

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

August 3, 2015 - 7:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Proclamation - Captain Thomas Beeby Retirement
Swearing in of Police Captain Martin Biersbach
Swearing in of Police Lieutenant William Priole

Consent Agenda

Approval of Minutes July 20, 2015
Res. #2015-232 Payment of Vouchers \$805,947.02
Res. #2015-233 Authorizing Payment of 2015 County Taxes (Third and Fourth Quarter \$4,786,563.30)
Res. #2015-234 Requesting Change in Title, Text or Amount of Appropriation N.J.S.A.40A:4-85 Chapter 159, P.L. 1948 (\$10,600)
Res. #2015-235 Under 3% Emergency Resolution N.J.S.A. 40A:4-48 (\$10,000)
Res. #2015-236 Authorization for Tax Refunds (2 properties \$1,867.71)
Res. #2015-237 Authorizing Pay Out of Terminal Leave (A.McGraw Jr. \$2,713.78)
Res. #2015-238 A Resolution Amending Resolution #2015-109; Appointment of Public Information Officer without Public Bidding (L.Suit \$5,000)
Res. #2015-239 Resolution Approving a Separation Agreement Between the Township of Lower and Thomas Beeby, Captain of the Police Department of the Township of Lower
Res. #2015-240 Authorizing the Sale of Township of Lower Surplus No Longer Needed For Public Use on GOVDEALS Online Auction Website (5 vehicles)
Res. #2015-241 Support for S2775 and A4215 Calling for an Increase in Shore Protection Funding from \$25 Million to \$50 Million From the Collection of Realty Transfer Fees

Regular Agenda

Res. #2015-242 Appointment to the Recreation Advisory Board (M.Bispels resigned)
Res. #2015-243 Appointment to the Recreation Advisory Board (B.Fournier resigned)
Ordinance #2015-07 Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower - This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.
Ordinance #2015-08 Ordinance Amending Chapter 1 (One) of the Revised General Ordinances of the Township of Lower - This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Closed Session

Res. #2015-244 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. – **CONTRACT NEGOTIATIONS/PERSONNEL**

Adjournment

COUNCIL MEETING MINUTES – JULY 20, 2015

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 20, 2015 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 David Perry
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Swearing in of Officers: Jason Felsing and Eric Danzi

Jason Felsing was sworn into office by Mayor Beck, as Jason's wife, Amanda Felsing held the Bible. He was also accompanied by his daughter Harper, his father Dennis Felsing Jr., and his brother Dennis Felsing III.

Eric Danze was sworn into office by Mayor Beck, as Eric's father Anthony Danze held the Bible. He was also accompanied by his Aunt Suzanne Erhardt.

Work Session

Introduction of Ordinance #2015-07- An Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower – Councilman Perry/Solicitor Stefankiewicz

Councilman Perry asked Solicitor Stefankiewicz to give an update with regard to the Beach Ordinance #2015-04. Solicitor Stefankiewicz communicated that Superior Court Judge Littlefield issued a temporary restraining order on Ordinance #2015-04 until a final hearing which is set for November 12, 2015. He revealed the opportunity for Council to begin the ordinance process anew and agreed with Councilman Perry's financial opinion regarding defending the suit. Mayor Beck inquired about repealing the existing beach ordinance and the judge's concern with the content of the ordinance. Solicitor Stefankiewicz advised. Mayor Beck voiced his desire to postpone the introduction of the ordinance until fall. Deputy Mayor Clark asked about the effective date of the ordinance upon passage. Solicitor Stefankiewicz informed that the ordinance takes effect twenty days after passage.

Consent Agenda

Approval of Minutes	July 6, 2015
Res. #2015-218	Payment of Vouchers \$604,667.94
Res. #2015-219	Resolution Adopting Financial Policies
Res. #2015-220	Annual Renewal of Liquor Licenses (final 4 renewals)
Res. #2015-221	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities \$50,000)
Res. #2015-222	Body Armor Replacement Program (application for grant)
Res. #2015-223	Authorizing Payout of Terminal Leave (T.Beeby \$114,678.42)
Res. #2015-224	Authorizing Pay Out of Terminal Leave (A.Amonette \$53,167.86)
Res. #2015-225	Contract Award for Re-bid ADA Upgrades & Playground Improvements at the Recreation Center (\$262,300)
Res. #2015-226	Renewal of Commercial Excavating (Gravel Pit) Licenses (Brodesser & Cape Mining)
Res. #2015-227	Authorizing the Transfer of a Limousine Vehicle License (Ford Excursion)
Res. #2015-228	Resolution Confirming the Appointment of Jennifer Dowe as the Lower Township Tax Assessor (\$73,500/yr)
Res. #2015-229	Resolution Awarding a Professional Service Contract to Hatch Mott MacDonald For an Engineer Survey and Simple Sub-Division of Township Property Located Adjacent to the Township of Lower Public Works Yard – Seashore Rd (\$13,700)

Ordinance #2015-08

An Ordinance Amending Chapter 1 of the Revised General Ordinances of the Township of Lower (Solicitor) First Reading of Ordinance. Second reading and public hearing will be scheduled for August 3, 2015.

Mayor Beck inquired about Resolution #2015-225. Clerk Picard informed that additional money was obtained from a Small Cities Grant.

Mitch Plenn, Director of Parks and Recreation, gave an explanation of the expanded projects.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY		X	X			
SIMONSEN	X		X			
CLARK			X			
BECK			X			

Regular Agenda

Res. #2015-230

Appointment of Municipal Prosecutor for the Year 2015

Councilman Simonsen nominated Frank Guaracini.

Mayor Beck voiced discontent over not receiving his resume. Manager Ridgway informed that he offered Mayor Beck the resume. Discussion ensued. Councilman Simonsen assured that Mr. Guaracini comes highly recommended.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY		X	X			
SIMONSEN	X		X			
CLARK				X		
BECK				X		

Res. #2015-231

Lower Township Rescue Voucher \$750.00 First Aid/CPR Class

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD					X	
PERRY	X		X			
SIMONSEN		X	X			
CLARK			X			
BECK			X			

Ordinance #2015-06

Amend Chapter 475, Parks and Recreation Areas, of the Code of the Township of Lower, Add Article IV, Fee Schedule - This is the second reading and public hearing on this Ordinance. This ordinance has been published, posted and made available to the public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY			X			
SIMONSEN	X		X			
CLARK			X			
BECK			X			

Ordinance #2015-07

An Ordinance Revising and Restating Chapter 178, Beaches, of the Code of the Township of Lower – First reading of Ordinance. Second reading and public hearing will be scheduled for August 3, 2015.

Anna Mae Coombs, Roslyn Avenue, voiced her full support of the ordinance.

Leon Miedowicz, 717 Indian Avenue, voiced his opposition to the ordinance and encouraged the Township to enforce the current ordinance.

Tonia Lisowski, 718 Pacific Avenue, voiced favor with the ordinance.

