

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
August 20, 2018 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum

Work Session

Schellengers Landing Presentation – Project Engineer Joe Maffei, EDA

Consent Agenda

- Approval of NJ State Fireman's Assoc Membership Application J.Sweeten – Erma Volunteer Fire Department
Approval of Minutes – August 6, 2018
Res. #2018-258 Payment of Vouchers \$ 187,241.75
Res. #2018-259 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (DEDR \$31,409)
Res. #2018-260 Appointing Municipal Humane Law Enforcement Officers (B.McEwing & K.Black)
Res. #2018-261 A Resolution Approving Salary Increases Per Article XI Section H of the Lower Township Supervisors Union Contract
Res. #2018-262 A Resolution Approving A Salary Increase for A Non Union Employee
Res. #2018-263 A Resolution Authorizing a Shared Service Agreement Between the Township of Lower and the Lower Township Municipal Utilities Authority
Res. #2018-264 A Resolution Authorizing a Shared Service Agreement Between the Township of Lower and the Lower Township Elementary Schools
Res. #2018-265 A Resolution Requesting Release of a Demolition Bond for Block 334.13, Lot 13; 36 Texas Avenue, Villas, NJ 08251 (\$1,000)
Res. #2018-266 A Resolution Supporting An Open Space/Historic Preservation Grant Application for the Naval Air Station Wildwood Aviation Museum
Res. #2018-267 Approving a Professional Service Contract With Mott MacDonald for the Preparation and Submission of an Application to the NJDOT Under the Municipal Aid Program for FY2019
Res. #2018-268 Approval to Submit A Grant Application and Execute A Grant Agreement With the New Jersey Department of Transportation for the Roseann Avenue Roadway and Utility Improvements Phase 3 Project
Res. #2018-269 A Resolution Approving A Salary Increase Per Article XIII, Section D of the Lower Township Office Workers Association – AFSCME Union Contract
Res. #2018-270 Amending Resolution #2018-235; Correcting Appropriation Line to be Charged for Services (Blauer Assoc)
Res. #2018-271 Approving a Professional Service Contract with Mott MacDonald for the Preparation of Small Cities CDBG 2019 Grant Application; ADA Improvements at Clem Mulligan Sports Complex
Res. #2018-272 A Resolution Requesting Release of Performance Guarantee For FCF Realty (Cape Liquors); Block 776, Lots 10-20 & 34-38, Escrow #P17-08-07
Res. #2018-273 Authorization for the Payout of Accumulated Compensatory Time (M.Nuscis \$1,972.27)
Res. #2018-274 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website
Res. #2018-275 A Resolution Appointing Bruce A MacLeod, CTC, As Acting/Interim Tax Collector for the Township of Lower to Maintain Continuity During the Temporary Absence of the Township's Tax Collector
Res. #2018-276 Bid Acceptance and Contract Award for Reconstruction of Georgia Avenue, Alabama Avenue & Main Street (South State Inc \$428,817.18)
Res. #2018-277 Authorizing Competitive Contracting for Banking Services for the Township of Lower
Res. #2018-278 Bid Acceptance and Contract Award of Grinding, Processing and Removal of Brush, Stumps, Large Wood and Chips (Britton Industries \$144,950)
Res #2018-279 A Resolution Requesting Release of Performance Guarantee for DeGroff Major Subdivision; Block 792, Lots 6.01, 6.02, 7,9,22-25; Escrow #P 17-01-04
Res. #2018-280 Capital Budget Amendment
Ordinance # 2018-18 – Bond Ordinance Providing for Phase 3 of Drainage and Stormwater Management Improvements and Associated Roadwork to Roseann Avenue and Bayshore Estates, By and in the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"); Appropriating \$3,900,000 therefor and Authorizing the Issuance of \$3,900,000 Bonds or Notes to Finance the Cost Thereof - Public hearing for this Ord will be Sept. 5

Regular Agenda

Ordinance #2018-13 An Ordinance Amending Chapter 475, Parks and Recreation, of the Code of the Township of Lower, Adding Section 16 to Article IV, Fees and Reimbursements, In Order To Establish A Memorial Bench Dedication Program. This is the

second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

Ordinance #2018-14 Amending Chapter 617 – Trailers, Article II – Trailer Regulations, Section 15 of the Code of the Township of Lower to Add a New Section, 617-15(G)(2), To Regulate the Use and Occupancy of Shipping Containers in Residential Dwellings . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

Ordinance #2018-15 An Ordinance of the Township of Lower Releasing, Extinguishing and Vacating the Public Rights of a Portion of Lucille Avenue . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

Ordinance #2018-16 An Ordinance Authorizing the Township of Lower to Convey a Deed of Easement to the Property Owners of Block 369.01, Lot 1 In Order to Provide Said Owners Access to the Village Road Right-of-Way in Order to Allow for the Repair, Reconstruction and Maintenance of the Bulkhead Located within the Village Road Right-of-Way . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

Ordinance #2018-17 An Ordinance Authorizing the Township of Lower to Accept a Deed of Easement From the Property Owners of Block 369.01, Lot 1 in Order to Permit the Township of Lower to Maintain, Construct and Repair the Dune and Beach Waterward to the Existing Bulkhead Through a Portion of Block 369.01, Lot 1 . This is the second reading and Public Hearing of this Ordinance. This Ordinance has been Published, Posted and made available to the public.

Manager's Report

Engineer's Report – Mark Sray, Mott MacDonald

Administrative Reports

Personnel Action Report
Monthly Reports – Clerk, Construction, Dog, Fire, Tax, Vital Statistics
Certificate of Determination and Award of July 18, 2018 Bond Sale

Council Comments

Call to the Public

Closed Session

Res. #2018-281

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. **Attorney/Client Privileged / Possible Litigation**

Adjournment

COUNCIL MEETING MINUTES – August 6, 2018

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 6, 2018 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 Roland Roy, Jr.
Deputy Mayor Frank Sippel
Mayor Erik Simonsen

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

Work Session

Presentation - Atlantic County Municipal Joint Insurance Fund - Paul Miola, Executive Director

Paul Miola addressed Council to give an update on the ACM JIF and an overview of the resources available to its members.

Manager Ridgway thanked Mr. Miola for the update, and acknowledged Julie Picard and Kathy Brown for their involvement with JIF.

Councilmember Conrad shared favorable comments about JIF and thanked Mr. Miola for his efforts.

Mayor Simonsen thanked Mr. Miola and Julie Picard for their efforts.

Consent Agenda

Approval of Minutes July 16, 2018

Res. #2018-246 Payment of Vouchers \$ 893,137.75

Res. #2018-247 Authorization for the Payout of Accumulated Compensatory Time (E.Edwards \$3,366.58)

Res. #2018-248 Approving a Professional Service Contract with Mott MacDonald for Professional Engineering Services for the Recreation Center Restrooms Upgrade Project (\$32,750)

Res. #2018-249 Issuance of Ice Cream Peddling and Ice Cream Salesman License for the Year 2018 (Kona Ice)

Res. #2018-250 Authorizing a Professional Service Contract Without Public Bidding with Mott MacDonald to Review U.S. Army Corps of Engineer (USACE) Plans for Proposed Hereford Inlet to Cape May Inlet Beachfill Project (\$3,500)

Res. #2018-251 Amend Resolution for GovDeals to Retain 2009 Dodge Durango Vin #1D8HB38P49F712913 Into the Township Fleet Inventory

Res. #2018-252 Authorizing Payment of 2018 County Taxes (Third and Fourth Quarters)

Res. #2018-253 A Resolution Authorizing a Grant Application to the Cape May County Open Space Program for the Restoration of the Nathaniel Foster House

Res. #2018-254 Authorization for Refund of Taxes (\$1,163.52)

Res. #2018-255 Approving a Professional Service Contract with DeBlasio & Associates for Professional Engineering Services for the 2018 Road Program; Miramar Ave, Foster Ave, Idell Rd, Woolson Rd and Crescent Dr (\$70,000)

Res. #2018-256 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Rural Business Development Grant \$25,000)

Res. #2018-257 Resolution Authorizing Contracts with Approved State Contract Vendor Asplundh Tree Expert Company for Contracting Units Pursuant to N.J.S.A. 40A:11-12a

Ordinance #2018-13 An Ordinance Amending Chapter 475, Parks and Recreation, of the Code of the Township of Lower, Adding Section 16 to Article IV, Fees and Reimbursements, In Order To Establish A Memorial Bench Dedication Program

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This is the first reading of Ordinances #2018-13,14,15,16 & 17. The second reading and public hearing for each of the Ordinances is scheduled for August 20th.

Bill Greenfield, Villas, questioned the engineering costs for restroom upgrades, Res. #2018-248. Manager Ridgway informed of ADA requirements and other factors involved.

Bill Greenfield, Villas, inquired about meeting minutes from the Recreation Advisory Board. Eileen Kreis assured Mr. Greenfield that she is working on it.

On the Consent:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
PERRY			X			
ROY	X		X			
SIPPEL		X	X			
SIMONSEN			X			

Regular Agenda

Manager's Report

Manager Ridgway gave an update on several matters including: the feasibility study for a berm in the Villas, the possibility of opportunity zones in the Township, and plans for upgrades to Schellenger's Landing area. He commented on the success of the Youth Camp and departmental reports from the CFO.

Mayor Simonsen spoke with optimism about the opportunity zone and how it may benefit the Township. He also shared his vision for Schellenger's Landing.

Administrative Reports

Finance Quarterly Report
 Certification of Mailing of Tax Bills

Council Comments

Councilmember Conrad encouraged support for the Villas Volunteer Fire Co. and Disabled American Veterans. He informed of Verizon's area code requirement starting August 18, 2018 and updated on road construction and beach access paths. He made favorable comments about Desert Highway and the Summer Concert Series.

Councilmember Perry gave updates on infrastructure improvements and the Roseann Ave project. He urged people to stay off the dunes and informed that trespassers will be prosecuted.

Councilmember Roy reminded about National Night Out.

Deputy Mayor Sippel shared details about the Youth Camp and reminded about the fund raiser concert to benefit the Children's Assistance Fund.

Mayor Simonsen thanked Deputy Mayor Sippel and the Police Department on the Youth Camp and announced a public meeting regarding the Ocean Drive Bridge Project.

Manager Ridgway commended the Recreation Department for the success of the Coombs/Douglass Bayfront Run.

Mayor Simonsen shared details about new programs starting soon at the Recreation Department. Manager Ridgway shared additional information about the programs. Mayor Simonsen announced Corey Booker's attendance at Sunset Beach and gave an update on progress at the Cape May County airport complex, including an anticipated NJ Transit route. He also informed that Temple University will be practicing at LCMR High School.

