

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

FEBRUARY 6, 2012 - 7:00 P.M.

Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Oath of Office - Officers Matthew Gamble & Anthony Greto

Work Session

Presentation - Lower Township - Adult Safety & Wellness Day - March 14 10:30 - 2 p.m.

Discussion & review of Planning Board correspondence and draft ordinance re: Outdoor Wood Boilers

Discussion - Water Quality Management Plan continued

Review of Consent & Regular Agenda Items

Consent Agenda

- Approval of Minutes January 25, 2012
- Res. #2012-43 Approval of Vouchers, \$4,276,100.81
- Res. #2012-44 Renewal of Trailer Park Licenses for the Year 2012 (Annual renewals)
- Res. #2012-45 Approval of 2012 Rotary Towing Licenses (Annual renewals)
- Res. #2012-46 Authorization for Payout of Accumulated Compensatory Time (T Whittington, \$7,263.92)
- Res. #2012-47 Authorization for the Payout of Accumulated Compensatory Time (M. Perry, \$4,992.71)
- Res. #2012-48 Authorization for 2011 Incentive Award For Insurance (Pursuant to union contract for employee who declines medical insurance)
- Res. #2012-49 Authorization for the Payout of Accumulated Sick Time (annual resolution for qualifying employee)
- Res. #2012-50 A Resolution Requesting Release of Maintenance Guarantee for Manzoni Realty; Block 410.01, Lot 63.02; Escrow PO4-01-09 (Project completed)
- Res. #2012-51 A Resolution requesting Release of Performance Guarantee for Cape May Mobile Estates; Block 510, Lots 14.01, 15.01 & 16, Escrow #P07-09-04 (Perf. Guarantee released with maintenance bond in place)
- Res. #2012-52 Transfer of 2011 Appropriations, \$20,000 (from insurance to tipping fees)
- Res. #2012-53 Authorizing the Acceptance of Online Tax Payments (Authorizing the township to accept online tax payments and the installation of the necessary software)
- Res. #2012-54 Authorizing an Agreement with Paymentch, LLC and JP Morgan Chase Bank, N.A. (Authorizing the agreement with the payment processing agency for the online tax payments)
- Res. #2012-55 Amending Resolution #2012-13 Designation of Official Depositories (Adding on line payment acct)
- Res. #2012-56 Resolution Requesting the County Prosecutor to Investigate Certain Actions (authorizing investigation in Jan. 18 actions regarding Ward 2 vacancy)
- Ord. #2012-02 An Ordinance Amending Chapter 400 of the Revised General Ordinances of the Township of Lower, (Amendment to Land Development stating Outdoor Wood-Burning Furnaces are not a permitted use and establishing penalties for offenses (1st rdg. if approved at Work Session - 2nd rdg. Feb 22nd)
- Ord. #2012-03 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cape Bank (N.J.S.A. 40A:4-15.14) (Annual resolution done each year prior to budget adoption) 1st rdg. (2nd rdg. & public hearing Feb. 22)
- Ord. #2012-04 An Ordinance of the Township of Lower Establishing the Guidelines of the Economic Development Loan Fund, 1st rdg. (Establishes criteria for Economic Development loans from the Township's Small Cities Grant) 2nd rdg. & public hearing February 22nd)

Regular Agenda

Ordinance #2012-01

An Ordinance Amending Chapter 3, Administration of Government, of the Code of the Township of Lower (Amendment to include policies on meeting attendance, training and email communications) 2nd rdg & public hearing

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Closed Session

Res. #2012-57

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)(PBA & SOA Contract Negotiation Status & Update & Potential Interest Arbitration Petition)

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. R.E. Taxes must be current. Residential rental properties owners may be subject to license revocation for actions of their tenants. Detailed info and applications available in the Clerk's Office or by calling 886-2005.

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

December 9, 2011

Mayor Michael Beck &
Council Members
2600 Bayshore Road
Villas, NJ 08251

RE: Water Quality Management Plan
Map; Proposed sewer service area

Dear Mayor Beck & Council Members:

I have enclosed the proposed sewer service area map prepared primarily by the Lower Township Municipal Utilities Authority with the assistance of the County of Cape May and the Lower Township Planning Office. I think the map results in the maximum practical expansion of sewer service area that could be achieved through the State NJDEP planning process.

The Lower Township Planning Board, at a duly held regular meeting, on December 8, 2011, voted to recommend the proposed sewer service area expansion to Lower Township Council for approval.

If there are any concerns, including any other areas Township Council would like included in the proposal, please contact me at your convenience. Thank you.

Sincerely,



William J. Galestok, PP, AICP
Director of Planning
Secretary, Planning Board

WJG:las

enc.1

cc: Michael Voll, Twp. Manager, w/enc.

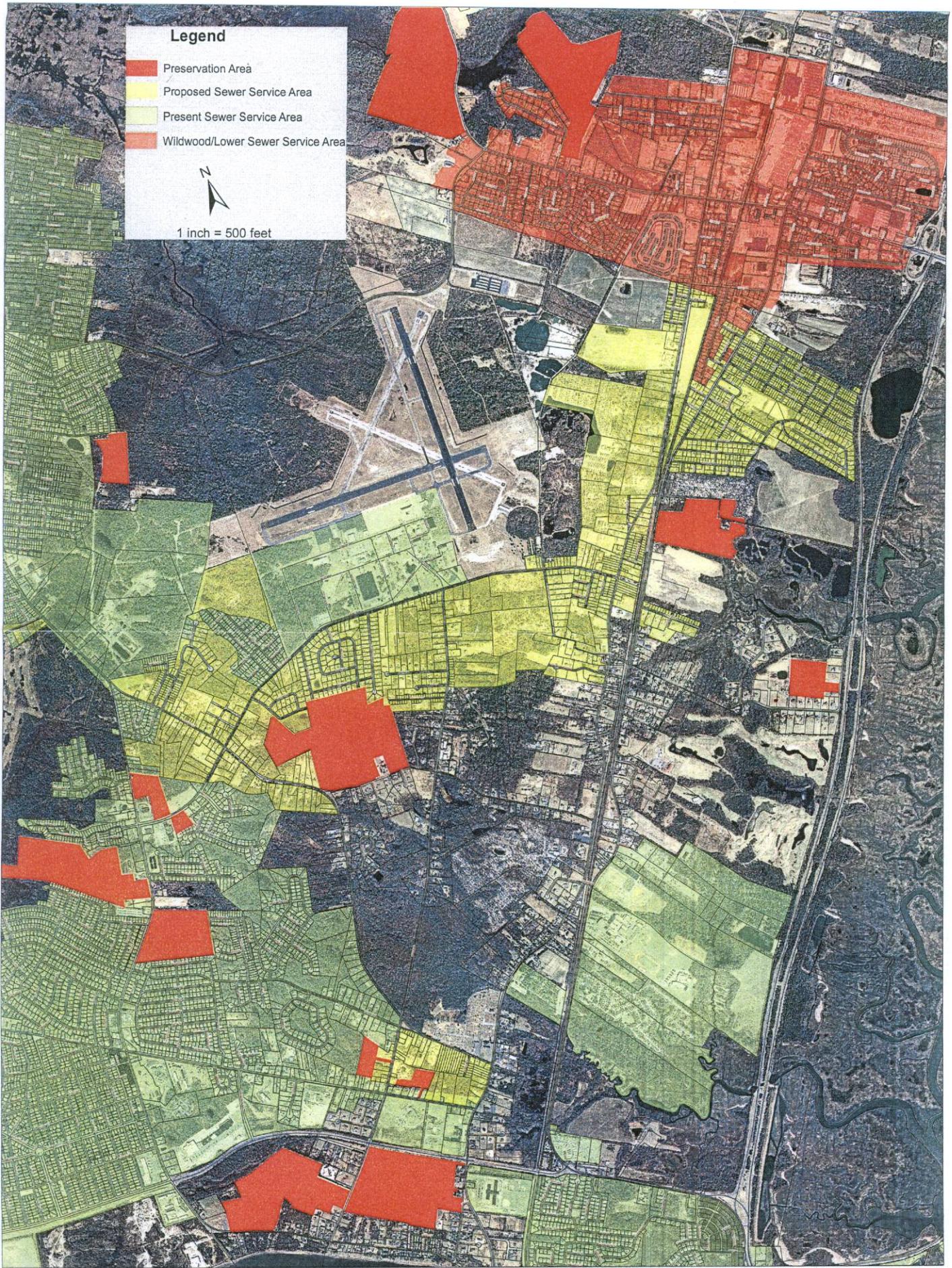
Planning Board Members, w/o enc.

