

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

AUGUST 6, 2012 - 6:00 P.M.

Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Certificate of Recognition - Gayle Crookston

Certificate of Recognition - Thom Will

Proclamation Supporting the Drive Sober or Get Pulled Over 2012 Statewide Crackdown

Presentation: Jim Kilman - Atlanticare - Medic 5 Stationed at Erma Fire House

Public Hearing: Small Cities Public Facilities Application Hearing and Housing Rehabilitation Application Hearing (yearly requirement)

Work Session

Review of Consent & Regular Agenda Items

Consent Agenda

- Approval of Minutes July 16, 2012
- Res. #2012-187 Payment of Vouchers, \$ 4,342,510.14
- Res. #2012-188 A Resolution Requesting Reduction of Performance Guarantee for Good Samaritan Baptist Church, Inc. Block 494.47, Lots 22 & 23.03 Escrow #Z-06-03-09
- Res. #2012-189 Amendment to Resolution #2012-94 Increasing Economic Loan Amount (Cape May Brewing increasing loan to \$129,512.78)
- Res. #2012-190 Authorization for Refund of Taxes (5 properties)
- Res. # 2012-191 Insertion of Special Item of Revenue Pursuant to N.J.S.A.40A:4-87, Chapter 159 (\$4,400 Drive Sober or Get Pulled Over)
- Res. #2012-192 Adoption of State Model Citizen Participation Plan for DCA Small Cities Program (\$400,000 Public Facilities Project & \$200,000 Housing Rehab loan program)
- Res. #2012-193 Approval of Housing Rehabilitation Grant Management Plan (Management plan for \$200,000 2013 CDBG Housing Rehab program)
- Res. #2012-194 Approval of Public Facilities Grant Management Plan Removal of Architectural Barriers (Management plan for \$400,000 2013 CDBG Public Facilities project)
- Res. #2012-195 Renewal of Commercial Excavation (Gravel Pit) License for A & H Mining & Recycling, LLC (Annual renewal)
- Res. #2012-196 Application for 2013 Drug Enforcement and Demand Reduction (DEDR) Grant Funds (annual app)
- Res. #2012-197 Identifying Small Cities Fair Housing Officer (Colleen Crippen - annual appointment)
- Res. #2012-198 Certification of Lot Clearing Charges to Tax Collector (to lien 17 properties)
- Res. #2012-199 Approval of Cold Spring Presbyterian Church's Application to Conduct a Flea Market
- Res. #2012-200 Award of Vinyl Fence Installed at Lower Township Pool Location (\$14,000.00)
- Res. #2012-201 Capital Budget Amendment (required for bond ordinance 2012-19)
- Res. #2012-202 Appointment to the Recreation Advisory Board (1 alternate member to fill unexpired term)
- Res. #2012- 203 Appointing a Municipal Public Defender (Applicants A. Cafiero, C.Mattessich, V.Roach)
- Res. #2012-204 Resolution For Extension Of Liquor License To Receiver (CJ Holdings)
- Ord. #2012-19 Bond Ordinance Providing for Various Road and Drainage Improvements in and by the Township of Lower, in the County of Cape May, New Jersey, Appropriating \$1,790,000 Therefor and Authorizing the Issuance of \$1,700,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof. 1st rdg. (Annual road & drainage repair program) 2nd rdg. & public hearing Aug. 20

Regular Agenda

- Ord. #2012-18 An Ordinance Authorizing Acceptance of Title to the Brandywine Shoal Light Station and Approving the Leasing Thereof to the Cape May Maritime Museum and Education Center, Inc. - 2nd reading & public hearing

Administrative Reports

Personnel Action Report

June Reports Municipal Court, Treasurer

Council Comments

Call to the Public

Closed Session

Res. #2012-205

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." (Update on Police Personnel Issues & Litigation - Various Foreclosure Matters)

Adjournment

PUBLIC INFORMATION

NATIONAL NIGHT OUT - Tuesday, August 7, 2012 7-9 pm Lower Cape May Regional High School

BLOOD DRIVE - Tuesday, August 21st 10 - 3 at Township Hall. Sign up at Township Hall.

COUNCIL MEETING - WEDNESDAY, SEPTEMBER 5, 2012 - 6:00 pm at VILLAS FIRE HALL

AFTER AUGUST 31ST CREDIT CARD PAYMENTS FOR TAXES WILL NO LONGER BE ACCEPTED AT THE TAX OFFICE WINDOW. Residents can continue to pay by credit card online through the Township's website or sign up for automatic withdrawals from their checking account.

ANNUAL DOG LICENSES DUE. Any dog over 6 months, must be licensed. Proof of rabies vaccination required. If spayed/neutered, vet certificate required. Fee \$7.20 if not spayed/neutered and \$4.20 if spayed/neutered

YARD SALE LICENSES - Required for all yard, sales, attic sales, garage sales etc. Permit fee \$5.00 for two consecutive days and choice of rain date. Three permits permitted per year to a residence/person.

ALL RENTAL PROPERTIES REQUIRE LICENSE AND FIRE INSPECTION - All rentals, commercial or residential, whether yearly or seasonal require a mercantile license and a fire inspection and real estate taxes must be current. Applications for both the required fire inspection and the mercantile license are available at the Municipal Building, 2600 Bayshore Road, Villas and on the Township's website - www.townshipoflower.org, under Form Center.

Regular & Work Session Meeting Minutes - July 16, 2012

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on July 16, 2012 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Deputy 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 Deputy Clerk:

Councilmember Thomas Conrad
Councilmember Walt Craig
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

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

Work Session

Presentation - Paul Miola - Atlantic County Municipal Joint Insurance Fund Membership Renewal

Mr. Paul Miola, Executive Director Atlantic County Municipal Joint Insurance Fund addressed Council and thanked the Officials, Clerk, Manager and department heads for a successful membership. Mr. Miola stated that every municipality in Cape May County is currently a member of the JIF (Joint Insurance Fund) and reiterated that the JIF hires the best possible attorney's to defend any possible suits. He explained that every penny paid in coverage, if not expended in claims, is returned to the municipality. Mr. Miola explained how the JIF is highly competitive and stable in its rates. Mayor Beck stated that Mr. Miola has brought good news to the Township and spoke of how he looked at the website and noticed the premiums are much lower than insurance companies. Mayor Beck thanked Mr. Miola for his presentation.

Presentation - Public Safety Building Committee

Mr. Daniel Shousky, member of the Public Safety Building Committee addressed Council and highlighted parts of the report. (Copy of July 11, 2012 and December, 2004 reports attached) Mayor Beck thanked all the members of the committee for their hard work and attendance in the several meetings which were held. He admired their passion in helping the Township look at the issues at hand. Mayor Beck stated that three resolutions were considered by the committee. 1) that the Township should discontinue the of the Public Safety Building as a police headquarters, 2) that the Township should relocate the Police Department to a newly constructed annex encompassing the old police station at the Township hall complex and 3) that the Township should take steps to place the "Manzoni" building adjacent to the town hall under contract to facilitate this plan. Councilmember Conrad questioned if anyone has spoken with the County regarding the building. Mayor Beck replied the committee is still at the very beginning stages and did not have the need to speak with the county yet. Councilmember Conrad questioned if the Annex building is currently rated as an essential building having all the necessary components. Mr. Shousky replied that has not been determined yet. Councilmember Conrad stated he believes if the department is moved, he would expect a greater reduction in energy costs than has been estimated. Councilmember Craig stated he would also question the ramifications of closing the public safety building. Councilmember Craig stated he thought it was a very good report and appreciates the efforts of the committee and also thinks the Manzoni building would be a good purchase. Councilmember Douglass commended the committee and stated there was a lot of research done and appreciates everyone's help on the project. Deputy Mayor Lare stated he has two concerns regarding the Public Safety Building. First finances, if and when the Township could afford to bond it and Council