Richard Anderson, 106 Arbor Road, questioned the amount of dog incidents recorded and how much money has been spent on the ordinance. He also voiced concern for the Township's priorities.

Joanne Keating, 716 Adriatic Avenue, agreed that the ordinance is a perfect compromise.

Robert Lamoreux, 333 Suzanne Avenue, informed that his wife was bitten on the beach by a dog. He fully supports the ordinance and voiced frustration with the opposition.

Colleen Gross, 103 Broadway, voiced opposition to the ordinance but agrees with the leash law.

Janet Pitts, Villas, questioned the timing of the ordinance and how it will be enforced.

Deb Johns, Villas, responded to Ms. Pitts comments. She reiterated the recommendation from the Recreation Advisory Board and urged Council to make a decision.

Betty Somers, W. Atlantic Avenue, voiced disfavor with the Township's priorities.

Mickey Kane, Arbor Road, believes that a question should be put on the ballot to allow the people to decide about the ordinance.

Steve Morey, RAB, cited newspaper articles to validate that a majority of homeowners along the beach support the ordinance.

Helen Thompson, 44 E. Delaware Parkway, voiced opposition to the ordinance and urged Council to table it.

Renee Davis, Bayside Village, agrees with the leash law and voiced favor with putting the ordinance on a ballot.

Bill Greenfield, Villas, voiced concern about future restrictions. He questioned documentation regarding dog incidents and animal control's authority to enforce. He suggested limiting the ordinance to certain sections of the beach. Mr. Greenfield also commented on the AC Press article from last summer regarding Lower Township beaches.

Nichole Gedling, Villas, voiced opposition to the ordinance but agrees with the leash law.

Ed Butler, Villas, voiced his observations about the opinions on the ordinance. He suggested going back to the original ordinance and holding a special meeting to discuss it with the residents.

Pat Tator, Villas, believes the ordinance should be brought to a public vote.

Eileen Kreis, Villas, voiced discontent with many of the comments made in opposition to the ordinance. She requested that Council not limit the ordinance to certain sections of the beach.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
PERRY	X		X			
SIMONSEN			X			
CLARK				X		
BECK				X		

Administrative Reports

Personnel Action Report

Monthly Reports – Clerk, Construction, Dog, Police, Treasurer, Tax, Vital Statistics

Certification of Mailing of Tax Bills

Council Comments

Councilman Conrad commented about the concerts and urged everyone to check on elderly neighbors due to extreme heat.

Councilman Perry echoed the suggestion to check on elderly neighbors.

Councilman Simonsen agreed.

Deputy Mayor Clark acknowledged the blessing of our great beaches and reminded of the Delaware Bayshore Council and its purpose to protect and replenish our beaches. He also informed Mr. Miller about the flag.

Call to Public

Robert Rizzo, Mickel's Run, commented on code enforcement and voiced concern over the appearance of the Township. He also expressed discontent with the condition of the county roads in Lower Township and urged Council to demand results.

Walter Miller, 1518 Main Street, urged Council to help with the issues at Wawa. He also asked about the wording on the oaths of office.

Steve Morey, referred to the NJ Shore Protection Program and asked Council if they plan to support the Assembly Bills.

Helen Thompson, Villas, informed that a sign remains at the park limiting dogs. She requested that documentation of violations from animal control be available at the public hearing on the beach ordinance. She also commented on an article about a dog beach in Fort Desoto, Florida. She also voiced her opinion about the prosecutor.

Bill Greenfield, Villas, asked when the public hearing will be held for the beach ordinance.

Tom Frisoli, Villas, congratulated Councilman Perry for listening to his constituents. He also commended Manager Ridgway for putting up with abuse from Council.

Betty Somers, W. Atlantic Avenue, pleaded with Council to work together for the good of the Township.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Perry. Motion to adjourn unanimous. Meeting adjourned at 8:57p.m.

Mayor

Township Clerk

Approved:

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

RESOLUTION #2015- 232

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>CK</u>	<u>Amount</u>
NJ Motor Vehicles	15-01891	Registration 2016 Explorer	55505	\$60.00