Legend

- Preservation Area
- Proposed Sewer Service Area
- Present Sewer Service Area
- Wildwood/Lower Sewer Service Area



1 inch = 500 feet



Regular & Work Session Meeting Minutes - January 25, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 25, 2012 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 Walt Craig
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Picard

Mayor Beck and Council welcomed Walt Craig as the new Councilmember representing Ward 2.

Work Session

Discussion & review of draft ordinance for revolving loan program

Mayor Beck stated he would like to move ahead and ask the solicitor to provide an Ordinance for first reading at the next meeting. Councilmember Craig requested clarification on section 7 - "no loans shall be made to businesses in financial jeopardy" Mayor Beck replied there are safeguards in place. All applications go through our treasurer prior to Council's approval, and if it is questionable, we can demand an audit. Also, everything goes through Council. No loans will be approved without a Resolution.

Review of Consent & Regular Agenda Items

Council Comments on Consent Agenda

Councilmember Douglass requested Resolution 2012-31 be moved to the regular agenda.

Mayor Beck requested the news media take note of Resolution 2012-36 regarding the donation of winter coats to the LCMR school for families in need. Chief Marker and Bonnie Walker deserve recognition on this.

Public Comment on Consent Agenda

Fred Long questioned if resolution 2012-31 has been moved to the regular agenda. Mayor Beck replied yes

Regular & Work Session Meeting Minutes - January 25, 2012

Consent Agenda

- Res. #2012-34 Payment of Vouchers, \$1,694,808.28
- Res. #2012-35 A Resolution Authorizing and Approving a Shared Services Agreement Between the Township of Lower and the Lower Township Board of Education for Certain Maintenance Items (Twp will maintain Douglass school property and clear parking lot when necessary in return for school maintaining athletic fields at Mitnick school used by Township)
- Res. #2012-36 Resolution Authorizing the Donation of Winter Police Jackets No Longer Needed for Public Use To Lower Cape May Regional High School's School Based Youth Services (Donating 25 jackets to be used for families in need)
- Res. #2012-37 Transfer of Appropriations, \$2,500 (From health insurance to Uniform Fire Safety Act)
- Res. #2012-38 Resolution Approving the Memorandum of Understanding for 2012 for Michael Voll, Manager (MOU updating terms & conditions of employment)
- Res. #2012-39 Authorization for the Payout of Accumulated Sick Time (annual resolution for qualifying employees \$3,248.64)
- Res. #2012-40, Resolution Amending Resoluti on #2011-01, Entitled Appointment of Municipal solicitor for 2011 Without Public Bidding (Amends 2011 resolution to increase total contract amount by \$7,114.25)
- Approval of Minutes January 4, 2012

Motion to approve consent agenda moved by Councilmember Conrad, seconded by Councilmember Douglass
Roll Call Vote:

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

Regular Agenda

- Res. #2012-31 Appointment to Lower Township MUA (5 year term - beginning Feb. 1 - prev. on Jan 4 agenda)

Councilman Douglass stated Council came to a dead-lock on previous candidates, maybe we should come up with other candidates. Motion moved by Councilman Douglass to appoint Steven Sheftz. Mayor Beck agreed. He stated the other candidates discussed at previous meetings caused some lightning. Mr. Sheftz has been involved in Lower Township for a long time. He knows the ins-and-outs of the MUA. He served

Regular & Work Session Meeting Minutes - January 25, 2012

about 10 years ago and the Township is still benefitting from his contributions. Mayor Beck stated he believes Mr. Sheftz would make decisions that would be in the best interest of this Township. Motion seconded by Mayor Beck. Deputy Mayor Lare stated Mr. Sheftz is a fine, credentialed candidate, but previously the Mayor has taken the position of one 5 yr term on the MUA. Deputy Mayor Lare questioned if Mayor Beck is now changing his position. Mayor Beck replied in the sense that Mr. Sheftz has been off the MUA for a number of years and it would give Mr. Sheftz a chance to go back and take a look at it. Mayor Beck stated in addition, Mr. Sheftz is the perfect compromise candidate. Overall, Mr. Sheftz is certainly someone who could be supported by the Mayor for this position. Councilman Conrad questioned how at the last meeting, Council was going to table this appointment so there would be no contention, and now, there is a vote. Councilmember Craig stated he agrees that there is probably no finer person that Steve Sheftz in this Township and went on the record stating if at some point in the future Mr. Sheftz's name comes before this Council for an appointment to the MUA, Councilman Craig might be inclined to support it, but at this time, Council should go on the nominations.

On the nomination of Steve Sheftz

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

Motion moved by Councilmember Conrad to nominate Tom Frisoli. Councilmember Douglass stated he was informed by several committee members that at the Committee meeting last Wednesday, Mr. Frisoli, an elected Committee person, rose and publically maligned Mr. Douglass and his family for over five minutes. Mr. Douglass stated he can not support a selection who, Mr. Douglass feels, will not be a good representative of the tax payers and rate payers of Lower Township. Mr. Douglass also stated that prior to the January 4th meeting, Mr. Frisoli stated to Mr. Douglass that if Mr. Douglass did not vote for Mr. Frisoli, Mr Frisoli would remember him. Mr. Douglass stated he believes the conversation constituted a threat. Mayor Beck state he made his position clear at the last meeting and stands by it. Deputy Mayor Lare seconded the motion and read Mr. Frisoli's qualifications into the record. They include: being a facility manager of the largest industrial setting the twp, extensive governmental experience, veteran from the Air Force, boiler operator license, NJ DEP Small Water Systems License, Water Shed Program credential, certificate of completion from the CMC MUA - 120 hours of instruction in a course approved by the NJDEP entitled "Introduction to water and waste water", advanced hrs in a certificate program completion of small water systems, and various others.

On the nomination of Thomas Frisoli

Regular & Work Session Meeting Minutes - January 25, 2012

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

Res. #2012-41 Payment of Vouchers, \$900.00 (CPR training for Twp. Hall & Annex Employees)

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

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

Administrative Reports

Personnel Action Report

December Reports Animal Control, Construction Official, Dog Licensing, Engineer, Fire Safety, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics

2011 Annual Report Tax Collector

Council Comments

Councilmember Douglass stated he had the opportunity to attend the Police Academy graduation and congratulated and welcomed Matthew R. Gamble and Anthony Gretto to the Lower Township Police Department.

Deputy Mayor Lare stated most people know he has been a staunch advocate to keep the tax rate stable and as close to zero as possible. Deputy Mayor Lare stated Council has received preliminary figures and are currently looking at a four-tenths of a penny above zero which equates to \$4.00 per hundred thousand dollars of assessed value. Deputy Mayor Lare stated that this Township is in excellent financial shape, below the caps and \$130,000 from a zero tax increase. Deputy Mayor Lare challenged Council to get to zero, which he believe they can do. He stated it is an asset to this Council all the work that has been done in years past, and again stated the Township is in extremely stable and

Regular & Work Session Meeting Minutes - January 25, 2012

good financial position and believes the taxpayers will benefit from the position and looks forward to a re-newed commitment to make the budget a zero again this year.

Mayor Beck stated that Mike Voll is doing an admirable job and all that is going on in Trenton is starting to filter down and take effect here on the local budgets. The Mayor stated that over the past four years, this Council has been able to hold the line and believes this year will end up at a zero as well.

A Community Meeting has been scheduled for February 7, 2012, 7p.m. at the Lower Cape May Regional High School PAC Center, to inform the citizens of Lower Township about its police as well as the different co-operative efforts that we have used to combat crime in our municipality. We will present a comprehensive program to educate our citizens on how to report crime, how to identify suspicious activity and how to cooperate more fully with the police department.

Call to the Public

Steve Sheftz, former candidate for the MUA, addressed Council and stated he did not serve a full 5 years on the MUA. Unfortunately, his wife took ill and he did not complete his term. He stated Mr. Lare read the qualifications of another candidate, and proceeded to highlight his own qualifications which include: college graduate from Rydner University with additional studies from Temple and Penn State, a professional engineer in two states and teaching at Drexel University. Mr. Sheftz also highlighted projects he was charged with while serving on the MUA including providing sewer and water service to communities without borrowing a penny, as well as providing testimony involved with changing the law to provide zero percent interest loans for hook-ups. Mr. Sheftz thanked Council for their kind consideration.

