives those families internet access for \$9.95 a month. It also allows them to purchase computers for the reduced price of \$149.99 and also gives access to free internet training on line. Information is available on the back table.

#### Review of Consent & Regular Agenda Items

Council Comments on consent agenda- none

Public Comments on consent agenda - none

#### **CONSENT AGENDA**

- |                     |                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approval of Minutes | August 1, 2011                                                                                                                                                                                                                                                                                                                                                              |
| Res. #2011-225      | Payment of Vouchers, \$3,999,764.18                                                                                                                                                                                                                                                                                                                                         |
| Res. #2011-226      | Authorization to Cancel General Ledger Balances (cancelling Smart Growth Grant Receivable balance of \$22,500 - does not impact budget)                                                                                                                                                                                                                                     |
| Res. #2011-227      | Renewal of Commercial Excavation (Gravel Pit) Licenses for A & H Mining & Recycling LLC (Annual renewal 3 existing licenses - Cape Atlantic Soil Conservation Certification received)                                                                                                                                                                                       |
| Res. #2011-228      | Cancellation of 2011 Property Tax (2 applicants approved as 100% totally disabled - eligible for tax exemption - 1 applicant being refunding 1 <sup>st</sup> half taxes paid)                                                                                                                                                                                               |
| Res. #2011-229      | Refund of Taxes (2 properties with overpayments requested to be refunded)                                                                                                                                                                                                                                                                                                   |
| Res. #2011-230      | Resolution Approving Project Proposal Between Hatch Mott MacDonald and the township of Lower for Engineering Services Related to Beach Drive Public Access Improvements (\$1750 - Request & coordinate NJDEP Pre-application meeting at the project site - prepare photos, concept plan with general location of proposed access and discuss meeting results with Township) |
| Res. #2011-231      | Authorization for Number One Taxi, LLC to Transfer Taxi License To                                                                                                                                                                                                                                                                                                          |

- Res. #2011-232 Another Vehicle (replaced one vehicle with another)  
Approval of Change Order #1 for S.J. Energy Plus (Increase due to prevailing wage corrections, omission of gas line installation pricing and various sensors by S.J. Energy Plus, total increase of \$11,016.78)
- Res. #2011-233 Issuance Ice Cream Salesman License for the Year 2011 to Fudgy Wudgy Ice Cream (Issuance of additional salesman's license)
- Res. #2011-234 Joining the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>
- Res. #2011-235 Resolution Amending Resolution #2011-10, Entitled "Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund" (Resolution replacing Brian Marker with Jason Dilworth as the Township's Safety Coordinator for the Joint Insurance Fund.)
- Res. #2011-236 Resolution Opposing S-2795 and A-3835, Concerning Enforcement Responsibility of State Housing Code under the "Hotel and Multiple Dwelling Law" (The bill, if enacted, would decrease municipal revenues and take away local control over inspection of multiple dwellings.)
- Res. #2011-237 Authorizing Personnel Policy Manual Update (Updating Use of Township Vehicle Policy to ensure compliance with IRS publication 15B, requiring the Twp. establish a daily commute value to be included on the W-2 for those employees assigned to take a Township home)
- Res. #2011-238 Certification of Best Practices Inventory (Resolution stating the Council has reviewed the Best Practices Checklist prepared by the CFO & authorizing it's submission to the State)
- Res. #2011-239 Approval of Cold Spring Presbyterian Church's Application to Conduct a Flea Market (September 3, rain date Sept. 10)
- Ord. #2011-15 An Ordinance Amending Chapter Seven Entitled "Traffic" of the Code of the Township of Lower, 1<sup>st</sup> rdg. - (Ordinance to include both sides of Seashore Road Beginning at the point 725 feet north of Tabernacle and continue 765 feet northerly therefrom (the area of the curve near Sunset Towing & S & E Auto Repair) and the southbound side of Town Bank Road along St. John of God to the No Stopping/Standing on Saturdays & Sundays schedule of the Traffic) 2<sup>nd</sup> rdg. & public hearing Sept. 7

Councilmember Douglass motioned to approve the Consent Agenda seconded by Councilmember Conrad. Adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

### Regular Agenda

- Ord. #2011-16 An Ordinance Authorizing Execution of a Conveyance by Quit Claim Deed of Certain Potential Property Interests to the Lower Township Rescue Squad in Connection With Providing Emergency First Aid Services to the Township of Lower, 1<sup>st</sup> rdg (This ordinance allows for execution of a quit claim deed of certain land & conveying any Township interest to the Lower Twp. Rescue Squad to be used in connection with the provision of emergency first aid service to the citizens of the township.) 2<sup>nd</sup> rdg & public hrg Sept. 7<sup>th</sup>.

Councilmember Douglass motioned to adopt the ordinance on first reading , seconded by Councilmember Lare. The ordinance was introduced by the following roll call vote: Councilmember Conrad, "abstain" , Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

### Administrative Reports

Tax Collector Certification of Mailing of Tax Bills

Bond Counsel  
July Reports

Certificate of Determination & Award - Note Sale \$2,125,000.00 @ 1.01%  
Animal Control, Construction Official, Dog Licensing, Municipal Clerk  
Municipal Court, Police, Tax Collector, Treasurer/CFO, Vital Statistics

### Council Comments

Councilmember Simonsen : Thanked everyone involved in the Coombs-Douglass run. There were between 400 and 500 participants. Saturday, the Property Association met and Matt Ecker from the MUA was there to explain the water project going on in the Townbank area. Councilmember Simonsen stated that we lost a GREAT member of the community this past week. Mr. Gene Sole. He was 48 years old. He was a Lieutenant in the US Marine Corp, served in the first Desert Storm. He also served in the second Golf War as well as various other places. He was a teacher at the local Junior High, a Vice-Principal at the High School a principal at the Junior High, a coach of various sports within the High School and the Township. He was a Scout Leader, he was just a great guy. Anyone who ever knew him or met him – all he ever did was give back to the community. His best attributes were the fact that he was a great husband, a great father and a great family man. I know I speak for all of Council – our prayers and best wishes go out to the Sole family and the Craig family. Whenever this Township is in need of anything, they are always the first people there to give back to the Community. Gene will be remembered as someone who gave his all in many different ways to the community, to his family and also to our Country.

Councilman Douglass stated that he was involved with Gene through the School Board. Gene was a special person. He was a man who was always there. He was always caring. I actually saw some Facebook messages from a lot of the kids Gene had touched. They expressed over Facebook "Soleman, we will miss you". The kids really liked Gene and he was a good community man and he will definitely be missed. Councilman Douglass requested Sharon to come up and speak regarding the September 11<sup>th</sup> ceremony at Sunset Beach. She would like the Township to consider taking over the program at Sunset Beach. It is in recognition of Sept 11<sup>th</sup> and it is one of the best programs put on in our County.

Deputy Mayor Lare stated he doesn't have anything other than to echo what has already been said about Gene and my condolences to their family.

Mayor Beck stated that Council met as a body to show our respect to the family. It is a sad day for Lower Township. He was a great son. We will miss him. Our prayers go with the family.

### Public Comments

#### Sunset Beach Flag Ceremony

Sharon Bloom addressed Council and stated that they have been having a flag ceremony since 2002. The only flags that are flown are casket flags of veterans. So many people think it is the Lower Township Memorial. It is not just Sunset Beach, it should be the Lower Township Memorial. Mayor Beck thanked Ms. Blume for everything they have done up to this point and stated the Township will be in touch with her.

#### SJ Energy Plus Change Order

Joe Winters addressed Council and questioned Resolution 2011-232. There was an original cost and a revised cost and the change was not included in the original cost. Manager Voll replied the reasons are included on the Resolution. Clerk Kammer stated that the gas lines were not in the

original contract.