Total Manual Checks	\$ 60.00
Total Computer	\$ 805,887.02

Total Bill List \$ 805,947.02

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 3, 2015

Julie Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01110 COLLEEN CRIPPEN	15-01941	07/22/15	CONTRACTUAL REIMBURSEMENT-V	Open	354.00	0.00		
01139 CORELOGIC	15-01954	07/24/15	RES#2015-236 REFUND 2ND QRT TA	Open	1,434.07	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*	15-01917	07/21/15	EXHAUST BURNERS FOR TRUCKS	Open	275.00	0.00		
01661 GENERAL SALES ADMINISTRATION*	15-01723	06/30/15	TUFLOC SUV NARROW BOX STND	Open	1,770.00	0.00		
01781 HATCH MOTT MACDONALD, LLC*	15-01937	07/22/15	PROFESSIONAL ENGINEERING	Open	3,902.50	0.00		
	15-01938	07/22/15	PROFESSIONAL ENGINEERING	Open	468.50	0.00		
					<u>4,371.00</u>			
01824 ROBERT J. HERITAGE	15-01904	07/20/15	CONTRACTUAL REIMBURSEMENT-M	Open	720.00	0.00		
01968 ITS MAILING SYSTEMS, INC*	15-01828	07/09/15	INK FOR POSTAGE MACHINE	Open	548.95	0.00		
01974 I.A.C.P MEMBERSHIP*	15-01612	06/15/15	IACP 2015 ANNUAL CONFERENCE	Open	350.00	0.00		
02025 HUNTER JERSEY PETERBILT*	15-00958	04/27/15	PARTS FOR TRUCK /JUNE	Open	2,167.28	0.00		
	15-01393	06/04/15	REPAIRS TO RECYCLING TK#33	Open	4,377.99	0.00		
					<u>6,545.27</u>			
02045 LIBERTY PARKS AND PLAYGROUNDS*	15-01960	07/28/15	6 FT BENCH WITH BACK	Open	1,883.46	0.00		
02065 S. VITALE PYROTECNICO IND CORP	15-01964	07/28/15	RETURN OF UNUSED ESCROW	Open	1,635.00	0.00		
02247 LAWSON PRODUCTS, INC.*	15-01373	06/02/15	SUPPLIES FOR DPW/JULY	Open	799.57	0.00		
	15-01742	06/30/15	SUPPLIES FOR DPW/AUG	Open	699.47	0.00		
					<u>1,499.04</u>			
02248 LAWMEN SUPPLY*	15-00539	03/03/15	BALLISTIC VESTS	Open	1,490.00	0.00		
	15-00918	04/23/15	BALLISTIC VESTS	Open	6,246.00	0.00		
					<u>7,736.00</u>			
02585 WILLIAM MASTRIANA	15-01892	07/16/15	TRAINING MEALS	Open	45.49	0.00		
03001 STATE TOXICOLOGY LABORATORY*	15-01632	06/17/15	APPLICANT TESTING	Open	135.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03109 TRU GREEN CHEMLAWN	15-00684	03/19/15	2015 14096.00 c/o#1 1355.00	Open	1,115.00	0.00		
03172 OFFICE BUSINESS SYSTEMS INC*	15-01833	07/13/15	MAINTENANCE AGREEMENT	Open	850.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	15-01851	07/13/15	TRASH BAGS - VARIOUS LOCATIONS	Open	507.39	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*	15-01774	07/07/15	INTERPRETER	Open	312.03	0.00		
03305 PEDRONI FUEL*	15-01881	07/16/15	NO LEAD GAS	Open	289.94	0.00		
03321 PATRICK MARTIN, ESQ	15-01885	07/16/15	SUBSTITUE PROSECUTOR	Open	400.00	0.00		
03427 POLAR BEAR*	15-00351	02/03/15	HVAC/FEB.	Open	937.28	0.00		
03460 V.E. RALPH & SON, INC.*	15-01705	06/26/15	PATROL SUPPLIES	Open	142.94	0.00		
	15-01815	07/08/15	PATROL SUPPLIES	Open	124.16	0.00		
	15-01832	07/13/15	GLOVES	Open	115.55	0.00		
					<u>382.65</u>			
03518 RIGGINS, INC.*	15-01947	07/24/15	OFF HIGHWAY DIESEL	Open	466.18	0.00		
03613 SEA ISLE ICE CO. INC.*	15-01679	06/23/15	ICE /DPW	Open	135.00	0.00		
03692 SOUTH JERSEY GAS CO*	15-01958	07/28/15	JULY 2015 GAS BILL	Open	2,306.64	0.00		
03723 STAPLES, INC.*	15-01796	07/08/15	OFFICE SUPPLIES	Open	81.15	0.00		
	15-01814	07/08/15	2" AVERY 8 1/2 x14 BINDER	Open	36.64	0.00		
	15-01882	07/16/15	OFFICE SUPPLIES	Open	107.25	0.00		
					<u>225.04</u>			
03734 STEWART INDUSTRIES, INC.*	15-01778	07/07/15	PRINTER MAIN 6/23/15-9/23/15	Open	2,386.98	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	15-01798	07/08/15	REIMBURSE HALF OF BILL	Open	520.98	0.00		
03844 GIACOMO TROMBETTA	15-01903	07/20/15	CONTRACTUAL REIMBURSEMENT-M	Open	25.00	0.00		
03876 UNITED WATER TREATMENT CO INC*	15-01880	07/16/15	COMPLETE WATER TREATMENT	Open	480.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03899 UPS	15-01726	06/30/15	SHIPPING	Open	22.72	0.00		
03969 VERIZON	15-01956	07/27/15	VERIZON PHONE BILL JULY 2015	Open	4,144.97	0.00		
04075 BARBER CONSULTING SERVICES LLC	15-01755	06/30/15	COMPUTER SERVICES	Open	828.75	0.00		
	15-01921	07/21/15	COMPUTER SERVICES-VIRUS SCAN	Open	1,706.25	0.00		
					2,535.00			
04080 WINNER FORD*	15-01704	06/26/15	2016 POLICE INTERCEPTOR SUV	Open	31,901.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*	15-01879	07/16/15	FIRST AIDE SUPPLIES/DPW	Open	266.31	0.00		
04115 WHITE & WILLIAMS, LLP	15-01965	07/28/15	03/01-6/30/15 LOWER VS BALDINI	Open	4,795.68	0.00		
04301 SEASHORE ASPHALT CORPORATION*	15-01235	05/15/15	ASPHALT / PAVING	Open	10,570.98	0.00		B
04504 MEDIA FIVE LTD*	15-01281	05/20/15	CONCERT SERIES @ DRBA	Open	3,500.00	0.00		
6059 USABLE LIFE	15-01967	07/28/15	AUGUST 2015 LIFE INSURANCE	Open	452.64	0.00		
6061 AMERIHEALTH ADMINISTRATORS	15-01943	07/23/15	7/20/15 HEALTH AND RX	Open	49,327.06	0.00		
	15-01957	07/27/15	7/27/15 HEALTH AND RX	Open	261,078.37	0.00		
	15-01966	07/28/15	AUGUST 2015 ADMIN/STOP LOSS	Open	44,018.92	0.00		
					354,424.35			
6071 UNITED UNIFORMS LIMITED LIAB*	15-01608	06/15/15	UNIFORMS	Open	900.00	0.00		
	15-01631	06/17/15	UNIFORMS-ATAC STORM 8" BOOT	Open	345.00	0.00		
					1,245.00			
7098 SHORE VETERINARIAN ANIMAL *	15-00279	01/27/15	2014-47 ANIMAL CONTROL SERV 15	Open	4,250.00	0.00		B
7119 ENGINEERING DESIGN ASSOC*	15-01939	07/22/15	PROFESSIONAL ENGINEERING	Open	112.00	0.00		
7147 VICTORIAN GARDENS LANDSCAPING*	15-01251	05/19/15	HEADS & CLOCK FOR IRRIGATION	Open	619.96	0.00		
7196 LAUREN HUGGINS SUIT*	15-01285	05/20/15	RES 2015-109 MAY1-JULY 31,2015	Open	400.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7271 VIRAL EVENTS								
	14-02581	10/08/14	RETURN OF UNUSED ESCROW	Open	37.50	0.00		
7324 DAVID A. STEFANKIEWICZ								
	15-00113	01/09/15	RES#2015-01 MONTHLY \$28k DNE	Open	2,333.33	0.00		B
	15-00114	01/09/15	RES 2015-01 SOLICITOR DNE \$99k	Open	5,647.22	0.00		
					<u>7,980.55</u>			
7335 MAIL FINANCE/NEOPOST								
	15-01942	07/22/15	05/17-08/16/2015 POSTAGE MACHI	Open	1,890.00	0.00		
7354 FLEETPRIDE INC.*								
	15-01242	05/19/15	GARAGE SUPPLIES/DPW	Open	2,046.07	0.00		
	15-01370	06/02/15	GARAGE SUPPLIES/DPW/JULY	Open	2,212.51	0.00		
	15-01649	06/19/15	BRAKES	Open	1,599.97	0.00		
					<u>5,858.55</u>			
7382 ADVANCED ELECTRONIC DESIGN INC								
	15-01004	04/28/15	RES 2015-131 POLICE CAMERAS	Open	23,802.00	0.00		
7400 WATCHGUARD VIDEO								
	15-01240	05/19/15	SERVER RACK PART-IN CAR CAMERA	Open	350.00	0.00		
7420 RUBBERCYCLE LLC*								
	15-01606	06/15/15	PLAYGROUND RUBBER MULCH	Open	23,850.25	0.00		
7429 NEW JERSEY CVS PHARMACY LLC*								
	15-01969	07/29/15	NOXOLONE - (NARCAN)	Open	203.99	0.00		
7442 KARIN PROCACCINO								
	15-01953	07/24/15	RES#2015-236 REFUND 2ND QRT TA	Open	433.64	0.00		
7444 C & J, LLC								
	15-01961	07/28/15	RETURN OF UNUSED ESCROW	Open	593.70	0.00		
G-HOUSEP HOUSE OF PRINT*								
	15-01639	06/18/15	PHOTOS FOR TWP HALL	Open	980.00	0.00		
PRESS PRESS OF ATLANTIC CITY								
	15-01349	05/28/15	CLASSIFIED AD FOR ASSESSOR	Open	1,428.00	0.00		
SIXSM LLOYD SIXSMITH*								
	15-01816	07/08/15	STAFF SHIRTS	Open	420.85	0.00		
VICT VICTORIAN CHARM DEVELOP.								
	15-01962	07/28/15	RETURN OF UNUSED ESCROW	Open	78.80	0.00		
<hr/>								
Total Purchase Orders:	92	Total P.O. Line Items:	0	Total List Amount:	805,887.02	Total Void Amount:		0.00