Joe Winters, Scott Avenue, addressed Council and questioned Deputy Mayor Lare if he is sure about the 125 hours for Mr. Frisoli. Deputy Mayor Lare responded he cast his vote and believes he is a qualified candidate. Mr. Winters questioned why Mr. Conrad was not at the last meeting. Mr. Conrad replied he had the opportunity to go away with his wife for the first time in 22 years. Mr. Winters questioned if Council was notified. Mr. Conrad replied yes, Council was notified a week in advance. Mr. Winters stated he thought that Mr. Craig would have had the consideration after being selected by the Republican Committee to come up and be sworn in. People were waiting until 8:30 and since Mr. Craig represents Ward 2, which Mr. Winters resides in, would like Mr. Craig to fulfill his obligation. Mr. Winters stated he is a republican and is ashamed. Councilmember Craig replied he did not believe it was reasonable to think he would walk into a meeting he was not prepared for or had no agenda of. Councilmember Craig stated his responsibility is to the Ward 2 constituents and to the Township. He stated when he comes to a meeting, he wants to be prepared and stated he was not even aware the meeting was going to take place until he was told that evening. Mr. Craig stated he had no obligation to appear at the meeting, but the obligation he does have is to serve the people knowledgeable and be able to work on the agenda that is before him.

John Skowronski, 607 Arctic Ave, addressed Council and wanted to let Council know he was disappointed with those who voted for the MUA candidate after what was done to Mr. Douglass.

Colleen Hughes, Idaho Ave, addressed Council and stated she finds it very upsetting how all this took place. She stated Mr. Frisoli stated he makes \$35,000 per year and according to public record, makes \$90,000.00. Ms. Hughes stated she met a gentleman last week who has all the qualifications to sit on the board. Ms. Hughes warned Council that people are beginning to awake to what is going on. Council is here to serve the people, not yourself or your family member getting them a job with the County. She stated Council is here for the people.

Mr. Winters congratulated Mr. Lare on his new part-time job with the county at \$26.00 per hour.

Regular & Work Session Meeting Minutes - January 25, 2012

Closed Session

Res. #2012-42

Resolution providing for a Meeting Not Open to the Public in accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 (Personnel Matter Related to Decision of Division of Pension on Status of Police Officer)

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

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

Adjournment

There being no further business after closed session, motion to adjourn moved by Councilmember Lare, seconded by Councilmember Douglass. Meeting adjourned at 8:10 p.m. by verbal "ayes".

Mayor

Township Clerk

Approved:

02/02/12
11:09:56

Lower Township
Bill List By Vendor Id

Page No: 2

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	12-00209	01/20/12	MEDICAL CLAIMS	Open	73.13	0.00		
00346	BERGEY'S TRUCK CENTERS*							
	12-00062	01/09/12	PARTS FOR ROADS DEPARTMENT	Open	131.80	0.00		
00348	BENNETT BATTERIES, LLC*							
	12-00064	01/09/12	PARTS FOR POLICE/RECYCLING/DPW	Open	693.30	0.00		
00363	MARTIN J. BIERSBACH							
	12-00222	01/20/12	MEDICAL CLAIMS	Open	394.81	0.00		
00367	APM BLAST PEST CONTROL*							
	12-00109	01/11/12	PEST CONTROL/CLEM MULLIGAN	Open	20.79	0.00		
00370	BLUE CROSS/BLUE SHIELD OF NJ							
	12-00213	01/20/12	FEBRUARY 2012 MED-D	Open	2,801.07	0.00		
00388	BLUE BOOK*							
	11-03600	12/29/11	LAW ENFORCEMENT DIRECTORY	Open	108.95	0.00		
00419	RICHARD M BRASLOW, ESQ							
	12-00167	01/17/12	PROFESSIONAL SERVICES	Open	30.00	0.00		
00616	ANIMAL ALLIANCE OF CAPE							
	12-00187	01/19/12	TNR SPAY/NEUTER PROGRAM	Open	300.00	0.00		
	12-00253	01/25/12	TNR SPAY / NEUTER PROGRAM	Open	250.00	0.00		
	12-00311	01/27/12	TNR SPAY/NEUTER PROGRAM	Open	50.00	0.00		

					600.00			
00650	CAPE MAY COUNTY CLERK'S ASSN							
	12-00104	01/10/12	2012 MEMBERSHIP	Open	200.00	0.00		
00731	CAPE PORT MARINE*							
	12-00066	01/09/12	PARTS FOR RECYCLING-DPW	Open	199.74	0.00		
00736	CAPE PRINTING EXPRESS*							
	11-03524	12/20/11	BUSINESS CARDS	Open	266.00	0.00		
00784	CAPE MAY STAR & WAVE							
	12-00115	01/11/12	ADVERTISING FIRE DISTRICT ELEC	Open	297.00	0.00		
	12-00132	01/12/12	ASSISTANT REC JOB PUBLICATION	Open	56.40	0.00		
	12-00216	01/20/12	LEGAL NOTICES	Open	168.02	0.00		

					521.42			
00807	CDW-GOVERNMENT INC*							
	11-03511	12/19/11	COMPUTER EQUIPMENT	Open	1,395.00	0.00		
	11-03541	12/21/11	CANNON POWERSHOT A1200	Open	616.00	0.00		

					2,011.00			
00819	CPMSNJ							

02/02/12
11:09:56

Lower Township
Bill List By Vendor Id

Page No: 3

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	12-00127	01/12/12	CPM SOUTHERN NJ M VOLL 2012	Open	50.00	0.00		
00820	COMCAST OF WILDWOOD* DPW							
	12-00155	01/13/12	INTERNET PROVIDER/DPW	Open	95.18	0.00		
00825	COMCAST*							
	12-00188	01/19/12	INTERNET JANUARY 2012	Open	95.18	0.00		
	12-00226	01/24/12	MONTHLY INTERNET ACCESS	Open	67.07	0.00		
	12-00268	01/25/12	MONTHLY INTERNET 1/30 TO 2/29	Open	100.13	0.00		
					----- 262.38			
00925	DONALD PAUL CLARK JR.							
	12-00267	01/25/12	SHOE ALLOWANCE FOR 2012/DPW	Open	108.20	0.00		
01049	CONNECTED OFFICE PRODUCTS INC*							
	12-00024	01/06/12	CARD DATA TECHNICAL SUPPORT	Open	1,533.00	0.00		
01110	COLLEEN CRIPPEN							
	12-00319	02/01/12	MEDICAL CLAIMS-	Open	25.00	0.00		
01120	LINK COMMUNICATIONS LTD*							
	12-00150	01/13/12	ANNUAL DIRV SYSTEM	Open	2,483.00	0.00		
01125	MARGARET CROMPTON							
	12-00160	01/13/12	MEDICAL CLAIMS	Open	30.00	0.00		
01130	GAYLE HADLEY							
	12-00285	01/27/12	ZUMBA	Open	222.00	0.00		
01201	DELL CORPORATION*							
	11-03570	12/27/11	OEM 2 COMPUTERS	Open	2,488.00	0.00		
01225	DOLLAMUR SPORT SURFACES*							
	12-00133	01/12/12	12' MAT STRAPS	Open	98.00	0.00		
01239	DIANA L DeNOTE							
	12-00186	01/18/12	MEDICAL CLAIMS	Open	333.50	0.00		
01241	BRIAN MCEWING							
	11-01379	05/16/11	2011 EQUIP. ALLOWANCE	Open	105.00	0.00		B
01245	G & K SERVICES CO*							
	12-00308	01/27/12	UNIFORM RENTALS/DPW	Open	747.86	0.00		
01277	NJ DIVISION OF CRIMINAL JUSTIC							
	12-00151	01/13/12	TRAINING	Open	300.00	0.00		
01281	JEFFREY DOUGLASS							
	12-00166	01/17/12	MEDICAL CLAIMS-VISION	Open	194.98	0.00		
01321	DFFLM LLC*							
	11-02947	10/27/11	2012 FORD ESCAPE 4WD POLICE	Open	21,438.00	0.00		

02/02/12
11:09:56

Lower Township
Bill List By Vendor Id

Page No: 4

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01403 ENFORSYS FIRE SYSTEMS, INC*	12-00022	01/06/12	MAINTENANCE COVERAGE 1/12-1/13	Open	440.00	0.00		
01502 PAMELA FELDER	12-00158	01/13/12	MEDICAL CLAIMS	Open	88.76	0.00		
	12-00163	01/13/12	MEDICAL CLAIMS	Open	34.00	0.00		

					122.76			
01640 J.GARDNER & ASSOCIATES, LLC*	11-03548	12/22/11	TATTOOS & STICKERS	Open	451.00	0.00		
01641 GALL'S INC*	11-03546	12/22/11	LIGHTS	Open	665.00	0.00		
01690 GRANTURK EQUIPMENT CO*	11-02879	10/19/11	PARTS TO OVERHAUL LEAF COMPOST	Open	14,766.58	0.00		
	11-03518	12/20/11	PARTS FOR SWEEPER/DPW	Open	2,602.52	0.00		
	12-00068	01/09/12	PARTS FOR TRASH TRUCK-DPW	Open	97.88	0.00		