#### Outdoor Wood Boiler

Diane Morton from 7 South Andrielle Lane addressed Council and stated they are concerned about an outdoor wood boiler that has been built in their neighborhood. They have been trying to get help since June, 2009. When a permit was applied for, no one investigated the environmental impact. The permit should have been submitted to the commission prior to the approval. Since the boiler was lit, the neighbors have been impacted. The neighbors understand that an Ordinance will be presented in September but are here to put on public record that the neighbors do not want an outdoor wood boiler in their back yard. They should not be allowed in residential areas without restrictions on lot size, setbacks and times of use. Use of outside wood boilers violate Lower Township Code 230-8 regarding smoke and fumes and they violate the neighbor's rights to breathe fresh air. The neighbors feel their quality of life has been degraded and they do not want any other resident of Lower Township to suffer the negative effects they have suffered. Solicitor Donohue replied the DEP has specific regulations that deal with the smoke. The fact that the DEP has a regulation that specifically deals with the amount of smoke and the time that it can be visible tells us that the DEP has taken the regulatory aspect to itself. DEP is trying to figure out how to deal with these issues. The process is that you complain to the County Health Department which then reports it to the DEP and then they have an enforcement mechanism. The Township is in the position that we can only regulate certain aspects of this. We can enact Ordinances regulating chimneys and placement of these things, and how far from a structure and those kinds of things. If the issue is that the smoke is exceeding the regulatory limitations, it is beyond the expertise of the Township. Counties are issuing pamphlets to people when you get the permit stating you are subject to the DEP regulation, if there is a complaint, we will refer you to the DEP. We do have Ordinance dealing with smoke and fumes. The process would be that the neighbor would go to the Municipal Court and sign a complaint against the offensive neighbor. The Solicitor's recommendation is to explore the issue more broadly in terms of township wide. If the Township is going to move forward with some type of additional regulation of these items, I think questions of "if the smoke exceeds the regulation" should be left to the DEP.

Councilman Douglass stated that he has visited the neighborhood several times. The concerns of the neighbors were brought to Code Enforcement. Code did not have the authority over the issue because it had to be a certified smoke inspector. The only inspector available to us is through the County Board of Health. The County had been out to the neighborhood as well. There is a limited time of when the smoke has to dissipate.

Manager Voll stated that these people here have a legitimate complaint. We have to do something to protect the Township in the future. We have been looking for other Ordinances.

Nick Thompson of 5 South Andrielle stated raising the smoke stack had already been recommended and it proved not to be very effective. Also, by the time the DEP gets here, the smoke has dissipated.

Mayor Beck suggested if the smoke is present, have one of the police officers come over as a witness to help reinforce your complaint. Mr. Thompson said the resident burns at night and you can't see it from the street, but you can smell it. Our houses fill up with smoke. Can an Ordinance be crafted setting specific times of the year that it can be used? Councilman Simonsen requested a copy of the permit be pulled. Solicitor Donohue stated Council can craft an Ordinance, the question becomes is it enforceable? Would we have to grandfather this one? Deputy Mayor Lare requested an Ordinance be crafted that would limit the time period of the year that a detached outdoor wood boiler can be burned. Solicitor Donohue replied he would look into it.

John Flemming of 8 North Andrielle stated that the International Property Maintenance Code is

the code the Township has adopted. There are a number of areas in this code that specifically address what we are talking about. Solicitor Donohue replied that he very specifically stated that the specific issue of the specific limitations created by regulations within the DEP is something that is within the privy of the DEP. There are aspects of this that is appropriate for the Township to address. Mr. Flemming replied the DEP has not usurped the townships right to regulate this issue. Specifically, there are items in the Nation Code that address this issue: 101.2 under scope, 101.3 under intent, under section 201 general rules, under definitions, eminent danger. There are specific areas which speak to obnoxious odors, fumes, hazards, unlawful structures. Mayor Beck stated we will look into this and get back to him.

#### School Media Interviews

Ben Rosenswag from North Cape May addressed Council with a proposal involving getting the school students involved with interviewing politicians. Mr. Rosenswag is going to the school board with the proposal and would like to have Council's support.

#### Contract Negotiations

Fred Long from Cold Springs addressed Council and thanked Council for the work they did in involving the public in what goes on in the Contract negotiations.

Ed Butler from 7 Delaware Bay Drive also thanked Council regarding contract negotiations and stated at the end of the year there are 6 contracts which will be a lot of work and is looking forward to Council knowing what their constituents are thinking prior to the vote.

#### Farm Animals Zoning

Claire Nagel from 101 Shore Drive addressed Council regarding a proposed change in the Ordinance for Farm Animals and questioned what the next step is. Mayor Beck replied she needs to have a Council Member move it forward. Deputy Mayor Lare stated he would like to see this issue go in front of the Zoning Board. If they do not offer the relief, then you come to Council. Solicitor Donohue replied if it is not a permitted use in that zone, she would need a variance.

#### Redwood Ave

Kathleen Gould from Redwood Ave addressed Council and thanked them for the steps.

#### Rescue Squad

Mr. Weber addressed Council and stated that he and his neighbors have accepted the fact that Council is unwilling to enforce the continuing code violations of Lower Township. When they appeared at previous meeting they were ignored in deference to Mr. Conrad's employer. The next several meetings were about covering yourselves because you would not solve the problems and wanted everyone to believe you were. We have never requested the Rescue Squad be fined. We had legitimate concerns that have been ignored. He stated that 13 days ago a letter was sent to the Rescue Squad requesting they clean up the property. Manager Voll replied there was a notice sent to the Rescue Squad and the Township received a letter from their attorney who was protesting on their behalf stating that the issue was going to the zoning board and that's where the issue will be heard. Manager Voll requested Mr. Weber to come into his office to view the letter from the squad's attorney and to further discuss the issue.

There being no further business, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Simonsen the meeting unanimously adjourned by verbal "ayes" at 8:55 p.m.

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Mayor

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Township Clerk

Approved:



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02404	08/30/11	CONTRACTUAL REIMBURSEMENT	Open	150.84	0.00		
00348	BENNETT BATTERIES, LLC*							
	11-01956	07/08/11	SUPPLIES FOR RDS/SANT/RECY/DPW	Open	595.40	0.00		
	11-02229	08/08/11	SUPPLIES FOR COUNTY VEH.	Open	148.80	0.00		
					744.20			
00370	BLUE CROSS/BLUE SHIELD OF NJ							
	11-02350	08/19/11	SEPTEMBER, 2011 MED-D	Open	3,209.02	0.00		
00403	BLUE WAVE EXPRESS CAR WASH*							
	11-02331	08/19/11	CAR WASH - PLANNING & ZONING	Open	15.00	0.00		
	11-02332	08/19/11	CAR WASH - FIRE SAFETY	Open	20.00	0.00		
	11-02343	08/19/11	CAR WASH - POLICE DEPT	Open	540.00	0.00		
					575.00			
00535	PHILIP CALFINA							
	11-02363	08/23/11	OVER 65 MED SUPP	Open	1,440.00	0.00		
00611	COUNTY OF CAPE MAY							
	11-02317	08/17/11	GAS/DIESEL/JULY 2011	Open	37,311.19	0.00		
00616	ANIMAL ALLIANCE OF CAPE							
	11-02320	08/17/11	2010 PETSMAST GRANT	Open	258.00	0.00		
	11-02321	08/17/11	TNR & SPAY/NEUTER PROGRAM	Open	525.00	0.00		
	11-02346	08/19/11	TNR AND SPAY/NEUTER PROGRAM	Open	225.00	0.00		
	11-02347	08/19/11	2010 PETSMAST GRANT	Open	43.00	0.00		
					1,051.00			
00651	MUNICIPAL UTIL AUTH DUMP FEES							
	11-02292	08/12/11	DUMPING FEES-JULY 2011	Open	55,198.75	0.00		
00680	CMC JUNIOR FOOTBALL LEAGUE							
	11-02163	08/01/11	CAPE MAY COUNTY JUNIOR	Open	4,000.00	0.00		
00739	CAPE MAY VETERINARY HOSPITAL							
	11-02403	08/30/11	TNR PROGRAM	Open	40.00	0.00		
00775	CAPRIONI PORTABLE TOILETS, INC*							
	11-02351	08/22/11	STANDARD TOILET W/WKLY SERVICE	Open	248.00	0.00		
00784	CAPE MAY STAR & WAVE							
	11-02348	08/19/11	ORDINANCES 2011-15&16 8/17	Open	27.90	0.00		
	11-02352	08/22/11	LEGALS - 8/10/11	Open	79.36	0.00		
	11-02398	08/30/11	NOTICE OF DECISION 8/24/11	Open	21.08	0.00		
					128.34			
00807	CDW-GOVERNMENT INC*							
	11-02164	08/01/11	PRINTER	Open	590.00	0.00		