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

RESOLUTION #2015-233

Title: AUTHORIZING PAYMENT OF 2015 COUNTY TAXES (Third and Fourth Quarters)

WHEREAS, the amounts listed below are due to Cape May County and it is necessary to receive authorization for the payment of bills; and

WHEREAS, payment of County taxes and fees may be remitted through electronic payment (EFT); and

WHEREAS, it is the recommendation of the Chief Financial Officer that authorization for electronic payments be made through a resolution so that such payments are made in a timely and efficient manner; and

WHEREAS, County Tax payments are charged to non-budget appropriation County Tax 5-01-55-910-015 as certified by the Chief Financial Officer _____ payable as follows:

\$2,393,281.65 due 8/15/2015
\$2,393,281.65 due 11/15/2015

NOW, THEREFORE BE IT RESOLVED by the Township Council that the aforementioned payments to Cape May County are hereby authorized.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-234

Title: Requesting Change in Title, Text or Amount of Appropriation N.J.S.A. 40A:4-85 (Chapter 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any municipality, make such correction of the title, to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality:

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A: 4-85, the Township Council of the Township of Lower hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2015:

8. General Appropriations
 (A) Operations – within "CAPS"

<u>LINE ITEM</u>	<u>ACCT. NUMBER</u>	<u>FROM</u>	<u>TO</u>
OFFICE OF THE SOLICITOR	OE 5-01-20-155-200	211,000.00	200,400.00
OFFICE OF THE SOLICITOR	S&W 5-01-20-155-100	0	10,600.00
		<u>211,000.00</u>	<u>211,000.00</u>

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Township of Lower for the reasons hereinafter set forth:

The Prosecutor for the Township, who was being paid through the Other Expenses budget line as a vendor, resigned and was replaced by an individual who will be getting paid through salaries and wages.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015

 Julie A. Picard, Township Clerk

	MOTION	SESCOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-235

Title: Under 3% Emergency Resolution (N.J.S.A. 40A:4-48)

WHEREAS, an emergency has arisen that requires the addition of a budget line to provide funding for an inter local agreement with Lower Township Fire District #3 to provide additional services for the Diamond Beach section of Lower Township and no adequate provision was made in the 2015 budget for the aforesaid purpose, and N.J.S.A 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$10,000 and three percent of the total operations in the budget for the year 2014 is \$639,850.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower in the County of Cape May that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:
Public Safety:
Inter local Agreement – FD#3
Other Expenses **\$10,000**
2. That said emergency appropriation shall be provided in full in the 2016 budget.
3. That two (2) certified copies of this resolution be filed with the Director of Local Government Services.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

CERTIFICATION FOR EMERGENCY APPROPRIATION FORM
CHIEF FINANCIAL OFFICER

Purpose of Emergency Appropriation:

The Township of Lower entered into an inter local agreement with Lower Township Fire District #3 to provide additional services, including entering into an agreement with the Wildwood Crest Fire Company, for the Diamond Beach section of Lower Township. The 2015 municipal budget does not have an appropriate budget line to charge this expenditure making it necessary to adopt an emergency appropriation.

Date of Happening: March 2015

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? Yes

Signed _____
Lauren Read

Title _____
CFO, Township of Lower

Dated _____
8/3/2015

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

RESOLUTION #2015-236

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
689	11	Corelogic	Disabled Veteran	1,434.07
494.18	5	Karin Procaccino	Paid twice	433.64

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2015-237

Title: AUTHORIZING PAY OUT OF TERMINAL LEAVE

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Andrew Mc Graw, Jr. in the amount of \$ 2,713.78 is authorized and chargeable to the 2015 Budget Account 5-01-56-190-199.

I hereby certify the foregoing to be the original a resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

McGraw Jr., Andrew

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE: 7/27/2015

EMPLOYEE: McGraw, Andrew Jr.
 DATE OF RESIGNATION: 7/17/2015
 DATE OF PAYMENT:
 RESOLUTION #:

Annual Salary:	
Hourly Rate:	\$23.94
Longevity	\$0.00

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	23.94	0.00
Personal	(8.15)	23.94	(195.17)
Sick	15.34	23.94	367.17
Vacation	106.19	23.94	2,541.78
	113.38		
Terminal Leave Payout			\$2,713.78

	(A)	(B)	(C)	(B * C)	(E)	A + D - E	
	Carryover	Annual	29 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp				0.00		0.00	
Personal	0.00	32.00	0.56	17.85	26.00	(8.15)	contract max
Sick	63.75	120.00	0.56	66.92	100.00	15.34	50% sick hours
Vacation	123.75	155.00	0.56	86.44	104.00	106.19	
Total	187.50	307.00	1.67	171.21	230.00	113.38	

Accrual and time used are current to 7/17/15 subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

Date: _____

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

RESOLUTION #2015-238

TITLE: A RESOLUTION AMENDING RESOLUTION #2015-109; APPOINTMENT OF PUBLIC INFORMATION OFFICER WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower ("Township") has a need to acquire a Public Information Officer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, by Resolution #2015-109, Lower Township Council amended Resolution #2015-46 by adding an additional 3 month contract to Lauren Suite which expired on July 31, 2015; and

WHEREAS, the Township wishes to extend the current contract for an additional five (5) months with the term of the extension being from August 1, 2015 to December 31, 2015; and

WHEREAS, the Township has determined and certified in writing that the value of the acquisition will not exceed \$17,500, and Lauren Suit has submitted a proposal indicating that she will provide the goods or services described above for a price not to exceed \$5,000, making the total award \$10,400 for the full year; and

WHEREAS, Lower Township CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation # 5-01-20-100-285

Signature _____

WHEREAS, Lauren Suit has completed and submitted a Business Entity Disclosure Certification which certifies that Lauren Suit has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit Lauren Suit from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves a five month extension contract with Lauren Suit for the goods and services herein described and that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and that a notice of Award of Professional Contract for the above appointment shall be published in the Township's Official paper

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-239

TITLE: RESOLUTION APPROVING A SEPARATION AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THOMAS BEEBY, CAPTAIN OF THE POLICE DEPARTMENT OF THE TOWNSHIP OF LOWER

WHEREAS, Police Captain Thomas Beeby has announced his retirement effective July 31, 2015; and

WHEREAS, Captain Beeby is entitled to all the retirement benefits set forth in the Collective Bargaining Agreement dated April 16, 2013 between the Township and the Lower Township Police Superior Officers Association Local #59; and

WHEREAS, Council is in agreement with the separation agreement attached hereto as exhibit A; and

WHEREAS, this Resolution, to the extent of any conflict, shall supersede and replace the provisions of any prior Resolution and/or agreement.