Call to the Public

Emmit Vandergrif, Dennis Township, owner of Evergreen Curative LLC, addressed Council to provide information about a NJ based, healthcare professional-founded, medical marijuana organization, and to seek Council's consideration to open a dispensary in the Cape May County airport complex. He stated that he anticipates approval for a greenhouse in Dennis Township and is also seeking approval for a dispensary in West Cape May. Solicitor Stefankiewicz briefly explained the application requirements and deadline information. Councilmember Conrad voiced concern about zoning approval. A brief discussion ensued. Mayor Simonsen suggested further discussion in closed session at a future meeting.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Perry. Motion to adjourn was unanimous. Meeting adjourned at 7:59 p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01171 VERIZON WIRELESS - TOWNHALL	18-02155	08/07/18	IPHONE BILL #723051842-00001	Open	946.63	0.00		
01220 DRAEGER, INC*	18-02065	07/27/18	DRAGER	Open	179.00	0.00		
01389 EDDIE'S AUTO BODY*	18-01959	07/18/18	REPAIR -T-1	Open	1,298.28	0.00		
01730 GTBM INC.*	18-02056	07/26/18	AVL - TRACKING POLICE CARS	Open	1,920.00	0.00		
01734 CHURCH'S SEASHORE NURSERY INC*	18-02043	07/25/18	SPRINKLER HEADS	Open	807.94	0.00		
	18-02063	07/27/18	REPAIR SPRINKLER SYSTEM	Open	311.50	0.00		
					1,119.44			
01806 ANTHONY J HARVATT, II, ESQ	18-02140	08/03/18	PREPARATION OF RESOLUTION 7/12	Open	900.00	0.00		
01873 HOME DEPOT*	18-00916	03/29/18	SUPPLIES/APRIL	Open	28.59	0.00		
	18-01732	06/14/18	DEHUMIDIFIER	Open	416.49	0.00		
					445.08			
01898 HERITAGE BUSINESS SYSTEMS, INC*	18-02024	07/24/18	QUARTERLY BASE 6/9/18-9/2/18	Open	1,588.55	0.00		
02247 LAWSON PRODUCTS, INC.*	18-01520	06/05/18	SUPPLIES FOR RECYCLING/AUG	Open	699.41	0.00		
02333 LOWER TWPNSP RESCUE SQUAD, INC.	18-00406	02/08/18	2018-46 RESCUE EXPENSE	Open	10,000.00	0.00		B
02334 LOWER TWP CHAMBER OF COMMERCE	18-02114	07/31/18	CHAMBER LUNCHEON - 8/9/2018	Open	60.00	0.00		
02402 MGL PRINTING SOLUTIONS	18-01656	06/06/18	COUNCIL CHECK	Open	451.00	0.00		
02647 KATHLEEN MCPHERSON	18-02166	08/07/18	CONTRACTUAL REIMBURSEMENT M	Open	1,092.00	0.00		
02658 MCELWEE & QUINN, LLC*	18-02109	07/31/18	JULY 2018 \$8.49M BOND SALE	Open	1,200.00	0.00		
02809 MORPHOTRAK, INC*	18-01037	04/16/18	LIVESCAN EQUIP MAINT 8/18 8/19	Open	3,930.57	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*	18-02102	07/31/18	SPANISH INT	Open	183.87	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03427 POLAR BEAR MECHANICAL SERVICES	18-01965	07/18/18	MILLMAN SENIOR CENTER/ AIR	Open	187.00	0.00		
03466 R & R SPECIALTIES	18-01931	07/11/18	GEORGIA DOUGHERTY NAME PLATE	Open	42.00	0.00		
03518 RIGGINS, INC.*	18-02198	08/13/18	OFF HIGHWAY DIESEL	Open	546.37	0.00		
03607 SEASHORE FOOD SUPPLY*	18-01716	06/12/18	FOOD/SUPPLIES FOR BAYRUN	Open	1,089.68	0.00		
	18-02186	08/10/18	NNO FOOD	Open	267.00	0.00		
					1,356.68			
03660 SIRCHIE FINGERPRINT LAB. INV.*	18-01974	07/18/18	DETECTIVE SUPPLIES	Open	59.44	0.00		
03915 TURF EQUIPMENT & SUPPLY CO*	18-01896	07/09/18	COUNTY TORO MOWER	Open	3,179.43	0.00		
03954 VAN NOTE-HARVEY ASSOCIATES*	17-02751	10/25/17	RES 2017-281 TAX MAP	Open	14,104.00	0.00		B
03985 VILLAS NAPA AUTO PARTS	18-01221	05/02/18	RDS/SANT/RECY/JULY	Open	2,443.04	0.00		
03992 VAL-U AUTO PARTS LLC*	18-00883	03/29/18	RDS/SANT/RECY/DPW/MAY	Open	1,965.38	0.00		
04039 TIMOTHY WHITTINGTON	17-00783	03/21/17	2017 EQUIP. ALLOWANCE	Open	150.00	0.00		
	18-00839	03/27/18	2018 EQUIP. ALLOWANCE	Open	150.00	0.00		
					300.00			
04075 BARBER CONSULTING SERVICES LLC	18-02147	08/03/18	COMPUTER WORK	Open	1,427.49	0.00		
04263 GRANTSTREET GROUP, INC*	18-02037	07/25/18	BOND SALE - 7/19/18	Open	3,000.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	18-02172	08/09/18	STATE DOG LICENSE FEES JULY 18	Open	94.20	0.00		
04301 SEASHORE ASPHALT CORPORATION*	18-01224	05/02/18	ASPHALT/PATCH/RDS/JUNE	Open	710.00	0.00		
04445 TRICOMM SERVICES CORP*	18-02108	07/31/18	CHANGE PORT LOCATION	Open	127.50	0.00		
04504 MEDIA FIVE LTD*	18-01104	04/23/18	RES 18-137 CONCERT SERIES	Open	2,500.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
05083 SJSHORE MARKETING LIMITED	18-02035	07/25/18	CHILDREN'S FUND FLYER/APP.	Open	401.04	0.00		
5032 NORTH WILDWOOD \$ CREST SHIRT*	18-01898	07/09/18	UMBRELLAS FOR LIFE GUARDS	Open	250.00	0.00		
6063 CAPE MINING & RECYCLING, LLC*	18-01985	07/20/18	1-3" RECYCLED CONCRETE/PU	Open	437.94	0.00		
7019 OCEAN VIEW VETERINARY*	18-02165	08/07/18	VET SERVICES 7/15/18	Open	130.00	0.00		
7079 SUBURBAN PROPANE L P*	18-02196	08/13/18	PROPANE - SHUNPIKE	Open	64.74	0.00		
7181 JENNIFER KELLY, PHD, LLC*	18-02019	07/24/18	PRE-EMPLOYMENT EVAL	Open	800.00	0.00		
	18-02057	07/26/18	PRE-EMPLOYMENT EVAL	Open	400.00	0.00		
	18-02103	07/31/18	EVALUATION POLICE	Open	2,000.00	0.00		
					3,200.00			
7221 JB SPORTS TIMING LLC*	18-00315	01/31/18	BAY RUN TIMERS 2018	Open	1,600.00	0.00		
7233 BARBARA HOWELL	18-02199	08/13/18	NNO - PONY RIDES	Open	425.00	0.00		
7336 DEBRA QUINN	18-02139	08/03/18	CONTRACTUAL REIMBURSEMENT M	Open	463.98	0.00		
7362 NEOPOST USA INC.	18-01995	07/23/18	INK FOR POSTAGE MACHINE	Open	350.00	0.00		
7386 COREY SCHEID	17-00778	03/21/17	2017 EQUIP. ALLOWANCE	Open	150.00	0.00		
7507 STEFANKIEWICZ & BELASCO LLC	18-00127	01/11/18	RES 2018-01 DNE \$125,000	Open	7,527.85	0.00		
7508 BLANEY & KARAVAN PC*	18-00129	01/11/18	LABOR ATTORNEY DNE \$25K R 18-2	Open	737.50	0.00		B
	18-01682	06/11/18	RES 18-184 TAX APPEAL DNE \$10K	Open	2,212.50	0.00		B
					2,950.00			
7532 HEATHER MCNULTY*	18-02152	08/07/18	MONTHLY HIFITNESS JULY2018	Open	815.00	0.00		
7636 MOTT MACDONALD LLC*	18-02141	08/03/18	PROFESSIONAL ENGINEERING	Open	126.75	0.00		
	18-02142	08/03/18	PROFESSIONAL ENGINEERING	Open	1,203.05	0.00		
	18-02143	08/03/18	PROFESSIONAL ENGINEERING	Open	338.70	0.00		
	18-02144	08/03/18	PROFESSIONAL ENGINEERING	Open	27.50	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type									
7636 MOTT MACDONALD LLC* Continued																	
	18-02145	08/03/18	PROFESSIONAL ENGINEERING	Open	<u>1,116.30</u>	0.00											
					2,812.30												
7772 PIONEER ATHLETICS*																	
	18-01960	07/18/18	PAINT FOR FIELDS	Open	1,060.00	0.00											
7811 KYOCERA DOCUMENT SOLUTION AMER																	
	18-01480	06/01/18	COPIER	Open	5,963.00	0.00											
7820 DEBLASIO & ASSOCIATES, P.C*																	
	17-03248	12/12/17	RES17-327 ENG DOUGLASS DNE 55K	Open	4,645.00	0.00											
	18-01007	04/10/18	ENGINEERING ROAD RECONSTRUCT	Open	<u>17,457.50</u>	0.00		B									
					22,102.50												
7918 JAMES M. RUTALA ASSOIATES LLC																	
	18-00753	03/21/18	GRANT CONSULTING SERVICES	Open	6,915.00	0.00		B									
7928 ANDERSON ENTERTAINMENT MGMT																	
	18-01092	04/19/18	CONCERT-STELLAR MOJO 8/29/18	Open	1,400.00	0.00											
7929 AMAZON CAPITAL SERVICES, INC																	
	18-02038	07/25/18	OFFICE SUPPLIES	Open	816.01	0.00											
	18-02052	07/26/18	50 WATT LIGHT /PD	Open	<u>74.99</u>	0.00											
					891.00												
7988 KAREN HEDSTROM																	
	18-02174	08/09/18	RELIEF LIFEGUARD 7/24-7/28/18	Open	87.50	0.00											
BOSNA KAREN MANETTE BOSNA																	
	18-02150	08/07/18	MONTHLY YOGA 7/11-7/18/18	Open	95.00	0.00											
	18-02151	08/07/18	MONTHLY YOGA 7/10-7/24-7/31/18	Open	<u>170.00</u>	0.00											
					265.00												
SIXSM LLOYD SIXSMITH*																	
	18-01424	05/23/18	SWEATSHIRTS FOR EMPLOYEES	Open	571.95	0.00											
STATENJ TREASURER, STATE OF NEW JERSEY																	
	18-02047	07/26/18	ANNUAL FEE: RECY.COMPLIANCE	Open	2,282.50	0.00											
TILL TILL PAINT CO CORP*																	
	18-01961	07/18/18	PAINT FOR FIELDS	Open	1,778.00	0.00											
<hr/> <table style="width:100%; border:none;"> <tr> <td>Total Purchase Orders:</td> <td>93</td> <td>Total P.O. Line Items:</td> <td>0</td> <td>Total List Amount:</td> <td>187,241.75</td> <td>Total Void Amount:</td> <td>0.00</td> <td></td> </tr> </table> <hr/>									Total Purchase Orders:	93	Total P.O. Line Items:	0	Total List Amount:	187,241.75	Total Void Amount:	0.00	
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TOWNSHIP OF LOWER, COUTNY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2018-258

Title:

AUTHORIZING THE PAYMENT OF VOUCHERS

TOTAL Bill List

\$ 187,241.75

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-259

Title: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$31,409.00 for an item of revenue in the budget of the year 2018 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - DEDR
Total with increase to be \$ 31,409.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$31,409.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - DEDR
State/Federal Share \$ 31,409.00
Non State Share \$
Total with increase to be \$ 31,409.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-260

APPOINTING MUNICIPAL HUMANE LAW ENFORCEMENT OFFICERS

WHEREAS, the new Animal Cruelty Enforcement Law, P.L. 2017 c. 331 (the "New Law") was signed into law on January 16, 2018; and

WHEREAS, the new Animal Cruelty Enforcement Law revises the enforcement of animal cruelty laws in the State of New Jersey by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of cruelty to animals to a county prosecutor animal cruelty task force in each county, and a municipal humane law enforcement officer in each municipality; and

WHEREAS, the new Law requires the governing body of each municipality to appoint at least one municipal humane law enforcement officer, who is responsible for the animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State and the ordinances of the City; and

WHEREAS, Lower Township Council deems it prudent to appoint Officer Brian McEwing and Officer Kaitlin Black of the Lower Township Police Department to serve as Municipal Humane Law Enforcement Officers for the Township of Lower.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Officer Brian McEwing and Officer Kaitlin Black are hereby appointed to the position of Municipal Humane Law Enforcement Officers for the Township of Lower.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-261

Title: A RESOLUTION APPROVING SALARY INCREASES PER ARTICLE XI SECTION H OF THE LOWER TOWNSHIP SUPERVIORS UNION CONTRACT

WHEREAS, extensive negotiations were conducted by the Township Manager and Labor Counsel with Lower Township Supervisors Union which resulted in a ratified contract on July 18, 2016; and

WHEREAS, Article XI-Wages; Section H states "*at the manager's sole discretion, unit members may be recommended for a market adjustment or merit based increase of no more than 6% of their base salary once during the term of the contract. No more than 3 unit members shall receive such an increase in any calendar year. Any such market adjustment or merit based increase must be approved by a vote of Council before being implemented*"; and

WHEREAS, the Township Manager has recommended the increases listed below be added to the unit members base salary retroactive to January 1, 2018:

Mitchel Plenn	\$ 3,500
William Galestok	\$ 3,500
David Lepor	\$ 3,500

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the aforementioned raises are hereby granted retroactive to January 1, 2018.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-262

Title: A RESOLUTION APPROVING A SALARY INCREASE FOR A NON UNION EMPLOYEE

WHEREAS, The Township negotiated a contract with the Lower Township Supervisor's Union, which resulted in ratification on July 18, 2016; and

WHEREAS, the employee and title listed below is not covered by a union and the Township Manager has recommended an increase to the base salary retroactive to January 1, 2018 be given as follows:

Karen Fournier, Deputy Township Clerk \$ 2,500

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the salary increase for the non-union employee listed above is hereby granted retroactive to January 1, 2018.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-263

Title: **A RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et seq., the Township of Lower and LTMUA desire to enter into a Shared Service Agreement pursuant to the terms and conditions set forth on EXHIBIT A attached hereto and by this reference made a part hereof (the "Agreement").

Now, THEREFORE, **BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Shared Service Agreement, a copy of which is attached hereto as EXHIBIT A, is hereby approved.

BE IT FURTHER RESOLVED that the Lower Township Mayor and Clerk are hereby authorized and directed to execute the Agreement and that the Township Manager is hereby authorized and directed to take any and all action necessary to effectuate and implement the terms and conditions thereof.

BE IT FURTHER RESOLVED that the attached Shared Service Agreement shall remain in full force and effect until the expiration of said agreement on December 31, 2027, unless terminated by either party in accordance with the early termination provisions set forth therein.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

**SHARED SERVICE AGREEMENT
BY AND BETWEEN THE TOWNSHIP OF LOWER,
THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

This Shared Service Agreement ("Agreement") is made as of this ____ day of August, 2018 by and between the Township of Lower, a municipal corporation of the State of New Jersey whose administrative offices are located at 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as the "Township") and the Lower Township Municipal Utilities Authority, a duly-organized Municipal Utilities Authority with offices located at 2900 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as the "MUA"). The Township and the MUA may collectively be denominated as the "Parties" or "Units" in this Agreement and may each be called, separately, a "Party" or "Unit."

WHEREAS, N.J.S.A. 40A:65-1, et seq., provides that local governmental entities can enter into the said Agreement and further provides that upon consent these local Units being a municipality and a municipal utilities authority meet the definition of local Units within N.J.S.A. 40A:65-3; and

WHEREAS, the Township and the MUA perform similar tasks, duties, and utilize various similar equipment, to provide services to the residents of Lower Township, where sharing services between the Parties will result in cost savings to the residents by lower taxes or lower water and sewer utility rates and is encouraged by the State of New Jersey; and

WHEREAS, the Township and MUA both agree to participate in such a shared services program to save the residents of Lower Township expenses related to the daily operations and projects of the Township and the MUA for such staff employees, services and equipment including but not limited to those listed below:

MUA Engineering Employees
Administrative Employees MUA
Operation Employees
Operation Services
Equipment Purchases
Equipment Use
Equipment Maintenance
Road Restoration
Leaf and Brush Operations

WHEREAS, upon prior approval of the Township Manager and the MUA Executive Director, the Township and the MUA may share resources for certain projects and daily operations.

NOW, THEREFORE, THE PARTIES HERETO agree, to the following terms and conditions of this Agreement:

1. Sharing employees for certain projects must have prior approval of the Township Manager and the MUA Executive Director or their designated representatives of each Party and scheduled so as not to interfere with the Parties daily operations.
2. The Township and the MUA agree that both Township employees and MUA employees may be cross-assigned from one to the other for specific projects and the cost of each said employee cross-assigned shall be computed and reimbursed from one to the other in accordance with the actual cost of salary incurred by the paying Party.
3. The Township and the MUA agree that both Township employees and MUA employees may perform routine tasks for each Party including but not limited to: snow removal, mechanic work, road repairs, equipment operations; and the salary cost of each said employee shall be paid by the employees Party.
4. When an employee has been cross-assigned, they shall continue to be an employee of his/her respective employer and shall follow all rules and regulations of said employer and shall continue to receive all benefits of the employee's Party.
5. Sharing equipment for certain projects must have prior approval of both the Township Manager, and the MUA Executive Director or their designated respective representatives and scheduled as not to interfere with either Parties daily operations.
6. When equipment is being shared, all cost of operating the equipment , including, but not limited to, transportation, fuel, and parts, shall be paid by the Party utilizing the equipment.
7. When equipment is being shared, the insurance coverage for that equipment shall continue in full effect by the Party owning the equipment; however, the insurance policy covering the equipment owned by the respective Party shall name the other Party as an additional insured.
8. When equipment is being shared and a breakdown occurs, parts and labor for that equipment shall be computed and shared based on a formula allocating use of the equipment prior to the breakdown. For example, if one Party owns the equipment and uses it 90% of the time with the other Party using it the other 10% of time and the cost for parts and labor total \$10,000, the Party owning the equipment shall pay \$9,000 and the other Party shall pay \$1,000. If it is determined that abuse of the equipment is the cause of the breakdown then all repair expenses, including labor shall be paid by the Party abusing the equipment.
9. The Township and the MUA agree that when Township employees or MUA employees perform specific routine tasks from one to the other, any cost for parts or supplies shall be computed and reimbursed from one to the other in accordance with the actual cost of the parts and supplies incurred by the paying Party.
10. Sharing equipment purchases must have prior approval of both the Township Manager, and the MUA Executive Director and be proposed prior to the annual budget deadlines of December 1st for the Township and September 1st for the MUA.

11. When equipment is purchased on a shared basis, all maintenance, repairs and update items shall be shared equally between both Parties.
12. The MUA agrees to pay the Township for Street Opening Permits of which the fee is to be calculated by the MUA for all utility openings used to install new water or sewer services to any residential or commercial properties within the Township.
13. The MUA agrees to reimburse the Township for the cost of repairs to all utility openings with a Street Opening Permit used to install a new water or sewer service to any residential or commercial properties within the Township in accordance with present day practice. The MUA agrees to be responsible for maintenance of the street opening until the Township completes the permanent asphalt repairs. Maintenance of the street opening means preparing the opening, backfilling, compacting, and saw cutting edges.
14. The Township agrees to repair all street openings created by the MUA employees for the purpose of repairing water or sewer main breaks within the Township at no charge to the MUA. The MUA agrees to be responsible for maintenance of the street opening until the Township completes the permanent asphalt repairs. Maintenance of the street opening shall include preparing the opening, backfilling, compacting, and saw cutting edges.
15. The MUA shall continue to provide a parcel of property in the front portion of the MUA property for the Township recreational facility. The size and location of parcel shall be determined by the MUA.
16. The MUA shall not collect rents or payments from the Township for the use of the parcel for recreation as set forth in paragraph 15 above.
17. The Township shall be required to obtain insurance and hold the MUA harmless for the operation of the recreational facility as well as name the MUA as an additional insured.
18. The MUA shall continue to provide a parcel of property in the rear portion of the MUA property for the Township to conduct brush and leaf recycling. The size and location of parcel shall be determined by the MUA.
19. The MUA shall not collect rents or payments from the Township for the use of the parcel of property used for brush and leaf recycling as set forth in paragraph 18 above.
20. The Township shall be required to obtain insurance and hold the MUA harmless for the operation of the brush and leaf recycling as well as name the MUA as an additional insured.
21. The Township shall be required to obtain any and all Federal, State, and County permits to operate the brush and leaf recycling center.
22. The Township and the MUA shall secure the area of the recycling center and shall not allow individuals other than Township employees, MUA employees or County employees to enter the premises for any reason other than official business.