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02060	07/20/11	#SP752 8 WIDE ROCKY SLIP STOP	Open	70.98	0.00		
	11-02243	08/08/11	UNIFORMS	Open	200.00	0.00		
					270.98			
01690	GRANTURK EQUIPMENT CO*							
	11-02195	08/03/11	PARTS FOR STREET SWEEPER/DPW	Open	399.04	0.00		
01734	CHURCH'S SEASHORE NURSERY INC*							
	11-02238	08/08/11	REPAIRS/PARTS/LABOR DOUGLASS	Open	1,000.00	0.00		
01751	GRINGER WEAR PARTS, INC							
	11-01935	07/06/11	PARTS FOR TUB GRINDER/RECYCLIN	Open	2,540.57	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	11-02335	08/19/11	ESCROW BILLING	Open	1,005.03	0.00		
01785	ROBERT HARTMAN SR							
	11-02172	08/01/11	CONTRACT REIMB 2011	Open	115.40	0.00		B
01803	HORIZON DENTAL OPTION*							
	11-02349	08/19/11	SEPTEMBER, 2011 DENTAL	Open	15,134.69	0.00		
01805	HERTRICH FLEET SERVICES INC*							
	11-01755	06/13/11	POLICE CHARGERS	Open	25,073.00	0.00		B
01826	WILLIAM HIENKEL							
	11-02323	08/17/11	CONTRACTUAL REIMBURSEMENT	Open	322.92	0.00		
01859	HESS CORPORATION							
	11-02360	08/23/11	ELECTRICITY 7/20/11-8/18/11	Open	10,647.38	0.00		
01864	JONAS PIZZA, LLC							
	11-02344	08/19/11	NATIONAL NIGHT OUT PIZZA	Open	200.00	0.00		
01912	GRUCCIO, PEPPER, DESANTO&RUTH PA							
	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
02125	KDI*							
	11-02307	08/15/11	CONTRACT CHARGE 5/1/11-7/31/11	Open	604.94	0.00		
02137	CHARLES MARANDINO, LLC*							
	11-02045	07/18/11	STATION RD. IMPROVEMENTS	Open	109,895.56	0.00		
02223	LANDSMAN UNIFORMS*							
	11-01543	06/01/11	UNIFORMS	Open	588.00	0.00		
02247	LAWSON PRODUCTS, INC.*							
	11-01961	07/08/11	SUPPLIES FOR GARAGE/DPW	Open	1,408.53	0.00		
02248	LAWMEN SUPPLY*							
	11-01989	07/11/11	BALLISTIC VESTS	Open	3,900.00	0.00		
	11-02055	07/20/11	BALLISTIC VESTS	Open	5,460.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					9,360.00			
02334 LOWER TWP CHAMBER OF COMMERCE	11-02315	08/17/11	ANNUAL DUES OCT 2011-SEPT 2012	Open	100.00	0.00		
02351 LOWER CAPE MAY REGIONAL	11-01281	05/06/11	SCHOOL TAX DUE THE 15TH	Open	1,132,850.77	0.00		
02419 MALL CHEVROLET, INC	11-01756	06/13/11	2011 CHEVY TAHOE	Open	29,600.00	0.00		
02538 MARSH & MCLENNAN AGENCY, LLC*	11-02285	08/12/11	GROUP ACCIDENT 7/8/11-7/8/12	Open	350.00	0.00		
02647 KATHLEEN MCPHERSON	11-02329	08/17/11	CONTRACTUAL REIMBURSEMENT	Open	388.00	0.00		
02656 MICHAEL MCPHERSON*	11-01516	06/01/11	lot clearing	Open	1,500.00	0.00		B
02774 ROSE MOORE	11-02333	08/19/11	CONTRACTUAL REIMBURSEMENT - V	Open	70.00	0.00		
02800 MURPHY FENCE COMPANY*	11-01442	05/19/11	VINYL FENCE TOWNHALL REARENDIG	Open	1,399.56	0.00		
02940 MUNICIPAL RECORD SERVICE*	11-02194	08/03/11	TRAFFIC TICKETS	Open	311.00	0.00		
02948 NATW*	11-02289	08/12/11	NATIONAL NIGHT OUT	Open	305.00	0.00		
03026 NJ STATE HEALTH BENEFITS	11-02401	08/30/11	SEPTEMBER, 2011 HEALTH BENEFITS	Open	234,275.30	0.00		
03109 TRU GREEN CHEMLAWN	11-00957	04/13/11	FIELD MAINT CONTRACT-F.DOUGLAS	Open	900.00	0.00		B
03160 OFFICE BASICS, INC*	11-02241	08/08/11	OFFICE SUPPLIES/GARAGE/DPW	Open	100.02	0.00		
03172 OFFICE BUSINESS SYSTEMS INC*	11-02340	08/19/11	FTR USB FOOT PEDAL	Open	91.50	0.00		
03177 OCEAN CREST PRINTING*	11-01498	05/27/11	BUSINESS CARDS - R. HARRON	Open	25.00	0.00		
03241 SARGENT OSHEA	11-02324	08/17/11	CONTRACTUAL REIMBURSEMENT	Open	526.89	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	11-01959	07/08/11	PARTS FOR RDS/SANT/RECY/DPW	Open	1,395.35	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02231	08/08/11	PART FOR COUNTY VEH/DPW	Open	9.74	0.00		
					-----			
					1,405.09			
03280			PARAMOUNT SANITARY SUPPLY*					
	11-00180	01/21/11	BAYRUN PAPER SUPPLIES	Open	43.99	0.00		
	11-02303	08/15/11	CLEANING SUPPLIES	Open	918.60	0.00		
					-----			
					962.59			
03285			PARA PLUS TRANSLATIONS, INC.*					
	11-02254	08/09/11	INTERPRETER	Open	193.05	0.00		
03293			BLAINE PAYNTER					
	11-02322	08/17/11	CONTRACTUAL REIMBURSEMENTS	Open	44.00	0.00		
03365			LYNN JEFFERIS					
	11-02353	08/22/11	CONTRACTUAL REIMBURSEMENT	Open	317.00	0.00		
03427			POLAR BEAR*					
	11-02302	08/12/11	HVAC	Open	240.00	0.00		
03466			R & R SPECIALTIES					
	11-00178	01/21/11	BAYRUN TROPHIES	Open	1,575.90	0.00		
03495			ELIZABETH BYRNE					
	11-02304	08/15/11	CONTRACTUAL REIMBURSEMENT - V	Open	335.00	0.00		
03518			RIGGINS, INC.*					
	11-02295	08/12/11	OFF-HIGHWAY DIESEL/DPW	Open	1,284.59	0.00		
03607			SEASHORE FOOD SUPPLY*					
	11-02225	08/05/11	SUPPLIES FOR BAYRUN	Open	270.83	0.00		
	11-02287	08/12/11	NATIONAL NIGHT OUT	Open	150.54	0.00		
					-----			
					421.37			
03611			SERVICE TIRE TRUCK CENTERS*					
	11-01957	07/08/11	TIRES FOR RDS/SANT/RECY/DPW	Open	2,944.37	0.00		
	11-02232	08/08/11	TIRES FOR RDS/SANT/RECY/DPW	Open	2,769.65	0.00		
					-----			
					5,714.02			
03613			SEA ISLE ICE CO. INC.*					
	11-02149	08/01/11	BAGGED ICE FOR DPW	Open	189.00	0.00		
03637			SHOPPE					
	11-02061	07/20/11	ADVERTISEMENT - FARMERS MARKET	Open	288.00	0.00		
03663			SOUTH JERSEY AUTO SUPPLY*					
	11-02038	07/18/11	PARTS FOR RDS/SANT/RECY/DPS	Open	547.72	0.00		
	11-02230	08/08/11	PART FOR COUNTY VEH/SWEEPER	Open	8.48	0.00		
					-----			

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	
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						Contract PO Type	
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					556.20		
03683	SNAP-ON TOOLS*						
	11-01984	07/11/11	PARTS FOR GARAGE/SHOP/DPW	Open	1,057.50	0.00	
03692	SOUTH JERSEY GAS CO*						
	11-02407	08/30/11	AUGUST, 2011	Open	97.85	0.00	
03810	MUNICIPAL UTIL AUTH USAGE COST						
	11-02308	08/15/11	SEWER SERVICE DUE 9/10/11	Open	319.70	0.00	
	11-02309	08/15/11	WATER SERVICE DUE 9/10/11	Open	1,945.43	0.00	
					-----		
					2,265.13		
03834	CAPE MAY COUNTY TREASURER/HAVE						
	11-02269	08/10/11	HAVEN HSE IN LIEU - DUE COUNTY	Open	463.68	0.00	
03844	GIACOMO TROMBETTA						
	11-02305	08/15/11	CONTRACTUAL REIMBURSEMENT	Open	160.00	0.00	
03904	LOWE'S HOME CENTER INC*						
	11-01855	06/27/11	IRRIGATION SYSTEM/BENNETT CRSN	Open	367.98	0.00	
03915	TURF EQUIPMENT & SUPPLY CO*						
	11-02235	08/08/11	PARTS FOR COUNTY MOWER/DPW	Open	431.82	0.00	
03935	STAPLES BUSINESS ADVANTAGE*						
	11-02081	07/21/11	OFFICE SUPPLIES	Open	28.20	0.00	
	11-02221	08/04/11	OFFICE SUPPLIES - TOWNHALL	Open	207.12	0.00	
					-----		
					235.32		
03960	VECTOR SECURITY*						
	11-02090	07/25/11	REPAIR LOCK ON GYM DOOR	Open	70.00	0.00	
03963	US LUBES, LLC *						
	11-02141	08/01/11	BULK OIL FOR GARAGE/DPW	Open	2,393.92	0.00	
	11-02201	08/03/11	SUPPLIES FOR SANT/RECY/DPW	Open	445.13	0.00	
					-----		
					2,839.05		
03969	VERIZON						
	11-02361	08/23/11	PHONE SERVICE	Open	329.01	0.00	
03978	USPS ACCT#48503619						
	11-02425	09/01/11	POSTAGE FOR METERS	Open	5,000.00	0.00	
03985	VILLAS NAPA AUTO PARTS						
	11-02199	08/03/11	PARTS FOR RDS/POLICE/DPW	Open	546.69	0.00	
03992	VAL-U AUTO PARTS LLC*						
	11-02200	08/03/11	PARTS FOR DPS/RDS/DPW	Open	1,938.47	0.00	