NOW, THEREFORE BE IT RESOLVED, the attached Separation Agreement between the Township of Lower and Thomas Beeby, Captain of Police of the Township of Lower, is hereby approved and ratified.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

SEPARATION AGREEMENT
BETWEEN
THE TOWNSHIP OF LOWER
AND
THOMAS BEEBY
CAPTAIN OF POLICE
OF THE TOWNSHIP OF LOWER

SEPARATION AGREEMENT

THIS AGREEMENT dated _____, 2015 is by and between the Township of Lower, a municipal corporation of the County of Cape May, State of New Jersey, (herein after referred to as the "Township") and Thomas Beeby, of North Cape May, New Jersey 08204, (herein referred to as "Beeby").

WITNESSETH

WHEREAS, Beeby has announced his intent to retire as Captain of Police of the Township effective July 31, 2015.

WHEREAS, the Township and Beeby have agreed to enter into this Separation Agreement to clarify the post-retirement benefits to be afforded to Beeby.

NOW, THEREFORE, in consideration of the mutual promises and representations herein contained, and intending to be legally bound, the parties understand and agree as follows:

- I. **Compliance with Collective Bargaining Agreement.** The Township has agreed to comply fully with the requirements set forth in the Collectively Bargained for Agreement between the Township and The Lower Township Police Superior Officers Association Local #59 (hereinafter "Agreement") dated April 16, 2013 as to Beeby's retirement.
- II. **Insurance, Health & Welfare.**
 - a. Beeby has selected health insurance coverage under Direct Access Design 7 Public 10 or its current equivalent . Beeby's retiree benefits provided under Article 12 of the Agreement shall be equal to or greater than that coverage (Currently AmeriHealth Administrators 15).
 - b. The benefits included in Article 12 of the Agreement shall also include his legally eligible spouse and dependents.
 - c. Beeby shall be eligible to opt out of any Medicare Supplemental Plan consistent with the provisions of Article 12 Paragraph (c)(2)(b) of the Agreement.
- III. **Testimony Compensation.** The Township has agreed that in the event(s) that the Captain is subpoenaed or requested by the Township to testify in court, depositions, or appear before any municipal, county, state, or federal agency regarding his former duties as Captain, Beeby shall be remunerated at a per diem rate of \$300.00, to include all expenses including gas, tolls, meals,

etc. The amount of Township funds for this purpose shall be capped at \$10,000.00.

- IV. **Non-Precedent.** This Separation Agreement shall not be interpreted or used as a guide or benchmark for any other employment contract or terms and conditions of any other employee including Collective Bargaining Agreements and Separation Agreements.

- V. **Entire Agreement.** This Separation Agreement represents and incorporates the complete and final understanding between the parties on all issues that form the subject matter of this contract. In the event of any conflict or dispute, it shall be resolved first through non-binding arbitration dispute resolution and if not settled, then through binding arbitration in accordance with the rules of the American Arbitration Association, if requested by Beeby or the Township.

- VI. **Severability.** In the event that any section or part of this Separation Agreement shall be found void or unenforceable, such section or part shall be deemed to be surplusage and the remainder of the Separation Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have caused these presents to be properly signed and sealed this _____ day of _____, 2015.

BY: _____
Thomas Beeby, Captain Retiree

By: _____
William Mastriana, Chief of Police

BY: _____
James Ridgway, Township Manager

BY: _____
Michael Beck, Mayor

BY: _____
Julie A Picard, Township Clerk

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

RESOLUTION # 2015-240

TITLE: AUTHORIZING THE SALE OF TOWNSHIP OF LOWER SURPLUS NO LONGER NEEDED FOR PUBLIC USE ON GOVDEALS ONLINE AUCTION WEBSITE

WHEREAS, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and;

WHEREAS, the Township of Lower intends to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the Township surplus property; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of in the County of Cape May, State of New Jersey, that the Township of Lower is hereby authorized to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the surplus property as indicated on Schedule A on an online auction website.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

**RESOLUTION #2015-
SCHEDULE A**

Authorization to Auction the following items:

Fixed Asset	Quantity	Year	Description	VIN #	Location
1487	1	2000	Ford Explorer/ White	1FMZU72E7YZC55227	Public Works
1410	1	2000	Ford Sterling/ White	2FZXEECB6YAF61626	Public Works
1527	1	2002	Ford F150 Pickup/ White	1FTPF18L82NA82695	Public Works
1960	1	2005	Freightliner Elgin SC8000 Street Sweeper	49HAADB95DN90232	Public Works
1351	1	1999	GMC 3500SL/ White	1GDJK34J0XF062021	Public Works

Council Meeting August 3, 2015

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

RESOLUTION 2015-241

TITLE: SUPPORT FOR S2775 AND A4215 CALLING FOR AN INCREASE IN SHORE PROTECTION FUNDING FROM \$25 MILLION TO \$50 MILLION FROM THE COLLECTION OF REALTY TRANSFER FEES

WHEREAS, New Jersey is recognized as a national leader in shore protection, serving as a model for states throughout the nation; and

WHEREAS, for the past two decades, a \$25 million annual Fund has served as a catalyst for the state to acquire federal matching dollars of 65% to New Jersey's 35% share for important coastal projects; and

WHEREAS, the dedicated \$25 million annual allocation for the New Jersey Shore Protection Fund has supported a unique and successful cost-sharing partnership with the federal government in replenishing eroded beaches along the 127 mile Jersey coastline and 83 miles of Raritan and Delaware Bay shorelines which provide an unsurpassed combination of ecological riches, economic opportunity and quality of life for both residents and visitors alike; and

WHEREAS, miles of sandy beaches, bustling boardwalks and busy coastal waterways contribute over \$19 billion annually or one half of the State's total \$38 billion tourism revenue; and

WHEREAS, 1.5 million migratory shorebirds call New Jersey's pristine wildlife refuges and tidal wetlands home and our bays, rivers, marine estuaries and oceanic habitat contribute to a commercial fishing industry that harvests over 50 different species of finfish and shellfish annually, boasting world-class recreational fishing, clamming, and crabbing; and

WHEREAS, New Jersey's Shore Protection Program was created to provide for the protection of life and property along the coast, preserve the vital coastal resources of New Jersey, and maintain safe and navigable waterways throughout the state; and

WHEREAS, New Jersey, must work with the Army Corps of Engineers, to develop comprehensive adaptation plans for coastline communities that include improving navigable waterways, erosion control and increasing flood protection against sea-level rise and the potential for more frequent and energetic storms; and

WHEREAS, the \$25 million allocated from the Shore Protection Fund is insufficient to meet current and anticipated future matching costs of the Corp of Engineers and State of New Jersey replenishment projects and other needed coastal protection projects around the state, especially with the anticipated reduction in federal funding for beach replenishment projects in 2015.