Regular & Work Session Meeting Minutes - July 16, 2012

also has to decide what to do with Fire Safety and EMS. Deputy Mayor Lare stated with the addition of the Manzoni property, he believes council should include Fire Safety and EMS, Lower Township should have one complex. Deputy Mayor Lare stated the report is extensive and commended the committee on their efforts. Mayor Beck stated he received information from the Township's CFO stating that this project would have no impact on township taxes. By 2016, two previous bond issues would be paid off, therefore, this bond issuance would have no impact on taxes. Mayor Beck stated another reason for the re-location of the department would be even though it is not the geographical center of the Township, it is close to the population center. Mayor Beck stated he spoke to a representative at "icop" who stated it is unusual to place a police department in back of an airport. He stated some key factors from the Department of Justice suggest that a police department should not be constructed further than a mile from a bus stop but a more important issue is having the Manager in close proximity to the Chief of Police. Mayor Beck thanked the committee and all who had input in the report. Deputy Mayor Lare questioned if bonding 3 million would not effect the tax rate, is that assuming there would be no new capital projects? He stated there is a large project pending with the storm water problems. Mayor Beck replied the CFO has advised that two bond issues totaling approximately 17 million would be paid off in 2016. Mr. Frank Sorocco questioned the air exchange rate in the public safety building. Mr. Shousky replied at this time, it is unknown.

Review of Consent & Regular Agenda Items

Resolution #2012-184 - Motion to place Eileen Kreis's name on the Resolution moved by Councilmember Douglass, seconded by Councilmember Conrad. Motion unanimous.

Consent Agenda

- Approval of Minutes July 2, 2012
- Res. #2012-181 Renewal of Membership in the Atlantic County Municipal Joint Insurance Fund (3 yr membership)
- Res. #2012-182 Appointment of Blauer Associates Without Public Bidding (Grant Consultant)
- Res. #2012-183 Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments & Recommendations (Annual audit certification)
- Res. #2012-184 Appointment to the Recreation Advisory Board (1 Reg. Member vacancy of J. Ridgeway)
- Res. #2012-185 Appointment of Julie Picard As Municipal Clerk, Effective September 1, 2012

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

Regular & Work Session Meeting Minutes - July 16, 2012

Regular Agenda

Res. #2012-180

Payment of Vouchers, \$ 1,726,117.96*

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

Ord. #2012-16

Bond Ordinance Providing for the Acquisition of property in and by the Township of Lower, In the County of Cape May, New Jersey Appropriating \$210,000 Therefore and Authorizing the Issuance of \$200,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (Acquisition of real property) 2nd rdg. & public hearing This Ordinance was advertised, posted on the Twp bulletin board and copies were made available to the public

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

Ord. #2012-17

An Ordinance Authorizing the Acquisition of the Fee Simple Interest in Real Property Owned by Carmen R. Manzoni and Joyce R. Vitale, Known As Block 410.01, Lot 63.02 on the Tax Map of the Township of Lower and also Known and Designated as 2610 Bayshore Road, Villas, New Jersey – 2nd reading & public hearing. This Ordinance was advertised, posted on the Twp bulletin board and copies were made available to the public

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

Ord. #2012-18 An Ordinance Authorizing Acceptance of Title to the Brandywine Shoal Light Station and Approving the Leasing Thereof to the Cape May Maritime Museum and Education Center, Inc. - 1st reading (2nd reading & public hearing will be Aug 6, 2012)

Kevin Maloney addressed Council and thanked both Council and the citizens for their support in this endeavor. He stated that back in June, he presented a proposal requesting Council support the efforts to save the life saving station. This Ordinance will allow Lower Township to accept title of the station and lease it to the Maritime Museum. Mr. Maloney gave a history of the station and the procedure which will be used to restore the station. He stated although they have many volunteers, many are still needed.

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

Administrative Reports

Personnel Action Report

Department Reports June - Animal Control, Dog Licensing, Engineer, Fire Safety, Municipal Clerk, Police, Tax Collector, Vital Statistics
*Tax Collector Certification of Mailing of Tax Bills & Copies**

Council Comments

Councilman Craig thanked the Recreation Department, the Police Department, the Fire Department and everyone involved in the July 3rd event.

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Councilman Douglass reiterated Councilmember Craig's statement and stated that the Township appreciates the sponsors and the event was a huge success.

Deputy Mayor Lare announced that on July 24th, NBC at 8:00pm, Unity in Motion will be performing on America's Got Talent - please watch and support them. He also announced that on July 25th, we will be hosting a free concert at the Ferry featuring the "B Street Band", a Bruce Springsteen tribute band. Deputy Mayor Lare echoed the sentiments regarding the Independence Day Festival and thanked all the donors, who over three years have contributed over \$70,000.00.

Mayor Beck announced: Farmers Market- Fridays during July and August in the Twp complex
Free concert at the Fishing Creek School on July 20th
National Night Out - August 7th
Blood Drive August 21st
All tax bills have been mailed out

Call to the Public

Fred Long addressed Council and thanked the Lower Township Rescue Squad. He stated a family member was involved in an accident and was airlifted to Atlantic City where she had surgery. He stated if not for their response time, she would not have lived.

Jay Young addressed Council and questioned the plans to pave Clubhouse, Bay Drive area which is currently a mess. Mayor Beck replied he would get an answer from the MUA for him.

Rob Reihl, President of the Cape May Beach property owners, addressed Council and on behalf of the members, thanked Council and all who helped and supported the Whale of A Day Festival. He stated despite the high temperature, it was a success. This was the 14th annual event.

Tammy Patterson, Fernwood Road, addressed Council regarding a memorial/monument at the end of her street. She questioned why it was allowed, who gave permission, why the County is cleaning it and so on. Manager Voll replied he had been working on the issue and the stone will be removed. The resident did not receive permission to install it and it will be removed.

Closed Session

Res. #2012-186

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." (Labor Relations - Supervisor's Union Update; Possible Litigation Township Right-Of-Way Issues)

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

Council adjourned to Closed Session at 7:32p.m.

Council returned to Open Session at 7:57 p.m.

Motion to proceed as discussed in closed session moved by Councilmember Douglass, seconded by Councilmember Conrad.