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03998 VINELAND GUIDANCE CENTER*	11-02150	08/01/11	EVALUATION	Open	175.00	0.00		
04030 WEST PUBLISHING PAYMENT *	11-02313	08/15/11	NJ PRACTICE 34 35 35A UPDATES	Open	177.00	0.00		
04082 USA MOBILITY WIRELESS INC*	11-02297	08/12/11	PAGER FOR DPW	Open	6.24	0.00		
04097 CINTAS FIRST AID AND SAFETY*	11-02367	08/24/11	FIRST AID SUPPLIES - TOWNHALL	Open	133.32	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	902.00	0.00		
04127 SERVICE MASTER OF WILDWOOD	11-02443	09/02/11	CLEANING OF CARPET/ROOF LEAK	Open	1,500.62	0.00		
04155 BLACKLEY MASONRY LLC*	11-02206	08/03/11	TWP HALL PRK LOT SIDEWALK	Open	11,885.00	0.00		
04216 PRIVATE ISLAND EMBROIDERY*	11-02222	08/04/11	T-SHIRTS BAYRUN	Open	430.50	0.00		
04280 G.F.O.A. OF NJ	11-02430	09/01/11	2011 FALL CONFERENCE	Open	325.00	0.00		
04300 W B MASON CO INC*	11-02185	08/02/11	SAFETY PINS FOR BAYRUN	Open	116.00	0.00		
04301 SEASHORE ASPHALT CORPORATION*	11-00701	03/16/11	PATCH/ASPHALT FOR RDS/DPW	Open	887.35	0.00		
	11-02142	08/01/11	PATCH FOR RDS/DPW	Open	131.00	0.00		
	11-02175	08/02/11	PATCH FOR RDS/DPW	Open	98.00	0.00		
	11-02240	08/08/11	PATCH FOR ROADS/DPW	Open	111.00	0.00		
					1,227.35			
04380 NICOLE CARR	11-02400	08/30/11	INSTRUCTOR - HIIT CLASS	Open	26.00	0.00		
04382 RYAN MORMELLO	11-02399	08/30/11	INSTRUCTOR HIIT CLASS	Open	39.00	0.00		
04400 RICKY SLADE CONSTRUCTION INC*	11-02342	08/19/11	TOWNSHIP HALL PARKING LOT	Open	7,245.91	0.00		
04445 TRICOMM SERVICES CORP*	11-00710	03/17/11	IP500 OFFICE TEL SYS TOWNHALL	Open	23,907.52	0.00		B
	11-00716	03/18/11	TROUBLESHOOT VOICE MAIL PORTS	Open	758.80	0.00		
	11-01353	05/16/11	COMPUTER FOR TELEPHONE SYSTEM	Open	1,421.60	0.00		
					26,087.92			



Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-01581			06/08/11	FAMILY MOVIE NIGHT	Open	1,013.00	0.00		
TILL TILL PAINT CO CORP*									
11-02151			08/01/11	FIELD WHITE PAINT	Open	2,220.00	0.00		
Total Purchase Orders:		165	Total P.O. Line Items:		343	Total List Amount:		1,883,598.25	Total Void Amount: 0.00

**Lower Township  
Bill List  
09/07/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
NJ Div of Pensions	11-02245	Req for Claims Experience	45639	08/12/11	\$ 2,000.00
Michael James	11-02396	Reimb gasoline – Hurricane	45739	08/29/11	100.00
Gery Douglass	11-02418	Reimb purchase – Hurricane	45740	08/30/11	186.00
Total Manual Checks					\$ 2,286.00
Total brought forward from computer generated bill list					\$ 1,883,598.25
TOTAL BILL LIST					<u>\$ 1,885,884.25</u>

I certify the foregoing to be a Resolution adopted by the Township Council on September 7, 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 #2011-241

**TITLE: AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, a refund has been requested.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
679	10	Corelogic	Paid twice	538.78
487.03	92	Corelogic	Paid twice	839.00
411	46	Corelogic	Paid twice	1,139.28
494.08	10	Corelogic	Paid twice	530.56
165	12	Corelogic	Paid twice	567.17
494.18	12	Jeffrey Reichle	Paid by mistake	2,981.68
349.09	4	Patricia Pomroy	Disabled veteran	1,228.18
512.27	8	Francine Hutchinson	Paid twice	852.78

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on September 7, 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**

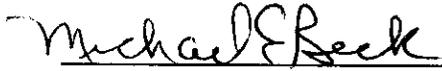
**RESOLUTION #2011-242**

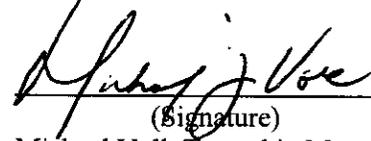
**TITLE: DRUNK DRIVING ENFORCEMENT FUND APPLICATION, \$8,514.15**

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$8,514.15 to receive funds from the Drunk Driving Enforcement Fund (DDEF) from July 1, 2011 through June 30, 2012.

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

  
(Signature)  
Michael E. Beck, Mayor

  
(Signature)  
Michael Voll, Township Manager

I hereby certify this is the original resolution adopted by the Township Council on Sept. 7, 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 #2011-243**

**TITLE: ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM**

Whereas, the Township of Lower is an applicant for Department of Community Affairs Fiscal Year 2012 funds for approximately \$400,000 to carry out a Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse; and

Whereas the Township will enter into grant agreement(s) for said grant(s) if approved; and

Whereas, that grant agreement(s) will require the Township of Lower to comply with all federal regulations with respect to citizen participation; and

Whereas, the Township of Lower has reviewed the State Model Citizen Participation Plan prepared for Small Cities CDBG grantees;

Now, Therefore Be It Resolved that the Mayor and the Township Committee of the Township of Lower, County of Cape May and State of New Jersey, that;

The State Model Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities Community Development Block Grant program is adopted by the Township of Lower; and

The Township of Lower will follow all regulations set forth in that document throughout the term of the grant agreement cited above.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Township of Lower, in the County of Cape May, at a meeting thereof held September 7, 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 #2011-244**

**TITLE: Identifying Small Cities Fair Housing Officer**

Whereas, the Township of Lower is applying for a Fiscal Year 2012 Small Cities Community Development Block Grant application for approximately \$400,000 to carry out a Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse; and

Whereas, the Township of Lower must make efforts to affirmatively further fair housing; and

Whereas, the Township of Lower has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

Whereas, the Township of Lower has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

Now, Therefore, Be It Resolved that Colleen Crippen shall be designated as the Small Cities Program Fair Housing Officer for the Township of Lower; and

Be It Further Resolved that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights to inform those agencies of her appointment as Fair Housing Officer and request Fair Housing Information; and

Be It Further Resolved, that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Township of Lower; and

Be It Further Resolved, that the Township of Lower will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Township of Lower, in the County of Cape May, at a meeting thereof held September 7, 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 #2011-245**

**Title: APPROVAL OF PUBLIC FACILITIES GRANT MANAGEMENT PLAN  
REMOVAL OF ARCHITECTURAL BARRIERS**

WHEREAS, the Township of Lower will apply for approximately \$400,000 to carry out a Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse.;

WHEREAS, the NJ Department of Community Affairs requires the Township of Lower to prepare a Grant Management Plan to define project staffing and project activities;

WHEREAS, the NJ Department of Community Affairs requires the Township of Lower to officially adopt its Grant Management Plan;

WHEREAS, the Township of Lower has prepared a Grant Management Plan for its Fiscal Year 2012 Public Facilities project;

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Lower adopts the Grant Management Plan prepared by Colleen Crippen for the Fiscal Year 2012 Public Facilities project.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Township of Lower meeting thereof held September 7, 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 #2011-246

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, Steve Morey's, Regular Member, term expired on June 30, 2011, and

WHEREAS, he has reapplied for membership and the Chairman has recommended reappointment, and

WHEREAS, Council has reviewed the applications on file with the Clerk.