					17,466.98			
01729 GLOBAL EQUIPMENT COMPANY INC*	11-03238	11/16/11	CLEAR FILTER BOWL FOR HP1016	Open	22.12	0.00		
01781 HATCH MOTT MACDONALD, LLC*	11-00781	03/25/11	ENGINEERING SERVICES/OUTFALLS	Open	1,287.10	0.00		B
	11-01456	05/20/11	PKG LOT/STATION RD PHASE 3	Open	874.50	0.00		
	12-00217	01/20/12	ENGINEERING FEES	Open	155.50	0.00		

					2,317.10			
01803 HORIZON DENTAL OPTION*	12-00214	01/20/12	FEBRUARY DENTAL	Open	15,017.60	0.00		
01806 ANTHONY J HARVATT, II, ESQ	12-00075	01/09/12	BOARD SOLICITOR SALARY	Open	383.33	0.00		
01826 WILLIAM HIENKEL	12-00171	01/17/12	MEDICAL CLAIMS	Open	295.05	0.00		
01859 HESS CORPORATION	12-00266	01/25/12	ELECTRICITY 12/20/11-01/20/12	Open	7,696.33	0.00		
01898 HERITAGE BUSINESS SYSTEMS, INC*	11-03253	11/18/11	DIGITAL COPY SYSTEM	Open	2,803.00	0.00		
01912 GRUCCIO, PEPPER, DESANTO&RUTH PA	11-00157	01/14/11	2011 CONTRACT EXPENSES DNE	Open	2,881.25	0.00		
	12-00316	01/30/12	DECEMBER BALANCE DUE 2011	Open	7,114.25	0.00		

					9,995.50			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	12-00271	01/25/12	ACO COVERAGE 4TH QUARTER 2011	Open	329.80	0.00		
02777	MOORE WALLACE NORTH AMERICA*							
	11-03017	11/03/11	VITAL STATISTIC SUPPLIES	Open	125.00	0.00		
02800	MURPHY FENCE COMPANY*							
	11-02805	10/12/11	INSTALL APPX. 30'OF NEW CHAIN	Open	618.84	0.00		
02811	JAMES MOY							
	12-00236	01/24/12	MEDICAL CLAIMS	Open	140.06	0.00		
02862	MUNICIPAL CLERK'S ASSN. NJ, INC							
	12-00169	01/17/12	2012 DUES FOR CLERK	Open	175.00	0.00		
03001	STATE TOXICOLOGY LABORATORY*							
	11-03506	12/19/11	APPLICANT TESTING	Open	35.00	0.00		
03020	NJ DIVISION OF MOTOR VEHICLES							
	12-00192	01/20/12	NEW VEHICLE REG	Open	60.00	0.00		
03026	NJ STATE HEALTH BENEFITS							
	12-00296	01/27/12	FEBRUARY 2012 HEALTH BENEFITS	Open	249,562.30	0.00		
03072	NJ STATE LEAGUE OF MUNICIPALITI*							
	12-00129	01/12/12	2012 MEMBERSHIP	Open	1,495.00	0.00		
03158	NYSCLA*							
	11-02886	10/20/11	COACHING CERTIFICATION	Open	20.00	0.00		
03226	OLD DOMINION BRUSH CO.*							
	11-03276	11/22/11	PARTS FOR LEAF MACHINE/DPW	Open	4,085.34	0.00		
	11-03458	12/13/11		Open	3,417.24	0.00		
	11-03591	12/29/11	PARTS FOR LEAF VAC	Open	1,308.62	0.00		
					8,811.20			
03279	PARDO'S TRUCK PARTS WHSE*							
	11-03360	12/05/11	PARTS FOR RDS/SANT/RECY/DPW	Open	88.57	0.00		
	12-00065	01/09/12	PARTS FOR DPW RECYCLING/POLICE	Open	139.93	0.00		
					228.50			
03280	PARAMOUNT SANITARY SUPPLY*							
	11-03623	12/30/11	SUPPLIES FOR TOWNSHIP BLDGS	Open	1,616.83	0.00		
03305	PEDRONI FUEL*							
	12-00069	01/09/12	NATURAL GAS-DPW	Open	374.69	0.00		
	12-00309	01/27/12	NO LEAD GAS/DPW	Open	679.25	0.00		
					1,053.94			
03321	PATRICK MARTIN, ESQ							
	12-00013	01/06/12	CONFLICT PROSECUTOR	Open	400.00	0.00		

02/02/12
11:09:56

Lower Township
Bill List By Vendor Id

Page No: 7

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03365 LYNN JEFFERIS	12-00164	01/13/12	MEDICAL CLAIMS	Open	61.09	0.00		
03366 AMERI-GAS*	12-00112	01/11/12	PROPANE FOR CONCESSION STAND	Open	498.91	0.00		
	12-00251	01/25/12	PROPANE FOR BENNETT'S	Open	316.26	0.00		
	12-00281	01/27/12	PROPANE FOR BENNETT'S	Open	508.56	0.00		

					1,323.73			
03387 POGUE INC. *	12-00073	01/09/12	EMPLOYMENT TESTING/DPW	Open	60.00	0.00		
	12-00141	01/13/12	2012 PUBLIC CONSORTIUM/DPW	Open	2,320.00	0.00		

					2,380.00			
03427 POLAR BEAR*	12-00144	01/13/12	HVAC	Open	1,483.00	0.00		
	12-00156	01/13/12	INV#4088 THERM REPAIR CLERK	Open	120.00	0.00		

					1,603.00			
03435 PUBLIC ENGINES INC*	12-00149	01/13/12	CRIME REPORTS	Open	1,188.00	0.00		
03449 QC INC*	12-00012	01/06/12	POND WATER SAMPLE	Open	41.50	0.00		
03466 R & R SPECIALTIES	12-00230	01/24/12	DESK WEDGE - W.CRAIG	Open	24.00	0.00		
03491 RENTAL COUNTRY*	11-03456	12/13/11	PARTS FOR RDS/DPW	Open	874.15	0.00		
03518 RIGGINS, INC.*	12-00153	01/13/12	OFF-HIGHWAY DIESEL FUEL/DPW	Open	1,354.50	0.00		
	12-00327	02/01/12	OFF-HIGHWAY DIESEL/DPW	Open	1,448.28	0.00		

					2,802.78			
03608 SEAWAVE CORPORATION*	12-00183	01/18/12	LEGAL NOTIFICATION	Open	87.49	0.00		
	12-00215	01/20/12	LEGAL NOTICES	Open	99.63	0.00		
	12-00321	02/01/12	LEGAL NOTICES	Open	98.41	0.00		

					285.53			
03611 SERVICE TIRE TRUCK CENTERS*	12-00067	01/09/12	TIRES FOR TRASH-RECYCLE VEH	Open	4,033.32	0.00		
03652 FRANK SIPPLE	12-00080	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	120.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02710	10/03/11	RESOLUTION 2011-224	Open	1,450.00	0.00		B
03985	VILLAS NAPA AUTO PARTS							
	12-00061	01/09/12	PARTS FOR ROADS DEPARTMENT	Open	1,303.43	0.00		
	12-00063	01/09/12	PARTS FOR COUNTY VEHICLE	Open	135.47	0.00		

					1,438.90			
03992	VAL-U AUTO PARTS LLC*							
	12-00060	01/09/12	PARTS FOR POLICE VEHICLE	Open	615.42	0.00		
03995	VITAL COMMUNICATIONS, INC.*							
	12-00054	01/09/12	MOD IV UPDATE TO EDMUNDS	Open	100.00	0.00		
03998	VINELAND GUIDANCE CENTER*							
	11-03507	12/19/11	PSYCHOLOGICAL EVAL	Open	175.00	0.00		
	11-03513	12/19/11	EVAL	Open	175.00	0.00		

					350.00			
04059	THOMAS WILL							
	12-00342	02/01/12	MEDICAL CLAIMS	Open	145.75	0.00		
04082	USA MOBILITY WIRELESS INC*							
	12-00143	01/13/12	PAGER FOR PUBLIC WORKS	Open	6.24	0.00		
04085	CHRISTOPHER WINTER							
	12-00159	01/13/12	MEDICAL CLAIMS	Open	49.00	0.00		
04097	CINTAS FIRST AID AND SAFETY*							
	12-00140	01/13/12	FIRST-AID KIT SUPPLIES/DPW	Open	201.06	0.00		
04123	TAMMY DECKER							
	12-00286	01/27/12	PILATES CLASSES	Open	72.00	0.00		
04124	MOTOROLA							
	11-03434	12/12/11	RADIO BATTERIES	Open	1,125.00	0.00		
04261	STATE OF NEW JERSEY							
	12-00174	01/17/12	4TH QTR 2011	Open	19,980.33	0.00		
04276	WPCS INTERNATIONAL- LAKEWOOD*							
	11-02187	08/03/11	STATE CONTRACT RADIO RECEIVER	Open	54,743.36	0.00		
	11-03285	11/28/11	NEW VEHICLE OUTFITTING	Open	135.44	0.00		
	11-03615	12/30/11	RADIO EQUIPMENT	Open	451.00	0.00		