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

Adjournment

There being no further business, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Conrad. Motion unanimous by verbal "ayes". Meeting adjourned at 8:00p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00301 BELMONT AND CRYSTAL SPRINGS* Continued								
	12-01985	07/18/12	BOTTLED WATER RENTAL - JUNE	Open	<u>32.62</u>	0.00		
					150.82			
00370 BLUE CROSS/BLUE SHIELD OF NJ								
	12-01993	07/20/12	AUGUST 2012 HEALTH BENEFITS	Open	232,918.48	0.00		
	12-01994	07/20/12	AUGUST 2012 MED-D	Open	<u>2,624.93</u>	0.00		
					235,543.41			
00403 BLUE WAVE EXPRESS CAR WASH*								
	12-01978	07/18/12	CAR WASH	Open	174.00	0.00		
00406 BLANEY & DONOHUE, PA								
	12-00441	02/14/12	2012 CONTRACT DNE \$50,000	Open	4,166.66	0.00		B
00443 BSN*								
	12-01467	06/04/12	MAC PRO BASE ANCHOR REPL 3/SET	Open	62.97	0.00		
	12-01703	06/20/12	DIVIDER CURTAIN/NET	Open	<u>1,460.46</u>	0.00		
					1,523.43			
00616 ANIMAL ALLIANCE OF CAPE								
	12-01987	07/19/12	TNR & SPAY/NEUTER PROGRAM	Open	550.00	0.00		
	12-02096	08/01/12	TNR SPAY/NUETER PROGRAM	Open	<u>650.00</u>	0.00		
					1,200.00			
00651 MUNICIPAL UTIL AUTH DUMP FEES								
	12-01976	07/18/12	DISPOSAL FEES FOR JUNE	Open	69,825.81	0.00		
00736 CAPE PRINTING EXPRESS*								
	12-01728	06/22/12	ENVELOPES	Open	467.00	0.00		
00775 CAPRIONI PORTABLE TOILETS, INC*								
	12-01744	06/22/12	PORTABLE TOILETS	Open	708.00	0.00		
	12-01852	07/05/12	PORTAPOTTIES-FISHING CREEK SCH	Open	96.50	0.00		
	12-01982	07/18/12	PORTA POTTIES MONTHLY RENTALS	Open	193.00	0.00		
	12-02101	08/01/12	PORTA POTTIES FOR FISHING CREEK	Open	<u>96.50</u>	0.00		
					1,094.00			
00784 CAPE MAY STAR & WAVE								
	12-01879	07/09/12	INSERTIONS 07/04/12	Open	97.34	0.00		
	12-01957	07/17/12	NOTICE OF DECISION 7/11/12	Open	161.20	0.00		
	12-02002	07/23/12	6/27 HELP WANTED AD MUN. CLERK	Open	5.00	0.00		
	12-02103	08/01/12	ONE INSERTION 7-18-12	Open	<u>199.64</u>	0.00		
					463.18			
00807 CDW-GOVERNMENT INC*								
	12-01872	07/06/12	SUPPLIES	Open	180.00	0.00		
00825 COMCAST*								
	12-02053	07/26/12	INTERNET ACCESS F/S 7/30-8/29	Open	107.15	0.00		
01000 GEORGE B NEIDIG JR. JMC								
	12-02099	08/01/12	PROPERTY ACQUISITION DEPOSIT	Open	1,000.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01110 COLLEEN CRIPPEN	12-02094	08/01/12	CONTRACTUAL REIMBURSEMENT	Open	23.00	0.00		
01125 MARGARET CROMPTON	12-02091	08/01/12	CONTRACTUAL REIMBURSEMENT	Open	10.00	0.00		
01130 GAYLE HADLEY	12-01971	07/18/12	ZUMBA PAYMENT	Open	120.00	0.00		
01139 CORELOGIC	12-01981	07/18/12	REFUND 2ND QUARTER TAXES 2012	Open	775.08	0.00		
01170 VERIZON WIRELESS* F/S	12-01933	07/13/12	CELL SERVICE CORRECTIONS F/S	Open	2.55	0.00		
01171 VERIZON WIRELESS - TOWNHALL	12-01862	07/06/12	CELL BILL IPHONE 5/29-6/28/12	Open	1,151.88	0.00		
01201 DELL CORPORATION*	12-01716	06/21/12	TONER BUNDLE FOR 2130CN	Open	372.96	0.00		
01215 DENNISVILLE FENCE COMPANY*	12-01686	06/18/12	BENCH BRACKETS- MULLIGAN FILED	Open	20.64	0.00		
01245 G & K SERVICES CO*	12-01918	07/11/12	UNIFORMS/ROADS/CLEANING	Open	730.64	0.00		
01267 EDWARD DONOHUE	12-02093	08/01/12	CONTRACTUAL REIMBURSEMENT-V	Open	340.00	0.00		
01401 EMBLEM ENTERPRISES, INC.*	12-01502	06/08/12	DEPARTMENT PATCHES	Open	304.72	0.00		
01502 PAMELA FELDER	12-02092	08/01/12	CONTRACTUAL REIMBURSEMENT	Open	7.00	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*	12-02064	07/27/12	ELECTRICAL INSTALLS REC CENTER	Open	450.00	0.00		
01590 FORD, SCOTT & ASSOCIATES*	12-01861	07/06/12	FINAL BILL AUDIT 2012 BUDGET	Open	10,000.00	0.00		
01598 DEARBORN NATIONAL	12-02058	07/27/12	AUGUST 2012 LIFE INSURANCE	Open	488.70	0.00		
01661 GENERAL SALES ADMINISTRATION*	12-01631	06/12/12	PATROL EQUIPMENT	Open	927.50	0.00		
01690 GRANTURK EQUIPMENT CO*	12-01759	06/25/12	PARTS FOR BROOMBEAR SWEEPER	Open	6,076.38	0.00		
01734 CHURCH'S SEASHORE NURSERY INC*	12-01361	05/23/12	FREEMAN DOUGLASS PARK	Open	919.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01781 HATCH MOTT MACDONALD, LLC*								
	11-01456	05/20/11	PKG LOT/STATION PHASE3 \$51250.	Open	1,307.43	0.00		
	12-01428	05/30/12	SERVICES/UNDERGROUND TANKS	Open	2,035.00	0.00		B
	12-01710	06/20/12	ADD ENG OUTFALL WORK DELAWARE	Open	4,600.00	0.00		B
	12-01934	07/13/12	PROFESSIONAL ENGINEERING SERV	Open	69.00	0.00		
	12-01986	07/19/12	PROFESSIONAL ENGINEERING SERV	Open	<u>1,097.00</u>	0.00		
					9,108.43			
01803 HORIZON DENTAL OPTION*								
	12-01995	07/20/12	AUGUST 2012 GROUP 96976	Open	15,309.47	0.00		
01859 HESS CORPORATION								
	12-02048	07/25/12	ELECTRICITY 6/15-7/18/12	Open	9,897.53	0.00		
01866 HOUPERT TRUCK SERVICE*								
	12-01652	06/13/12		Open	1,621.50	0.00		
02025 HUNTER JERSEY PETERBILT*								
	12-01677	06/15/12	PARTS FOR TRASH TRUCK	Open	1,419.96	0.00		
02027 JESCO INC*								
	12-01846	07/03/12	PARTS FOR BACKHOE/DPW	Open	164.72	0.00		
02036 BLAINE STEINMAN ARCHITECT LLC*								
	12-01739	06/22/12	RES 2012-145 MILLMAN CENTER	Open	6,400.00	0.00		B
02108 KEEN COMPRESSED GAS CO*								
	12-01456	06/04/12	BOTTLED GAS FOR GARAGE/DPW	Open	103.50	0.00		
02134 THOMAS KEYWOOD								
	12-02069	07/27/12	MEDICAL CLAIMS	Open	85.00	0.00		
02140 KINDLE FORD LINC/MERC., INC.*								
	12-01795	06/27/12	PARTS FOR DPS VEHICLES/DPW	Open	240.97	0.00		
02175 BRUCE KLAUSING								
	12-02095	08/01/12	CONTRACTUAL REIMBURSEMENT	Open	12.00	0.00		
02248 LAWREN SUPPLY*								
	11-03508	12/19/11	PATROL OPERATION SUPPLIES	Open	181.13	0.00		
02351 LOWER CAPE MAY REGIONAL								
	12-01216	05/11/12	2012-2013 REGIONAL TAX DUE 15	Open	1,116,668.39	0.00		
02418 MAJESTIC SEWER AND DRAIN*								
	12-01874	07/09/12	CLEAN SEWER FOR LOWER TWP POOL	Open	195.00	0.00		
02419 MALL CHEVROLET, INC								
	12-01871	07/06/12	#2012-171CHEVY COLORADO SILVER	Open	16,650.00	0.00		
02590 ARTHUR MASON								
	12-01938	07/13/12	VISION CLAIMS	Open	212.98	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02626 FRED MCCLOSKEY	12-01970	07/18/12	VISION CLAIMS	Open	183.00	0.00		
02647 KATHLEEN MCPHERSON	12-02052	07/26/12	MEDICAL CLAIMS	Open	118.69	0.00		
02652 MCMANIMON & SCOTLAND L.L.C.*	12-01911	07/11/12	PREPARATION OF 2012 ORDINANCES	Open	1,823.80	0.00		
02715 MODERN HANDLING EQUIP CO*	12-01636	06/13/12		Open	1,199.40	0.00		
	12-01916	07/11/12	PARTS/GARAGE/DPW	Open	276.61	0.00		
	12-01925	07/11/12	ANNUAL CONTRACT	Open	<u>1,942.50</u>	0.00		
					3,418.51			