NOW, THEREFORE, BE IT RESOLVED the following appointment to the Recreation Advisory Board be made as noted below:

<u>Name</u>	<u>Type</u>	<u>Term Exp.</u>
	Regular Member	June 30, 2014

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 7, 2011.

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Resolution #2011-246

Township of Lower  
Recreation Advisory Board

August 25, 2011

Mayor & Council

Re: Re-appointment

As chairman of the RAB, I would like to recommend the re-appointment of Steve Morey to the Board.

Steve has been a member of the Board for many years and his knowledge and dedication is invaluable.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deb Johns".

Deb Johns, Chairman RAB

FOR TOWNSHIP USE ONLY

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

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

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

NAME STEVEN MORLEY

CITY AND STATE ERMA, NJ

YEARS OF RESIDENCY IN TOWNSHIP 26 OCCUPATION SENIOR PROJECT MANAGER

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

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

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

I HAVE BEEN A MEMBER OF THE RAD SINCE APPROXIMATELY  
1995. I WOULD LIKE CONTINUE AS A MEMBER.

Date: 8-24-11 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

<b>*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE</b>	
Address of Residence <u>8 TIMBER LAKE</u>	Email <u>STEVEN.MORLEY@HATCHMART.COM</u>
Primary Phone Number <u>884-1497</u>	Work Phone Number <u>465-9377</u>

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

FOR TOWNSHIP USE ONLY

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

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

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

RECEIVED  
7/22/11

NAME Robert Lamoreux

CITY AND STATE North Cape May, NJ

YEARS OF RESIDENCY IN TOWNSHIP 9 OCCUPATION Teacher

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

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

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

- Teacher for 24 years
- High School Football Coach (ASST)
- " " Golf Coach (HEAD)
- " " Track Coach (ASST)
- " " Basketball Coach (ASST)
- Volunteer Coach Rec Basketball and Football

Date: 7/20/11 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

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

Address of Residence 333 Suzanne Ave Email Kerwincoat@gmail.com  
 Primary Phone Number 609 675-0965 Work Phone Number 609 675-0965

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

FOR TOWNSHIP USE ONLY

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

Ward 3

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

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

RECEIVED  
5-10-11

NAME GEORGE DOHERTY

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

YEARS OF RESIDENCY IN TOWNSHIP 13 OCCUPATION MAINTENANCE

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

- Cable Television Advisory Board
- Environmental Commission
- Historic Preservation Commission
- 1 Citizen Advisory Board
- 2 Municipal Utilities Authority
- 4 Planning Board
- Recreation Advisory Board
- 3 Zoning Board of Adjustment

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

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

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

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

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

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

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

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

FOR TOWNSHIP USE ONLY

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

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

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

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

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

RECEIVED  
5/25/11

NAME John McNulty

CITY AND STATE 319 Suzanne Ave Cape May NJ 08204

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

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

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

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

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

High School Grad. Business Degree.

Church Member

own and operate my own Business for 24 years

Employment of 12 Employees

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

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

\*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

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

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

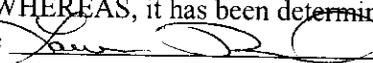
\*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION # 2011- 247**

**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 Thomas Keywood in the amount of \$ 95,725.80 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 \_\_\_\_\_.**

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER  
 RETIREMENT PAYOUT ANALYSIS  
 2011

EMPLOYEE: Keywood, Thomas  
 DATE OF RESIGNATION: 8/31/2011  
 DATE OF PAYMENT: \_\_\_\_\_  
 RESOLUTION #: 2011

Annual Salary:	\$101,392.81
Longevity 6%	
Longevity 8%	\$8,111.42
Hourly Rate:	\$52.65
College Credits	

<b>SALARY:</b>	
Salary due to 8/31/2011	\$74,968.52
Salary paid through 8/20/11	\$72,089.52
<b>Balance due</b>	<b>\$2,879.00</b>

1/1/11-8/31/11	9/1/11-12/31/11	
\$71,598.92	\$37,905.31	
3369.6	-3369.6	
\$74,968.52	\$34,535.71	\$109,504.23

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	52.65	0.00
Personal	23.38	52.65	1,231.20
Sick	1,440.00	52.65	75,816.00
Vacation	290.77	52.65	15,309.00
Holidays	64.00	52.65	3,369.60
College Credits		1,000.00	0.00
<b>Terminal Leave Payout</b>			<b>\$95,725.80</b>
<b>Salary Due</b>			<b>\$2,879.00</b>
<b>Total Amount</b>			<b>\$98,604.80</b>

	(A) Carryover	(B) Annual Accrual	(C) 34 weeks / 52 weeks	(B * C) (D) Prorated Time Due	(E) Time Used	A + D - E (F) Hours to be paid
Comp				0.00		0.00
Personal		48.00	0.65	31.38	8.00	23.38
Sick	1,440.00		0.65	0.00		1,440.00
Vacation	328.00	200.00	0.65	130.77	88.00	370.77
Holidays (8)		8.00	8.00	64.00		64.00
Vacation Withheld					80.00	(80.00)
<b>Total</b>	<b>1,768.00</b>	<b>256.00</b>		<b>162.15</b>	<b>176.00</b>	<b>1,818.15</b>

1440 Max

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

Employee Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

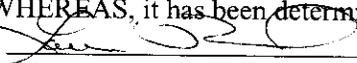
Treasurer's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION # 2011-248**

**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 Kathleen McPherson in the amount of \$ 52,601.00 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 \_\_\_\_\_.**

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

McPherson

TOWNSHIP OF LOWER  
 RETIREMENT PAYOUT ANALYSIS  
 DATE:

EMPLOYEE: McPherson, Kathleen  
 DATE OF RESIGNATION: 8/31/2011  
 DATE OF PAYMENT: \_\_\_\_\_  
 RESOLUTION #: 2011

Annual Salary:	\$111,774.00
Hourly Rate:	\$61.41
Longevity	\$3,000.00

<b>SALARY:</b>		
Salary due to	8/31/2011	\$76,522.20
Salary paid through	8/20/2011	\$73,083.34
<b>Balance due</b>		<b>\$3,438.86</b>

1/1/11-8/31/11	9/1/11-12/31/11	
73083	38691	
3439.2	-3439.2	
76522.2	35251.8	111774

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	61.41	0.00
Personal	0.00	61.41	0.00
Sick	800.50	61.41	49,162.14
Vacation	0.00	61.41	0.00
<b>Terminal Leave Payout</b>			<b>\$49,162.14</b>
<b>Final pay</b>			<b>\$52,601.00</b>

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual	34 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	0.00		0.00		0.00
Personal	30.50	28.00	1.00	28.00	58.50	0.00
Sick	1,480.50	105.00	1.00	105.00	459.50	800.50
Vacation	182.00	175.00	1.00	175.00	357.00	0.00
<b>Total</b>	<b>1,693.00</b>	<b>308.00</b>		<b>308.00</b>	<b>875.00</b>	<b>800.50</b>

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

Employee Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

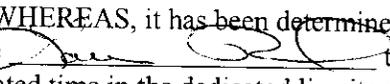
Treasurer's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION # 2011- 249**

**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 **Brian Marker** in the amount of \$ 29,308.80 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 \_\_\_\_\_.

\_\_\_\_\_  
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: Marker, Brian  
 DATE OF RESIGNATION: \_\_\_\_\_  
 DATE OF PAYMENT: \_\_\_\_\_  
 RESOLUTION #: 2011

Annual Salary:	\$127,000.00
Longevity 6%	
Longevity 8%	
Hourly Rate:	\$61.06
College Credits (10 mo.):	

<b>SALARY:</b>	
Salary due to	
Salary paid through	
<b>Balance due</b>	<b>\$0.00</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	61.06	0.00
Personal	0.00	61.06	0.00
Sick	480.00	61.06	29,308.80
Vacation	0.00	61.06	0.00
Holidays	0.00	61.06	0.00
College Credit	0.50		
<b>Terminal Leave Payout</b>			<b>\$29,308.80</b>

	(A) Carryover	(B) Annual Accrual	(C)	(B * C) (D) Prorated Time Due	(E) Time Used	A + D - E (F) Hours to be paid
Comp				0.00		0.00
Personal			1.00	0.00		0.00
Sick		480.00	1.00	480.00		480.00
Vacation			1.00	0.00		0.00
Holidays (10)			1.00	0.00		0.00
<b>Total</b>	0.00	480.00		480.00	0.00	480.00

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 #2011-250

**TITLE: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BEACH DRIVE ACCESS PROJECT**

WHEREAS, State Aid to municipalities is available from the New Jersey Department of Transportation (NJDOT) for roadway improvements; and

WHEREAS, the Township of Lower desires to improve Beach Drive in North Cape May.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of Lower Township, formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Lower Township-00175 to the New Jersey Department of Transportation on behalf of Lower Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lower Township which constitutes acceptance of the terms and conditions and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 7th day of September, 2011.