23. The Parties acknowledge that the Township and the MUA are entering into this Agreement upon passage of a Township Resolution and an MUA Resolution.
24. The terms of this Agreement shall commence on January 1, 2018 and shall continue for a period of ten (10) years, terminating on December 31, 2027. Either party may terminate this Agreement, for any reason or no reason, by providing ninety (90) days written notice to the other.
25. The MUA agrees to provide sanitary manhole and water valve riser rings for sanitary manholes and water valves in township roadways at no charge to the Township.
26. The Township and the MUA agree to participate in a Reverse 911 resident notification system currently in place. The Parties agree to share the annual cost of the system and is shared 50/50. The terms and cost of the of the system shall be automatically extended annually unless either Party notifies the other Party by written notice of termination ninety (90) days prior to the date of expiration.

IN WITNESS WHEREOF, THE PARTIES HERETO; set their hand and seal :

ATTEST:

Date: _____

Julie A Picard, Clerk
Township of Lower

ERIK SIMONSEN, Mayor
Township of Lower

ATTEST:

Date: _____

Sharron Otto, Secretary
Lower Township MUA

Chairperson
Lower Township MUA

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

RESOLUTION #2018-264

Title: **A RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE LOWER TOWNSHIP ELEMENTARY SCHOOLS**

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et seq., the Township of Lower and THE Lower Township Elementary Schools (LTES) desire to enter into a Shared Service Agreement pursuant to the terms and conditions set forth on EXHIBIT A attached hereto and by this reference made a part hereof (the "Agreement").

Now, THEREFORE, **BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Shared Service Agreement, a copy of which is attached hereto as EXHIBIT A, is hereby approved.

BE IT FURTHER RESOLVED that the Lower Township Mayor and Clerk are hereby authorized and directed to execute the Agreement and that the Township Manager is hereby authorized and directed to take any and all action necessary to effectuate and implement the terms and conditions thereof.

BE IT FURTHER RESOLVED that the attached Shared Service Agreement shall remain in full force and effect until the expiration of said agreement on December 31, 2027, unless terminated by either party in accordance with the early termination provisions set forth therein.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

**SHARED SERVICE AGREEMENT
BY AND BETWEEN THE TOWNSHIP OF LOWER, AND
THE LOWER TOWNSHIP ELEMENTARY SCHOOLS**

This Shared Service Agreement ("Agreement") is made as of this ___ day of August, 2018 by and between the Township of Lower, which has a business at 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as the "Township") and the Lower Township Elementary Schools, which has their main office located at 905 Seashore Road, Cape May, New Jersey, 08204, (hereinafter referred to as "LTES"). The Township and LTES may collectively be denominated as the "Parties" or Units in this Agreement and may each be called separately a "Party" or Unit.

WHEREAS, N.J.S.A. 40A:65-1, et seq., provides that local governmental entities can enter into the said Agreement and further provides that upon consent these local Units being a municipality and a School District meet the definition of local Units within N.J.S.A. 40A:65-3 et seq; and

WHEREAS, the Township and LTES perform similar tasks, duties, and utilize various similar equipment, to provide services to the residents of Lower Township where sharing services between the Parties will result in cost savings to the residents; and

WHEREAS, the Township and LTES both agree to participate in such a shared services program to save the residents of Lower Township expenses related to the daily operations and projects of the Township and LTES for such staff employees, services and equipment including payments and expenses; and

WHEREAS, upon prior approval of the Township Manager and the Superintendent of Schools, the Township and the LTES may share resources for certain projects and daily operations.

NOW, THEREFORE, THE PARTIES HERETO agree, to the following terms and conditions of this Agreement:

1. Sharing employees for certain projects must have prior approval of the Township Manager and the School Superintendent or their designated representatives of each Party and scheduled so as not to interfere with the Parties daily operations.
2. The Township and the LTES agree that both Township employees and LTES employees may be cross-assigned from one to the other for specific projects and the cost of each said employee cross-assigned shall be computed and reimbursed from one to the other in accordance with the actual cost of salary incurred by the paying Party.
3. The Township and LTES agree that both Township employees and LTES employees may perform routine tasks for each Party including but not limited to: snow removal, mechanic work, HVAC repairs, computer services, and the salary cost of each said employee shall be paid by the employees Party.
4. When an employee has been cross-assigned, they shall continue to be an employee of his/her respective employer and shall follow all rules and regulations of said employer and shall continue to receive all benefits of the employee's Party.
5. Sharing equipment for certain projects must have prior approval of both the Township Manager, and the ~~School Superintendent~~ or their designated respective representatives and scheduled as not to interfere with either Party's daily operations.
6. When equipment is being shared, all cost of operating the equipment, including, but not limited to, transportation, fuel, and parts, shall be paid by the Party utilizing the equipment.

7. When equipment is being shared, the insurance coverage for that equipment shall continue in full effect by the Party owning the equipment; however, the insurance policy covering the equipment owned by the respective Party shall name the other Party as an additional insured.
8. The Township and LTES agree that when Township employees or LTES employees perform specific routine tasks from one to the other, any cost for parts or supplies shall be computed and reimbursed from one to the other in accordance with the actual cost of the parts and supplies incurred by the paying Party.
9. The Parties acknowledge that the Township and LTES are entering into this Agreement upon passage of a Township Resolution and a LTES Resolution.
10. The terms of this Agreement shall commence upon adoption of Resolutions by both parties and shall continue for a period of ten (10) years, terminating on December 31, 2027. Either party may terminate this Agreement for any reason, or no reason, by providing ninety (90) days written notice to the other.

IN WITNESS WHEREOF, THE PARTIES HERETO; set their hand and seal:

ATTEST:

Date: _____

Julie A Picard, Clerk
Township of Lower

ERIK SIMONSEN, Mayor
Township of Lower

ATTEST:

Date: _____

John Hansen, Business Administrator
Lower Township Elementary Schools

Jeff Samaniego, Superintendent
Lower Township Elementary Schools

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

RESOLUTION #2018-265

Title: **A RESOLUTION REQUESTING RELEASE OF A DEMOLITION BOND FOR
BLOCK 334.13, LOT 13; 36 TEXAS AVENUE, VILLAS, NJ 08251**

WHEREAS, Bojidar Dimitrov posted a Demolition Bond with the Township of Lower, in the amount of \$1,000.00; and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued August 13, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the demolition bond be and hereby is **released**.

BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$1,000.00 plus any accrued interest for payment of the above released demolition bond.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

MEMORANDUM

TO: Mayor Erik Simonsen &
Council Members

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

DATE: August 14, 2018

RE: Release of Demolition Bond
Bojidar Dimitrov
36 Texas Avenue
Villas, NJ 08251
Block 334.13, Lot 13
Resolution #2018-265

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued August 13, 2018. Thank you.

WJG:las

att.

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

RESOLUTION #2018-266

Title: **A RESOLUTION SUPPORTING AN OPEN SPACE/HISTORIC PRESERVATION GRANT APPLICATION FOR THE NAVAL AIR STATION WILDWOOD AVIATION MUSEUM**

WHEREAS, the Naval Air Station Wildwood Aviation Museum has applied for an Open Space/Historic Preservation grant for Hangar #1 through Cape May County; and

WHEREAS, the proposed project includes Electrical Upgrades and Vertical Door Seal/Gasket to the Hangar doors; and

WHEREAS, a requirement of the grant application is to provide a Resolution of support from the governing body in which the applicant is located; and

WHEREAS, Lower Township is proud to have the Naval Air Station Wildwood Aviation Museum located within the Township of Lower.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Lower Township is pleased to support this grant application and the continued Preservation of Historic Hangar #1.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-267

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH MOTT MACDONALD FOR THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE NJDOT UNDER THE MUNICIPAL AID PROGRAM FOR FY2019

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11-1 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Mott MacDonald has provided a proposal for preparation and submission of an application to the NJDOT for FY2019 Municipal Aid for the *Roseann Avenue Roadway and Utility Improvements, Phase 3* in the amount of \$2,600.00; and

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

Appropriation: Ord #12-19 C-04-55-413-110

Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding is awarded as follows:

1. The Project Proposal between Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of \$2,600.00 is hereby approved.

BE IT FURTHER RESOLVED that a notice of Award of Professional Contract for the above award shall be published in the Township's Official paper.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk



Mr. Gary Douglass, Public Works Superintendent
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Via email at gdouglass@townshipoflower.org

Your Reference
Roseann Avenue Roadway
and Utility Improvements,
Phase 3,
MA-2019-LT-00036

**Application for NJDOT Municipal Aid FY2019
Roseann Avenue Roadway and Utility Improvements, Phase 3
MA-2019-Lower Township-00036
Township of Lower, Cape May County, New Jersey**

Our Reference
393631.CM.05

August 10, 2018

211 Bayberry Drive
Suite 1A
Cape May Court House NJ
08210
United States of America

Dear Mr. Douglass:

T +1 (609) 465 9377
F +1 (609) 465 5270
www.mottmac.com/americas

The New Jersey Department of Transportation (NJDOT) has issued its annual solicitation letter for applications for funding under the Municipal Aid Program for Fiscal Year 2019.

As requested, Mott MacDonald will submit an application to the NJDOT for FY2019 Municipal Aid for the Roseann Avenue Roadway and Utility Improvements, Phase 3 project.

The roadway consists of a number of settlement areas that have been routinely patched over the years but continue to deteriorate. The roadway is also exhibiting weathering of the asphalt surface course, drainage problems (pipe collapse, settlement of gutter, ponding and non-compliant grates) and utility and service trenches in various degrees of deterioration. In addition, handicap ramps at the intersections of Deborah Street, Amhurst Road and Bayshore Road currently do not exist.

Given the level of use of this road and adjacent pedestrian walkways, the importance of the roadway to the general public in the Bayshore West area and Roseann Avenue's function as a minor collector, this project is a good candidate for funding under the Municipal Aid program.

- ✓ Mott MacDonald will be able to prepare and submit an application to the NJDOT for a lump sum amount of **\$2,600** upon your authorization to proceed. As part of the application process the Township Council will also have to adopt a resolution in the format of the attached NJDOT sample resolution. We recommend adopting this resolution at or before the October 1, 2018 Council Meeting. The application must be completed and submitted on or before October 8, 2018 on-line through the State of New Jersey's System for Administering Grants Electronically (SAGE).



Should you have any questions regarding the above information or should you require additional information, please do not hesitate to contact this office.

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink, appearing to read 'Mark R. Sray'. The signature is written in a cursive, flowing style.

Mark R. Sray, PE, CME
Senior Associate
T 609.465.9377
mark.sray@mottmac.com

encl.

cc: Jim Ridgway, Township Manager (via email)
Julie Picard, Township Clerk (via email)
Colleen Crippen, Coordinator of Federal & State Aid (via email)

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

RESOLUTION #2018-268

Title: APPROVAL TO SUMBIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROSEANN AVENUE ROADWAY AND UTILITY IMPROVEMENTS PHASE 3 PROJECT

NOW THEREFORE, BE IT RESOLVED, that Township Council of the Township of Lower, County of Cape May, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Lower Township-00036 to the New Jersey Department of Transportation on behalf of Lower Township.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

ATTEST and AFFIX SEAL

Julie A Picard, Township Clerk

Erik Simonsen, Mayor

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

RESOLUTION #2018-269

Title: **A RESOLUTION APPROVING A SALARY INCREASE PER ARTICLE XIII SECTION D OF THE LOWER TOWNSHIP OFFICE WORKERS ASSOCIATION – AFSCME UNION CONTRACT**

WHEREAS, extensive negotiations were conducted by the Township Manager and Labor Counsel with Lower Township Office Workers Association AFSCME Union which resulted in a ratified contract on November 13, 2017; and

WHEREAS, Article XIII-Wages; Section D states “... and approval of the Township Administration and Council, a maximum of 4 members may receive a one time, per employee, per contract, merit based increase of between 2% and 6%. This section is not retroactive.”; and

WHEREAS, the Township Manager has recommended the increase listed below be added to the unit member base salary:

Rose Moore \$ 2,500

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the aforementioned raise is hereby granted.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION # 2018-270

Title: **AMENDING RESOLUTION #2018-235; CORRECTING APPROPRIATION LINE TO BE CHARGED FOR SERVICES**

WHEREAS, Resolution #2018-235 adopted on July 16, 2018 awarded a Professional Service Contract to Blauer Associates; and

WHEREAS, the Resolution identified the wrong appropriation line to be charged; and

WHEREAS, listed below is the correct appropriation line to be charged and the CFO's certification of the availability of funds as evidenced by her signature:

Appropriation: C-04-55-422-910 Ord. #18-07

CFO Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the above correction be made and all charges for services be encumbered and charged to the correct appropriation line.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-271

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH MOTT MACDONALD FOR THE PREPARATION OF SMALL CITIES CDBG 2019 GRANT APPLICATION; ADA IMPROVEMENTS AT CLEM MULLIGAN SPORTS COMPLEX

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11-1 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Mott MacDonald has provided a proposal for assistance in the preparation of the **Small Cities CDBG 2019 Grant Application; ADA Improvements at Clem Mulligan Sports Complex** in the amount of \$3,800; and

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

Appropriation: C-04-55-422-910 Ord #18-07

Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding is awarded as follows:

1. The Project Proposal between Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of \$3,800.00 is hereby approved.

BE IT FURTHER RESOLVED that a notice of Award of Professional Contract for the above award shall be published in the Township's Official paper.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk



Mr. Jim Ridgway, Manager
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Via email at jridgway@townshipoflower.org

Your Reference
Small Cities CDBG 2019
Grant Application for Mulligan
Sports Complex

Our Reference
393631.CM.06

211 Bayberry Drive
Suite 1A
Cape May Court House NJ
08210
United States of America

T +1 (609) 465 9377
F +1 (609) 465 5270
www.mottmac.com/americas

**Application Assistance for Small Cities CDBG 2019 Grant Application
ADA Improvements at Clem Mulligan Sports Complex
Township of Lower
Cape May County, New Jersey**

August 15, 2018

Dear Mr. Ridgway:

As requested, Mott MacDonald is providing the following proposal to assist Blauer and Associates with the Small Cities CDBG 2019 grant application for various ADA improvements at the Clem Mulligan Sports Complex.

As discussed with Mr. Plenn, Ms. Crippen and Mr. Blauer it is the Township's intention to secure grant funds for the following ADA improvements at the Mulligan Sports Complex:

1. Modification of the existing non-complaint bathrooms and building access in the existing concession stand;
2. Provision of ADA compliant parking spaces and an accessible path to the bathrooms;
3. Provision of an ADA compliant play structure along the east side of the complex; and
4. Provision of ADA compliant parking spaces and accessible path to the play structure.

Mott MacDonald will prepare an Engineer's report describing the existing conditions, proposed improvements and the benefits/results of providing the proposed improvements for Mr. Blauer's inclusion in the grant application. Included in the report will be a site plan showing the location of the improvements, site photos and a cost estimate for the ADA improvements.

Mott MacDonald will be able to provide the above referenced information for a lump sum amount of **\$3,800**.



Should you have any questions regarding the above information or should you require additional information, please do not hesitate to contact this office.

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink, appearing to read 'Mark R. Sray'. The signature is written in a cursive style with a large initial 'M'.