02809 MORPHOTRAK, INC*	12-01404	05/30/12	LIVE SCAN 9-1/2012-8/31/2013	Open	5,360.00	0.00		
02965 KEITH PALEK	12-02005	07/23/12	VISION CLAIMS	Open	205.00	0.00		
03020 NJ DIVISION OF MOTOR VEHICLES	12-01951	07/16/12	NEW VEHICLE REG.	Open	120.00	0.00		
03052 NATIONAL FIRE PROTECTION ASSN*	12-01801	06/28/12	YEARLY NFPA RENEWAL	Open	855.00	0.00		
03102 NJ POLICE TRAFFIC OFFICERS ASS	12-00921	04/05/12	ANNUAL DUES	Open	35.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	12-01845	07/03/12	PARTS FOR RDS/SANT/RECY	Open	105.60	0.00		
03160 OFFICE BASICS, INC*	12-01814	06/28/12		Open	210.98	0.00		
03172 OFFICE BUSINESS SYSTEMS INC*	12-01955	07/16/12	MAINT CONTRACT 09/04/12-9/4/13	Open	1,130.92	0.00		
03284 STEPHEN H. PARKER(REF FEES)	12-02065	07/27/12	SUMMER BASKETBALL REFEREE	Open	245.00	0.00		
03301 RED BANK VETERINARY HOSPITAL	12-01937	07/13/12	EMERGENCY AFTER HRS EXAM/ SERV	Open	413.34	0.00		
	12-02073	08/01/12	EMERGENCY EXAM	Open	<u>27.00</u>	0.00		
					440.34			
03305 PEDRONI FUEL*	12-02037	07/24/12	NO LEAD GAS/DPW	Open	1,309.82	0.00		
03421 FRED PRYOR SEM/CARRER TRK*	12-01485	06/04/12	TRAINING	Open	99.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03449 QC INC*	12-01836	07/02/12	RETENTION POND WATER SAMPLE	Open	41.50	0.00		
03495 ELIZABETH BYRNE	12-01876	07/09/12	RE-CERTIFICATION FEE	Open	25.00	0.00		
03518 RIGGINS, INC.*	12-01851	07/05/12	HIGHWAY DIESEL	Open	2,053.26	0.00		
	12-01909	07/11/12	HIGHWAY DIESEL	Open	1,100.54	0.00		
	12-01945	07/13/12	HIGHWAY DIESEL	Open	676.70	0.00		
	12-02044	07/25/12	HIGHWAY DIESEL	Open	<u>812.59</u>	0.00		
					4,643.09			
03573 SAFETY-KLEEN CORP*	12-01914	07/11/12	EQUIPMENT MAINTENANCE/GARAGE	Open	313.96	0.00		
03608 SEAWAVE CORPORATION*	12-01752	06/25/12	HERALD 3X4 AD FARM MARKET	Open	657.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	12-01453	06/04/12	TIRES FOR RDS/SANTRECYC/DPW	Open	4,272.57	0.00		
03652 FRANK SIPPLE	12-02066	07/27/12	SUMMER BASKETBALL REFEREE	Open	350.00	0.00		
03659 SOUTH JERSEY WIPING CLOTH*	12-01813	06/28/12	SUPPLIES FOR GARAGE	Open	780.00	0.00		
03692 SOUTH JERSEY GAS CO*	12-02059	07/27/12	GAS BILL JULY 2012	Open	246.86	0.00		
03723 STAPLES, INC.*	12-01693	06/20/12	OFFICE SUPPLIES FOR TOWN HALL	Open	291.34	0.00		
	12-02057	07/27/12	OFFICE SUPPLIES	Open	<u>461.77</u>	0.00		
					753.11			
03734 STEWART INDUSTRIES, INC.*	12-01853	07/05/12	COPIER MAIT 6/23/12-9/23/12	Open	1,252.67	0.00		
03831 TREASURER, COUNTY TAXES	12-02006	07/23/12	3RD QUARTER TAX ANIMAL SHELTER	Open	22,269.00	0.00		
	12-02007	07/23/12	3RD QUARTER TAXES	Open	<u>2,331,622.77</u>	0.00		
					2,353,891.77			
03867 UNIVERSAL SUPPLY CO.	12-01947	07/13/12	LUMBER/MATERIALS/BUS STOPS	Open	118.00	0.00		
03904 LOWE'S HOME CENTER INC*	12-01880	07/09/12	MISCELLANEOUS ITEMS	Open	57.34	0.00		
03915 TURF EQUIPMENT & SUPPLY CO*	12-01755	06/25/12	BLADES FOR MOWER	Open	167.60	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03917			STATE OF NJ DEPT OF CHILD/FAML					
	12-02062	07/27/12	QUARTERLY MARRIAGE LIC. 2012	Open	1,000.00	0.00		
03921			UNIFORM & ACCESSORIES WHSE*					
	12-01923	07/11/12	PARTS	Open	10.95	0.00		
03933			TIME IPS, INC*					
	12-01932	07/13/12	12 MONTH IPS SERVICE PLAN	Open	4,264.97	0.00		
03958			DEBORAH VAN MOURIK					
	12-02090	08/01/12	CONTRACTUAL REIMBURSEMENT-V	Open	385.81	0.00		
03960			VECTOR SECURITY*					
	12-01924	07/11/12	BUILDING INSPECTION	Open	252.79	0.00		
	12-01926	07/11/12	KEYS	Open	7.50	0.00		
					<u>260.29</u>			
03963			US LUBES, LLC *					
	12-01758	06/25/12	SUPPLIES FOR GARAGE/DPW	Open	491.34	0.00		
03969			VERIZON					
	12-02009	07/24/12	JULY PHONE BILL	Open	5,139.46	0.00		
03994			MARGARET VITELLI					
	12-02050	07/26/12	RUTGERS EDUC NEW BRUNSWICK, NJ	Open	152.82	0.00		
04030			WEST PUBLISHING PAYMENT *					
	12-01670	06/15/12	NJ STATUTES	Open	204.00	0.00		
	12-01977	07/18/12	CRIMINAL & MV LAWS 2012 UPDATE	Open	119.50	0.00		
					<u>323.50</u>			
04042			CHAS S WINNER INC					
	12-00962	04/11/12	2 2012 DODGE CHARGER 6 CYL	Open	46,519.38	0.00		
04075			BARBER CONSULTING SERVICES LLC					
	12-01988	07/19/12	COMPUTER SERVICES	Open	585.00	0.00		
04085			CHRISTOPHER WINTER					
	12-01939	07/13/12	VISION CLAIMS	Open	235.00	0.00		
04097			CINTAS FIRST AID AND SAFETY*					
	12-02108	08/02/12	TOWN HALL SUPPLIES	Open	40.43	0.00		
04105			PITNEY BOWES GLOBAL FINANCIAL					
	12-01952	07/16/12	EQUIP LEASE 6/30/12-7/30/12	Open	451.00	0.00		
04123			TAMMY DECKER					
	12-01973	07/18/12	PILATES INSTRUCTOR PAYMENT	Open	24.00	0.00		
04261			STATE OF NEW JERSEY					
	12-01917	07/11/12	2ND QTR UNEMPLOYMENT	Open	31,891.15	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04266 NJ DEPT OF HEALTH&SENIOR SVCS	12-02106	08/01/12	STATE DOG LICENSE FEES	Open	49.80	0.00		
04300 W B MASON CO INC*	12-01769	06/27/12	OFFICE SUPPLIES-TREASURER	Open	35.28	0.00		
04301 SEASHORE ASPHALT CORPORATION*	12-01844	07/03/12	HP PATCH FOR DPW	Open	137.50	0.00		
04445 TRICOMM SERVICES CORP*	12-01904	07/11/12	TELEPHONE PROGRAMMING	Open	382.50	0.00		
04449 TRIPLE B SQUARED,LLC	12-01881	07/09/12	ROCK WALL FOR 7/13 FARM MARKET	Open	500.00	0.00		
04504 MEDIA FIVE LTD*	12-01885	07/10/12	8/10/12 FARM MARKET BACK 2 LIF	Open	700.00	0.00		
	12-01888	07/10/12	7/20 FARMER MARKET THE NEXT	Open	700.00	0.00		
					<u>1,400.00</u>			
04511 RUSLING & MARY REIGHN	12-01990	07/19/12	REFUND 1ST & 2ND QUARTER TAXES	Open	1,759.89	0.00		
04512 RAYMOND D HAIGH SR	12-01991	07/19/12	REFUND 1ST QUARTER TAX 2012	Open	734.99	0.00		
04513 MARK B WOODLAND	12-02056	07/27/12	REFUND 2012 TAXES	Open	8,677.69	0.00		
5014 TOM ROSSI	12-01877	07/09/12	CONFLICT PROSECUTOR	Open	300.00	0.00		
5015 ANA RECOVERY LIMITED LIABILIT*	12-01989	07/19/12	NEW VEHICLE OUTFITTING	Open	1,852.30	0.00		
BAC TAX BAC TAX SERVICE CORP	12-02055	07/27/12	REFUND OVERPAYMENT TAXES	Open	8.24	0.00		
BOSNA KAREN MANETTE BOSNA	12-01972	07/18/12	YOGA INSTRUCTOR PAYMENT	Open	45.00	0.00		
G-MUA LTMUA	12-01910	07/11/12	ONE-CALL MESSAGES/DPW	Open	156.63	0.00		
G-YAP CENTER FOR COMMUNITY ARTS	12-01623	06/12/12	SUMMER ART CAMP	Open	3,250.00	0.00		B
GRIMES JAMES GRIMES	12-01374	05/24/12	LACROSSE OFFICIAL	Open	56.00	0.00		
NJTAX NEW JERSEY DIV. OF TAXATION	12-02072	07/31/12	STATE UNEMPLOYMENT DUE	Open	5.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SIXSM LLOYD SIXSMITH*	12-01319	05/17/12	SHIRTS FOR REC DEPT	Open	268.00	0.00		
Total Purchase Orders:		157	Total P.O. Line Items:	384	Total List Amount:	4,342,510.14	Total Void Amount:	0.00

