

RESOLUTIONS ADOPTED APRIL 16 2012

- Res. #2012-99 Payment of Vouchers, \$1,809,365.40
- Res. #2012-100 Recycling Tonnage Grant Resolution (annual resolution)
- Res. #2012-101 Renewal of 2012 Campground Licenses (annual renewals)
- Res. #2012-102 Issuance Ice Cream Peddling and Ice Cream Salesmen's Licenses for the Year 2012 to Summer Daze Ice Cream (Annual renewal)
- Res. #2012-103 A Resolution to Affirm the Lower Township Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public That Come into Contact with Municipal Employees, Officials and Volunteers (Requirement for our joint insurance fund)
- Res. #2012-104 Approval of Precious Metals License for Robin Whitehurst T/A Golden Eagle for the Year 2012
- Res. #2012-105 Approval of Seashore Church of the Nazarene's Application to Conduct a Flea Market (Apr. 28)
- Res. #2012-106 Award of Contract for Concession for 2012 Independence Day Festival Rides (\$12,500 w/vendor)
- Res. #2012-107 Capital Budget Amendment
- Res. #2012-108 Authorizing the Person to Person Transfer of Liquor License #0505-33-007-003 from D.S.S.K. Inc. to Two Mile Crab House Limited Liability Company
- Res. #2012-109 Resolution Adopting Revised Personnel Policy Manual (replaces existing employee manual with language changes mandated by Joint Insurance Fund)
- Res. #2012-110 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. (Acquisition of Property, Labor Relations - PBA & Superior Officer's, Personnel)
- Res. #2012-111 A Resolution to Ratify the Memorandum of Understanding from Pba Local 59, Rank and File Unit, as Modified by the April 16, 2012 3:41 P.M. Email of Bruce Leider to William Blaney

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

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

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

Total Purchase Orders: 60 Total P.O. Line Items: 91 Total List Amount: 1,809,365.40 Total Void Amount: 0.00

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

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


Claudia R. Kammer, Township Clerk

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

RESOLUTION #2012-100

TITLE: RECYCLING TONNAGE GRANT RESOLUTION

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

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

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

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

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

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

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

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-101

TITLE: RENEWAL OF 2012 CAMPGROUND LICENSES

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

WHEREAS, the applicants have paid the required license fees.

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

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-102

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

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

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

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

Ice Cream Peddling Salesman License

Steven R. Lerch - Summer Daze

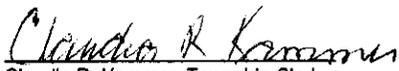
John W. Frame - Summer Daze

Ice Cream Peddling Business License

1992 GMC G3500 Van Vin# 2GDHG31K6N4521973

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-103

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

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

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

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

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

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

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

Section 9: This resolution shall take effect immediately.

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-104

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

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

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

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-106

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

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

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

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

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

CFO Signature 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract for the above is hereby awarded as follows.

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

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

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


Claudia R. Kammer, Township Clerk

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

Wizard's Festival of Fun, Inc.

Email: wizardsfestivaloffun@verizon.net

22 Monroe Drive • Laurel Springs, NJ 08021, USA • (609) 206-5244 • www.wizardsfestivaloffun.com

PAGE 1 of 3 - 7/3/12 Lower Township Independence Day Festival EVENT CONTRACT

Date: 16 April 2012

THIS CONTRACT IS VOID IF NOT EXECUTED AND RETURNED BY APRIL 20, 2012.

Wizard's Festival of Fun Inc hereafter referred to as Wizards agrees to provide specified Amusement Rides, Games and/or Entertainment under the following terms.

Contracted by: Margaret Vitelli, Purchasing Agent, Township of Lower, 2600 Bayshore Road, Villas, NJ 08251 Phone #(609) 886-2005, X. 123; Fax (609) 886-5342

Sponsor: Township of Lower, NJ hereafter referred to as sponsor.

Event Location Shore Drive between Lincoln Blvd & Emerson Avenue, North Cape May (Adjoining Cape May Ferry Landing)

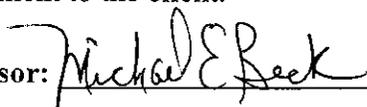
Date(s): July 3, 2012 Hours: 7/3: 5 PM - 9 PM

Wizards will provide to the Amusement Ride Package per attached Exhibit I under the following terms and conditions \$ 12,500 due the day of the event plus 100% of the revenue from amusement ride ticket sales priced at \$ 1 per ticket. All rides will charge 1 ticket (\$1 per ride).