					55,329.80			
04278	RICHARD SANDMAN, ESQ							
	12-00027	01/06/12	CONFLICT PUBLIC DEFENDER	Open	200.00	0.00		
04288	NUANCE COMMUNICATIONS INC*							
	11-03289	11/28/11	DICTAPHONE EQUIPMENT	Open	859.79	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	12-00038	01/06/12	#ABC0002 OLD STYLE SWING	Open	461.50	0.00		
G-MUA LTMUA	11-03594	12/29/11	ONE CALL CONCEPTS NOV 2011	Open	106.23	0.00		
HALLK KERRY HALL	12-00077	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	160.00	0.00		
HOLD PATRICK HOLDEN	12-00228	01/24/12	12 HRS SCORE KEEPER ALS TOURNA	Open	96.00	0.00		
KONZ THOMAS & NANCY KONZ	12-00320	02/01/12	SPAY NEUTER PROGRAM	Open	35.00	0.00		
LHOLDEN LAUREN HOLDEN	12-00229	01/24/12	9 HRS SCORE KEEPER ALS TOURNA	Open	72.00	0.00		
LIUZZI JOSEPH & KAREN LIUZZI	12-00297	01/27/12	RETURN OF UNUSED ESCROW	Open	11.00	0.00		
LUBBERMA BOB LUBBERMAN	12-00091	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	160.00	0.00		
MATTHEWS ROBERT MATTHEWS SR	12-00090	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	160.00	0.00		
MCAA MCAA OF NEW JERSEY	12-00212	01/20/12	DUES	Open	90.00	0.00		
OCONNOR BRIAN O'CONNOR	12-00092	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	80.00	0.00		
PERLIS JOE PERLIS	12-00076	01/10/12	ALS BBAL OFFICIAL DEC 27,28,29	Open	240.00	0.00		
PJOHNSON PATRICIA & ERIC JOHNSON	12-00298	01/27/12	RETURN OF UNUSED ESCROW	Open	82.00	0.00		
ROSSIS STEVEN ROSSI	12-00079	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	240.00	0.00		
RUTHERF WILLIAM RUTHERFORD	12-00087	01/10/12	ALS BBALL OFFICIAL 12/27,28,29	Open	120.00	0.00		
SIXSM LLOYD SIXSMITH*	11-03416	12/08/11	BASKETBALL UNIFORMS	Open	985.00	0.00		
	11-03622	12/30/11	JACKETS	Open	42.95	0.00		
					----- 1,027.95			
WATER BRUCE WATERMAN	12-00254	01/25/12	RETURN OF UNUSED SCROW	Open	233.92	0.00		
	12-00255	01/25/12	RETURN OF UNUSED ESCROW	Open	109.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
	12-00256	01/25/12	RETURN OF UNUSED ESCROW	Open	400.00	0.00			

					742.92				
<hr/>									
Total Purchase Orders:		202	Total P.O. Line Items:		452	Total List Amount:	4,268,100.45	Total Void Amount:	0.00

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
VFIS	12-00128	Insurance Policy Fire Safety	046783	01/26/12	\$8000.36

Total Manual Checks	\$ 8,000.36
Total brought forward from computer generated bill list	\$ 4,268,100.45
TOTAL BILL LIST	<u>\$ 4,276,100.81</u>

I certify the foregoing to be a Resolution adopted by the Township Council on February 6, 2012.

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-44

TITLE: RENEWAL OF TRAILER PARK LICENSES FOR THE YEAR 2012

WHEREAS, the following applicants have submitted applications for renewal of their trailer park licenses for the year 2012, and,

WHEREAS, the appropriate license fees have been received and the real estate taxes on subject properties are current; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the renewal of trailer park licenses for the year 2012 are hereby approved for the following applicants:

<u>NAME</u>	<u>LOCATION</u>
Cape Meadows Inc. t/a Cape Meadow	306 Route 9
Victor & Patricia Major t/a Broadway Mobile Park	901 Broadway
Jeffrey VanMourik t/a Cape May Mobile Estates	753 Route 9
Inter Coastal Enterprises, Inc. t/a Shawcrest Mobile Home Park	5200 Shawcrest Road

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-45

TITLE: APPROVAL OF 2012 ROTARY TOWING LICENSES

WHEREAS, Section 22-1 requires any contractor providing towing and storage services for the Township of Lower be licensed by the Township, and

WHEREAS, the following contractors have completed the required application, paid the fee and provided all documentation required by ordinance, and

WHEREAS, the Police have reviewed said applications as required by Section 22-4 (d) of the General Ordinances and have no objection to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following applicants shall be issued Rotary Towing Licenses for the year 2012.

**Jerry Mancuso - Cape Harbor Auto Repair, Inc.
Barney Linn - Cape May Exxon
John Harron - Off Shore Getty
Louis H. Altobelli - South Jersey Towing
Edward Cooper - Eddie's Auto Body
Stephen Lewis - Just in Time Towing**

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 6 , 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2012-46**

**Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED
COMPENSATORY TIME**

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this 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 such payment in the 2011 budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Timothy Whittington in the amount of \$7,263.92 is authorized and chargeable to the 2011 Budget account 1-01-25-240-122.

**I hereby certify the foregoing to be a resolution adopted by the
Township Council on February 6, 2012.**

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

RECEIVED
1-17-12

To whom it may concern, I'm respectfully submitting a request to cash in comp time that is owed to me. I'm requesting to cash in 175 hours of comp time. This will be used to take a family vacation to Fla. Thank you for your time and consideration on this matter.

Respectfully submitted,
Cpl. Shaun Whittington



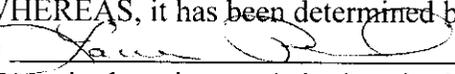
41-5081 x
175 =
7-263-918 *

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2012- 47**

**Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED
COMPENSATORY TIME**

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this 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 such payment in the prior year's budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Michael Perry in the amount of \$4,992.71 is authorized and chargeable to the 2011 Budget account 1-01-25-240-127.

**I hereby certify the foregoing to be a resolution adopted by the
Township Council on Feb 6 2012.**

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

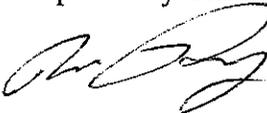
1-17-12

TO: Chief Brian Marker
FROM: Patrolman Michael Perry #178
DATE: 01/02/2012
SUBJECT: Comp. Time Pay Out

Sir,

I'm submitting this special as a request to cash in ^{125 per m.p. 1/26/12} 120 hours comp. time. This request is being made so I can complete a renovation on my residence.

Respectfully Submitted,

 #178

Michael Perry
Patrolman Badge 178

O-C

39.9417 x
125. =
4,992.713 *

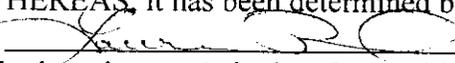
C	File	Date	Officer	Comments

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2012-48**

**Title: AUTHORIZATION FOR 2011 INCENTIVE AWARD FOR INSURANCE
WAIVER**

WHEREAS, the employee listed below has waived health insurance and is due an incentive amount per AFSCME Union Contract, Article VII, Section F, 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 such payment in the prior year's budget for Health Insurance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Jennifer Saunders in the amount of **\$4,000** is authorized and chargeable to the 2011 Budget account 1-01-23-220-412.

**I hereby certify the foregoing to be a resolution adopted by the
Township Council on Feb. 6, 2012.**

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

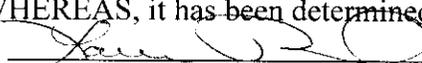
TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2012-49

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the employees listed on the attached schedule have accrued sick time due from the Township and per union contract the Township will at the employees request, annually buy back five (5) days of unused sick leave in December of any year, from employees who have not used more than five (5) sick days that calendar year.

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 such payment in the 2011 budget for Salaries and Wages

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to the employees listed on the attached schedule not to exceed the amount of \$462.40 is authorized and chargeable to the 2011 Budget:

I hereby certify the foregoing to be a resolution adopted by the Township Council on Feb. 6, 2012.

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

**2011 Sick Buy Back
Recreation Miscellaneous**

Sick Time Buy Back 2011								
Last Name	First Name	Dept.	Union	Hours	Rate	Tot. Check	Submitted	Qualifies
McDermott	Elaine	Recreation	Afscme 3	40	11.56	462.40	Y	Y
					Total	462.40		2/9/12 pay

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

RESOLUTION #2012-50

TITLE: A resolution requesting release of Maintenance Guarantee for Manzoni Realty; Block 410.01, Lot 63.02; Escrow P04-01-09

WHEREAS, Manzoni Realty posted a Maintenance Guarantee with the Township of Lower, in the amount of \$750.00; and

WHEREAS, the Township Engineer has recommended that the improvements have been properly installed and are presently acceptable; and.