Mark R. Sray, PE, CME
Senior Associate
T 609.465.9377
mark.sray@mottmac.com

encl.

cc: Julie Picard, Township Clerk (via email)
Colleen Crippen, Coordinator of Federal & State Aid (via email)

P:\Lower\393631.CM.06 - 2019 CDBG Application - jr0815.18 - Proposal.docx

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

RESOLUTION #2018-272

Title: **A RESOLUTION REQUESTING RELEASE OF PERFORMANCE GUARANTEE FOR FCF REALTY (CAPE LIQUORS); BLOCK 776, LOTS 10-20 & 34-38, ESCROW #P17-08-07**

WHEREAS, FCF Realty, Inc. posted a Performance Guarantee with the Township of Lower, in the amount of \$301,167.60; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$301,167.60 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee; and

WHEREAS, fifteen percent (15%) equals \$4,852.50.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Performance Guarantee be and hereby is **released** leaving a balance of \$4,852.50 on account as Maintenance Guarantee.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

MEMORANDUM

TO: Mayor Erik Simonsen &
Council members

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

DATE: August 15, 2018

RE: Cape Liquors Major Site Plan
Block 776, Lots 10-20 & 34-38
Resolution # 2018-272

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

Pursuant to the above referenced Subsection 400-81E, Resolution # 2018-272 is required to release the Performance Guarantee held in trust by the Township of Lower for FCF Realty (Cape Liquors) Major Site Plan, Block 776, Lots 10-20 & 34-38. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer, Mott MacDonald.

The Township Engineer recommends release of the retained \$301,167.60.

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

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$4,852.50, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

RECEIVED
8-14-18

M
M
MOTT
MACDONALD

Mr. William J. Galestok, PP, AICP
Lower Township Planning Director
2600 Bayshore Road
Villas, NJ 08251

Via E-mail

Your Reference
Twp. No. P17-08-07

**Cape Liquors Major Site Plan, Block 776, Lots 10-20 & 34-38
Township of Lower, Cape May County**

Our Reference
380640PB14

August 14, 2018

211 Bayberry Drive
Suite 1a
Cape May Court House NJ
08210
United States of America

Dear Mr. Galestok:

T +1 (609) 465 9377
F +1 (609) 465 5270
www.mottmac.com

Per the Developer's request for a performance guarantee release, Mott MacDonald conducted multiple inspections at the above referenced site. The inspections were based on review of the drawings entitled "Major Site Plan Block 776, Lots 10-20 & 34-38 Township of Lower Cape May County, New Jersey" prepared by Engineering Design Associates, P.A., last revised 5/25/18.

The inspections revealed that, to the best of our knowledge and belief, the site improvements have been installed in accordance with the above referenced documents and comply with the Land Development Ordinance of the Township of Lower. Mott MacDonald recommends that the performance bond for the project be released and a two-year maintenance guarantee in the amount of 15% of the cost of the applicable improvements, \$4,852.50, as indicated below be posted with the Township.

MAINTENANCE GUARANTEE ITEMS					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
1	Basin Retaining Wall	285	LF	\$60.00	\$17,100.00
2	15" Diameter RCP	5	LF	\$45.00	\$225.00
3	Type "E" Inlet	1	EA	\$3,500.00	\$3,500.00
4	Manhole	1	EA	\$3,000.00	\$3,000.00
5	Outfall Stone & Apron	2	EA	\$1,500.00	\$3,000.00
6	Basin Grading	130	CY	\$25.00	\$3,250.00
7	Coniferous Tree	13	EA	\$175.00	\$2,275.00
ESTIMATED IMPROVEMENT TOTAL (MAINTENANCE GUARANTEE ITEMS)					\$32,350.00
MAINTENANCE GUARANTEE ESTIMATE <i>(15% of Estimated Improvement Total)</i>					\$4,852.50



Should you have any questions regarding the above information or should you require additional information, please do not hesitate to contact our office.

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink, appearing to read 'Shawn A. Carr', written over a horizontal line.

Shawn A. Carr, PE, CME
Senior Project Engineer
T 609.465.9377 F 609.465.5270
Shawn.carr@mottmac.com

SAC

cc: Lisa Schubert, Board Secretary (via e-mail)
Bill Feraco (via e-mail)
Brian Rehm (via e-mail)
Mark Sray, PE, CME (via e-mail)

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

RESOLUTION # 2018-273

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this time; and

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by her signature _____ that adequate funding is available for such payment in the current budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Michael Nuscis in the amount of \$1,972.27 is authorized and chargeable to the 2018 Budget account 8-01-25-240-124.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held August 20, 2018.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

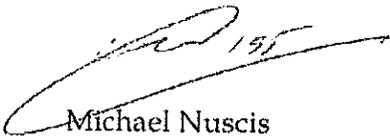
SPECIAL REPORT

TO: Chief Mastriana
FROM: Ptlm. Michael Nuscis
DATE: 08/14/2018
SUBJECT: Comp Time

Sir,

I am writing this special report, requesting to sell 75 hours of comp time. I thank you in advance for your consideration.

Respectfully Submitted,



Michael Nuscis
Patrolman Badge 195

0 * *

26•2970 x

75• =

1,972•27 *+

C File

Date

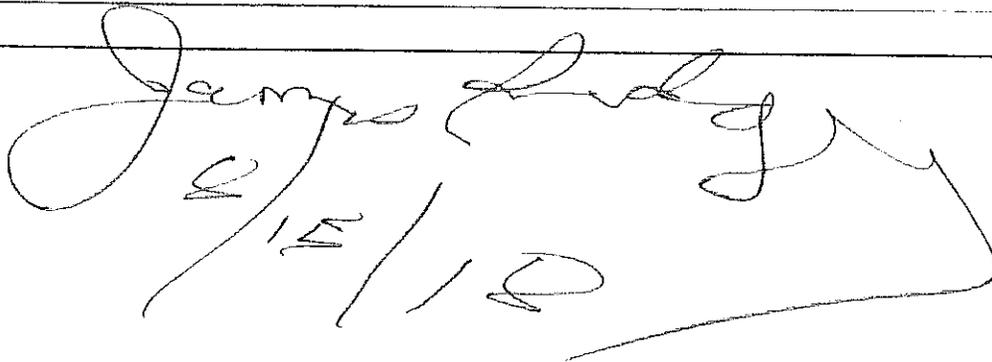
8/14/18

Officer

MB

Comments

Received. FWD to Twp



8/15/18

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

RESOLUTION # 2018-274

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.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, 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, attached hereto, on an online auction website.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

GOV DEALS- 2018-274

FIXED ASSET #	DESCRIPTION	DEPARTMENT
#1062	3 DRAWER FILING CABINET	TOWNHALL
#0996	4 DRAWER FILING CABINET	TOWNHALL
#0826	3 DRAWER FILING CABINET	TOWNHALL
#055	3 DRAWER FILING CABINET	TOWNHALL
#3411	4 DRAWER FILING CABINET	TOWNHALL
#0832	3 DRAWER FILING CABINET	TOWNHALL
N/A	2 DRAWER FILING CABINET	TOWNHALL
#2147	BROTHER INTELLIFAX 4100	TOWNHALL
#02426	HP PRINTER	TOWNHALL
#3155	HP PRINTER	TOWNHALL
N/A	HP PRINTER	TOWNHALL
N/A	BROTHER INTELLIFAX 2800	TOWNHALL
N/A	SWINTEC TYPEWRITER	TOWNHALL
N/A	HP 6310 ALL IN ONE PRINTER	TOWNHALL
#3043	HP PRINTER	TOWNHALL
N/A	HP PRINTER	TOWNHALL
N/A	HP PRINTER	TOWNHALL
#2595	EPSON PRINTER	TOWNHALL
N/A	DELL PRINTER	TOWNHALL
N/A	DELL TOWER	TOWNHALL
N/A	780 DELL TOWER	TOWNHALL
#3164	DELL TOWER	TOWNHALL
#2575	DELL VOSTRO TOWER	TOWNHALL
N/A	DELL GX 240 TOWER	TOWNHALL
N/A	3 DELL MONITORS	TOWNHALL
#TBD	VARIOUS FOLDING WOOD TABLES	TOWNHALL

FIXED ASSET#	DAMAGED & REMOVED	DEPARTMENT
#0593	TELEPHONE	TOWNHALL
#0597	TELEPHONE	TOWNHALL
#0598	TELEPHONE	TOWNHALL
#3817	HOLE PUNCH	TOWNHALL

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

RESOLUTION #2018-275

Title: **A RESOLUTION APPOINTING BRUCE A MACLEOD, CTC, AS ACTING/INTERIM TAX COLLECTOR FOR THE TOWNSHIP OF LOWER TO MAINTAIN CONTINUITY DURING THE TEMPORARY ABSENCE OF THE TOWNSHIP'S TAX COLLECTOR**

WHEREAS, due to an unforeseen medical emergency, the Township has determined that there is an emergent need to appoint an Interim Tax Collector, to serve on an as-needed-basis, in order to perform the ordinary duties required of a Tax Collector within the Township of Lower; and

WHEREAS, N.J.S.A. 40A:9-141 requires municipalities to provide for the appointment of a Tax Collector; and

WHEREAS, N.J.S.A. 40A:9-145.7 provides that no person shall be appointed to the position of Tax Collector in any municipality of this State unless he/she holds a Tax Collector certificate issued pursuant to N.J.S.A. 40A:9-141; and

WHEREAS, upon the advice of the Lower Township CFO and Township Manager Manager, Bruce A MacLeod, who holds the required Tax Collector certification and qualifications necessary to perform the duties of a Tax Collector, shall be appointed as the Interim Tax Collector, at a salary of \$300.00 per day, to serve on an as-needed basis determined by the Township CFO, when and until the Township's current Tax Collector is medically cleared to return to her position as Township Tax Collector.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Bruce A. MacLeod is hereby appointed as Acting/Interim Tax Collector for the Township of Lower at the rate of \$300.00 per day to serve on an as-needed basis to be determined by the CFO.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-276

Title: **BID ACCEPTANCE AND CONTRACT AWARD FOR RECONSTRUCTION OF GEORGIA AVENUE,
ALABAMA AVENUE & MAIN STREET**

WHEREAS, the Notice to Bidders for the Reconstruction of Georgia Avenue, Alabama Avenue & Main Street, FY2018 NJDOT Municipal Aid Project was advertised on August 1, 2018 and accepted on August 15, 2018 at 10:00 a.m. prevailing time; and

WHEREAS, Six (6) sealed bids were submitted and reviewed by the Engineer Marc DeBlasio, the QPA and Gary Douglass, Public Works Director; and

WHEREAS, South State Inc., the lowest qualified bidder, complied with the specifications and supplied all required bid documents; and

WHEREAS, as per Resolution #2018-245, Lower Township Municipal Utilities Authority will share equal costs for the sanitary sewer line replacement portion of the contract; and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: Ord #12-19 C-04-55-413-110

Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following contract is hereby awarded:

AWARD TO: South State Inc.
TOTAL: \$428,817.18

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPLE						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

Bas #2018-0276

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260 PHONE: 609-854-3311 • FAX: 609-854-4323

August 15, 2018

VIA EMAIL & REGULAR MAIL

Julie Picard, Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
FY2018 NJDOT Municipal Aid
Reconstruction of Georgia Avenue, Alabama Avenue & Main Street
D&A File #: LT-C-005**

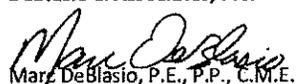
Dear Ms. Picard:

We have tabulated the six (6) bids received on August 15, 2018 for the above referenced project. As such, we have determined that the lowest responsible bidder appears to be South State, Inc., P.O. Box 68, Bridgeton, NJ 08302 in the amount of \$428,817.18. Enclosed please find one (1) copy of the bid tabulation for your files.

In accordance with N.J.S.A. 40A:11-1 et seq., the award should be made to the lowest responsible bidder which appears to be South State, Inc., P.O. Box 68, Bridgeton, NJ 08302 in the amount of \$428,817.18. The contractual award should be made contingent upon approval from the New Jersey Department of Transportation, Township Purchasing Agent, Chief Financial Officer and Solicitor.

Should you have any questions or require any additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.


Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

- cc: Jim Ridgway, Manager (via email w/encl.)
- Margaret Vitelli, Qualified Purchasing Agent (via email w/encl.)
- Gary Douglass, Public Works Superintendent (via email w/encl.)
- David Stefankiewicz, Solicitor (via email w/encl.)
- Michael Chapman, LTMUA Executive Director (via email w/encl.)
- Colleen Crippen, Grants Coordinator (via email w/encl.)
- Vincent Masciandaro, NJDOT Local Aid District 4 (via email w/encl.)
- Lucero Mendoza, NJDOT Local Aid District 4 (via email w/encl.)

WWW.DEBLASIOASSOC.COM

DEBIASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

BID TABULATION

Project Name: P2018 NIDOT Municipal Aid Reconstruction of Georgia Avenue, Alabama Avenue & Main Street