Wizards will supply appropriate Certificates of Insurance. Insurance coverage applies only with regard to Wizards or any of Wizards sub-contractors' operations at the sponsor's event. Wizards assumes no responsibility for the sponsor's operations including but not limited to tents, gaming booths, beer gardens and kitchens with regard to the serving and preparing of food or to any rides, entertainment or staging not provided by Wizards because Wizards maintains no authority or controls over the sponsor's employees, other vendors or volunteers. Wizards' employees are covered by Wizards' Workmen's Compensation coverage. The sponsor's employees and volunteer workers are not covered by Wizards' Workmen's Compensation and the sponsor must see that protection is supplied for such workers. Wizards accepts no responsibility for them.

Time of operation: Operating hours are as designated above at the time of the signing of this agreement. **PLEASE NOTE: INCLEMENT WEATHER DOES NOT ALTER THE TERMS OF THIS CONTRACT. Because Wizards and its sub-contractors are taking equipment out of service for a full week in order to meet the obligations of this contract and because in many cases the equipment and entertainment to be provided could have been provided for indoor events, if the event or any portion thereof is canceled due to weather or any other cause, Wizard's obligations under this contract shall be considered met and Wizards shall be entitled to the full contract price.** If this is an outdoor engagement and inclement weather conditions such as snow, ice, cold, rain or wind prevail, if Wizards is expected to provide the elements specified above, the sponsor must furnish a well-covered area with no leaks in order for said elements to be furnished since such weather conditions can cause electrical hazards and slippery conditions. If in the sole opinion of Wizards such hazards or other hazardous conditions exist that can endanger workers and the public, the affected elements shall be terminated and Wizards shall nevertheless be entitled to the full contract price. Wizards will not be held responsible for any unforeseen mechanical failure resulting in the loss of revenue or other loss. Should Wizards be unable to fulfill this contract by reason of causes which are beyond Wizard's control such as acts of God, force majeure, strike, fire, epidemic, serious illness, governmental action for a state of emergency, or any other causes of like nature, Wizards shall not be in breach of this contract and shall have no obligation to the sponsor, except to furnish the sponsor a substitute element subject to the sponsor's approval which the sponsor agrees not to unreasonably withhold. If for any reason, Wizards fails to furnish a substitute element, Wizards shall furnish the remaining elements to the sponsor and payment to Wizards shall only be refunded to the extent of any savings to Wizards resulting from the inability to furnish the missing element to the client.

Page 1 of 3; For Sponsor:



For Wizards: _____

PAGE 2 of 3 - 7/3/12 Lower Township, NJ Independence Day Festival EVENT CONTRACT

The sponsor must provide adequate police protection during all operating hours, and round-the-clock site security at no cost to Wizards. While the equipment is at the event site, the sponsor will be fully responsible for any theft or damage to equipment used to fulfill this contract.

Wizards and its sub-contractors will supply Amusement Rides and Attractions properly registered and permitted by the NJ Department of Community Affairs, Bureau of Amusement Ride Safety. It is understood and agreed to by the sponsor that the sponsor must obtain all necessary permits, clearances, licenses & the like necessary to operate their event at their site at no cost to Wizards. Since Wizards has a finite amount of equipment, commitment of that equipment to the sponsor for a specified time is a real and valuable commodity; therefore, time is of the essence. All pages of this contract must be signed by the sponsor and returned to Wizards by April 20, 2012. We must continue to solicit business until this contract is returned. There is no guarantee of dates until this contract is received and countersigned by Wizards. The sponsor stipulates that Wizards will have exclusive control over the means, methods, and details of fulfilling this agreement's obligations. The sponsor represents that the sponsor is a knowledgeable buyer of Amusement Rides and Entertainment Attractions. This contract constitutes the entire agreement between the parties hereto, and there are no agreements, understandings, restrictions, representations as to the suitability of the contracted elements for any purpose, warranties or any other representations between the sponsor and Wizards other than those set forth herein or herein provided for. Please sign below and initial all other pages of all three copies of this contract; retain one copy for your files and return two copies to Wizards with your deposit for countersigning.