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

Claudia R. Kammer, Municipal Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-188

TITLE: A RESOLUTION REQUESTING REDUCTION OF PERFORMANCE GUARANTEE FOR GOOD SAMARITAN BAPTIST CHURCH, INC, BLOCK 494.47, LOTS 22 & 22.03 ESCROW #Z-06-03-09

WHEREAS, Good Samaritan Baptist Church, Inc., posted a Performance Guarantee with the Township of Lower in the amount of \$58,746.00 for the site plan referenced above; and

WHEREAS, the Township Engineer has recommended that improvements having a total value of \$52,530.00 have been properly installed and are presently acceptable; and

WHEREAS, the Township Engineer has recommended that the Performance Bond be reduced leaving a balance of \$17,623.80

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the Performance Guarantee of \$58,746.00 be and hereby is reduced leaving a remaining balance of \$17,623.80

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

MEMORANDUM

TO: Township Council

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

DATE: July 17, 2012

RE: Resolution #2012-188

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

Pursuant to the above referenced Subsection 400-81E, Resolution #2012-188 is required to reduce the Performance Guarantee held in trust by the Township of Lower for Good Samaritan Baptist Church, Inc.

The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer, Hatch Mott MacDonald. The Township Engineer recommends the **reduction** of the retained \$58,746.00.

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

Improvements having a total value of \$52,530.00 have been completed. Therefore, the Township Engineer recommends the **reduction** of the Performance Guarantee.

Township of Lower policy requires that a Maintenance Guarantee shall be posted upon complete **release** of a Performance Guarantee.

cc: financial file

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

RESOLUTION #2012-189

**TITLE: AMENDMENT TO RESOLUTION #2012-94 - INCREASING ECONOMIC DEVELOPMENT
LOAN AMOUNT**

WHEREAS, the Township of Lower has established a revolving loan fund to finance economic development projects; and

WHEREAS, CAPE MAY BREWING, LLC's was approved for a loan of \$68,165.78 by Resolution #2012-94; and

WHEREAS, CAPE MAY BREWING, LLC wishes to increase their loan request by \$61,347.00 for a total loan of \$129,512.78.

NOW THEREFORE BE IT RESOLVED, that Lower Township Council approves an amendment to Resolution #2012-94 and increases the original loan amount from \$68,165.78 to \$129,512.78 for CAPE MAY BREWING, LLC whose business is located at 1288 Hornet Road, Rio Grande, NJ 08242, contingent upon fulfillment of all collateral and administrative requirements.

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Colleen Crippen

From: Ryan@capemaybrewery.com
Sent: Thursday, July 12, 2012 8:54 AM
To: crippenc@comcast.net
Cc: Colleen Crippen
Subject: Fwd: Economic Development Loan Revision
Attachments: Revised Equipment Loan.xlsx

Hi Colleen,

We are requesting an amendment to the original request in the aggregate amount of \$129,512.78. I have attached the revised equipment list to reflect to previous request and the updated request.

The reason for the additional expenses is four fold:

- 1) The discovery that the acquisition of three Brite Tanks will significantly streamline the production process and eliminate the need for future (and more costly) fermentors.
- 2) Much of the equipment is being designed and built by our team in order to reduce capital expenses. As a result, there are frequent unexpected engineering design modifications that must be made at the expense of unforeseen additional parts. Despite this hurdle, the fact remains that this method is still significantly less than purchasing the pre-fabricated equipment.
- 3) The construction expenses are more than double of what was anticipated.
- 4) The purchase of additional sixtel-style kegs are required by several accounts due to limited space and are an industry standard.

Please let me know if you need any further detail on any of these matters.

If you find this acceptable, please send over the revised security agreement and personal guarantees for execution.

On a lighter note: You should stop by some time to see the progress we have made, the place is really starting to come together. That and we're up to seven accounts and have brought on one full time employee (in addition to Chris). We hope to hire another person shortly.