O&A Project #: UT-C-005

Client: Township of Lower

Bid Opening Date: August 15, 2018

South State, Inc.
P.O. Box 69
Bridgeport, NJ 08802

Garden State General Construction
8 Clement Drive
Clermont, NJ 08510

Perna Finigan, Inc.
1521 E. Sherman Avenue
Vineland, NJ 08361

Asphalt Paving Systems, Inc.
P.O. Box 530
Hammondon, NJ 08037

Ricky Slide Construction
54 Slide Lane
Bridgeport, NJ 08802

Mathis Construction Co., Inc.
1510 Rte. 599, Ste. 1
Little HT, NJ 08087

Item #	DESCRIPTION	QUANTITY & UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CONSTRUCTION SIGNS	241 S.F.	\$10.00	\$2,410.00	\$9.50	\$2,289.50	\$10.00	\$2,410.00	\$9.50	\$2,289.50	\$10.00	\$2,410.00
2	DRUMS	14 UNIT	\$0.01	\$0.14	\$1.00	\$14.00	\$1.00	\$14.00	\$1.00	\$14.00	\$1.00	\$14.00
3	BREAKAWAY BARRICADES	4 UNIT	\$0.01	\$0.04	\$1.00	\$4.00	\$1.00	\$4.00	\$1.00	\$4.00	\$1.00	\$4.00
4	FUEL PRICE ADJUSTMENTS	1.100 DOLLAR	\$1.00	\$1,100.00	\$1.00	\$1,100.00	\$1.00	\$1,100.00	\$1.00	\$1,100.00	\$1.00	\$1,100.00
5	ASPHALT PRICE ADJUSTMENTS	2.100 DOLLAR	\$1.00	\$2,100.00	\$1.00	\$2,100.00	\$1.00	\$2,100.00	\$1.00	\$2,100.00	\$1.00	\$2,100.00
6	HMA PROPILE MILLING 0-2" DEPTH	1.300 S.Y.	\$5.00	\$6,500.00	\$7.50	\$9,750.00	\$8.00	\$10,400.00	\$7.50	\$9,750.00	\$6.50	\$8,450.00
7	ROADWAY EXCAVATION, UNCLASSIFIED	1.400 C.Y.	\$22.00	\$30,800.00	\$19.80	\$27,720.00	\$20.00	\$28,000.00	\$19.80	\$27,720.00	\$19.00	\$26,600.00
8	DENSE GRADED AGRREGATE BASE COURSE, 6" THICK	4.500 S.Y.	\$3.00	\$13,500.00	\$2.80	\$12,600.00	\$2.80	\$12,600.00	\$2.80	\$12,600.00	\$2.80	\$12,600.00
9	HOT MIX ASPHALT SURFACE COURSE, MIX 19M54, 3" THICK	900 TON	\$75.00	\$67,500.00	\$73.88	\$65,983.20	\$74.20	\$66,780.00	\$73.88	\$65,983.20	\$72.00	\$64,800.00
10	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M94, 2" THICK	950 TON	\$85.00	\$80,750.00	\$83.88	\$79,683.60	\$84.00	\$80,000.00	\$83.88	\$79,683.60	\$82.00	\$77,900.00
11	INLET FILTERS, TYPE 1	60 S.E.	\$10.00	\$600.00	\$9.58	\$574.80	\$10.00	\$600.00	\$9.58	\$574.80	\$10.00	\$600.00
12	TURF REPAIR STRIP	1,700 L.F.	\$1.00	\$1,700.00	\$0.90	\$1,530.00	\$1.00	\$1,700.00	\$0.90	\$1,530.00	\$1.00	\$1,700.00
13	TRAFFIC MARKINGS, LINES, LONG-LIFE, THERMOPLASTIC - 12" WIDE	120 S.Y.	\$14.50	\$1,740.00	\$9.00	\$1,080.00	\$11.50	\$1,380.00	\$9.00	\$1,080.00	\$11.50	\$1,380.00
14	HOT MIX ASPHALT DRIVEWAY, 2" THICK	230 S.Y.	\$32.00	\$7,360.00	\$35.80	\$8,234.00	\$42.00	\$9,660.00	\$35.80	\$8,234.00	\$42.00	\$9,660.00
15	CONCRETE DRIVEWAY, 6" THICK	40 S.Y.	\$125.00	\$5,000.00	\$128.80	\$5,152.00	\$117.00	\$4,680.00	\$128.80	\$5,152.00	\$117.00	\$4,680.00
16	RESET WATER VALVE BOX	22 UNIT	\$1.00	\$22.00	\$1.78	\$39.16	\$35.00	\$770.00	\$1.78	\$39.16	\$35.00	\$770.00
17	RESET EXISTING MANHOLE CASTING	6 UNIT	\$300.00	\$1,800.00	\$480.00	\$2,880.00	\$150.00	\$900.00	\$480.00	\$2,880.00	\$150.00	\$900.00
18	INLETS, TYPE "A"	2 UNIT	\$6,500.00	\$13,000.00	\$3,188.00	\$6,376.00	\$5,500.00	\$11,000.00	\$3,188.00	\$6,376.00	\$5,500.00	\$11,000.00
19	12" HIGH DENSITY POLYETHYLENE CULVERT PIPE	50 L.F.	\$100.00	\$5,000.00	\$48.88	\$2,444.00	\$75.00	\$3,750.00	\$48.88	\$2,444.00	\$75.00	\$3,750.00
20	TEST PIT EXCAVATION	4 UNIT	\$500.00	\$2,000.00	\$1.88	\$7.52	\$0.25	\$1.00	\$1.88	\$7.52	\$0.25	\$1.00
NIDOT NON-PARTICIPATING ITEMS												
21	SANITARY SEWER MANHOLE, 4' DIAMETER	6 UNIT	\$5,000.00	\$30,000.00	\$4,900.00	\$29,400.00	\$7,250.00	\$43,500.00	\$4,900.00	\$29,400.00	\$7,250.00	\$43,500.00
22	8" POLYVINYL CHLORIDE SANITARY SEWER PIPE - SD15	1,000 L.F.	\$80.00	\$80,000.00	\$98.80	\$98,800.00	\$78.00	\$78,000.00	\$98.80	\$98,800.00	\$78.00	\$78,000.00
23	SANITARY SEWER SERVICES - PVC	20 UNIT	\$1,500.00	\$30,000.00	\$988.00	\$19,760.00	\$1,325.00	\$26,500.00	\$988.00	\$19,760.00	\$1,325.00	\$26,500.00
24	CONNECT TO EXISTING SANITARY SEWER PIPE	2 UNIT	\$8,000.00	\$16,000.00	\$888.00	\$1,776.00	\$5,500.00	\$11,000.00	\$888.00	\$1,776.00	\$5,500.00	\$11,000.00
25	CLEANING AND TIE-IN SANITARY SEWER SYSTEM	1,000 L.F.	\$3.00	\$3,000.00	\$3.88	\$3,880.00	\$3.40	\$3,400.00	\$3.88	\$3,880.00	\$3.40	\$3,400.00
26	SELECT FILL	2,500 C.Y.	\$0.01	\$25.00	\$12.88	\$32,200.00	\$0.01	\$25.00	\$12.88	\$32,200.00	\$0.01	\$25.00
TOTAL AMOUNT BID BASED ON ESTIMATED QUANTITIES FOR BID ITEMS 1 - 25				\$428,817.18	\$447,675.40	\$449,717.70	\$484,485.00	\$570,517.50	\$428,817.18	\$447,675.40	\$449,717.70	\$484,485.00

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

RESOLUTION # 2018-277

Title: **AUTHORIZING COMPETITIVE CONTRACTING FOR BANKING SERVICES FOR THE TOWNSHIP OF LOWER**

WHEREAS, PL 1999 c440 amended the Local Public Contract Law creating the category of contracting called Competitive Contracting; and N.J.S.A. 40A:11-4.3(a) requires that in order to initiate competitive contracting, the governing body shall pass a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in 40A-4.1 are desired to be contracted; and

WHEREAS, 40A: 11 -4.3(b) requires that the competitive contracting process shall be administered by the qualified purchasing agent pursuant to 40A: 11-9, or by legal counsel of the contracting unit, or by an administrator of the contracting unit.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Qualified Purchasing Agent is hereby authorized to initiate the competitive contracting for the Banking Services for the Township of Lower.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPLE						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION # 2018-278

Title: **BID ACCEPTANCE AND CONTRACT AWARD OF GRINDING, PROCESSING AND REMOVAL OF BRUSH, STUMPS, LARGE WOOD AND CHIPS**

WHEREAS, the Notice to Bidders for Grinding/Processing and Removal of Brush, Stumps, Large Wood and Chips was advertised on August 8, 2018 and accepted on August 17, 2018 at 11:00 a.m. prevailing time; and

WHEREAS, Three (3) sealed bids were submitted and reviewed by the QPA and Gary Douglass, Public Works Superintendent; and

WHEREAS, Britton Industries Inc., the lowest qualified bidder, complied with the specifications and supplied all required bid documents, and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: 8-01-32-465-611

Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following contract is hereby awarded:

AWARD TO: Britton Industries Inc.
TOTAL: \$144,950.00

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPLE						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

2018-08 Grinding Processing and Removal of Brush Stumps

Adv 08/08/2018 Open 8/17/2018 11:00 a.m.

Bid Results

Vendor Name	Address	Bid	NJDEP Location
Britton Industries	PO Box 6499 Lawrenceville, NJ 08648	\$ 144,950.00	Britton Ind
SJ Agriculture	395 Route 77 South Elmer, NJ 08318	\$ 174,500.00	
Garrison Industries	211 West Elmer Road Vineland, NJ 08360	\$ 249,500.00	

Bid Opening 8/17/2018

11:00 am

PROPOSAL PAGE
BID #2018-08
REMOVAL OF BRUSH, STUMPS, LOGS AND WOOD CHIPS

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

1. \$ 144,950.00
Amount in numbers
\$ One Hundred Forty Four Thousand Nine Hundred Fifty
Amount in words Dollars

2. Name of approved NJDEP New Jersey Class B facility
accepting material: Britton Industries Inc

3. Equipment Listing Sheet

4. Reference List

Britton Industries Inc 22-3769860
Company Name Federal I.D. # or Social Security #

227 Bakers Basin Rd Lawrenceville, NJ 08648
Address

[Signature] Dan Carr
Signature of Authorized Agent Type or Print Name

Title: Vice President

609-588-8225 8/13/18
Telephone Number Date

609-479-2800 bsalsburg@brittonindustries.com
Fax Number E-mail address

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

RESOLUTION #2018-279

Title: **A RESOLUTION REQUESTING RELEASE OF PERFORMANCE GUARANTEE FOR
DEGROFF MAJOR SUBDIVISION; BLOCK 792, LOTS 6.01, 6.02, 7, 9, 22-25
ESCROW #P17-01-04**

WHEREAS, Clark E. DeGroff, III posted a Performance Guarantee with the Township of Lower, in the amount of \$36,000.00; and

WHEREAS, the Township Engineer has recommended that the Performance Bond of \$36,000.00 be released; and

WHEREAS, the Township of Lower Land Development Ordinance states that the requirements for a Maintenance Guarantee may be waived by the Governing Body; and

WHEREAS, the Township Engineers, Shawn Carr, PE, CME, Mott MacDonald, has recommended that the requirement for the Maintenance Bond be waived.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the Performance Guarantee of \$36,000.00 be and hereby is released.

BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$36,000.00 plus any accrued interest for payment of the above released Guarantee.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018.

Julie A Picard, Township Clerk

MEMORANDUM

TO: Mayor Erik Simonsen &
Council members

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

DATE: August 17, 2018

RE: DeGroff Major subdivision
638 Sea Grove Avenue
Cape May, NJ 08204
Block 792, Lots 6.01, 6.02, 7, 9, 22-25
Resolution # 2018-279

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

Pursuant to the above referenced Subsection 400-81E, Resolution # 2018-279 is required to release the Performance Guarantee held in trust by the Township of Lower for Clark E. DeGroff, III t/a H & R Block, Block 792, Lots 6.01-25. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer, Mott MacDonald.

The Township Engineer recommends release of the retained \$36,000.00. "No development is now proposed on the site. The subdivision was sold to the State of New Jersey for Conservation.

cc: financial file

RECEIVED
8-16-18

M
M
MOTT
MACDONALD

Mr. William J. Galestok, PP, AICP
Lower Township Planning Director
2600 Bayshore Road
Villas, NJ 08251

Via E-mail

Your Reference
Twp. No. P17-01-04

**Block 792, Lots 6.01, 6.02, 7, 9, 22, 23, 24 & 25 Major Subdivision
Township of Lower, Cape May County**

Our Reference
380640.PB.02

August 16, 2018

211 Bayberry Drive
Suite 1A
Cape May Court House NJ
08210
United States of America

Dear Mr. Galestok:

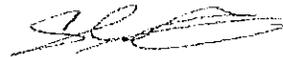
T +1 (609) 465 9377
F +1 (609) 465 5270
www.mottmac.com

The Developer has requested the release of the Performance Guarantee submitted for the above referenced project. Due to the site being sold to the State of New Jersey (Deed # 2018064251, Book D3806, Page 648-659), and no development now proposed on site, Mott MacDonald recommends that the performance guarantee be released, and the maintenance guarantee be waived.

Should you have any questions regarding the above information or should you require additional information, please do not hesitate to contact our office.

Very truly yours,

Mott MacDonald, LLC



Shawn A. Carr, PE, CME
Senior Project Engineer
T 609.465.9377 F 609.465.5270
Shawn.carr@mottmac.com

SAC

cc: Lisa Schubert, Board Secretary (via e-mail)
John Sachar, Esquire (via e-mail)
Mark Sray, PE, CME (via e-mail)

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2018-280**

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2018 was adopted on the 19th day of March, 2018, 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>	<u>ABSENT</u>
Erik Simonsen				
Frank Sippel				
Roland Roy				
Thomas Conrad				ABSENT
David Perry				

**FROM
CAPITAL BUDGET (Current Year Action)
2018**

Planned Funding Services for
Current Year 2018

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved in Prior Years</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded in Future Years</u>
Equipment	4,883,000.00		72,500.00			1,377,500.00	3,433,000.00
Recreation Facilities	15,685,000.00		730,500.00			13,879,500.00	1,075,000.00
Police Equipment	263,000.00		400.00			7,600.00	255,000.00
Municipal Buildings	270,000.00		13,500.00			256,500.00	0.00
Vehicles	2,052,000.00		6,350.00			120,650.00	1,925,000.00
Road Program/Infrastructure	2,000,000.00		0.00			0.00	2,000,000.00
Total All Projects	25,153,000.00	0.00	823,250.00	0.00	0.00	15,641,750.00	8,688,000.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2018-280

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2018 - 2022
 Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	6 YEAR CAPITAL PROGRAM 2018 - 2022					
		2018	2019	2020	2021	2022	2023
Equipment	4,883,000.00	1,450,000.00	511,200.00	1,784,200.00	237,200.00	613,200.00	287,200.00
Recreation Facilities	15,685,000.00	14,610,000.00	400,000.00	75,000.00	200,000.00	200,000.00	200,000.00
Police Equipment	263,000.00	8,000.00	55,000.00	55,000.00	55,000.00	55,000.00	35,000.00
Municipal Buildings	270,000.00	270,000.00					
Vehicles	2,052,000.00	127,000.00	85,000.00	1,585,000.00	85,000.00	85,000.00	85,000.00
Road Program/Infrastructure	2,000,000.00			1,800,000.00		200,000.00	
Total All Projects	25,153,000.00	16,465,000.00	1,051,200.00	5,299,200.00	577,200.00	1,153,200.00	607,200.00

6 YEAR CAPITAL PROGRAM 2018 - 2022
 Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital				General Debt Authorized
		Improvement Fund	Capital Surplus	Grants and Other Funds		
Equipment	4,883,000.00	244,150.00			4,638,850.00	
Recreation Facilities	15,685,000.00	784,250.00			14,900,750.00	
Police Equipment	263,000.00	13,150.00			249,850.00	
Municipal Buildings	270,000.00	13,500.00			256,500.00	
Vehicles	2,052,000.00	102,600.00			1,949,400.00	
Road Program/Infrastructure	2,000,000.00	100,000.00			1,900,000.00	
Total All Projects	25,153,000.00	1,257,650.00	0.00	0.00	23,895,350.00	

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2018-280

CAPITAL BUDGET AMENDMENT
 TO
CAPITAL BUDGET (Current Year Action)
 2018

Planned Funding Services for
 Current Year 2018

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	4,356,000.00		67,400.00			1,280,600.00	3,008,000.00
Recreation Facilities	15,725,000.00		732,500.00			13,917,500.00	1,075,000.00
Police Equipment	255,000.00		0.00			0.00	255,000.00
Municipal Buildings	475,000.00		23,750.00			451,250.00	0.00
Vehicles	552,000.00		6,350.00			120,650.00	425,000.00
Road Program/Infrastructure	10,525,000.00		210,000.00			3,990,000.00	6,325,000.00
Total All Projects	31,888,000.00	0.00	1,040,000.00	0.00	0.00	19,760,000.00	11,088,000.00

6 YEAR CAPITAL PROGRAM 2018 - 2022
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2018-2022					2023
		2018	2019	2020	2021	2022	
Equipment	4,356,000.00	1,348,000.00	511,200.00	1,359,200.00	237,200.00	613,200.00	287,200.00
Recreation Facilities	15,725,000.00	14,650,000.00	400,000.00	75,000.00	200,000.00	200,000.00	200,000.00
Police Equipment	255,000.00	0.00	55,000.00	55,000.00	55,000.00	55,000.00	35,000.00
Municipal Buildings	475,000.00	475,000.00	85,000.00	85,000.00	85,000.00	85,000.00	85,000.00
Vehicles	552,000.00	127,000.00	85,000.00	85,000.00	85,000.00	200,000.00	200,000.00
Road Program/Infrastructure	10,525,000.00	8,100,000.00	2,225,000.00	2,225,000.00	2,225,000.00	2,225,000.00	2,225,000.00
Total All Projects	31,888,000.00	24,700,000.00	1,051,200.00	3,799,200.00	577,200.00	1,153,200.00	607,200.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2018-280

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2018 - 2022
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital		Capital Surplus	Grants and Other Funds		General Debt Authorized
		Improvement Fund					
Equipment	4,356,000.00	217,800.00					4,138,200.00
Recreation Facilities	15,725,000.00	786,250.00					14,938,750.00
Police Equipment	255,000.00	12,750.00					242,250.00
Municipal Buildings	475,000.00	23,750.00					451,250.00
Vehicles	552,000.00	27,600.00					524,400.00
Road Program/Infrastructure	10,525,000.00	526,250.00					9,998,750.00
Total All Projects	31,888,000.00	1,594,400.00		0.00		0.00	30,293,600.00

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 19th day of March, 2018.