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

AND, HEREBY BE IT FURTHER RESOLVED that the Township Treasurer be granted permission to issue a check in the amount of \$750.00 plus any accrued interest in payment of the released Maintenance Guarantee.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 6 , 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

MEMORANDUM

TO: Township Council

FROM: William J. Galestok, PP,AICP

DATE: January 31, 2012

RE: Manzoni Realty
Bayshore Road
Block 410.01, Lot 63.02
Resolution #2012- 50

The Land Development Ordinance of the Township of Lower, Chapter XVI, Subsection 400-81E, requires that “The governing body shall by resolution, release or declare in default, each Maintenance Guarantee”.

Pursuant to the above referenced Subsection 400-81E, Resolution #2012-50 is required to **release** the Maintenance Guarantee held in trust by the Township of Lower for Manzoni Realty.

The required final inspection report, certifying completion, compliance and condition of work, has been received from the Township Engineer, Hatch Mott MacDonald.

The Township Engineer recommends **release** of the retained \$750.00.

WJG:las

att.1

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

RESOLUTION #2012-51

TITLE: A resolution requesting release of Performance Guarantee for Cape May Mobile Estates; Block 510, Lots 14.01, 15.01 & 16, Escrow #P07-09-04

WHEREAS, Jeffrey A. Van Mourik posted a Performance Guarantee with the Township of Lower, in the amount of \$322,098.00; and

WHEREAS, the Township Engineer has recommended that the improvements have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$40,262.25,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is released leaving a balance of \$40,262.25 on account as Maintenance Guarantee.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: January 31, 2012

RE: Cape May Mobile Estates
Block 510, Lots 14.01, 15.01 & 16
Resolution # 2012-51

The Land Development Ordinance of the Township of Lower, Chapter, XVI, Subsection 400-81E, requires that, "The governing body shall by resolution, release or declare in default each Performance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution # 2012-51 is required to release the Performance Guarantee held in trust by the Township of Lower for Cape May Mobile Estates, Block 510, Lots 14.01, 15.01 & 16. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends release of the retained \$322,098.00.

The inspection and construction costs of the bonded improvements have been paid for by the developer. All mandated improvements must be completed for the project's final approval.

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$40,262.25, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

RESOLUTION #2012-52

Title: Transfer of 2011 Appropriations

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three months of the succeeding year when it has been determined that any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during the preceding year, which were chargeable to said appropriation, and there is an excess in any appropriation reserve over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers, and totaling \$20,000.00 be made between the 2011 budget appropriation reserves.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
TIPPING FEES	OE	1-01-32-465-611	20,000.00	
INSURANCE	OE	1-01-23-220-400		20,000.00
			<u>20,000.00</u>	<u>20,000.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on
February 6, 2012.

 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-53

Title: AUTHORIZING THE ACCEPTANCE OF ONLINE TAX PAYMENTS

WHEREAS, the Township wishes to accept online tax payments in the form of checks, debit cards and credit cards; and

WHEREAS, the Township has received a proposal from Edmunds & Associates in the amount of \$1,200.00 to provides these services; and

WHEREAS, it has been determined by the Tax Collector and Chief Financial Officer that acceptance of these payments will be in compliance with N.J.A.C. 5:30-9.1et seq.; and

WHEREAS, the Chief Financial Officer has certified the availability of funds in the Tax Collector's Other Expenses budget account #2-01-20-145-201 as evidenced by signature 

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

- That the Governing Body hereby authorizes the Tax Collector to accept online tax payments.
- That the service contract with Edmunds & Associates is hereby approved.
- That all Township officials are hereby authorized to execute the service contract and take all advisable and necessary action to carry out the purpose and intent of this Resolution.

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 6, 2012.

Claudia R. Kammer, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-54

Title: AUTHORIZING AN AGREEMENT WITH PAYMENTECH, LLC AND JP MORGAN CHASE BANK, N.A

WHEREAS, the Township has authorized the Tax Collector to accept online tax payments; and

WHEREAS, in order to accept said payments the Township must enter into an agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A. for payment processing services; and

WHEREAS, the proposed agreement has been reviewed by the Tax Collector and Chief Financial Officer and has been found to be in compliance with the provisions of N.J.A.C. 5:30-9.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the proposed agreement with Paymentech, LLC and JP Morgan Chase Bank, N.A. is hereby authorized.

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						



SUBMITTER MERCHANT PAYMENT PROCESSING INSTRUCTIONS AND GUIDELINES

Paymentech, LLC ("Paymentech" or "we", us" or "our" and the like), for itself and on behalf of JPMorgan Chase Bank, N.A., a national banking association ("Member"), is very excited about the opportunity to join Link2Gov, Corp. in providing you with state-of-the-art payment processing services. When your customers pay you through Link2Gov, Corp., you may be the recipient of a credit card or debit card ("Card") funded payment. The organizations that operate these credit card and debit card systems (such as Visa U.S.A., Inc. and MasterCard International Incorporated (collectively, the "Associations") require that you (i) enter into a direct contractual relationship with an entity that is a member of the Associations and (ii) agree to comply with Association rules as they pertain to applicable credit and debit card payments you receive through Link2Gov, Corp..

By executing this document, you are fulfilling the Association rule of entering into a direct contractual relationship with a member, and you are agreeing to comply with Association rules as they pertain to payments you receive through the Link2Gov, Corp. service. We understand and acknowledge that you have contracted with Link2Gov, Corp. to obtain credit card and debit card processing services on your behalf and that Link2Gov, Corp. may have agreed to be responsible to you for your obligations to us set forth in this agreement.

The following information is designed to inform and assist you as we begin our relationship.

Your Acceptance of Cards

- You agree to comply with all Association rules, as may be applicable to you and in effect from time. You understand that we may be required to modify these instructions and guidelines in order to comply with requirements imposed by the Associations.
- In offering payment options to your customers, you may elect any one of the following options: (1) Accept all types of Visa and MasterCard cards, including consumer credit and debit/check cards, and commercial credit and debit/check cards; (2) Accept only Visa and MasterCard credit cards and commercial cards (If you select this option, you must accept all consumer credit cards (but not consumer debit/check cards) and all commercial card products, including business debit/check cards); or (3) Accept only Visa and MasterCard consumer debit/check cards (If you select this option, you must accept all consumer debit/check card products (but not business debit/check cards) and refuse to accept any kind of credit cards). The acceptance options above apply only to domestic transactions.
- If you choose to limit the types of Visa and MasterCard cards you accept, you must display appropriate signage to indicate acceptance of the limited acceptance category you have selected (that is, accept only debit/check card products or only credit and commercial products).
- For recurring transactions, you must obtain a written request or similar authentication from your customer for the goods and/or services to be charged to the customer's account, specifying the frequency of the recurring charge and the duration of time during which such charges may be made.

Settlement

- Upon our receipt of your Sales Data for Card transactions, we will process your Sales Data to facilitate the funds transfer between the various Associations and you for Card sales. After we receive credit for such Sales Data, we will provide provisional credit to you as you designate in the Funding Schedule.
- You must not submit transactions for payment until the goods are delivered, shipped, or the services are performed. If the Cardholder disputes being charged for merchandise or services before receiving them, the result may be a chargeback to you.

Chargebacks

- You may receive a chargeback for a number of reasons. The following are some of the most common reasons for chargebacks: (1) You do not issue a refund to a customer upon the return or non-delivery of goods or services; (2) An authorization/approval code was required and not obtained; (3) The transaction was fraudulent; (4) The customer disputes the Card sale or the signature on the sale documentation, or claims that the sale is subject to a set-off, defense or counterclaim; or (5) The customer refuses to make payment for a Card sale because in the customer's good faith opinion, a claim or complaint has not been resolved, or has been resolved by you but in an unsatisfactory manner.

Data Security and Privacy

- You represent to us that you do not have access to Card information (such as the cardholder's account number, expiration date, and CVV2) and you will not request access to such Card information from Link2Gov, Corp.. In the event that you receive such Card information in connection with the processing services provided under this agreement, you agree that you will not use it for any fraudulent purpose or in violation of any Association rules or applicable law. If at any time you believe that Card information has been compromised, you must notify us promptly and assist in providing notification to the proper parties. You must ensure your compliance with all security standards and guidelines that are

applicable to you and published from time to time by Visa, MasterCard or any other Association, including, without limitation, the Visa U.S.A. Cardholder Information Security Program ("CISP"), the MasterCard Site Data Protection ("SDP"), and (where applicable), the VISA Payment Application Best Practices ("PABP") (collectively, the "Security Guidelines"). If any Association requires an audit of you due to a data security compromise event or suspected event, you agree to cooperate with such audit. You may not use any Card information other than for the sole purpose of completing the transaction authorized by the customer for which the information was provided to you, or as specifically allowed by Association Rules, or required by law.