Other Stipulations: Liability Insurance certificate will name Lower Township as additional insured. Set-up will begin at 10AM on Monday, July 2, 2012. As in 2011, sponsor will provide advance and post-event storage space for Wizards equipment at the sponsor's Public Works lot. Sponsor will provide normal hospitality for Wizards' personnel including parking and restroom access. Sponsor agrees that it will not permit any competitive rides or carnival fun food concessions of the type operated by Wizards to participate in the Festival. The sponsor will waive or pay any and all fees of any kind including township fees and fire safety fees applicable to Wizards' participation in the Independence Day Festival.

PLEASE SIGN OR INITIAL ALL PAGES OF CONTRACT AND THE ATTACHED EXHIBIT.
PLEASE RETURN TWO COPIES BY APRIL 20, 2012.

Sponsoring Organization: Lower Township

Wizard's Festival of Fun, Inc.

By: Michael Beck

By: _____

Title: MAYOR Date: 4-16-12

Title: President Date: _____

EXHIBIT I

Wizards will provide the following for the Township of Lower July 3, 2012 Independence Day Celebration:

EXHIBIT 1 - WIZARD'S FESTIVAL OF FUN INC. WILL PROVIDE:

QTY RIDE DESCRIPTION

- 1 High-Lite Musical Chair Adult Swing Ride (Adult Ride NJ Permit)
- 1 Frederiksen Adult Three Lane Fiberglass Fun Slide (Adult Ride NJ Permit)
- 1 Zamperla Magic Ring Rally Combination Kid Car Ride (Kid Ride NJ Permit)
- 1 High-Lite Kids Town Fire House Interactive Play Unit (Kid Ride NJ Permit)
- 1 Ninja Jump Mickey Mouse Club House Combination Unit (Inflatable Ride NJ Permit)
- 1 Ninja Jump Monster Wheels Engine Company #1 Humvee 4 X 4 Fun Bounce (Inflatable Ride NJ Permit)

OTHER ACTIVITIES/EQUIPMENT

- 1. Two sound attenuated 65 KW Generators with distribution systems to power rides set up on two streets.
- 2. Wizards will have the option to operate one Carnival Concession Trailer serving Cotton Candy, Caramel Corn, Nachos, Popcorn, Candy &/or Caramel Apples, Sno-Kones and cold drinks for those who wish to purchase them. Wizards will notify Lower Township by June 15, 2012 whether or not Wizards will exercise this option. Should Wizards exercise this option, the sponsor will waive or pay any and all fees of any kind including township fees and fire safety fees applicable to Wizards' concessions in the Independence Day Festival.

EQUIPMENT CONDITION, INSPECTIONS, COMPLIANCE & REMARKS:

All Rides will be cleaned and detailed for the event. All Rides will be inspected by a NAARSO Level 2 Ride Inspector and operated in compliance with all New Jersey rules and regulations.

Wizards' fee includes transportation, set-up and teardown of all rides and attractions.

The sponsor will waive or pay any and all fees of any kind including township fees and fire safety fees applicable to Wizards' rides, generators and participation in the Township of lower Independence Day Festival.

Page 1 of 3; For Sponsor:



For Wizards: _____

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

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

Option #1

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

a. Concession Payment Option #1

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

b. Wristband Fee for Event Option #1

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

Option #2

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

a. Wristband Fee for Event Option #2

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

Option #3

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

a. Payment from Township of Lower Option #3

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

Amount in words

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

Amount in numbers

b. Wristband Fee for Event Option #3

N/A

Amount in words

\$ N/A

Amount in numbers

Wizard's Festival of Fun Inc.

Company Name

22 Monroe Drive, Laurel Springs, NJ 08021

Address

Signature of Authorized Agent

(609) 206-5244

Telephone Number

22-2977470 Federal EIN

Federal I.D. # or Social Security #

Albert M. Belmont Jr.