Best,
Ryan

--
RYAN KRILL
Cape May Brewing Company
1288 Hornet Road
Rio Grande, NJ 08242
609.849.9933
ryan@capemaybrewery.com
capemaybrewery.com
facebook.com/CapeMayBrewCo

Original Equipment List

<u>Equipment</u>	<u>Cost Per Unit</u>	<u>Units</u>	<u>Total</u>
Keg Washer/Filler	\$1,350.00	1	\$1,350.00
200 Gallon Fermentors	\$623.00	12	\$7,476.00
Glycol Chiller System	\$3,120.00	1	\$3,120.00
Pallet Jack	\$350.00	1	\$350.00
Pallet Rack	\$430.00	2	\$860.00
Recirculating Water Heater	\$800.00	1	\$800.00
Water Filtration	\$320.00	1	\$320.00
Malt Mill	\$900.00	1	\$900.00
Dust collection System	\$250.00	1	\$250.00
Solenoid Valves	\$69.00	7	\$483.00
Ball Valves	\$60.00	7	\$420.00
Controller	\$72.00	7	\$504.00
Brewery Hoses 1.5" dia	\$450.00	1	\$450.00
Wash down nozzle	\$72.00	2	\$144.00
Wash down hose	\$20.00	2	\$40.00
Misc plumbing fixtures/parts	\$500.00	1	\$500.00
CO2 Hose	\$50.00	1	\$50.00
Beer Hose	\$60.00	1	\$60.00
Misc Fittings	\$150.00	1	\$150.00
CO2 Regulator	\$43.00	3	\$129.00
Sankey Taps	\$22.00	10	\$220.00
Beer Drip Pan	\$324.14	1	\$324.14
Faucets	\$13.74	6	\$82.44
Shanks	\$15.00	6	\$90.00
Air Distribution	\$59.10	2	\$118.20
Barrel Racks	\$80.00	3	\$240.00
Walk in Freezer (8x20)	\$9,280.00	1	\$9,280.00
Fork Lift	\$5,000.00	1	\$5,000.00
Thermometer	\$150.00	1	\$150.00
Scale	\$65.00	1	\$65.00
Cold Liquor Tank	\$250.00	1	\$250.00
Electrical Lighting	\$1,500.00	1	\$1,500.00
Fermentation Room	\$1,500.00	1	\$1,500.00
Beer Serving Cooler	\$1,000.00	1	\$1,000.00
Tasting Bar	\$8,000.00	1	\$8,000.00
POS System	\$2,340.00	1	\$2,340.00
Sankey Kegs	\$130.00	50	\$6,500.00
3 Bay under sink	\$400.00	1	\$400.00
Glass Washer	\$4,250.00	1	\$4,250.00
TOTAL EQUIPMENT			\$59,665.78

Construction Funded by Economic Development Loan

<u>Construction</u>	<u>Total</u>
Tasting Room Construction	\$8,500.00
TOTAL CONSTRUCTION	\$8,500.00

TOTAL **\$68,165.78**

Revised Equipment List

<u>Equipment</u>	<u>Cost Per Unit</u>	<u>Units</u>	<u>Total</u>
Keg Washer/Filler	\$1,350.00	1	\$1,350.00
200 Gallon Fermentors	\$623.00	12	\$7,476.00
Glycol Chiller System	\$3,120.00	1	\$3,120.00
Pallet Jack	\$350.00	1	\$350.00
Pallet Rack	\$430.00	2	\$860.00
Recirculating Water Heater	\$800.00	1	\$800.00
Water Filtration	\$320.00	1	\$320.00
Malt Mill	\$900.00	1	\$900.00
Dust collection System	\$250.00	1	\$250.00
Solenoid Valves	\$69.00	7	\$483.00
Ball Valves	\$60.00	7	\$420.00
Controller	\$72.00	7	\$504.00
Brewery Hoses 1.5" dia	\$450.00	1	\$450.00
Wash down nozzle	\$72.00	2	\$144.00
Wash down hose	\$20.00	2	\$40.00
Misc plumbing fixtures/parts	\$500.00	1	\$500.00
CO2 Hose	\$50.00	1	\$50.00
Beer Hose	\$60.00	1	\$60.00
Misc Fittings	\$150.00	1	\$150.00
CO2 Regulator	\$43.00	3	\$129.00
Sankey Taps	\$22.00	10	\$220.00
Beer Drip Pan	\$324.14	1	\$324.14
Faucets	\$13.74	6	\$82.44
Shanks	\$15.00	6	\$90.00
Air Distribution	\$59.10	2	\$118.20
Barrel Racks	\$80.00	3	\$240.00
Walk in Freezer (8x20)	\$9,280.00	1	\$9,280.00
Fork Lift	\$5,000.00	1	\$5,000.00
Thermometer	\$150.00	1	\$150.00
Scale	\$65.00	1	\$65.00
Cold Liquor Tank	\$250.00	1	\$250.00
Electrical Lighting	\$1,500.00	1	\$1,500.00
Fermentation Room	\$1,500.00	1	\$1,500.00
Beer Serving Cooler	\$1,000.00	1	\$1,000.00
Tasting Bar	\$8,000.00	1	\$8,000.00
POS System	\$2,340.00	1	\$2,340.00
Sankey Kegs	\$130.00	50	\$6,500.00
3 Bay under sink	\$400.00	1	\$400.00
Glass Washer	\$4,250.00	1	\$4,250.00
Sixtel Kegs	\$8,562.00	1	\$8,562.00
15 BBL Brite Tanks	\$9,295.00	3	\$27,885.00
TOTAL EQUIPMENT			\$96,112.78

Construction Funded by Economic Development Loan

<u>Construction</u>	<u>Total</u>
Tasting Room Construction	\$24,900.00
TOTAL CONSTRUCTION	\$24,900.00

TOTAL **\$121,012.78**

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

RESOLUTION #2012-190

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
461	7	Corelogic	paid on wrong property	775.08
497.01	20.04	Raymond D Haigh	disabled veteran	734.99
497.01	30	BAC Tax Services	paid twice	8.24
512.33	10	Rusling & Mary Reighn	disabled veteran	\$1,759.89
748	28.07	Mark B Woodland	paid by mistake	\$8,677.69

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on August 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-191

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 \$4,400.00 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Drive Sober or Get Pulled Over
Total with increase to be \$4,400.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$4,400.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Drive Sober or Get Pulled Over
State/Federal Share \$ 4,400.00
Non State Share \$
Total with increase to be \$ 4,400.00

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.

I hereby certify this is the original resolution adopted by the Township Council on August 6, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

MEMORANDUM
NEW JERSEY DIVISION OF
HIGHWAY TRAFFIC SAFETY
1-800-422-3750
FAX: (609) 633-9020

TO: 2012 *DRIVE SOBER OR GET PULLED OVER* CRACKDOWN GRANTEES
RE: GRANT REPORTING ON *SAGE*
FROM: ED O'CONNOR, SOUTH REGION SUPERVISOR
DATE: 7/20/12

PLEASE TAKE THE TIME TO READ THESE INSTRUCTIONS COMPLETELY!

Your agency is approved by DHTS for the 2012 Drive Sober or Get Pulled Over Crackdown Grant (\$4,400). The approved project period for your grant begins August 17, 2012 and ends September 3, 2012.

If you have not done so already, you must EXECUTE your grant to formally activate it:

*To execute your grant, please log in to your grant in SAGE and check the box to "agree" to the terms on the "Contract Agreement" page.

*NOTE: Only the SAGE "Agency Administrator" for the grant can log in and execute the grant.

*Be sure to then SAVE the page.

*Then go back to the main screen of the grant (the screen with all of the grant pages aka FORMS running down the right hand side) and click the "change status" bar within the Status Management area (to the left of the page) to move the grant to "Grant Agreement Executed".

*FYI the "**Contract Agreement**" page is your grant approval, which you can print if needed. No other grant approval documentation will be sent.

Three additional documents are provided at this time:

1. Officer Daily Report Form

*Please print the Daily Report Form and make enough copies to use during the campaign.

*Make sure each Daily Report Form is properly filled in and signed by the officer(s) working the overtime detail and signed and approved by a different, supervising officer at the bottom of the form. Make sure that the name of your agency, and the DATE of the detail, is listed on the top line of the form.