Certified by me:

Date	Township Clerk
Trenton, New Jersey	
Approved _____ 2018	Director of Local Government Services

**TOWNSHIP OF LOWER
ORDINANCE NUMBER 2018-18**

**BOND ORDINANCE PROVIDING FOR PHASE 3 OF DRAINAGE AND
STORMWATER MANAGEMENT IMPROVEMENTS AND ASSOCIATED ROAD
WORK TO ROSEANN AVENUE AND BAYSHORE ESTATES, BY AND IN THE
TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW
JERSEY (THE "TOWNSHIP"); APPROPRIATING \$3,900,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$3,900,000 BONDS OR NOTES TO
FINANCE THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members
thereof affirmatively concurring), AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$3,900,000 said sum being inclusive of all appropriations heretofore made therefor. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law (the "Local Bond Law"), as the improvements or purposes described in Section 3 of this bond ordinance shall be funded by loans from the New Jersey Infrastructure Bank (formerly known as the New Jersey Environmental Infrastructure Trust).

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,900,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$3,900,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which said obligations are to be issued include, but are not be limited to, Phase 3 of drainage and stormwater management improvements and associated road work to Roseann Avenue and Bayshore Estates, which shall include, but not be limited to, improvements to stormwater system including, but not limited to, excavation, trunk line improvements and/or improvements to or replacement of stormwater pipe, and, as applicable, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, curb, sidewalk and driveway improvements, as well as roadway painting, landscaping and aesthetic improvements. All such improvements or purposes shall also include all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$3,900,000.

(c) The estimated cost of said improvements or purposes is \$3,900,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity, make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby, and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Township is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$3,900,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$780,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any

change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED on First Reading
Dated: August 20, 2018

Thomas Conrad, Councilmember

Julie A. Picard, Clerk
Township of Lower

David Perry, Councilmember

ADOPTED on Second Reading
Dated: September 5, 2018

Roland Roy, Councilmember

Julie A. Picard, Clerk
Township of Lower

Frank Sippel, Deputy Mayor

Approval by the MAYOR on this 5th day of September, 2018.

Erik Simonsen, Mayor
Township of Lower

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

ORDINANCE #2018-13

Title: **AN ORDINANCE AMENDING CHAPTER 475, PARKS AND RECREATION, OF THE CODE OF THE TOWNSHIP OF LOWER ADDING SECTION 16 TO ARTICLE IV, FEES AND REIMBURSEMENTS, IN ORDER TO ESTABLISH A MEMORIAL BENCH DEDICATION PROGRAM**

WHEREAS, the Township of Lower has received numerous inquiries and requests from individuals regarding the potential dedication of municipal benches located in the Township of Lower in order to honor deceased loved ones; and

WHEREAS, the Township Council of the Township of Lower has determined that it is appropriate to establish a Memorial Bench Dedication Program in order to establish an application process, and guidelines and procedures governing said process, in which individuals seeking approval to dedicate Township owned benches in the memory of deceased loved ones shall follow; and

WHEREAS, the Township Council of the Township of Lower finds that it is in the best interests of the Township and its residents and visitors alike to permit the dedication and placement of additional benches throughout the Township for the use of the general public; and

WHEREAS, the Township Council of the Township of Lower specifically finds that the implementation of a Memorial Bench Dedication Program which governs the style, color, location and fees associated with the dedication of Township owned benches is the best interests of the Township of Lower.

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

Section 1. Chapter 475, Article IV, is hereby amended to add new section 475-16, Memorial Bench Dedication Program:

§ 475-16 – Memorial Bench Dedication Program.

The Township of Lower shall permit the dedication of benches and installation of memorial plaques to remember deceased individuals and families on Township owned benches through a Memorial Bench Dedication Program. Memorial Plaques shall be installed on benches in accordance with the following regulations:

- A. The fee for a dedicated bench and memorial plaque shall be \$1200. No more than one (1) memorial plaque will be permitted on any given bench. The dedication of a bench and installation of a memorial plaque will run for an indefinite period of time. The bench will be purchased by the Township of Lower, from the aforementioned fee and said bench shall become the exclusive property of the Township of Lower.
- B. Applications shall be obtained from and, after completion, returned to the Lower Township Recreation Department. Applications for specific locations shall be considered on a first-come, first-serve basis. The Lower Township Recreation Department will inform the Applicant of the date of the installation.
- C. Benches and Memorial Plaques shall be of a size, style and material determined and approved by the Township Superintendent of Parks and Recreation. Inscriptions set forth on said plaques shall be reviewed and approved at the sole discretion of the Township Superintendent of Parks and Recreation.
- D. Memorial Benches shall be permitted at all existing public parks and locations subject to the final approval of the Superintendent of Parks and Recreation.
- E. No individual or organization may make improvements or install a memorial plaque on any bench or public space without the express approval of the Township of Lower.
- F. The Township of Lower shall not be responsible for the replacement of benches or memorial plaques that have been damaged or destroyed due to vandalism or natural occurrences such as fire or hurricane.

Applicants shall be responsible for the replacement of damaged or destroyed benches and memorial plaques at their sole expense.

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 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

First Reading: July 16, 2018

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2018-14

Title: **AMENDING CHAPTER 617 - TRAILERS, ARTICLE II – TRAILER REGULATIONS, SECTION 15 OF THE CODE OF THE TOWNSHIP OF LOWER TO ADD A NEW SECTION, 617-15(G)(2), TO REGULATE THE USE AND OCCUPANCY OF SHIPPING CONTAINERS IN RESIDENTIAL DWELLINGS.**

WHEREAS, Chapter 617, Trailers, of the Code of the Township of Lower outlines the general regulations associated with the use, storage and occupancy of trailers located throughout the Township of Lower; and

WHEREAS, Article II – Trailer Regulations, Section 15(G) establishes regulations associated with the use of steel shipping containers within the Township; and

WHEREAS, the Lower Township Council wishes to amend Chapter 617, Article II, Section 15(G) of the Township Code in order to add new paragraph (2) and renumber existing paragraph (2) as paragraph (3), in order to prohibit the use and/or occupancy of a steel shipping container in residential dwellings.

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

Section 1. Chapter 617(15)(G), shall have the following paragraph incorporated and existing paragraph (2) will be renumbered as paragraph (3):

617-15(G)(2) The use of steel shipping containers in connection with the construction or occupancy of a residential dwelling is strictly prohibited.

617-15(G)(3) In addition to the penalties set forth in § 617-20, a violation of any provision of this subsection thereunder by any person, persons, corporation or partnership shall result in revocation of the permit in accordance with § 432-17.

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 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

First Reading: August 6, 2018

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE # 2018-15

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER RELEASING, EXTINGUISHING AND VACATING THE PUBLIC RIGHTS OF A PORTION OF LUCILLE AVENUE

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Council of the Township of Lower may, by ordinance, vacate any public street or a portion thereof, dedicated to the Township for public use, but not accepted by the Township, whether or not said street, or any part thereof, has been opened and/or improved; and

WHEREAS, the owners of the property located at 46 Warwick Road, also known as Block 322, Lot 1, have requested that the Township of Lower vacate a portion of Lucille Avenue, described in **Schedule A** which is attached hereto, located in the Township of Lower; and

WHEREAS, Lucille Avenue is an unimproved paper street which has been dedicated for public use but which has not been opened or improved by the Township of Lower; and

WHEREAS, the Township Council has determined that the portion of Lucille Avenue requested to be vacated is unnecessary for public use; and

WHEREAS, the Township of Lower Planning Board, at a meeting on May 17, 2018, recommended that the Township vacate the requested portion of Lucille Avenue.

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

Section 1. The public right, title and interest in the property described within the attached **Schedule A** is hereby released, extinguished and vacated.

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

Section 3. At least one (1) week prior to such time fixed for further consideration for final passage of such ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his or her last known post-office address in accordance with the provisions of N.J.S.A. 40:49-6.

Section 4. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified by her, under the seal of the municipality, to be a true copy of this Ordinance, together with a copy of the proof of publication thereof, in the office of the Clerk of the County of Cape May in accordance with N.J.S.A. 40:67-21.

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

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

Section 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

First Reading: August 6, 2018

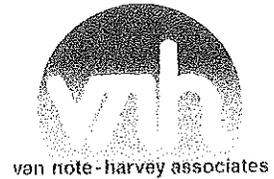
Adopted:

Attest: _____
Julie A Picard, Township Clerk

van note - harvey
ASSOCIATES, INC.

211 Bayberry Drive, Suite 2-E
Cape May Court House, New Jersey 08210
609-465-2600 Fax: 609-465-8028
NJ Authorization #24GA28271300

www.vannoteharvey.com



Since 1894

Description for
Vacation of a portion of
LUCILLE AVENUE
Between Warwick Road and Victoria Avenue
Lower Township
Cape May County – New Jersey

July 17, 2018

File #: 43810-100-11

BEGINNING at the intersection of the southwesterly side of Warwick Road as laid out thirty (30) feet in width with the southwesterly side of Lucille Avenue as laid out thirty (30) feet in width and from said intersection running,

1. South twenty-three degrees twenty-seven minutes forty-seven seconds East (S 23° 27' 47" E) thirty-two and five hundredths (32.05) feet, along a transition line, crossing Lucille Avenue, as laid out thirty (30) feet in width, from the aforesaid southwesterly side of Warwick Road, as laid out thirty (30) feet in width to the southwesterly side of Warwick Road, as laid out fifty (50) feet in width, being also the southeasterly side of Lucille Avenue, as laid out thirty (30) feet in width; thence,
2. South forty-five degrees fifty-four minutes fifty seconds West (S45° 54' 50" W) one hundred and no hundredths (100.00) feet along the southeasterly side of Lucille Avenue to the northeasterly side of Victoria Avenue, as laid out ten (10) feet in width; thence,
3. North forty-four degrees five minutes ten seconds West (N44° 05' 10" W) thirty and no hundredths (30.00) feet to the northwesterly side of Lucille Avenue aforesaid; thence,
4. North forty-five degrees fifty-four minutes fifty seconds East (N45° 54' 50" E) one hundred eleven and twenty-nine hundredths (111.29) feet along the northwesterly side of Lucille Avenue aforesaid to the intersection at the place of beginning.

CONTAINING within the above described bounds 3,169 square feet.

It is the intention of this description to describe that portion of Lucille Avenue (30' wide) between Victoria Avenue (10' wide) and Warwick Road (30' wide & 50' wide) as the same is shown on a certain map titled "Wildwood Villas, Section 8, Lower Township,

Description for
Vacation of a portion of
LUCILLE AVENUE
Between Warwick Road and Victoria Avenue
Lower Township
Cape May County -- New Jersey

July 17, 2018

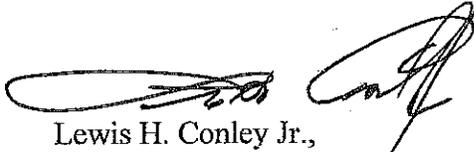
File #: 43810-100-11

Page 2

Cape May County, New Jersey” prepared by O. M Corson, PE & LS and filed in the office of the Cape May County Clerk on December 9, 1952 as Map No. 443

Prepared and approved by:

VAN NOTE-HARVEY ASSOCIATES



Lewis H. Conley Jr.,
Professional Land Surveyor
New Jersey License Number 21212

LHC:lhc

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Julie Picard,
Township Clerk

FROM: Bill Galestok, PP, AICP
Lower Township
Planning Board Secretary

DATE: May 18, 2018

RE: Proposed Vacation of
Lucille & Victoria Avenues

The Planning Board, at their duly held regular meeting, on May 17, 2018, voted to recommend vacation of the above referenced Lucille and Victoria Avenues as detailed in the Van Note Harvey correspondence from Lewis Conley, Jr. PLS and PP, dated May 1, 2018.

Thank you.

WJG:las

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

ORDINANCE #2018-16

Title: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER TO CONVEY A DEED OF EASEMENT TO THE PROPERTY OWNERS OF BLOCK 369.01, LOT 1 IN ORDER TO PROVIDE SAID OWNERS ACCESS TO THE VILLAGE ROAD RIGHT-OF-WAY IN ORDER TO ALLOW FOR THE REPAIR, RECONSTRUCTION AND MAINTENANCE OF THE BULKHEAD LOCATED WITHIN THE VILLAGE ROAD RIGHT-OF-WAY

WHEREAS, Kelly and John Arena ("Arena") are the owners of certain property located at 513 Village Road a/k/a Block 369.01, Lot 1 ("Subject Property") on the official Tax Map of the Township of Lower; and

WHEREAS, there is currently a bulkhead located within the Village Road right-of-way, a portion of which is located on the Subject Property, which sustained significant damage which threatened the structural integrity of Arena's home and threatened to cause significant erosion to the surrounding lands; and

WHEREAS, Arena requested that the Township of Lower provide its consent so as to allow Arena the opportunity to file an Emergency Permit Application with the New Jersey Department of Environmental Protection ("NJDEP") in order to permit the reconstruction of the damaged bulkhead in order to secure Arena's residence and to prevent erosion; and

WHEREAS, the Township of Lower recognized the immediate and emergent nature of this request and agreed to provide its consent to the filing of an Emergency Permit Application by Arena in order to permit Arena to reconstruct, repair and extend the damaged bulkhead located within the Village Road right-of-way on the Subject Property; and

WHEREAS, in connection with the approval and authorization received from the NJDEP to permit Arena to complete the required and necessary repairs to the bulkhead the Township of Lower has determined that it is necessary to convey a right-of-way access easement to Arena so as to allow them access to the Village Road right-of-way in order to undertake required repairs; and

WHEREAS, N.J.S.A. 40A:12-1 et seq. permits the conveyance of an interest in land not needed for public purposes; and

WHEREAS, the public's interest in the Easement is not affected by the granting thereof as the easement provides for access to the right-of-way by Arena while maintained the public interest in the land itself; and

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

Section 1. The Township of Lower is hereby authorized to convey a deed of easement permitting access to the Village Road right-of-way over a portion of Block 369.01, Lot 1, which is owned by the Township of Lower, as further identified in **Exhibit A** which is attached hereto;

Section 2. The Mayor and Township Clerk are hereby authorized to execute all documents necessary for the conveyance of the Easement, including but not limited to executing a Deed of Easement, attached hereto as **Exhibit B**, and other required conveyance documents;

Section 3. The land subject to the Easement is not needed for a public purpose and it is determined to be in the best interests of the Township of Lower to permit access by Arena to the land in question by way of an Easement;

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 5. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

First Reading: August 6, 2018

Adopted:

Frank Sippel, Deputy Mayor

Attest: _____
Julie A Picard, Township Clerk

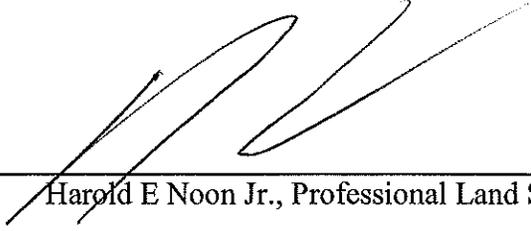
Erik Simonsen, Mayor

DESCRIPTION FOR EASEMENT
TO BE GRANTED TO THE OWNERS OF BLOCK 369.01 LOT 1
IN ORDER TO
MAINTAIN AND REPAIR THE NEW BULKHEAD THROUGH A PORTION
OF THE CURRENT VILLAGE ROAD RIGHT OF WAY ADJOINING
BLOCK 369.01, LOT 1 (TAX MAP NUMBERS)
TOWNSHIP OF LOWER
CAPE MAY COUNTY, NEW JERSEY
July 13, 2018

BEGINNING at intersection of the Northerly line of Village Road (50' wide) with the common line between Block 369.01, Lots 1 and 2 said point being North 54 degrees 15 minutes 30 seconds West a distance of 169.89 feet from the intersection of said line of Village Road with the Westerly line of Bay Drive (50' wide); thence

1. South 35 degrees 44 minutes 30 seconds West a distance of 25.00 feet through the Village Road right of way to a point in the centerline of said Village Road; thence
2. North 54 degrees 15 minutes 30 seconds West a distance of 77.91 feet along the centerline of Village Road to a point; thence
3. North 21 degrees 42 minutes 20 seconds East a distance of 25.77 feet through said Village Road right of way to a point in the aforesaid Northerly line of Village Road; thence
4. South 54 degrees 15 minutes 30 seconds East a distance of 84.16 feet along the common line between Block 369.01, Lot 1 and the aforementioned line of Village Road to the POINT OF BEGINNING

The above being shown as a portion of Village Road right of way on the official tax map of the Township of Lower when next revised.