NOW, THEREFORE BE IT RESOLVED that the Lower Township Council calls on the elected officials of New Jersey to increase funding for the New Jersey Shore Protection Fund from \$25 million to \$50 million from the collection of realty transfer fees by approving Senate bill 2775 and Assembly bill 4215 in order to meet the needs of future coastal protection projects, and to provide a further incentive for federal matching funds.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SSECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-242

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, Mary Rose Bispels, Alternate Member of the Recreation Advisory Board has a term which will expire on June 30, 2016 and she has tendered her resignation to the Board; and

WHEREAS, Council has reviewed the applications currently on file in the Clerk's office.

NOW, THEREFORE, BE IT RESOLVED the following individual is hereby appointed to the Recreation Advisory Board.

<u>NAME</u>	<u>TYPE</u>	<u>TERM EXP</u>
	Alternate Member	June, 2016

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTIUN #2015-243

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, Bruce Fournier, Alternate Member of the Recreation Advisory Board has a term which will expire on December 31, 2015 and he has tenured his resignation to the Board; and

WHEREAS, Council has reviewed the applications currently on file in the Clerk's office.

NOW, THEREFORE, BE IT RESOLVED the following individual is hereby appointed to the Recreation Advisory Board.

<u>NAME</u>	<u>TYPE</u>	<u>TERM EXP</u>
	Alternate Member	December 31, 2016

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

FOR TOWNSHIP USE ONLY

Res. # _____

Board/Comm./Auth. _____

Term Exp. _____

Replaced _____ or Reappointed _____

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM



NAME Eileen Kreis

CITY AND STATE Villas, NJ

YEARS OF RESIDENCY IN TOWNSHIP 15 yrs OCCUPATION CONFIDENTIAL SECRETARY

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

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

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

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

PREVIOUSLY SERVED ON RAB

INVOLVED TO MANY COMMUNITY EVENTS

RAW MOVIE NIGHTS IN THE PARK

ROLLER SKATING IN THE PARK

Date: 7/21/15 Signature: Eileen Kreis (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

FOR TOWNSHIP USE ONLY

Res. # _____ Board/Comm./Auth. _____

Term Exp. _____ Replaced _____ or Reappointed

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM



NAME Robert Osborn

CITY AND STATE NEM NJ

YEARS OF RESIDENCY IN TOWNSHIP 25 OCCUPATION Painter

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

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

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

Bachelors Degree Finance 9/2015

Youth Coach Loweres in Township

Lower trwp optomist Club

Rec Advisory Board Lower trwp 10yrs

Date: 7/9/15 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

FOR TOWNSHIP USE ONLY

Res. # _____

Board/Comm./Auth. _____

Term Exp. _____

Replaced _____ or Reappointed

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

NAME Maria Gegan

1-15-15 p.

CITY AND STATE N. Cape May N.J.

YEARS OF RESIDENCY IN TOWNSHIP 30 OCCUPATION School nurse (RN)

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

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

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

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

Youth Camp Counselor, YMCA Lifeguard, Leaders
Club V.P., Originally Phys. Ed major switched to nursing.
1985 Registered Nurse License. 20 yrs. taught gymnastics
for CM City. Started toddler tumbling classes program - CM.
Co-coached Soccer - L.T. - School volunteer over 25 years.
Co-founder 'save our Lady Star of Sea School' committee.
5+ yrs. WWC.H.S Casino Committee. Involved with successful
state and U.S. senate campaigns. I have been involved with
recreation my whole life.

Date: 1/15/15 Signature: Maria Gegan (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

FOR TOWNSHIP USE ONLY

Res. # _____

Board/Comm./Auth. _____

Term Exp. _____

Replaced _____ or Reappointed _____

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

RECEIVED
8-14-14

NAME GORDON MASON

CITY AND STATE N. CAPE MAY, NJ

YEARS OF RESIDENCY IN TOWNSHIP 10 OCCUPATION _____

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

Cable Television Advisory Board

Municipal Utilities Authority

Environmental Commission

Planning Board

Historic Preservation Commission

Recreation Advisory Board

Citizen Advisory Board

Zoning Board of Adjustment

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

US MERCHANT MARINE ACAD - KINGS POINT - BS ENGINEERING
- NAVY COMMISSIONER

UNIVERSITY OF MICHIGAN - BSA BUSINESS

SEATON HALL UNIV. - MBSA - FINANCE

GLEN RIDGE NJ BOARD OF EDUCATION 6 years - 240 PERS.

PRESIDENT / CEO SEVERAL COMPANIES

" " ELECTRO MAGNETIC PRODUCTS INC.

Date: 8/13/14 Signature: Gordon C. Mason (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

Township of Lower
Recreation Advisory Board
2600 Bayshore Road
Villas, NJ 08251

Mayor & Council

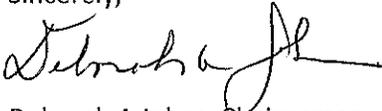
The Recreation Advisory Board would like to recommend Eileen Kreis and Robert Osborne to fill the vacated seats on the Board.

Both Eileen and Bob have previously served on the Board. They both are dedicated to promoting recreation in our Township.

They would be an asset to the Board.

We appreciate your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A. Johns". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Deborah A Johns, Chairperson

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

ORDINANCE #2015- 07

TITLE: ORDINANCE REVISING AND RESTATING CHAPTER 178, BEACHES
OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, the Township Council of the Township of Lower desires to amend and restate Chapter 178 of the Code of the Township of Lower concerning Beaches and Beach Regulations; and

WHEREAS, the Lower Township Recreation Advisory Board has requested that Chapter 178 be expanded to regulate the Beaches in the Township of Lower.