Type or Print Name and Title

Albert 3-22-2012

Date

LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:

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

**2012-01 RFP CONCESSION FOR
2012 INDEPENDENCE DAY FESTIVAL RIDES
ADV 02/29/2012 OPEN 03/22/2012 11:00a.m.**

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

CAPITAL BUDGET AMENDMENT

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

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

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

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

FROM
CAPITAL BUDGET (Current Year Action)
2012

Planned Funding Services for
 Current Year 2012

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

RESOLUTION #2012-107
 Capital Budget Amendment

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

CAPITAL BUDGET AMENDMENT

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

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

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

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

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

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

Planned Funding Services for
 Current Year 2012

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

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

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

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

CAPITAL BUDGET AMENDMENT

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

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

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

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

Certified by me:

April 16, 2012
Date

Claudia R. Korman
Township Clerk

Trenton, New Jersey

Approved _____ 2012

Director of Local Government Services

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

RESOLUTION #2012 -105

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

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

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

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

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

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-108

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

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

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

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

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

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

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

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


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-109

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

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

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

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

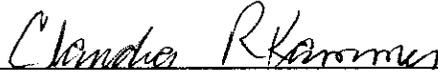
BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal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

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

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

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

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



Claudia R. Kammer, Township Clerk

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

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

RESOLUTION # 2012- 110

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body. (Update on Labor Contract Negotiations)
- (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

X (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on April 16, 2012 that an Executive Session closed to the public shall be held on this date at approximately 8:12 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

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

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2012-111

TITLE: A RESOLUTION TO RATIFY THE MEMORANDUM OF UNDERSTANDING FROM PBA LOCAL 59, RANK AND FILE UNIT, AS MODIFIED BY THE APRIL 16, 2012 3:41 P.M. EMAIL OF BRUCE LEIDER TO WILLIAM BLANEY

WHEREAS, extensive negotiations were conducted by the Township Manager and Labor Counsel with PBA Local 59 during the past several months, and

WHEREAS, the parties have reached an agreement on Monday, April 16, 2012 on a Memorandum of Understanding which will be utilized to prepare the Collective Bargaining Agreement with PBA Local 59 in accordance with the terms of the Memorandum.

WHEREAS, the Township Manager and Labor Counsel recommend the Township Council's ratification of the Collective Bargaining Agreement.

NOW, THEREFORE, BE IT RESOLVED the attached Memorandum of Understanding as modified by the email of Bruce Leider, dated April 16, 2012, 3:41 p.m. is hereby ratified.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute the ratified Collective Bargaining Agreement, once prepared, in accordance with and under the terms as outlined herein above, on behalf of the Township.

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


Claudia R. Kammer, Township Clerk

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

MEMORANDUM OF AGREEMENT

between

TOWNSHIP OF LOWER

and

PBA LOCAL 59

The parties agree to amend the contract which expired on December 31, 2011 as follows:

1. All language in the existing agreement will be continued except to incorporate the changes in this Memorandum of Agreement.

2. **Duration** - The new contract shall have a duration of January 1, 2012 through December 31, 2015.

3. **Wages**

A. The wage increases shall be as follows for Police Officers earning \$85,522.00 in 2011 and Sergeants.

Effective 7/1/12	2%
Effective 1/1/13	2%
Effective 1/1/14	2%
Effective 1/1/15	2%

B. On Schedule B, Police Officers McEwing and Ryan shall receive the following salaries:

Effective 2/5/12	\$79,186.00
Effective 7/1/12	\$80,770.00 (2% increase) and longevity pursuant to Article 19, ¶C
Effective 2/5/13	Police Officer top step and longevity

pursuant to Article 19, ¶C

Effective 1/1/14

Police Officer top step and longevity pursuant to Article 19, ¶C

Effective 1/1/15

Police Officer top step and longevity pursuant to Article 19, ¶C

C. Eliminate Schedule A - Employees hired prior to August 28, 2006 with the understanding that all such police officers are on Step 7 of Schedule B.

D. For employees who are still on Schedule B (Greto, Gamble and Boyle) the increment movement shall be 18 months and not 12 months.

E. All existing employees of the date of ratification of this Memorandum shall be entitled to longevity pursuant to Article 19, ¶C.

F. For employees hired after the ratification of this Memorandum of Agreement, the attached Schedule Number 1 shall apply. All such employees shall not be eligible for longevity (Article 19, Paragraph C).

G. In addition to the increases in paragraph 3A, Sergeants shall be paid per the attached Schedule Number 2.

4. **Extra Duty** - Effective with the execution of this Memorandum of Agreement, all police officers working extra duty assignments shall be compensated at the rate of \$60.00 per hour.