Harold E Noon Jr., Professional Land Surveyor License Number 24GS03401400

GEOSURV NJ LLC, 377 Kings Highway, Cape May Court House, NJ 08210
(609) 849 9227 OR (609) 317 5650

DEED OF EASEMENT

Prepared by:



ROBERT T. BELASCO, ESQUIRE

This DEED OF EASEMENT is made on _____, 2018

BETWEEN TOWNSHIP OF LOWER, a municipal corporation of the State of New Jersey, whose address is 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter the "Grantor"),

AND JOHN ARENA AND KELLY ARENA, husband and wife, whose address is 513 Village Road, Villas, New Jersey 08251 (hereinafter the "Grantee").

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

GRANT OF EASEMENT. The GRANTOR hereby grants and conveys unto the GRANTEE, their successors and assigns, a perpetual easement through, over, upon and across that portion of GRANTOR'S lands hereinafter described and referred to as the easement area in the attached description of permanent easement. The term of this easement is perpetual so long as GRANTEE abides by the term of this easement.

CONSIDERATION. The GRANTEE have paid the sum of ONE (\$1.00) DOLLAR to GRANTOR as full consideration and total payment for the right-of-way access easement rights hereby granted. The GRANTOR hereby acknowledges the receipt of said consideration.

EASEMENT AREA. That area of the GRANTOR'S property which is the subject of this right-of-way access easement hereby granted and conveyed unto GRANTEE (the "Easement Area") is graphically depicted on the plan annexed hereto as Exhibit A, prepared by Harold B. Noon, Jr., PLS, New Jersey, License No. 24GS03401400, and more formally described herein:

BEGINNING at intersection of the Northerly line of Village Road (50' wide) with the common line between Block 369.01, Lots 1 and 2 said point being North 54 degrees 15 minutes 30 seconds West a distance of 169.89 feet from the intersection of said line of Village Road with the Westerly line of Bay Drive (50' wide); thence

1. South 35 degrees 44 minutes 30 seconds West a distance of 25.00 feet through the Village Road right of way to a point in the centerline of said Village Road; thence
2. North 54 degrees 15 minutes 30 seconds West a distance of 77.91 feet along the centerline of Village Road to a point; thence
3. North 21 degrees 42 minutes 20 seconds East a distance of 25.77 feet through said Village Road right of way to a point in the aforesaid Northerly line of Village Road; thence
4. South 54 degrees 15 minutes 30 seconds East a distance of 84.16 feet along the common line between Block 369.01, Lot 1 and the aforementioned line of Village Road to the POINT OF BEGINNING.

The above being shown as a portion of Village Road right of way on the official tax map of the Township of Lower when next revised.

THIS DEED OF EASEMENT conveys to GRANTEE the right to utilize the easement area in perpetuity in order to maintain and repair the bulkhead located within the Village Road right-of-way, as set forth herein.

IT IS THE SPECIFIC INTENTION of the easement to permit GRANTEE to plan, construct, install, maintain and repair the bulkhead located within the Village Road right-of-way, as described and identified herein, as necessary and required.

THE TERMS OF THIS DEED OF EASEMENT are as follows:

1. GRANTOR and GRANTEE shall exercise due care in the manner in which rights hereunder are exercised.
2. GRANTOR and GRANTEE agree to exercise its rights with respect to the described area so as to not unreasonably interfere with the rights of the other party.
3. GRANTEE is permitted to the right to enter in and upon the described premises to plan, construct, install, maintain and repair the bulkhead located within the Village Road right-of-way as may be necessary and required.
4. GRANTEE shall have the right of ingress and egress to and over said described premises at any and all times for the purpose of doing anything necessary or useful or convenient for the enjoyment and use of the right-of-way easement herein granted.
5. GRANTOR shall not construct, install, alter or cause to be constructed, installed or altered, any improvements within the described premises that will interfere with or impede in any manner Grantee's ability to access or use this right-of-way easement.
6. GRANTEE at their sole cost and expense shall have the obligation and responsibility to properly maintain the Easement Area in a safe and clean condition in compliance with all ordinances and codes of the Township of Lower and the State of New Jersey.
7. GRANTEE agrees to indemnify and hold GRANTOR harmless from any and all liabilities, damages or injuries arising out of any conduct of GRANTEE or any of its employees or agents while accessing, using, repairing and/or maintaining the land which is the subject matter of this easement, or any and all liabilities, damages, or injuries arising from GRANTEE'S use of the land which is the subject of this easement, or from claims of third parties utilizing the Easement Area without the consent of the GRANTOR.
8. The GRANTOR hereby warrants that it is the owner in fee simple of the Easement Area described herein as of the date of this Deed of Easement, and has the complete right and power to execute this Deed, and as such will indemnify, defend and hold harmless the GRANTEE, or their successors or assigns, from any and all loss, costs, damages, claims, actions or liability on account of any and all defects in or lack of title, and disputes arising out of the grant herein.

IN WITNESS WHEREOF, GRANTOR and GRANTEE have signed and sealed this Deed the day and year first above written.

GRANTOR

TOWNSHIP OF LOWER

Attest: Julie Picard, Township Clerk

Erik Simonsen, Mayor

GRANTEE

John Arena

Kelly Arena

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

ORDINANCE #2018-17

Title: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER TO ACCEPT A DEED OF EASEMENT FROM THE PROPERTY OWNERS OF BLOCK 369.01, LOT 1 IN ORDER TO PERMIT THE TOWNSHIP OF LOWER TO MAINTAIN, CONSTRUCT AND REPAIR THE DUNE AND BEACH WATERWARD TO THE EXISTING BULKHEAD THROUGH A PORTION OF BLOCK 369.01, LOT 1.

WHEREAS, Kelly and John Arena ("Arena") are the owners of certain property located at 513 Village Road a/k/a Block 369.01, Lot 1 ("Subject Property") on the official Tax Map of the Township of Lower; and

WHEREAS, there is currently a bulkhead located within the Village Road right-of-way, a portion of which is located on the Subject Property, which sustained significant damage which threatened the structural integrity of Arena's home and threatened to cause significant erosion to the surrounding lands; and

WHEREAS, Arena requested that the Township of Lower provide its consent so as to allow Arena the opportunity to file an Emergency Permit Application with the New Jersey Department of Environmental Protection ("NJDEP") in order to permit the reconstruction of the damaged bulkhead in order to secure Arena's residence and to prevent erosion; and

WHEREAS, the Township of Lower recognized the immediate and emergent nature of this request and agreed to provide its consent to the filing of an Emergency Permit Application by Arena in order to permit Arena to reconstruct, repair and extend the damaged bulkhead located within the Village Road right-of-way on the Subject Property; and

WHEREAS, in connection with the approval and authorization received from the NJDEP to permit Arena to complete the required and necessary repairs to the bulkhead the Township of Lower determined that it was necessary to convey a right-of-way access easement to Arena so as to allow them access to the Village Road right-of-way in order to undertake required repairs; and

WHEREAS, in exchange for the conveyance of a right-of-way access easement by the Township of Lower to Arena, Arena has conveyed an access easement to the Township of Lower in order to permit the Township to maintain, construct and repair the dune and beach located waterward to the existing bulkhead, a portion of which is located on Arenas property, Block 369.01, Lot1; and

WHEREAS, the Solicitor to the Township of Lower has reviewed the legal description associated with said access easement prepared by Harold E. Noon, Jr., PLS and prepared a Deed of Easement memorializing the access conveyed by Arena to the Township which has been executed by Arena

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

Section 1. The Township of Lower is hereby authorized to accept the deed of easement conveyed by Arena permitting access to a portion of Block 369.01, Lot 1, which is owned by Arena, as further identified in **Exhibit A** which is attached hereto;

Section 2. The Mayor and Township Clerk are hereby authorized to execute all documents necessary to accept the conveyance of the Easement conveyed by Arena, attached hereto as **Exhibit B**, and any other required conveyance documents;

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 4. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

First Reading: August 6, 2018

Frank Sippel, Deputy Mayor

Adopted:

Erik Simonsen, Mayor

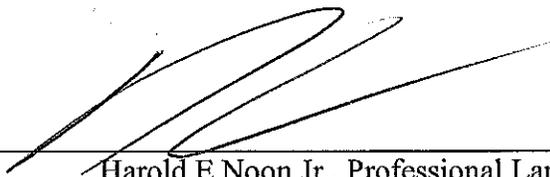
Attest: _____
Julie A Picard, Township Clerk

DESCRIPTION FOR EASEMENT
TO BE GRANTED TO LOWER TOWNSHIP IN ORDER TO
MAINTAIN, CONSTRUCT AND REPAIR THE DUNE AND BEACH
WATERWARD TO THE EXISTING BULKHEAD
THROUGH A PORTION OF
BLOCK 369.01, LOT 1 (TAX MAP NUMBERS)
TOWNSHIP OF LOWER
CAPE MAY COUNTY, NEW JERSEY
July 13, 2018

BEGINNING at intersection of the Northerly line of Village Road (50' wide) with the face of the existing bulkhead on Block 369.01, Lot 1 said point being North 54 degrees 15 minutes 30 seconds West a distance of 254.05 feet from the intersection of said line of Village Road with the Westerly line of Bay Drive (50' wide); thence

1. North 54 degrees 15 minutes 30 seconds West a distance of 90.84 feet along said line of Village Road to a point in the Delaware Bay; thence
2. North 21 degrees 42 minutes 20 seconds East a distance of 103.08 feet along the Delaware Bay to a point; thence
3. South 54 degrees 15 minutes 30 seconds East a distance of 89.73 feet along the common line between Block 369.01, Lot 1, Block 350.03, Lot 1 and a portion Beachwood Avenue (42' wide) to a point in the face of the aforementioned bulkhead; thence
4. South 21 degrees 06 minutes 14 seconds West a distance of 103.35 feet through Block 369.01, Lot 1 and along the face of said bulkhead to the POINT OF BEGINNING

The above being shown as a portion of Block 369.01, Lot 1 on the official tax map of the Township of Lower when next revised.



Harold E Noon Jr., Professional Land Surveyor License Number 24GS03401400

DEED OF EASEMENT

Prepared by:

ROBERT T. BELASCO, ESQUIRE

This DEED OF EASEMENT is made on _____, 2018

BETWEEN JOHN ARENA AND KELLY ARENA, husband and wife, whose address is 513 Village Road, Villas, New Jersey 08251 (hereinafter the "Grantor"),

AND TOWNSHIP OF LOWER, a municipal corporation of the State of New Jersey, whose address is 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter the "Grantee").

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

GRANT OF EASEMENT. The GRANTOR hereby grants and conveys unto the GRANTEE, their successors and assigns, a perpetual easement through, over, upon and across that portion of GRANTOR'S lands hereinafter described and referred to as the easement area in the attached description of permanent easement. The term of this easement is perpetual so long as GRANTEE abides by the term of this easement.

CONSIDERATION. The GRANTEE have paid the sum of ONE (\$1.00) DOLLAR to GRANTOR as full consideration and total payment for the permanent access easement rights hereby granted. The GRANTOR hereby acknowledges the receipt of said consideration.

EASEMENT AREA. That area of the GRANTOR'S property which is the subject of this permanent access easement hereby granted and conveyed unto GRANTEE (the "Easement Area") is graphically depicted on the plan annexed hereto as **Exhibit A**, prepared by Harold E. Noon, Jr., PLS, New Jersey, License No. 24GS03401400, and more formally described herein:

BEGINNING at intersection of the Northerly line of Village Road (50' wide) with the face of the existing bulkhead on Block 369.01, Lot 1 said point being North 54 degrees 15 minutes 30 seconds West a distance of 254.05 feet from the intersection of said line of Village Road with the Westerly line of Bay Drive (50' wide); thence

1. North 54 degrees 15 minutes 30 seconds West a distance of 90.84 feet along said line of Village Road to a point in the Delaware Bay; thence
2. North 21 degrees 42 minutes 20 seconds East a distance of 103.08 feet along the Delaware Bay to a point; thence
3. South 54 degrees 15 minutes 30 seconds East a distance of 89.73 feet along the common line between Block 369.01, Lot 1, Block 350.03, Lot 1 and a portion of Beechwood Avenue (42' wide) to a point in the face of the aforementioned bulkhead; thence
4. South 21 degrees 06 minutes 14 seconds West a distance of 103.35 feet through Block 369.01, Lot 1 and along the face of said bulkhead to the POINT OF BEGINNING.

The above being shown as a portion of Block 369.01, Lot 1 on the official tax map of the Township of Lower when next revised.

THIS DEED OF EASEMENT conveys to GRANTEE the right to utilize the easement area in perpetuity in order to maintain, construct and repair the dune and beach waterward to the existing bulkhead, as described herein.

IT IS THE SPECIFIC INTENTION of the easement to permit GRANTEE to maintain, construct and repair the dune and beach waterward to the existing bulkhead, as described herein, as necessary and required.

THE TERMS OF THIS DEED OF EASEMENT are as follows:

1. GRANTOR and GRANTEE shall exercise due care in the manner in which rights hereunder are exercised.
2. GRANTOR and GRANTEE agree to exercise its rights with respect to the described area so as to not unreasonably interfere with the rights of the other party.
3. GRANTEE is permitted to the right to enter in and upon the described premises to maintain, construct and repair the dune and beach waterward to the existing bulkhead, as described herein, as may be necessary and required.
4. GRANTEE shall have the right of ingress and egress to and over said described premises at any and all times for the purpose of doing anything necessary or useful or convenient for the enjoyment and use of the access easement herein granted.
5. GRANTOR shall not construct, install, alter or cause to be constructed, installed or altered, any improvements within the described premises that will interfere with or impede in any manner Grantee's ability to access or use this access easement.
6. GRANTEE at their sole cost and expense shall have the obligation and responsibility to properly maintain the Easement Area in a safe and clean condition in compliance with all ordinances and codes of the Township of Lower and the State of New Jersey.
7. GRANTEE agrees to indemnify and hold GRANTOR harmless from any and all liabilities, damages or injuries arising out of any conduct of GRANTEE or any of its employees or agents while accessing, using, repairing and/or maintaining the land which is the subject matter of this easement, or any and all liabilities, damages, or injuries arising from GRANTEE'S use of the land which is the subject of this easement, or from claims of third parties utilizing the Easement Area without the consent of the GRANTOR.
8. The GRANTOR hereby warrants that it is the owner in fee simple of the Easement Area described herein as of the date of this Deed of Easement, and has the complete right and power to execute this Deed, and as such will indemnify, defend and hold harmless the GRANTEE, or their successors or assigns, from any and all loss, costs, damages, claims, actions or liability on account of any and all defects in or lack of title, and disputes arising out of the grant herein.