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

Section 1. Chapter 178, titled BEACHES is hereby stricken and replaced with the following:

Chapter 178. BEACHES

ARTICLE 1. Beach Regulations

§ 178-1. **Findings, Applicability and Designation of Approving Agency, Public Trust Doctrine.**

- A. The Township controls for the use of the general public the beach and approaches thereto and the bathing area adjacent to the beach for the enjoyment, recreation, pleasure, safety, health, peace and quiet of all persons seeking the privilege of such facilities; and it is deemed advisable and expedient for the preservation of order and public health and safety, and for the best interests of those persons seeking such privileges and facilities, to ordain rules and regulations for the government, supervision, use and policing of the beaches, bathing areas in the ocean, bay and canal adjacent thereto, and the approaches thereto.
- B. This article shall apply to all beaches, dunes, beach access and supporting facilities under the jurisdiction of the Township, unless expressly exempted.
- C. The public's right of access to tidal waters for fishing, commerce and navigation embodied in the "Public Trust Doctrine" have long been recognized by New Jersey's Courts. A series of court decisions beginning in the 1970's extended those rights to include recreation, access to municipally controlled beaches and in some settings, to privately owned beaches. Public access rights have historically been enforced through litigation, through New Jersey Department of Environmental Protection (NJDEP)

permitting actions or through conditions on State Aid for shore protection.

§ 178-2. Definitions.

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

BEACHES: Includes beaches, dunes, designated public access paths and structures, outfalls, restroom(s), parking or other public facilities or parts or appurtenances whatsoever, whether real or personal property of the Township at the following areas

- A. All that area from the Township line in the Villas Section southward to the north border of the Borough of Cape May Point
- B. From the east border of the Borough of Cape May Point to the west border of the City of Cape May.
- C. From the south border of the Borough of Wildwood Crest to the Cape May Inlet.
- D. The beaches on both sides of the Cape May Canal from the Delaware Bay to Cold Spring Harbor together with the bathing areas adjacent thereto.

In-season: Means use of the beaches beginning on the last Friday prior to Memorial Day weekend through to and including the first Monday following Labor Day weekend of any given year.

Off –season: Means use of the beaches beginning on the first Tuesday following Labor Day weekend through to and including the last Thursday prior to Memorial Day weekend of any given year.

§ 178-3. Rules and regulations

It shall be unlawful and an offensive course of conduct to violate or participate in the violation of any rule or regulation hereinafter set forth, which rules and regulations are hereby adopted for and shall apply to the government, supervision, policing and use of the aforesaid areas.

1. Personal Conduct, Waste, Structures and Vegetation
 - A. To engage in the playing of any game which endangers the health and safety of others, including but not limited to the use of surfboards from the center line of Rochester Avenue north to the dividing line between the Township of Lower and the Borough of Wildwood Crest, on the Atlantic Ocean.
 - B. To transport or place any rubbish, refuse, garbage or other material that pollutes or interferes with the use and enjoyment of the beach. Such items shall be deposited in receptacles so

provided. Where receptacles are not provided, all waste will be carried away from the beach by the person(s) responsible for its presence and such waste shall be properly disposed of elsewhere.

- C. To dress, undress or change clothing for bathing or other purpose in any passenger automobile, bus, truck or vehicle of any kind regardless of whether the doing thereof is in public view or can be seen by any other person or persons.
- D. To possess either in opened or unopened containers and/or to consume alcoholic beverages within the areas defined as the beach and approaches thereof. Nor shall any person be under the influence of intoxicating liquor or drugs.
- E. To revel, disport, or behave in a noisy or boisterous manner, emitting loud cries and other noises, or playing of loud music so as to inconvenience others, or otherwise disrupt and disturb the public peace and dignity within the areas defined as the beach or approaches thereto.
- F. To act in a loud, indecent, obscene, or offensive manner within the defined areas.
- G. Mark, deface, disfigure, injure, tamper with or displace or remove any tables, benches, public access structures, outfalls, restroom or other public facilities or parts or appurtenances whatsoever, whether real or personal property of the Township.
- H. Dig, damage, trample or remove any vegetation from the beach or dune. Nor dig or remove sand from any dune with exception of authority of the Township.
- I. To trespass upon any dunes, except as paths are designated and marked for public use.

§ 178-4. Violations and penalties. [Amended by Ord. No. 81-12]

Anyone violating any of the provisions of this article shall be a disorderly person and, upon conviction thereof before a proper officer having jurisdiction, be subject to a fine in any sum not exceeding \$500, and in default of payment of said fine be imprisoned in the county jail for a term not exceeding 30 days; and any repetition of any act herein prohibited shall be deemed a separate and distinct offense.

ARTICLE II **Vehicles on Beaches**

§ 178-5. Operation of motor vehicles

It shall be unlawful for any person on a beach to:

- A. Operate a motor vehicle, including an automobile, motorcycle, truck or any other similar type of conveyance driven by power, on any of the beaches within the Township.

- B. Permit the operation of any motor vehicle, including an automobile, motorcycle, truck or any other similar type of conveyance driven by power, owned by him on any of the beaches of the Township.
- C. Occupy any motor vehicle, including an automobile, motorcycle, truck or any other similar type of conveyance driven by power, on any of the beaches of the Township.
- D. Nothing herein contained shall apply with respect to ambulances, life-saving vehicles, or other similar vehicles, nor shall anything herein contained apply to any bona fide construction equipment or equipment used in the maintenance or cleaning of any of the aforesaid beaches.

ARTICLE III
Animals on Beaches

178-6 Control and care of animals.

It shall be unlawful for any person on a beach to:

- A. Cause or permit any animal to run loose.
- B. Have animals other than service animals on the beach between the hours of 11:00 am and 4:00 pm in-season.
- C. Leashed animals are permitted anytime of the day during the off-season.
- D. Leave dropping from an animal on a beach or dune. All such waste shall be picked up by the person(s) in charge of that animal. Such waste shall be deposited in receptacles so provided. Where receptacles are not provided, all waste will be carried away from the beach by the person(s) responsible for its presence and such waste shall be properly disposed of elsewhere.

ARTICLE IV
**Fires, Firearms, Fireworks and
Weapons on Beaches**

178-7 Have or use fires, firearms, fireworks and weapons

It shall be unlawful for any person on a beach to:

- A. Kindle, build, maintain or use a fire or ANY OPEN FLAME.
- B. Have in their possession, sell, distribute or set off fireworks or explosives.
- C. For any person other than law enforcement officers to carry or otherwise possess or control a destructive device or weapon.
- D. Destructive devices or weapons include but are not limited to all firearms, knives and other items used for the purpose of harm to another person or property.

ARTICLE V
Advertising, Soliciting, Assemblages, Entertainment and Sale of Merchandise

178-9 Advertise, solicit, assemble, entertain and sell merchandise.

It shall be unlawful for any person on a beach to:

- A. Post, paint, affix, distribute, place, cast or leave any bill, billboard, placard, ticket, handbill, circular or advertisement without prior approval by the Township.
- B. Operate for advertising or entertainment purposes a musical instrument or soundtrack.
- C. Hold or conduct political assemblages or campaigning activities.
- D. Expose or offer for sale any article without a license and written permission from the Township.

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 provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Dave Perry Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael E Beck, Mayor

Adopted:

Attest: _____
Julie A Picard, Township Clerk

Ordinance #2015-08

AN ORDINANCE AMENDING CHAPTER 1 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER

WHEREAS, Article III, Section 1-21 Schedule B of the Revised General Ordinances of the Township of Lower governs general penalties for certain non-traffic violations; and

WHEREAS, the Township of Lower, at the direction of the Municipal Solicitor, has determined that said Ordinance, specifically Schedule B, must be modified, to reset certain penalties for non-traffic ordinance violations and those requiring mandatory court appearances.