5. **Health Insurance**

A. Rewrite the current contract language to reflect the level of benefits currently provided.

B. In the event that a police officer can prove that he has other health insurance, the police officer may opt out of health insurance provided by the Township. In such event, the

Township shall compensate the police officer at the rate of 25% of the premium or a maximum of \$5,000 that would have been paid on behalf of that police officer but for his decision to opt out. The police officer may elect to resume immediate health insurance coverage by the Township in the event of a change in circumstances (for example, the police officer's spouse loses her coverage).

C. Retirees Health Insurance Modify the existing contract language to provide that health insurance benefits change at age 65 or whenever the retiree is eligible for medicare.

TOWNSHIP OF LOWER

PBA Local 59

By: _____

By: _____

Dated:

Dated:

SCHEDULE NUMBER 1

Years	Salary
18	95,955
15	91,920
14	88,140
13	84,260
12	80,580
11	76,800
10	73,020
9	69,240
8	65,460
7	61,680
6	57,900
5	54,120
4	50,340
3	46,560
2	42,780
2 nd 6 months	39,000
1 st 6 months	33,000

This Salary Guide will be for all police officers hired after this agreement is ratified by both parties. For 2013, 2014 and 2015, all steps shall receive the same percentage increase as provided for existing police officers.

SCHEDULE NUMBER 2

Sergeant Salary

- A. For any employee hired prior to the ratification of this Memorandum of Agreement, such Sergeant shall receive longevity pursuant to Article 19, ¶C.
- B. For any employee hired after the ratification of this Memorandum of Agreement, such Sergeant shall not receive longevity.
- C. Sergeants pursuant to ¶A above shall be paid their longevity or 8.3% more than a Police Officer at 15 years and 18 years.

Title	2012
Police Officer - 15 years	91,920
Sergeant	99,549 (Police Officer base plus 8.3%)
Police Officer - 18 years	95,955
Sergeant	103,919 (Police Officer base plus 8.3%)

- D. Sergeants pursuant to ¶B above shall be paid 8.3% more than a Police Officer at 15 years and 18 years.

Title	2012	Title	2012
Police Officer	91,920	Sergeant	99,549
Police Officer	95,955	Sergeant	103,919

2012

SERGEANT WITH LONGEVITY

Police Officer - 15 years	91,920
Sergeant with 8.3%	99,549
Sergeant without longevity	94,479
Sergeant with 4% longevity	98,258
Sergeant with 6% longevity	100,148

A Sergeant with 4% or less longevity shall be paid \$99,549. All other Sergeants will receive their salary with the appropriate longevity.

Police Officer - 18 years	95,955
Sergeant with 8.3%	103,919
Sergeant without longevity	94,479
Sergeant with 8% longevity	102,037
Sergeant with 10% longevity	103,927

A Sergeant with 8% or less longevity shall be paid \$103,919. A Sergeant with 10% longevity shall be paid \$103,927.

SERGEANT WITHOUT LONGEVITY

At 15 years with Police Department	99,549
At 18 years with Police Department	103,919

These figures are for illustrative purposes. As all Police Officer salaries change, so will the above calculations.



[No Subject]

Monday, April 16, 2012 3:41 PM

From: "Caroline Samse!" <carolbdll@yahoo.com>
To: "Bill Blaney" <Bill@Blancydonohue.com>
Cc: "Robert Hartman" <bobhartmanjr@yahoo.com>, "Tom Beeby" <tombeeby@comcast.net>
1 File (62KB)



MOA April...

Bill:

Attached please find revised Memorandum of Agreement, Schedule Number 1 the new Salary Guide for 2012 and Schedule Number 2 the Sergeant's Salary. There is also a document entitled 2012 Sergeant with Longevity. That is a calculation sheet and not designed as part of the Memorandum of Agreement.

The first matter of note is that under paragraph 5 of the MOA, I have deleted the name of the current level of health benefits. The current plan has a \$15.00 co-pay. We will need to further identify the current level of benefits.

The second issue is that we need to identify when a police officer will be paid if that police officer opts out of the health insurance pursuant to 5B. We can do that in the contract.

Third, Schedule Number 2 will not immediately apply. It is not the intention for any existing sergeant to get an increase upon the execution of the Memorandum of Agreement. The language needed is that a sergeant with longevity will not be paid less than a sergeant without longevity.

Bruce