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

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

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

\_\_\_\_\_  
Michael A. Beck, Mayor

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-251

**TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO BEACH DRIVE IMPROEMENT PROJECT**

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

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to the Application for NJDOT Municipal Aid FY 2012 Beach Drive Improvement Project which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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

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

*Engineering 1-01-20-165-201*  
 \_\_\_\_\_  
 Account

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$2,500, is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on September 7, 2011.

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



Hatch Mott  
MacDonald

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

August 25, 2011  
Via email at gdouglasslowertownship@comcast.net

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

**RE: Application for NJDOT Municipal Aid FY2012  
Beach Drive Access Improvement Project  
Township of Lower, Cape May County**

Dear Mr. Douglass:

The New Jersey Department of Transportation (NJDOT) has issued its annual solicitation letter for applications for funding under the Municipal Aid Program for Fiscal Year 2012.

As requested, we will submit an application to the NJDOT for FY2012 Municipal Aid for the construction of pedestrian safety and access improvements to Beach Drive (from Lincoln Avenue to Pinewood Road). The existing Beach Drive roadway consists of a varied width paved cartway with on-street parking on the northbound side and portions of the southbound lane partially impeded by drifting sand from the adjoining dunes. The roadway currently supports vehicular traffic and is utilized in an uncontrolled manner by pedestrians (1) for ingress to and egress from the many beach access paths along the roadway, and (2) for recreation as a "walkway" along the bay front.

The proposed Beach-Walk will consist of a new six feet wide concrete sidewalk and concrete vertical curb along 1.48 miles of the Delaware Bay side of the roadway. The project will also include Federal and State required ADA improvements at adjacent street intersections. Due to its function as a minor collector, and the importance of the roadway to the general public for safe waterfront access, it is a good candidate for funding under the Municipal Aid Program.

Hatch Mott MacDonald will be able to prepare and submit an application to the NJDOT for a lump sum amount of **\$2,500** upon your authorization to proceed. As part of the application process the Township Council will also have to adopt a resolution in the format of the attached NJDOT sample resolution. We recommend adopting this resolution at the September 7, 2011 Council Meeting. The application is due on or before September 23, 2011.



Hatch Mott  
MacDonald

Should you have any questions or require additional information, please feel free to contact our office.

Very truly yours,

Hatch Mott MacDonald

Handwritten signature of Mark R. Sray in cursive.

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

Handwritten signature of Steven C. Morey in cursive.

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

encl.

cc (via e-mail): Michael Voll, Township Manager  
Claudia R. Kammer, Township Clerk  
Colleen Crippen, Coordinator of Federal & State Aid

<http://pims02/pims/llisapi.dll/Open/8358986>

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

**RESOLUTION #2011-252**

**TITLE: ACCEPTANCE AND CONTRACT AWARD FOR SUSPENDED  
MODULAR TILE SPORTS FLOOR SYSTEM**

WHEREAS, proposals were solicited via the Township's website on August 24, 2011, and due on September 1, 2011 at 9:00 a.m. for the Suspended Modular Tile Sports Floor System, and

WHEREAS, two proposals were submitted and reviewed by the QPA and the Assistant Superintendent of Recreation, and

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

Budget Year & Appropriation: Ord#05-09 C-04-55-382-691

CFO Signature



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

AWARD TO: MS 3 SPORT SURFACE

TOTAL: \$35,632.00 Including Supervisor for Installation and delivery.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on September 7, 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 #2011-253

**TITLE: RESOLUTION ACKNOWLEDGING AWARD OF CONTRACT FOR  
NATURAL GAS SERVICES FOR THE SOUTH JERSEY POWER COOPERATIVE**

WHEREAS, Camden County on behalf of the South Jersey Power Cooperative received and opened publicly advertised bids on May 19, 2011 at 11:30 a.m., Prevailing Time, for SJPC Bid for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations; and

WHEREAS, Four (4) bids were received and Woodruff Energy was declared the lowest responsible bidder for Supply and Delivery of Natural Gas;

NOW, THEREFORE, BE IT RESOLVED the Township of Lower acknowledges the contract award to Woodruff Energy for a three year term beginning December 1, 2011 through October 31, 2014.

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on September 7, 2011.

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

CAPE MAY COUNTY  
PURCHASING DEPARTMENT

Daniel Beyer  
Freeholder  
Kim M. Allen  
Purchasing Agent

4 Moore Road, DN-116  
Cape May Court House, NJ 08210-1601  
Voice: (609) 465-1125 \* Fax: (609) 465-6583  
E-Mail: kallen@co.cape-may.nj.us  
Website: www.cape-may-county.gov.net



July 21, 2011

To: Stephen O'Connor, County Administrator  
From: Kim Allen, Purchasing Agent  
Re: **Resolution to Award to Woodruff Energy for Natural Gas Services for Cape May County and Cooperative Members**

I respectfully request the Board of Chosen Freeholders adopt a resolution to award to **Woodruff Energy** for the purchase of natural gas services for Cape May County and Cooperative Members.

Cape May County and Cooperative Members are participants in the **SJPC** South Jersey Power Cooperative (System ID #57-CCCP) and Camden County is the lead agency for the natural gas services. As a result of Camden County's bidding efforts, a Contract for the purchase and delivery of natural gas was awarded to Woodruff Energy for a three year term commencing December 1, 2011 through October 31, 2014 (Reference Camden County's Resolution 58, as attached) for Cape May County.

Woodruff Energy will provide natural gas at a fixed rate of \$0.70 per therm over a three year term. Our current rate with Woodruff Energy is 1.0815/therm. South Jersey Gas Company will provide natural gas delivery based on the utility tariff. Rather than float with a monthly market price, the goals of the SJPC are to achieve rate stability and budget certainty. Refer to the Executive Summary, as attached, as prepared by Dome-Tech Group, the energy consultant. The projected annual cost savings for Cape May County is \$92,692; County co-ops are \$216,420 (refer to Page 5 of the Exec Summary).

Should you have any questions, do not hesitate to contact me. Thank you.

ka/attachments

cc: Barbara Bakley-Marino, Esq., County Counsel  
Ed Grant, County CFO  
Budd Springer, Facilities and Services Director

RECEIVED  
CLERK OF THE BOARD  
11 JUL 21 AM 10:47  
BOARD OF CHOSEN FREEHOLDERS  
CAPE MAY COUNTY, N.J.

## RESOLUTION

Res-Pg: 58-3

to sign checks or vouchers for the payment thereof, when such materials and services have been delivered and accepted by the County of Camden; and

BE IT FURTHER RESOLVED that each Participating Government Entity shall encumber funds in accordance with law and shall award a similar contract for its needs to Woodruff Energy and Hess Energy, as appropriate, in accordance with the aforementioned terms and conditions.