IN WITNESS WHEREOF, GRANTOR and GRANTEE have signed and sealed this Deed the day and year first above written.

GRANTOR

GRANTEE
TOWNSHIP OF LOWER

JOHN ARENA

Erik Simonsen - Mayor

KELLY ARENA

Attest: Julie Picard, Township Clerk

PERSONNEL ACTIONS

Report for Council Meeting of 08/20/2018

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Recreation	Nelson, Michael	08/01/218	Scope, Mildred	New Hire	Rec Aide	Yes
Recreation	Scope, Mildred	06./09/2018		Terminated	Rec Aide	Yes
Recreation	Plenn, Mitchell	01/01/2018		Salary Increase	Superint. Of Rec	Yes
DPW	Lepor, David	01/01/2018		Salary Increase	Gen. Sup DPW	Yes
Planning/Zoning	Galestok, William	01/01/2018		Salary Increase	Director	Yes
Clerk	Fournier, Karen	01/01/2018		Salary Increase	Asst Mun Clerk	Yes
BOCA	Moore, Rose	08/20/2018		Salary Increase	Pr. Clerk	Yes
OEM	Kreis, Eileen	01/01/2018		Stipend	Deputy OEM	Yes
DPW	Hernandez, Steven	08/01/2018		Temp	Laborer	Yes
Public Safety	Scheid, Suzanne	01/01/2018		Promotion	Sr. Clerk Typist	Yes

Date of report: 08/15/2018

c: Manager
Clerk

CLERK

Register Report - Last month

7/1/2018 through 7/31/2018

8/2/2018

Page 1

Account	Description	Memo	Category	Amount
INCOME				7,906.65
Business 2018-2019				7,371.00
Ice Cream License				270.00
Licenses & Permits				45.00
Opra Request				5.65
Street Openings				10.00
Yard Sales				205.00
EXPENSES				14,228.00
Business Mercantile 2018-2019				2,983.00
Licenses & Permits - Spec Events				45.00
Rental 2018-2019				4,200.00
Vacant Property Reg				7,000.00
TRANSFERS				-22,134.65
Council Checking				-22,134.65
			OVERALL TOTAL	0.00

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-886-1455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 07/01/2018 To 07/31/2018

August 06 , 2018 10:37:43AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$126,220.00	Cubic Footage:	60366 Cu.ft	Permit Issued:	112
Cost Of Alteration:	\$839,822.00	Square Footage:	4643 Sq.ft	Updates Issued:	12
Cost Of Demolition:	\$22,500.00			All Fees Waived:	1
Total Cost:	\$988,542.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$13,344.00	Building:	\$0.00	Building:	\$240.00	Building Fees:	\$13,104.00
Electrical:	\$10,831.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$10,831.00
Fire :	\$540.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$540.00
Plumbing:	\$2,469.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$2,469.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$2,670.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$2,670.00
				Total Waived:	\$240.00	Technical Fees:	\$29,614.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$224.00	\$0.00	\$224.00
Alteration Training Fee:	\$1,594.00	\$10.00	\$1,584.00
DCA Minimum Fee:	\$19.00	\$0.00	\$19.00
Sub total Training Fee:	\$1,837.00	\$10.00	\$1,827.00

TECHNICAL ISSUES

Building Technical:	52
Electrical Technical:	88
Fire Protection Technical:	8
Plumbing Technical:	26
Elevator Technical:	
Mechanical Technical:	31

CERTIFICATE ISSUES

Certificate of Occupancy:	2
Certificate of Approval:	39
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$373.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$373.00

PERMIT FEES:	\$29,614.00
DCA FEES:	\$1,827.00
CERTIFICATE FEES:	\$373.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$31,814.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$31,814.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 07/01/2018 To 07/31/2018

August 6, 2018 10:37:11AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,506.00	\$30,308.00	\$0.00	\$31,814.00
LICENSE FEES	Sub Totals:	\$0.00	\$950.00	\$0.00	\$950.00
GRAND TOTALS:		\$1,506.00	\$31,258.00	\$0.00	\$32,764.00

Construction Permit Activity Report

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$247,800.00	Cubic Footage:	58038 Cu.ft	Permit Issued:	13
Cost Of Alteration:	\$204,278.00	Square Footage:	2883 Sq.ft	Updates Issued:	2
Cost Of Demolition:	\$600.00			All Fees Waived:	0
Total Cost:	\$452,678.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$4,725.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$4,725.00
Electrical:	\$1,634.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$1,634.00
Fire :	\$1,345.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$1,345.00
Plumbing:	\$1,669.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$1,669.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$135.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$135.00
				Total Waived:	\$0.00	Technical Fees:	\$9,508.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$216.00	\$0.00	\$216.00
Alteration Training Fee:	\$389.00	\$0.00	\$389.00
DCA Minimum Fee:	\$1.00	\$0.00	\$1.00
Sub total Training Fee:	\$606.00	\$0.00	\$606.00

TECHNICAL ISSUES

Building Technical:	10
Electrical Technical:	12
Fire Protection Technical:	4
Plumbing Technical:	5
Elevator Technical:	
Mechanical Technical:	2

Certificate of Occupancy Fee:	\$497.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$497.00

CERTIFICATE ISSUES

Certificate of Occupancy:	3
Certificate of Approval:	3
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$9,508.00
FEES:	\$606.00
CERTIFICATE FEES:	\$497.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$10,611.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$10,611.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 07/01/2018 To 07/31/2018

August 6, 2018 11:34:38AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$554.00	\$10,057.00	\$0.00	\$10,611.00
	GRAND TOTALS:	\$554.00	\$10,057.00	\$0.00	\$10,611.00



BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Lower Township Public Safety Building
1389 Langley Road
Cape May Airport
Erma, NJ 08204
Phone: (609) 889-0404
Fax: (609) 889-8876

Mailing Address:
407 Breakwater Road
Erma, NJ 08204
LTBFS@COMCAST.NET

For the month of JULY 2018, the Lower Township Bureau of Fire Safety made deposits of \$23,797.75 in the Lower Township Tax office.

Sincerely,

Donna Blackley
Fire Official

cc: file

Board Members
Lauren Read
James Ridgway

**2018 CASH RECEIPTS
JULY**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Preliminary year taxes (2019)	259,527.42	259,527.42
Current year taxes (2018)	3,476,194.80	31,547,972.97
Prior year taxes (2017)	30,946.56	664,069.44
Prior year taxes (2016)		251.48
Previously exempt property		1,135.80
State Audit Pay Back		1,000.00
Municipal Lien		0.00
Recording		0.00
Bankruptcy		0.00
6% Penalty	601.87	3,317.22
Municipal Service Fees		60,290.00
Tax Search Fees		0.00
Interest	10,570.87	89,000.21
Lot clearing	625.00	4,095.00
Returned Check Fees	40.00	300.00
Duplicate Bills	5.00	580.00
Trash	2,854.25	33,152.75
TOTAL DEPOSITS	3,781,365.77	32,664,692.29
DEPOSITED TO COUNCIL CHECK	3,403,630.34	30,576,484.42
DEPOSITED TO WIPP ACCOUNT	377,735.43	2,088,646.87
Transferred to BOCA		-439.00
TOTAL DEPOSITS	3,781,365.77	31,491,248.58
NSF Reversals	902.56	51,124.11
WIPP NSF Reversals	-	28,800.46
TOTAL	3,780,463.21	31,411,324.01

Prepared by Kathy Brown

**2018 JULY
VITAL STATISTICS**

Marriages,Civil Unions	12
Domestic Partners	0
Ceritified Copies	235
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	\$300.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$36.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,350.00
Certified Copies EDRS	\$0.00
Burial Permits State	\$0.00
Burial Permits Twp	\$0.00

TOTAL	\$2,686.00
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CERTIFICATE OF DETERMINATION AND AWARD

I, LAUREN READ, Chief Financial Officer of the Township of Lower, in the County of Cape May (the "Township"), a body corporate and politic organized and existing under the laws of the State of New Jersey, DO HEREBY CERTIFY as follows:

1. Pursuant to due advertisement, the Township received the bids listed below, at the advertised time and place, via electronic auction, for the purchase of \$8,490,000 aggregate principal amount of General Obligation Bonds, Series 2018 (the "Bonds"), of the Township, dated August 3, 2018, and offered for sale, each in legally acceptable form and accompanied by a good faith check or wire transfer in the amount of \$169,800, as applicable;

2. By virtue of authority conferred upon me by a resolution of the Township Council duly adopted on July 2, 2018 and entitled, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES AND DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$8,490,000 GENERAL OBLIGATION BONDS, SERIES 2015 OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY AND PROVIDING FOR THE SALE OF SUCH BONDS" (the "Resolution"), I received the bids attached hereto as **Exhibit A** and by this reference incorporated herein.

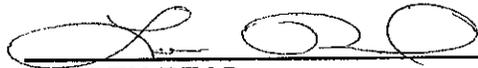
3. Pursuant to the authority conferred upon me by the Resolution, I hereby award the Bonds to Roosevelt & Cross, Inc. and Associates, New York, New York, on the terms set forth in its bid as indicated above;

4. The good faith checks or wire transfers, as applicable, of any unsuccessful bidders have been returned; and

5. I have caused a copy of this certificate to be (i) filed in my office, and (ii) included in the report to be submitted to the Township Council as required by the Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of said Township as of this 19th day of July, 2018.

TOWNSHIP OF LOWER

A handwritten signature in black ink, consisting of a large, stylized 'L' followed by several loops and a horizontal line extending to the right.

**LAUREN READ,
Chief Financial Officer**

m Observation

MuniAuction®

Auction Date **Type** **Start** **End** **Time Now** **Status**
 Thu., Jul 19, 2018 AON 11:00:00 am 11:17:30 am 11:18:47 am EDT Over
 Connected to server

\$8,490,000

Township of Lower, Cape May County, New Jersey
 General Obligation Bonds,
 Series 2018

	Bidder	Firm	TIC	Time	Gross Interest	+ Discount/ (Premium)	Total Interest	Bid No.	Cumulative Improvement
1st	ROOS-ST	Roosevelt	2.763450%	11:15:30 am	\$1,951,472.50	(228,077.50)	\$1,723,395.00	3	0.087851%
2nd	RWBA-DK	Robert Baird	2.765622%	11:14:55 am	\$1,966,980.00	(242,331.40)	\$1,724,648.60	3	0.104547%
Total Bids:								6	

\$8,490,000
Township of Lower, Cape May County, New Jersey
General Obligation Bonds,
Series 2018

Best AON Bidder:	Best AON TIC:
Roosevelt & Cross	2.763450 %

Due	Principal Amount	Serial/ Sinker/ Term	Coupon
Jul 15, 2019	\$470,000	Serial	2.000%
Jul 15, 2020	\$500,000	Serial	2.000%
Jul 15, 2021	\$540,000	Serial	3.000%
Jul 15, 2022	\$580,000	Serial	4.000%
Jul 15, 2023	\$620,000	Serial	4.000%
Jul 15, 2024	\$660,000	Serial	4.000%
Jul 15, 2025	\$710,000	Serial	5.000%
Jul 15, 2026	\$800,000	Serial	2.500%
Jul 15, 2027	\$850,000	Serial	2.500%
Jul 15, 2028	\$900,000	Serial	3.000%
Jul 15, 2029	\$920,000	Serial	3.000%
Jul 15, 2030	\$940,000	Serial	3.000%

Purchase Price: \$8,718,077.50
Time Submitted: July 19, 2018 at
11:15:30 AM EDT

MuniAuction Interest Cost Calculations (for informational purposes only)	
Issue Size	\$8,490,000
Gross Interest	\$1,951,472.50
Plus Discount/(Less Premium)	(228,077.50)
Total Interest Cost	\$1,723,395.00
True Interest Rate	2.763450%
Total Bond Years	61,465.50
Average Life	7.240 Years

Firm: Roosevelt & Cross

The foregoing bid was accepted and the Securities sold by action of this Board, and receipt is hereby acknowledged of the good faith Deposit, if any, which is being held in accordance with the terms of the annexed Official Notice of Sale.

Signature:



Title:

7-19-18

\$8,490,000
Township of Lower, Cape May County, New Jersey
General Obligation Bonds,
Series 2018

Bidder: Roosevelt & Cross Bidder TIC: 2.763450 % **Best AON TIC: 2.763450 %** **Status: Winner****

Due	Principal Amount	Serial/ Principal Sinker/ Term	Coupon
Jul 15, 2019	\$470,000	Serial	2.000%
Jul 15, 2020	\$500,000	Serial	2.000%
Jul 15, 2021	\$540,000	Serial	3.000%
Jul 15, 2022	\$580,000	Serial	4.000%
Jul 15, 2023	\$620,000	Serial	4.000%
Jul 15, 2024	\$660,000	Serial	4.000%
Jul 15, 2025	\$710,000	Serial	5.000%
Jul 15, 2026	\$800,000	Serial	2.500%
Jul 15, 2027	\$850,000	Serial	2.500%
Jul 15, 2028	\$900,000	Serial	3.000%
Jul 15, 2029	\$920,000	Serial	3.000%
Jul 15, 2030	\$940,000	Serial	3.000%
Purchase Price: \$8,718,077.50			
Time Submitted: July 19, 2018 at			
11:15:30 AM EDT			

MuniAuction Interest Cost Calculations (for informational purposes only)	
Issue Size	\$8,490,000
Gross Interest	\$1,951,472.50
Plus Discount/(Less Premium)	(228,077.50)
Total Interest Cost	\$1,723,395.00
True Interest Rate	2.763450%
Total Bond Years	61,465.50
Average Life	7.240 Years

Firm: Roosevelt & Cross

**Winner - Unofficial, subject to verification and award.

\$8,490,000
Township of Lower, Cape May County, New Jersey
General Obligation Bonds,
Series 2018

Bidder: Robert Baird Bidder TIC: 2.765622 % Best AON TIC: 2.763450 % Status: Not Winner

Due	Principal Amount	Serial/ Sinker/ Term	Coupon
Jul 15, 2019	\$470,000	Serial	4.000%
Jul 15, 2020	\$500,000	Serial	4.000%
Jul 15, 2021	\$540,000	Serial	4.000%
Jul 15, 2022	\$580,000	Serial	4.000%
Jul 15, 2023	\$620,000	Serial	4.000%
Jul 15, 2024	\$660,000	Serial	4.000%
Jul 15, 2025	\$710,000	Serial	3.000%
Jul 15, 2026	\$800,000	Serial	3.000%
Jul 15, 2027	\$850,000	Serial	3.000%
Jul 15, 2028	\$900,000	Serial	3.000%
Jul 15, 2029	\$920,000	Serial	3.000%
Jul 15, 2030	\$940,000	Serial	3.000%
Purchase Price: \$8,732,331.40			
Time Submitted: July 19, 2018 at			
11:14:55 AM EDT			

MuniAuction Interest Cost Calculations (for informational purposes only)	
Issue Size	\$8,490,000
Gross Interest	\$1,966,980.00
Plus Discount/(Less Premium)	(242,331.40)
Total Interest Cost	\$1,724,648.60
True Interest Rate	2.765622%
Total Bond Years	61,465.50
Average Life	7.240 Years

Firm: Robert Baird

**Winner - Unofficial, subject to verification and award.

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

RESOLUTION # 2018-281

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.

_____ (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. **Attorney-Client Privilege / Possible Litigation**

_____ (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 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 if 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 20, 2018 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.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on August 20, 2018

Julie A Picard, Township Clerk