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

Section 1. Section 1-21 Mandatory Minimum Fines or Penalties

- A. The following mandatory minimum fines or penalties are hereby established for the offenses described for traffic violations marked Schedule A

**Schedule A
Mandatory Penalties for Traffic Violations**

Code Section	Description	Penalty
7-3.3	Parking prohibited - all times	\$50
7-3.3 through 7-4.3	Parking prohibited - certain streets	\$50
7-4.1	Trucks limited (over 4 tons) on streets	\$100
7-4.3	Limited overnight parking	\$100
7-4.3(c)	Minimum penalty 1st offense	\$100
7-7	Loading zone	\$50
7-10	No left turn	\$50
467-3	Handicapped parking	\$100
467-4	Towing/handicapped parking space	\$25
607-4	Parking restrictions (North Cape May Shopping Center)	\$100
607-5	Speed limit within parking area (North Cape May Shopping Center)	\$75
Ch. 617, Art. III	Parking of detachable trailers	\$25

- B. The following mandatory minimum fines or penalties are hereby established for the offenses described for non-traffic offenses marked schedule B. Mandatory court appearances shall be required for those offenses so noted on the list marked schedule B

**Schedule B
Mandatory Penalties for Non-traffic Offenses**

Code Section	Description	Penalty
157-1	Possession/consumption of alcoholic beverage in public	\$150
157-2	Regulate off-premises sales of alcoholic beverages	Mandatory court appearance
166-1B	Dog running loose	\$100
166-2A	Dog license required	\$100
166-4	Defecation on public or private property (dogs)	\$100
178-3A	Beach playing games	\$30
178-3B	Littering on beach	\$100

Schedule B
Mandatory Penalties for Nontraffic Offenses

Code Section	Description	Penalty
178-3C	Changing clothing on beach/in automobile	\$100
178-3D	Possession/consumption of alcohol beverage on beach	\$150
178-3E	Disturbing the public peace on beach	\$30
178-3F	Offensive behavior on beach	\$75
178-3G	Damage, destruction, and removal of Township property	\$100
178-3H	Removing or damaging vegetation/sand from Dunes	\$100
178-3I	Trespassing upon Dunes	\$100
178-5A&B	Operation of motor vehicle on beach	\$150
178-5C	Occupancy of motor vehicle on beach	Mandatory court appearance
178-6A	Permitting any animal to run loose on beach	\$100
178-6B	Animals on beach between 11am and 4pm	\$100
178-6D	Failing to dispose of animal droppings on beach	\$100
178-7A	Open flames on beach	Mandatory court appearance
178-7B	Fireworks and/or explosives on beach	Mandatory court appearance
178-7C	Possession of a destructive device or weapon on beach	Mandatory court appearance
178-9A	Post, paint, affix, distribute, place, cast or leave any bill, billboard, placard, ticket, handbill, circular, or advertisement on the beach without Township approval	\$150
178-9B	Operate a musical instrument or soundtrack on the beach for advertising or entertainment purposes	\$150
178-9C	Hold or conduct political events on the beach	\$150
178-9D	Expose, offer, or sell any article without a license on the beach	\$150
185-2	Obnoxious brush, weeds, garbage and similar matter	Mandatory court appearance
230-2	Loitering in public places	Mandatory court appearance
230-3	Indecent or profane language	Mandatory court appearance
230-4	Throwing stones or missiles	Mandatory court appearance
230-5	Mutilating property	Mandatory court appearance
230-6	Indecent exposure	Mandatory court appearance

Schedule B
Mandatory Penalties for Nontraffic Offenses

Code Section	Description	Penalty
230-7	Permitting noisy/disorderly conduct	Mandatory court appearance
230-8	Permitting smoke or fumes	Mandatory court appearance
230-9	Obstructing streets or sidewalks	Mandatory court appearance
230-10	Starting fires	Mandatory court appearance
230-11	Obstructed view at corners	Mandatory court appearance
273-1	Drug paraphernalia	Mandatory court appearance
351-19C(2)(a)	Illegal passage across sand dune by foot or vehicle	\$200
400-57C	Parking of commercial vehicles in residential zone	\$150
419-2	Littering/rubbish prohibited	\$100
419-3	Proper placement of litter in receptacles	\$100
419-4	Sweeping of litter restricted; clearing of sidewalks	\$100
419-6	Throwing litter from vehicles prohibited	\$250
419-7	Litter and dirt from vehicles prohibited	\$250
419-8	Distribution of commercial handbills	\$150
419-9	Distribution of noncommercial handbills	\$150
419-10	Commercial handbills in or upon vehicles	\$150
419-11	Distribution of handbills on vacant premises	\$150
419-13	Posting notices on public property prohibited	\$150
419-14	Litter and compost on private property	Mandatory court appearance
419-15	Maintenance of private property litter free	Mandatory court appearance
Ch. 432	Regulations for mercantile licenses	\$100
441-6B(4)	Loading/unloading boxes, crates, containers, etc., between hours of 10:00 p.m. and 8:00 a.m.	\$150
459-3	Delinquency of a minor	Mandatory court appearance
Ch. 500		
302.1 ^m	Failure to remove debris	\$50

Schedule B
Mandatory Penalties for Nontraffic Offenses

Code Section	Description	Penalty
302.4 ⁽²⁾	Failure to cut grass or weeds	\$50
564-4	Solicitation without a permit	Mandatory court appearance
570-4A(2)	Trash placed at curb before allowed times	\$50
570-10	Failure to separate recyclable items from trash	\$150
617-2	Storing trailer within six feet of property line	\$100
617-3	Storing trailer closer to street than house	\$100
617-11	Parking trailer	\$100
633-2	Storage of motor vehicle on private property	Mandatory court appearance
647-1	Operation of unlicensed motor vehicle	Mandatory court appearance

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 provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael E Beck, Mayor

Adopted:

Attest: _____
Julie A Picard, Township Clerk

PERSONNEL ACTIONS

Report for Council Meeting of 08/03/2015

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Public Safety	Beeby, Thomas	07/31/2015		Retired	Police Captain	yes
Public Safety	Biersbach, Martin	08/01/2015	Beeby, Thomas	Promotion	Police Captain	yes
Public Safety	Priole, William	08/01/2015	Biersbach, Martin	Promotion	Police Lt.	yes
Assessor	Amonette, Arthur	07/31/2015		Retired	Tax Assessor	yes
Assessor	Dowe, Jennifer	07/30/2015		New Hire	Tax Assessor	yes

Date of report: 07/31/2015

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

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

RESOLUTION # 2015-244

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.

_____ (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.

 X (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 August 3, 2015 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 the original resolution adopted by the Township Council at a meeting held on August 3, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						