Convenience Fee Transactions

- A CONVENIENCE FEE TRANSACTION is a transaction representing a charge to a customer's Card for the convenience of using the payment channel offered by you and Link2Gov.
- You and Link2Gov hereby agree that (i) all CONVENIENCE FEE TRANSACTIONS will be submitted by Link2Gov to Paymentech under that certain Submitter Agreement entered into by and between Link2Gov and Paymentech; (ii) all Card transactions will be submitted by Link2Gov on your behalf to Paymentech under the terms of these Payment Processing Instructions and Guidelines, (iii) all Paymentech processing fees, interchange and assessment fees, or other fees that may arise from or relate to the CONVENIENCE FEE TRANSACTION shall be paid by Link2Gov, (iv) all Paymentech processing fees, interchange and assessment fees, or other fees that may apply associated with Card transactions shall be paid by Link2Gov, (v) all Chargebacks (but not chargeback fees), returns and similar charges arising from or relating to Card transactions shall be paid by you, (vi) all Chargebacks, Chargeback fees, funds transfer fees, returns and similar charges arising from or relating to CONVENIENCE FEE TRANSACTIONS shall be paid by Link2Gov, (vii) all funds transfer fees, Chargeback fees and similar charges related to Card transactions shall be paid by Link2Gov (viii) all settlement funds for CONVENIENCE FEE TRANSACTIONS will be paid directly to a bank account designated by Link2Gov, and (ix) all settlement funds for Card transactions will be paid directly to a bank account designated by you in the Funding Schedule attached hereto.

Please acknowledge your receipt of these instructions and guidelines and your agreement to comply therewith.

Lower Township
 Name of Entity _____
 By:  _____
 Printed Name: Susan Jackson
 Title: Tax Collector
 Date: _____

Agreed and Accepted by:

Link2Gov, Corp.

Agreed and Accepted by:

**PAYMENTECH, LLC. for itself and on behalf of
JPMORGAN CHASE BANK, N.A.**

By: _____
 Print Name: _____
 Title: _____
 Date: _____
 Address: _____

By: _____
 Print Name: Kyle J. Salvati
 Title: Group Manager and Senior Director
 Date: _____
 Address: 4 Northeastern Boulevard, Salem, NH 03079



FUNDING SCHEDULE

In order to receive funds from Paymentech, you must designate a bank account at a bank that is a member of the Automated Clearing House ("ACH") system and the Federal Reserve wire system. You authorize Paymentech to initiate electronic credit and debit entries and adjustments to this bank account in accordance with this funding schedule. We will not be liable for any delays in receipt of funds or errors in bank account entries caused by third parties, including but not limited to delays or errors by the Associations or the bank.

The proceeds payable to such bank account shall be equal to the amounts received by us in respect of your Card transactions less all chargebacks, customer refunds and other applicable charges. Such amounts will be paid into the account promptly following our receipt of the funds. If the proceeds payable to the account do not represent sufficient credits, or the bank account does not have a sufficient balance to pay amounts due from you under this funding schedule, we may pursue one or more of the following options: (i) demand and receive immediate payment for such amounts; (ii) debit the bank account for the amount of the negative balance; (iii) withhold settlement payments to the account until all amounts are paid, (iv) delay presentation of refunds until a payment is made to us of a sufficient amount to cover the negative balance; and (v) pursue any remedies we may have at law or in equity.

Unless otherwise agreed to or until we receive written instructions from you to the contrary, all amounts payable by Paymentech to you will be deposited in the bank account designated and authorized by you as set forth below:

Name of Bank: Sturdy Savings Bank

ABA No. _____

Account No. _____

Account Name: _____

Reference: _____

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

RESOLUTION #2012-55

**Title: AMENDING RESOLUTION #2012-13 DESIGNATION OF OFFICIAL
DEPOSITORIES**

WHEREAS, the Township has authorized the Tax Collector to accept online tax payments; and

WHEREAS, it is advisable that the Township receive said payments in a separate bank account designated for online payment activity.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that Resolution #2012-13 be amended to include the following account:

ACCOUNT

Council Online Payment Account

AUTHORIZED OFFICIALS

Tax Collector, Asst. Tax Collector
CFO, Asst. Treasurer, Twp. Clerk
Asst. Twp. Clerk

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012- 56

TITLE: RESOLUTION REQUESTING THE COUNTY PROSECUTOR TO INVESTIGATE CERTAIN ACTIONS

WHEREAS, on January 18, 2012, the Township Council of the Township of Lower was scheduled to hold a regular meeting at 7 p.m.; and

WHEREAS, on that same date and time, the Lower Township Republican Organization held a meeting to determine the person to fill a vacancy in Ward 2; and

WHEREAS, at some point that evening, it was apparent that the Township Manager and a member of the Lower Township Police Department where in some way instructed to go to the Lower Township Republican Organization meeting in some official capacity for the Township; and

WHEREAS, it is of great concern to the members of the governing body that a law enforcement officer in uniform as well as the Township manager were sent to a private political caucus and it remains unclear who gave such orders, what the orders consisted of and under what authority such orders were given; and

WHEREAS, the governing body believes that it would be most beneficial to have an independent investigation of the above circumstances,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lower, duly assembled in public session this 6th day of January, 2012, as follows:

1. The preamble of this Resolution is hereby incorporated and adopted by reference.
2. The Township of Lower hereby requests that the Cape May County Prosecutor's Office investigate the above and advise as to whether any laws were violated, including but not limited to, those sections of the Optional Municipal Charter Law applicable to the Township of Lower.
3. The Clerk is hereby authorized and directed to send a true copy of this Resolution to the Cape May County Prosecutor as the official request of the Township for such investigation.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Final
Revised

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

ORDINANCE #2012-02

AN ORDINANCE AMENDING CHAPTER 400 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER 2004

(Prohibiting Outdoor Wood-Burning Furnaces as a Permitted Use)

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

[New Section]

§ 400-57(G) Outdoor Wood-Burning Furnaces Not a Permitted Use in Township of Lower

§ 400-57(G)(1) Authority; enforcement.

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

§ 400-57(G)(2) Purpose.

It is generally recognized that the types of fuel used, and the sale and duration of burning by outdoor wood-burning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. Therefore, with the adoption of this article, it is the intention of the Township of Lower to establish and impose restrictions upon the construction and operation of outdoor wood-burning furnaces within the limits of the Township of Lower for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Township and its inhabitants.

§ 400-57(G)(3) Definitions.

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

FIREWOOD

Trunks and branches of trees and bushes, but does not include leaves, needles, and vines or brush smaller than three inches in diameter.

OUTDOOR FURNACE

Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.

OUTDOOR WOOD-BURNING FURNACE

An accessory structure, equipment or facility designed and intended, through the burning of wood or any solid fuel, for the purpose of heating the principal structure or any other site, building or structure on the premises. This does not include fireplaces, fire pits, barbecues or similar structures not designed to heat a structure.

UNTREATED LUMBER

Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

VIOLATOR OR ANY PERSON WHO VIOLATES ANY PROVISION OF THIS ARTICLE

Any person who owns or occupies the property at the time the outdoor wood-burning furnace has been installed and/or operated.

§ 400-57(G)(4) Construction and operation prohibited.

The construction and operation of outdoor wood-burning furnaces are hereby prohibited within the Township of Lower.

§ 400-57(G)(5) Penalties for offenses.

1. Any owner, lessee, occupant, builder or other person who shall construct, alter, repair, convert, maintain or use any building, structure or premises in violation of any provision of this article or who shall in any manner violate any such provision shall, upon conviction, be subject for each such offense by imprisonment not to exceed 90 days or by a fine not to exceed \$500 per day, or both.
2. Compliance with this article may also be compelled and violations restrained by injunction of a court of competent jurisdiction. Any person who violates any provision of this article shall also be subject to a civil penalty of not more than \$500, to be recovered by the Township of Lower, in a civil action. Each week's continued violation shall be, for this purpose, a separate and distinct violation.
3. In the event the Township of Lower is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs incurred by the Township relative thereto, including attorneys' fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the court, such expense shall be charged to the property so affected by including such expense in the next annual Township tax levy against the property.

§ 400-57(G)(6) Nonconforming uses.