LJP:amf

#8658

H:\Files-General\Coop. Pricing\SJPC\Nat. Gas - 2011  
Res. auth. 3 Yr. Agt. - Woodruff and Hess  
- 5-19-11

Introduced on: May 16, 2011  
Adopted on:  
Official Resolution:

## RESOLUTION

Res-Pg: 58-2

WHEREAS, each participating government entity in the Camden Cooperative Pricing System, System Identifier No. 57-CCCPS, shall be responsible for insuring the availability and appropriation of sufficient funds with respect to this award in accordance with law, and

WHEREAS, each participating government entity shall award a similar contract for its needs to Woodruff Energy and Hess Energy, now, therefore,

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Camden that, contingent upon funding as set forth above, the bid of Woodruff Energy, 73 Water Street, Bridgeton, New Jersey 08302, for Options 2b and 3b in Appendix A for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations, as described herein and pursuant to Bid A-13, be and is hereby awarded on behalf of Camden County and the South Jersey Power Cooperative at the rate of \$.7000 per dekatherm; and

BE IT FURTHER RESOLVED by the Board of Chosen Freeholders of the County of Camden that, contingent upon funding as set forth above, the bid of Hess Energy, 1 Hess Plaza, Tax Dept., James L. Woodbridge, New Jersey 07095, for Option 1b in Appendix A for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations, as described herein and pursuant to Bid A-43, be and is hereby awarded on behalf of Camden County and the South Jersey Power Cooperative at the rate of \$.7172 per dekatherm; and

BE IT FURTHER RESOLVED that the proper officers of the County of Camden are hereby authorized and instructed to sign and execute all necessary contracts, purchase orders, or other legal instruments in connection therewith and

## RESOLUTION

Res-Pg: 58-1

**RESOLUTION AUTHORIZING AN AWARD CONTRACT (BID A-13), BY AND BETWEEN THE COUNTY OF CAMDEN (DIVISION OF PURCHASING) AND WOODRUFF ENERGY AND HESS ENERGY FOR THE PROCUREMENT OF NATURAL GAS FOR THE SOUTH JERSEY POWER COOPERATIVE**

WHEREAS, the County of Camden, as the Lead Agent for the South Jersey Power Cooperative (SJPC), received and opened publicly advertised Bid A-13 on May 19, 2011 at 11:30 a.m., Prevailing Time, for the 2011 SJPC Bid for Supply and Delivery of Natural Gas to Various South Jersey Power Cooperative Locations; and

WHEREAS, Four (4) bids were received; and

WHEREAS, as the Lead Agency for the South Jersey Power Cooperative, the County hereby declares Woodruff Energy as the lowest responsible bidder with a bid of \$.7000 per decatherm for Options 2b and 3b in Appendix A for a term of 36 months; and

WHEREAS, as the Lead Agency for the South Jersey Power Cooperative, the County hereby declares Hess Energy as the lowest responsible bidder with a bid of \$.7172 per decatherm for Option 1b in Appendix A for a term of 36 months; and

WHEREAS, funding for this purpose (Camden County's needs) shall be contingent upon the availability and appropriation of sufficient funds for this purpose in the County's permanent 2011 budget and the 2012, 2013 and 2014 temporary and/or permanent County budgets and shall be encumbered at the aforementioned rates to the limit of the County's budget line item appropriation in accordance with N.J.A.C. 5:30-5.5(b)(2); and



Dome-Tech, Inc.

www.dome-tech.com

510 Thornall Street, Suite 375  
Edison, NJ 08837  
Tel: 732.590.0122  
Fax: 732.590.0129

**2011 SJPC BID FOR RETAIL NATURAL GAS SUPPLY SERVICE**  
**EXECUTIVE SUMMARY**

**TO:** Participating Members of the South Jersey Power Co-Operative (SJPC)  
**FROM:** Dome-Tech, Inc.  
**DATE:** June 2011  
**RE:** Natural Gas Bid Summary and Results

On behalf of the participating members of the SJPC, bids for retail natural gas service were received by Camden County on Thursday, May 19, 2011. This document provides a summary of our bid strategy, process, results, savings and other pertinent information. If you have any questions concerning this document or process, you may feel free to contact your County Purchasing office or Dome-Tech, directly.

**1.0 CONTACT INFORMATION, LOW BID PRICES AND CONTRACT SERVICE PERIOD**

**1.1 WINNING BIDDERS AND CONTACT INFORMATION**

**PSE&G Accounts:**  
Hess Corporation  
One Hess Plaza  
Woodbridge, NJ 07095  
732-750-6888 phone  
866-578-3590 fax  
John Deese  
Victoria Bukreeva

**South Jersey Gas Accounts:**  
Woodruff Energy  
73 Water Street  
Bridgeton NJ 08302  
856-455-1111 phone  
856-455-4085 fax  
Bob Petracci  
Christy Andersen

**SJPC Consultant:**  
Dome-Tech, Inc.  
510 Thornall St., Suite 375  
Edison NJ 08837  
732-590-0122 phone  
732-590-0129 fax  
Erik Miller, ext.125  
Shawn Tejani, ext.116

**1.2 SERVICE PERIOD AND LOW BID PRICES**

**Service Start:** December 2011  
**Service End:** November 2014  
**Term of Service:** 36 months

	Utility: PSE&G	Utility: South Jersey Gas Co.
Current Retail Supplier	Woodruff Energy	Woodruff Energy
New Retail Supplier, beginning December 2011	Hess Corporation	Woodruff Energy
Current Rate *	\$1.1695/therm	\$1.0815/therm
New Rate (beginning December 2011) *	\$0.7172/therm	\$0.70/therm
Projected Savings (%)	38.6%	35.2%

\* Note: The rates shown above are not inclusive of delivery charges from the utility company.

Commissioning • HVAC Performance Testing • Energy Audits • Project Management  
Retro-Commissioning • Facility Management Consulting • Energy Procurement

**BOARD OF CHOSEN FREEHOLDERS  
CAPE MAY COUNTY, NEW JERSEY  
RESOLUTION**

No. 587-11

**RESOLUTION ACKNOWLEDGING A CONTRACT WITH WOODRUFF ENERGY  
TO PROVIDE NATURAL GAS SERVICES FOR THE COUNTY OF CAPE MAY  
AND PARTICIPATING CO-OP MEMBERS THROUGH THE SOUTH JERSEY  
POWER COOPERATIVE**

**WHEREAS**, the County of Cape May (hereinafter "County") is a member of the South Jersey Power Cooperative (hereinafter "SJPC"); and

**WHEREAS**, Camden County is Lead Agency and awarded a bid to Woodruff Energy for the provision of natural gas on behalf of the SJPC.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Cape May as follows:

1. Said Board hereby acknowledges a contract with Woodruff Energy of Bridgeton, New Jersey to provide natural gas services to Cape May County and participating Co-Op members through the South Jersey Power Cooperative.
2. The term of the contract shall be for three years, commencing December 1, 2011 through November 30, 2014, pursuant to the Executive Summary prepared by Dome-Tech, Inc., a copy of which is attached hereto and by this reference made a part hereof as Attachment "A".
3. Pursuant to the Rules of the Local Finance Board of the State of New Jersey, no amount of this contract shall be chargeable or certified until such time as goods are ordered or otherwise called for prior to placing the order. The Certification of available funds shall be made by the Chief Financial Officer and attached to the file copy of the purchase order. It shall be the responsible of the official issuing the purchase order to notify and seek the Certification of Availability of Funds from the CFO.
5. All of the above recitals are incorporated herein by reference as if repeated at length.

**BE IT FURTHER RESOLVED**, that no participating contracting unit in the Power Cooperative shall be responsible for any items ordered or for performance by any other participating contracting unit. Each participating contracting unit shall be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility of liability.

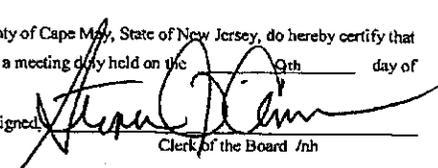
STATEMENT

*This Resolution acknowledges a 3-year contract awarded by Camden County as Lead Agency for members of the power cooperative.*

cc: Camden County  
Woodruff Energy  
Facilities & Services  
Purchasing Department  
County Treasurer  
File: Purchasing subfile

STATE OF NEW JERSEY ) ss:  
COUNTY OF CAPE MAY )

I, Stephen O'Connor, Clerk of the Board of Chosen Freeholders of the County of Cape May, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the \_\_\_\_\_ day of August 20 11.

Signed:   
Clerk of the Board /nh

RECORD OF VOTE						
Freeholders	Ayes	Nays	Abstain	Absent	Moved	Second
Mr. Beyel	✓					
Mr. Thornton	✓					
Mr. Sheets	✓					
Mr. Desiderio	✓				✓	
Ms. Sheppard	✓					✓
✓ Indicates Vote    Moved - Resolution Offered    Second - Resolution Seconded						

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

ORDINANCE #2011-17

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

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

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

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

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

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

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

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

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

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

provided by law provided.

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

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

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

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

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

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

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

RESOLUTION #2011-254

**Lower Township  
Bill List II  
09/07/2011**

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<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Lower Township Rescue Squad	11-01580	2011 Fuel Expense	\$ 35,000.00
TOTAL BILL LIST			<u><b>\$35,000.00</b></u>

I certify the foregoing to be a Resolution adopted by the Township Council on September 7, 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

ORDINANCE #2011-15

AN ORDINANCE AMENDING CHAPTER SEVEN ENTITLED "TRAFFIC" OF THE CODE OF THE TOWNSHIP OF LOWER

BE IT ORDAINED by the Township Council of the Township of Lower that Chapter 7, Traffic of the General Ordinances of the Township of Lower is hereby amended and supplemented as follows:

SECTION 1. Ordinance #95-1 adopted March 6, 1995 is hereby repealed in its entirety.