* NOTE, these forms will have to be SCANNED and attached to your reimbursement requests, using the BROWSE button on the appropriate reimbursement form on *SAGE*.

*****PLEASE TAKE CARE DURING THE CAMPAIGN TO MAKE SURE THESE DAILY REPORT FORMS ARE FILLED OUT CONSISTENTLY AND PROPERLY

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

RESOLUTION #2012-192

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

WHEREAS, the Township of Lower is an applicant for Department of Community Affairs Fiscal Year 2013 funds for approximately \$400,000 to carry out a Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse and \$200,000 for a Housing Rehabilitation loan program for low and moderate income residents; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the Township Council of the Township of Lower, County of Cape May and State of New Jersey, that;

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

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

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-193

Title: APPROVAL OF HOUSING REHABILITATION GRANT MANAGEMENT PLAN

WHEREAS, the Township of Lower will apply for approximately \$200,000 to carry out a NJDCA Fiscal Year 2013 Small Cities CDBG Housing Rehabilitation project to provide housing rehabilitation loans to low and moderate income residents;

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

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

WHEREAS, the Township of Lower has prepared a Grant Management Plan for its Fiscal Year 2013 Housing Rehabilitation project;

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Lower adopts the Grant Management Plan prepared by Colleen Crippen for the Fiscal Year 2013 Housing Rehabilitation project.

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-194

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

WHEREAS, the Township of Lower will apply for approximately \$400,000 to carry out a NJDCA Fiscal Year 2013 Small Cities CDBG Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse.;

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

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

WHEREAS, the Township of Lower has prepared a Grant Management Plan for its Fiscal Year 2013 Public Facilities project;

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Lower adopts the Grant Management Plan prepared by Colleen Crippen for the Fiscal Year 2013 Public Facilities project.

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-195

**TITLE: RENEWAL OF COMMERCIAL EXCAVATION (GRAVEL PIT)
LICENSES FOR A & H MINING & RECYCLING LLC**

WHEREAS, A & H Mining & Recycling LLC has made application for renewal of commercial excavation (gravel pit) licenses, and

WHEREAS, the applicant has paid the appropriate fees and is currently in compliance with the regulations of the Cape Atlantic Conservation District.

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

1. That the renewal of the commercial excavation license for the following are hereby approved:

**Block 410.01
Block 410.01
Block 410.01**

**Lots 89, 93 - 98
Lots 99.01 & 99.02
Lot 92**

2. That all such licenses shall remain in full force and effect through July 15, 2013.
3. That the renewal of such license shall be conditioned on there being no further commercial activity conducted on the licensed premises without first obtaining all required Township and/or State licenses and permits and that a violation of this condition shall be grounds for revocation of the license.
4. The issuance of the licenses is further conditioned on the licensee's compliance with all applicable Federal, State and local laws and that a conviction of any Federal, State or local law shall be grounds for revocation of the license.

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

Claudia R. Kammer, Township Clerk

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad						
Craig						
Douglass						
Lare						
Beck						



CAPE ATLANTIC
CONSERVATION DISTRICT

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
Education Line (609) 625-1517
www.capeatlantic.org

July 17, 2012

RECEIVED
7-23-12

J.R. Heun
A & H Mining & Recycling, LLC
PO Box 179
Cape May Court House, NJ 08210

Re: Mining Operation Annual Compliance – Soil Erosion and Sediment Control Plan
Application Number: 188-04
Project Name: Borrow Pit
Block: 410.01 Lot(s): 89, 93-98
Municipality: Lower Township

In accordance with the requirements set forth by the Cape-Atlantic Soil Conservation District, your plan and site have been reviewed for annual compliance.

Based on our review, we find that the site is generally in compliance with the requirements set forth in your Soil Erosion and Sediment Control Plan.

This review must be completed annually before any Municipality will issue a license for the upcoming year.

Sincerely,

Richard S. Dovey,
Chairman

cc: Municipal Clerk



CAPE ATLANTIC
CONSERVATION DISTRICT

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
Education Line (609) 625-1517
www.capeatlantic.org

July 19, 2012

RECEIVED
7-23-12

J. R. Heun
A & H Mining & Recycling, LLC
PO Box 179
Cape May Court House, NJ 08210

Re: Mining Operation Annual Compliance – Soil Erosion and Sediment Control Plan
Application Number: 340-89
Project Name: Borrow Pit
Block: 410.01 Lot(s): 99.01 & 99.02
Municipality: Lower Township

In accordance with the requirements set forth by the Cape-Atlantic Soil Conservation District, your plan and site have been reviewed for annual compliance.

Based on our review, we find that the site is generally in compliance with the requirements set forth in your Soil Erosion and Sediment Control Plan.

This review must be completed annually before any Municipality will issue a license for the upcoming year.

Sincerely,

Richard S. Dovey,
Chairman

cc: Municipal Clerk



CAPE ATLANTIC
CONSERVATION DISTRICT

6260 Old Harding Highway
Mays Landing, New Jersey 08330
Phone (609) 625-3144 Fax (609) 625-7360
Education Line (609) 625-1517
www.capeatlantic.org

July 17, 2012

RECEIVED
7-23-12

J.R. Heun
A & H Mining & Recycling, LLC
PO Box 179
Cape May Court House, NJ 08210

Re: Mining Operation Annual Compliance – Soil Erosion and Sediment Control Plan
Application Number: 274-81
Project Name: Borrow Pit
Block: 410.01 Lot(s): 92
Municipality: Lower Township

In accordance with the requirements set forth by the Cape-Atlantic Soil Conservation District, your plan and site have been reviewed for annual compliance.

Based on our review, we find that the site is generally in compliance with the requirements set forth in your Soil Erosion and Sediment Control Plan.

This review must be completed annually before any Municipality will issue a license for the upcoming year.

Sincerely,

Richard S. Dovey,
Chairman

cc: Municipal Clerk

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

RESOLUTION #2012-196

TITLE: APPLICATION FOR 2013 DRUG ENFORCEMENT AND DEMAND REDUCTION (DEDR) GRANT FUNDS

WHEREAS, the State of New Jersey has established a Governor's Council on Alcoholism and Drug Abuse to coordinate the State's efforts in regard to the planning and provision of treatment, prevention, research, evaluation, and education services for, and public awareness of alcoholism and drug abuse; and

WHEREAS, an Alliance to Prevent alcoholism and Drug Abuse has been created in the Governor's Council to set up a network comprised of all communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse; and

WHEREAS, a Local Advisory Committee on Alcoholism and Drug Abuse (LACADA) has been established in Cape May County, along with a County Alliance Steering Subcommittee to submit a plan for the expenditure of Drug Enforcement and Demand Reduction Funds through distribution to eligible municipalities; and

WHEREAS, the Township of Lower has appointed a Municipal Alliance Committee conjointly with the municipalities of Cape May City, West Cape May and Cape May Point, which Committee will identify local needs, and recommend actions designed to deal with Alcoholism and Drug Abuse; and

WHEREAS, the consortium under Lower Township, lead municipality, has received and is administering "DEDR" grants under a subcontract with the County.

NOW THEREFORE, BE IT RESOLVED, that the Township of Lower does hereby authorize the Township to continue in a Consortium of Municipalities, namely, Lower Township, Cape May City, West Cape May and Cape May Point, for the purpose of applying for 2013 DEDR Grant Funds to serve as the applicant municipality on behalf of the Consortium; to file an application for such grant funds; to execute any contracts or agreements necessary to obtain the funds; contracts/agreements.

BE IT FURTHER RESOLVED, that the Lower Cape Municipal Alliance Committee is hereby designated to continue to serve as the Committee required by Section C.26:2BB-9 of the legislation; that the Township of Lower, as lead municipality, is authorized to execute a new service agreement with said Committee on behalf of the Consortium; and that said Agreement will evidence Consortium approval and acceptance of the Committee's Membership and By-Laws.