- a. Except as hereinafter provided, the lawful use of any outdoor wood-burning furnace existing at the time of the adoption of this article may be continued, although such use does not conform with the provisions of this article.
- b. The only fuels allowed shall be those listed fuels recommended by the manufacturer. The following are prohibited: trash, plastics, gasoline, rubber, naphtha, and household garbage, material treated with petroleum products (particle board, railroad ties and pressure-treated wood), leaves, paper products and cardboard.
- c. Users must following the manufacturer's written instructions for recommended loading times and amounts.
- d. Lighter fluids, gasoline or chemicals to start the furnace are prohibited.
- e. No outdoor wood-burning furnace existing at the time of the adoption of this article shall thereafter be extended or enlarged.
- f. Any outdoor existing wood-burning furnace which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.
 - i. If the property owner fails to remove the outdoor wood-burning furnace by the end of said seven-consecutive-month period, the Township of Lower Enforcement Officer shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor wood-burning furnace is located. Such notice shall provide that said owner shall remove the outdoor wood-burning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner.
 - ii. Should the outdoor wood-burning furnace not be removed within the time specified, the Code Enforcement Officer shall take reasonable steps to effect its removal.
 - iii. The costs incurred by the Township to effectuate said removal (including any attorney fees incurred by the Township to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expense

shall be charged as a municipal charge to the property so affected by including such expense in the next annual Township tax levy against the property.

§ 400-57(G)(7) Damage to Units. No existing outdoor wood-burning furnace which has been damaged by any reason to the extent of more than 50% of its assessed value for the Township of Lower tax purposes shall be permitted to be repaired or rebuilt.

Section 2. 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 3. The Township Clerk shall effectuate all notices required for modification of the Township Zoning Ordinance.

Section 4. This Ordinance shall take effect after final passage and publication as provided by law.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

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

ORDINANCE #2012-3

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lower in the County of Cape May finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lower hereby determines that a 3.5% increase in the budget for said year, amounting to \$667,973.10 in excess of the increase in final appropriations otherwise permitted by the Local Government Cape Law is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lower, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2012 budget year, the final appropriation of the Township of Lower shall, in accordance with this ordinance and N.J.S.A. 40A: 4-15.14, be increased by 3.5% amounting to \$667,973.10, and the CY 2012 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinafter that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

Ordinance #2012-3

To Exceed the Municipal Budget Appropriation Limits and to
Establish a Cap Bank (NJSA 40A: 4-15.14)

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
ORDINANCE #2012-3**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14) continued**

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Attest: _____

Adopted: _____

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

ORDINANCE #2012-04

AN ORDINANCE OF THE TOWNSHIP OF LOWER ESTABLISHING THE GUIDELINES OF ECONOMIC DEVELOPMENT REVOLVING LOAN FUND

WHEREAS, the Township of Lower has received a Small Cities Grant from the State of New Jersey, and

WHEREAS, a Revolving Loan Fund was established by the Grant, funded by interest and principal payments received from outstanding loans, and

WHEREAS, pursuant to the terms of the said Grant contract, the Township may lend monies from the Revolving Fund to other businesses in the Township of Lower, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that all new Economic Development loans made by the Township of Lower from funds emanated from the above described Small Cities Grant shall be structured pursuant to the following criteria:

1. All future loans shall not exceed \$130,000 to an eligible small business which may use the loan funds to support its capital purchases and site improvements.
2. An "eligible small business" is a business entity that, at the time of application for participation in the Economic Development loan program, is independently owned and operated; is organized for profit with a place business located in the Township of Lower; operates primarily within the Township of Lower; has less than 100 full-time employees; has not raised \$10,000,000 or more in total equity financing; and has not received \$10,000,000 or more in financing from any source.
3. Each such loan shall be to an existing business or new business provided that same shall commit to increasing its full time employment level within four years by no less than 10 percent of full-time employment, or one full-time employee, whichever is greater, above its full-time employment level at the time of its loan application.
4. The terms of the loans are for ten (10) years; interest to be set at 1% below the Prime Lending Rate, or such rate of interest as set by the Governing Body of the Township by resolution. Interest is to be quarterly with a 1/10th reduction of principal annually. The principal reduction is also to be paid quarterly.
5. In the event of a late payment of the quarterly interest and principal reduction, interest shall be charged and paid through the date of payment. The next payment of interest shall be computed from the actual due date and not payment date of the prior payment.
6. All loans will be secured by a first lien on the receivables of the business entity receiving the loan and shall be personally guaranteed by the members of the enterprise.
7. No loans shall be made to any business which is insolvent (i.e. annual projected liabilities exceed annual projected revenue) or in bankruptcy. Applicants shall be required to demonstrate solvency and certify that the business is not in bankruptcy.
8. The Township Treasurer shall maintain all books and records in accordance with generally accepted accounting principles. The Treasurer shall issue checks for all loan proceeds, and receive all loan repayments and interest payments.

9. All loan documents shall require the payment of all indebtedness to the Township of Lower, with interest, should the applicant sell its business or terminate said business.
10. Any future recipient of a loan pursuant to the terms of this Ordinance shall be responsible to pay all the costs engendered by the said loan, including but not limited to administrative costs, attorney's fees, title searches and any and all other costs which may be accrued by the Township of Lower.
11. The revolving loan program shall be administered in accordance with all applicable terms an agreement between the Township of Lower and the State of New Jersey and applicants shall agree to adhere to all necessary provisions thereunder.

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

SECTION 1. The Township Council hereby approves the terms of the Economic Development Loan Program.

SECTION 2. The Township Treasurer is hereby authorized to enforce the terms of the Economic Development Loan Program.

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 twenty (20) days after final passage and publication, according to law.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Attest: _____

Adopted: _____

1st Rds 1/6
2nd Rds 2/6

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

ORDINANCE #2012-01

AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, the Council has determined it would be appropriate and in the best interest of good government to formally establish policies for the governing body which may be amended from time to time as necessary.

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 3-8, Powers and duties of Township Council, B (4) Policy is hereby amended with the following addition.

(d) Attendance Policy

- a. The Mayor & Councilmembers are expected to attend regular and special meetings at the time and place where said meetings are held and for the entirety of each meeting. If attendance is not possible, notification is to be made to the Township Manager and the Township Clerk prior to the scheduled meeting.
- b. Attendance shall be taken at all meetings and reflected in the minutes of all meetings which will subsequently be posted to the Township's website.

(e) Training

- a. Newly elected members of Council are strongly encouraged to complete the Rutgers University Course for Newly Elected Officials during the first year of their term and all members of Council are encouraged to continue their municipal government education by completing the courses necessary to complete the Municipal elected Officials Certificate Program offered by the Edward J. Bloustein School of Planning & Public Policy at The Rutgers Center for Government Service or any comparable program offered through the New Jersey League of Municipalities.
- b. Records of all courses taken shall be furnished to the Municipal Clerk and shall be available for public inspection. The Township shall pay for all tuition costs and travel expense incurred by the member of Council in completing these courses upon providing adequate documentation to substantiate the expenses.

(f) Email Communications

- a. In keeping with the Open Public Meetings Act (OPMA), email communications should, as far as practicable, not include an effective majority of the governing body and should never include an effective majority of the governing body where "discussion" of information related to the business of the Township is involved. "Discussion" should be distinguished from a single email that simply provides information.
- b. Where email communications do include an effective majority of the governing body, such communications should almost universally not include any request for information in response. The provision of information to the entire governing body (e.g. copies of agendas, etc.) should specifically indicate that there should be no email reply or other communication contrary to the OPMA.

- c. In the rare instance where a response is requested, such request must not involve any decision making or deliberative function of the governing body or otherwise address Township business that is subject to the OPMA and shall not be made to the entire list of email addressees, so that even the appearance of impropriety may be avoided. Instances such as this should be extremely rare and should only be informational. (E.g. "I am attending the seminar on the 21st, if anyone else is going or wants information, please let me know.") Substantive matters of public business must never be the subjects of an email discussion between or among an effective majority of the governing body. Utilizing a third party, such as the Clerk, does not change the requirements of the OPMA.
- d. "Rolling" email conversations must also be avoided. One member of the governing body or a third party may not contact other members via email individually to successively discuss or gain opinions on an item of Township business. This applies to other forms of electronic communications as well.
- e. Members of the governing body or other Township officials providing information to the governing body are encouraged to use the "bcc" function or other similar function in order to eliminate or minimize the prospects of a bulk reply that might increase the potential for communications that might implicate the requirements of the OPMA.

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

, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Clerk

Michael E. Beck, Mayor

PERSONNEL ACTIONS

Report for Council Meeting of 02/06/2012

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Construction	Vito, Louis	1/17/2012	Zaccaria, Mario	Temp	PT Plumbing Sub-Code	yes
Construction	Trexler, James	1/25/2012	Mills, Michael	new hire	PT Electric Sub-Code	yes

Date of report: 2/2/12

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

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

RESOLUTION # 2012-57

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. (PBA & SOA Contract Negotiation Status & Update & Potential Interest Arbitration Petition)
- _____ (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 February 6, 2012 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 6, 2012.

 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						