SECTION 2. Chapter 7-3.5, Schedule III entitled No Stopping or Standing, of the Code of the Township of Lower is hereby amended to include the following:

<u>Name of Street</u>	<u>Side</u>	<u>Hours</u>	<u>Location</u>
Seashore Road	Both	All	Beginning at the point of 725 feet north of the north curb line at Tabernacle Road & continuing 765 feet northerly therefrom
Town Bank Road	South side	Saturday/Sunday	Beginning at the intersection of Wakefield Place and continuing east approximately 800 feet

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

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

SECTION 5. 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 E. BECK, MAYOR

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

Adopted: \_\_\_\_\_

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

ORDINANCE #2011-16

AN ORDINANCE AUTHORIZING EXECUTION OF A CONVEYANCE BY QUIT CLAIM DEED OF CERTAIN POTENTIAL PROPERTY INTERESTS TO THE LOWER TOWNSHIP RESCUE SQUAD IN CONNECTION WITH PROVIDING EMERGENCY FIRST AID SERVICES TO THE TOWNSHIP OF LOWER

Section 1. In accordance with N.J.S.A. 40A:12-21, this special ordinance is introduced to be adopted for the purpose of allowing the execution of a quit claim deed of certain land conveying any interest the Township of Lower may have in such land to the Lower Township Rescue Squad to be used in connection with the provision of emergency first aid service to the citizens of the Township of Lower.

Section 2. The aforementioned deed is on file with the Township Clerk and is hereby incorporated herein by reference. As may be required by N.J.S.A. 40A:12-21, the following findings of fact are made by the governing body:

- a. The Township of Lower may or may not have an interest in the real property by operation of law as a result of certain language in a prior deed of conveyance to the Lower Township Rescue Squad;
- b. The Township of Lower finds that, to the extent the Township may have obtained some interest in the property, there is no public need for same.
- c. Consideration for the provision of the quit claim deed, as allowed by N.J.S.A. 40A:12-21, shall be \$1.00 per year as set forth in the deed;
- d. The deed furthers the important public purpose of providing volunteer rescue squad services to the citizens of the Township of Lower;
- e. The entire citizenry and visitors to the Township benefit from the granting of this conveyance to the Rescue Squad;
- f. The conveyance comes under the provisions of N.J.S.A. 40A:12-21 and is authorized by that statute for conveyance to the rescue squad with the conditions of said statute contained in the deed.

Section 3. Upon final adoption and approval of this Ordinance, the Mayor and Clerk shall be and hereby are authorized and directed to execute and record the aforementioned quit claim deed on behalf of the Township of Lower for the purposes aforesaid and to provide a copy of same to the Lower Township Rescue Squad.

Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 5. This Ordinance shall take effect after final passage and publication as provided by law.

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

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

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

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

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

Adopted: \_\_\_\_\_

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

Prepared by:

FRANK L. CORRADO, ESQUIRE

## **DEED**

This Deed is made on \_\_\_\_\_, 2011,

**Between** the TOWNSHIP OF LOWER, whose address is 2600 Bayshore Road, Villas, New Jersey 08251 referred to as the Grantor,

**AND** the LOWER TOWNSHIP RESCUE SQUAD, whose address is P.O. Box 89, Villas, New Jersey 08251, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** Upon the authority of N.J.S.A. 40A:12-21, the relevant provisions of which are incorporated herein by reference, and duly adopted Ordinance of the Township of Lower in accordance therewith, The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE DOLLAR (\$1.00). The Grantor acknowledges receipt of this money.

**Reverter.** In accordance with N.J.S.A. 40A:12-21, such lands shall be used only for the purposes of the Lower Township Rescue Squad and to render such services or to provide such facilities as may be agreed upon by and between the Township of Lower and the Lower Township Rescue squad, and except as provided in subsection (n) of 40A:12-212, not for commercial business, trade or manufacture, and that, unless waived, released, modified, or subordinated pursuant to N.J.S.A. 40:60-51.2, if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the Township of Lower without any entry or reentry made thereon on behalf of the Township of Lower.

**Tax Map Reference.** (N.J.S.A. 46:15-2.1) Municipality of Township of Lower, Block 233.01, Lot 1.

**Property.** The property consists of the land and all the buildings and structures on the land in the Township of Lower, County of Cape May and State of New Jersey. The legal description is:

ALL that certain plot or parcel of land situate; lying and being in the Township of Lower, County of Cape May, and State of New Jersey bounded and described as follows, to wit:

BEGINNING at the point of intersection of the Southwesterly side line of Cardinal Road with the Southeasterly boundary line of Skill's Beach, said boundary line being also the Northwesterly side line of Main Street as laid out on a map of Wildwood Villas Section 7; and extending thence

(1) Along the aforementioned Southeasterly boundary line of Skill's Beach, being also the Northwesterly side line of Main Street, South 20 degrees 08 minutes West, a distance of One hundred twenty four and forty-one-hundredths (124.40) feet to the Northeasterly side line of Georgia Avenue: thence

(2) Along the Northeasterly side line of Georgia Avenue, North 60 degrees 00 minutes 30 seconds West, a distance of Sixty-six and fifty-four one-hundredths (66.54) feet, to the point of intersection with the Southeasterly side line of Yuma Avenue, said side line being 10 feet Northwestwardly from the division line between Lot No. 1 and Lot No. 2 when measured at right angles thereto; thence

(3) Along the Southeasterly side line of Yuma Avenue, through Lot No. 2 (said side line being 10 feet Northwestwardly of the division line between Lot No. 1 and Lot No. 2 when measured at right angles thereto), and continuing along Southeasterly side line of Yuma Avenue through Lot No. 23, (said side line being 10 feet Northwestwardly from the division line between Lot No. 23, and Lot No. 24, when measured at right angles' thereto), North 32 degrees 09 minutes 30 seconds East, a distance of One hundred twenty-six and eighty one-hundredths (126.80) feet to the Southwesterly side line of Cardinal Road; thence

(4) Along the Southwesterly side line of Cardinal Road, South 57 degrees 50 minutes 30 seconds East, a distance of Fifty-nine and ninety-two one-hundredths (59.92) feet, to the point and place of beginning.

Containing within the above described bounds Seven thousand nine hundred thirty seven and thirty-nine one-hundredths (7937.39) square feet of land to be the same more or less. Comprising all of Lot No. 24, the Southeasterly 10 feet of Lot No. 23, and portions of Lots No. 1 and No. 2, of Block No. 5, as laid out on a map of "Skill's Beach, Delaware Bay; Lower Township, Cape May County, New Jersey, C.B. Middleton, C. E., December 18, 1946, duly filed.



signed and delivered this Deed as and for the voluntary act and deed of the Township of Lower. All this was done in the presence of the Witness, who signed this Deed as attesting witness. The Witness signs this proof to attest to the truth of these facts.

The Witness also acknowledged that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, §1(c), is \$1.00.

Sworn to and subscribed  
before me on the      day  
of                      , 2011.

\_\_\_\_\_  
CLAUDIA KAMMER, RMC

\_\_\_\_\_  
NOTARY PUBLIC OF NEW JERSEY

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**DEED**

Dated: \_\_\_\_\_, 2011

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TOWNSHIP OF LOWER,

Grantor,

TO

LOWER TOWNSHIP RESCUE  
SQUAD,

Grantee.

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# PERSONNEL ACTIONS

Report for Council Meeting of 09/07/11

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<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	Keywood, Thomas	9/1/11		retired	Police Lt	yes
Public Safety	Biersbach, Martin	9/1/11	Keywood, Thomas	promotion	Police Lt	yes
Public Safety	Beeby, Thomas	9/1/11	Mastriana, William	promotion	Police Lt	yes
Public Safety	Mastriana, William	9/1/11	Marker, Brian	promotion	Police Capt.	yes
Public Safety	Macomber, Ernest	9/1/11	Biersbach, Martin	promotion	Police Sgt.	yes
Public Safety	Greene, Patrick	9/1/11	Beeby, Thomas	promotion	Police Sgt.	yes
Public Safety	Gamble, Matthew	8/29/11	Greene, Patrick	new hire	Police Officer	yes
Public Safety	Greto, Anthony	8/29/11	Macomber, Ernest	new hire	Police Officer	yes
Manager	McPherson, Kathleen	9/1/11		retired	Personnel Officer	yes

Date of report: 9/2/11

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

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

RESOLUTION # 2011-256

**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. (Contract Negotiations)
- 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 September 7, 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 September 7, 2011.

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

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					