BE IT FURTHER RESOLVED, that the total amount of the Contract shall be \$62,818, that the total amount of the County Grant shall be \$31,409, that the amount of local in-kind match shall be \$23,557 and that the amount of local cash match shall be \$7,852. Lower Township's cash match shall be \$5,576.

BE IT FURTHER RESOLVED, that the Mayor of Lower Township, is authorized to sign the Application for 2013 grant funds, and to execute all contracts and agreements necessary to accept the funds and carry out the program in accordance with the State requirements.

I hereby certify this is the original resolution adopted by the Township Council on August 6, 2012

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

Colleen Crippen

From: Modzelewski, Sharon <smodzelewski@CO.CAPE-MAY.NJ.US>
Sent: Friday, June 29, 2012 2:36 PM
To: ccrippen@townshipoflower.org
Subject: Lower Cape 2013 Grant Allocation
Attachments: Budget Modification Dates.doc

Hi Colleen:

A letter was sent to the Mayors today to notify them that the Lower Cape Municipal Alliance is eligible to apply for the 2013 Municipal Alliance grant funds in the amount of:

\$31,409 DEDR, \$7,852 Cash Match and \$23,557 In-Kind Match for a total grant of \$62,818

The 2013 funding amount represents a \$2,088 DEDR decrease due to a loss of grant dollars.

This amount could change if Cape May County's award from the Governor's Council on Alcoholism and Drug Abuse (GCADA) is further reduced.

You will receive a copy of the letter.

The application is due **August 10, 2012**.

The application forms are the same as 2012 (except for Form 4B) and the process is the same as last year (two versions).

To begin the process, you may change the date on the current forms (2012) to 2013 and complete any changes.

If budget modifications were completed in 2012, the updated Forms you submitted (i.e. 4A, 5, 6, 7A, 7B, 8, 9, 10) are the starting point for the application.

An application packet was mailed today.

Note: The budget modification policy change, moving the due date up by 2 months, has been amended by GCADA. The final date for modifications to be submitted is now October 9th for the 10/22 CASS review date. It is highly recommended that modifications be completed as early as possible (see attached schedule: 1 date in August/ 2 dates in September/1 date October). Depending on the level of modification request (i.e. line item change, new program, etc.) the review/approval process can take a month+ of time to complete.

Thank you for your time and assistance with the applications. I am available to answer any questions and meet with you throughout the process.

Sharon

Cape May County Department of Human Services
4 Moore Road DN 907
C.M.C.H. NJ 08210
Phone: 609-465-1055
Fax: 609-465-4639

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

RESOLUTION #2012-197

TITLE: Identifying Small Cities Fair Housing Officer

WHEREAS, the Township of Lower is applying for a Fiscal Year 2013 Small Cities Community Development Block Grant application for approximately \$400,000 to carry out a Public Facilities project to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Township Recreation Complex and at the former Fishing Creek schoolhouse and an application for \$200,000 for a Housing Rehabilitation Loan program for low and moderate income residents; and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED that Colleen Crippen shall be designated as the Small Cities Program Fair Housing Officer for the Township of Lower; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights to inform those agencies of her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED, that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Township of Lower; and

BE IT FURTHER RESOLVED, that the Township of Lower will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-198

TITLE: CERTIFICATION OF LOT CLEARING CHARGES TO THE TAX COLLECTOR

WHEREAS, Ordinance #99-10 establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the Township of Lower, which is also known as the Property Maintenance Code, and

WHEREAS, according to Section 302, Exterior Property Areas of the Property Maintenance Code, all premises and exterior property shall be maintained in a clean, safe and sanitary condition, and

WHEREAS, the properties listed below contained conditions which violated Section 302 of the Property Maintenance Code; and notice was duly sent to the property owners to abate the conditions and such conditions were not abated; and

WHEREAS, the Township of Lower has abated the conditions pursuant to the requirements of the Property Maintenance Code and desires to place a lien on the properties listed below:

Block	Lot	Name (As Assessed)	Property Location	Amount	Admin Fee	Lien Amount
289	53	Hawthorne, David P	150 W Greenwood Ave	260.00	500.00	760.00
44	18	Hardesty, Marynell	609 E St Johns Ave	300.00	500.00	800.00
611	2	Dills, Ralph Jr & Elizabeth L	403 Scott Ave	650.00	500.00	1,150.00
334.06	3.02	Stecher, Eleanor Marie	6 Federal Lane	180.00	500.00	680.00
27	27	Gas Restaurant, LLC	401 Bayshore Rd	300.00	500.00	800.00
419	1C-B	Michailidis, Georgious & Jessica	202 B Pine St	300.00	500.00	800.00
289	37	Svendsen, Kristina	120 W Greenwood Ave	185.00	500.00	685.00
166	17	Gibboni, Ronald G & Anne	24 E New York Ave	250.00	500.00	750.00
39	7	McKnight, Elizabeth	112 E Jacksonville Ave	250.00	500.00	750.00
61	29	Curcio, Michael J Jr	9 Desoto Ave	285.00	500.00	785.00
512.13	3047	Kelleher, Grayce	3705 Bybrook Dr	325.00	500.00	825.00
334.09	19.02	Holman, Wayne D	19 Texas Ave	285.00	500.00	785.00
80	35	Walter, Matthew	57 E Hudson Ave	285.00	500.00	785.00
249	10	Welsh, Joseph W & Marion A	222 W. Drumbed Rd	300.00	500.00	800.00
53	11	Donahue, Margaret	522 E St. Johns	275.00	500.00	775.00
90	45	Marr, Gene	245 E Delaware Prkwy	275.00	500.00	775.00
142	15	Strategic BCICFC Acquisitions, LLC	7 Pennsylvania Ave	185.00	500.00	685.00
			TOTAL	4,890.00	8,500.00	13,390.00

WHEREAS, the Code Enforcement Officer of the Township of Lower has certified the costs incurred to abate such conditions to the Township Council, which has examined the certification and has found it to be correct.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May and State of New Jersey that the costs and fees set forth on Schedule A, incurred by the Township of Lower to abate the unlawful conditions on the properties listed below are charges as a lien against such properties, to be added to and become part of the taxes next to be assessed and levied upon such properties, to bear interest at the same rate as taxes, and to be collected and enforced in the same manner as taxes.

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

 Claudia R. Kammer, Township Clerk

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad						
Craig						
Douglass						
Lare						
Beck						

Memo

To: Claudia R. Kammer, Clerk

From: Walter Fiore, Code Enforcement Officer

Subject: Liens for Lot Clearings

Date: JULY 24, 2012

CC: File

I respectfully request liens be placed on the properties listed below for lot clearing charges incurred by the Township.

Please note the Township cost to be added to all liens is \$500.00

BLK/LOT	Name (As Assessed)	Amount	Property Location
289 / 53	HAWTHORNE, DAVID P	\$260.00	150 W GREENWOOD AVE
44 /18	HARDESTY, MARYNELL	\$300.00	609 E ST JOHNS AVE
611 / 2	DILLS, RALPH JR & ELIZABETH L	\$650.00	403 SCOTT AVE
334.06 / 3.02	STECHEER, ELEANOR MARIE	\$180.00	6 FEDERAL LANE
27 /27	GAS RESTAURANT LLC	\$300.00	401 BAYSHORE ROAD
419 / 1 C-B	MICHAILIDIS, GEORGIOUS & JESSICA	\$300.00	202 B PINE STREET
289 / 37	SVENDSEN, KRISTINA	\$185.00	120 W GREENWOOD AVE
166 / 17	GIBBONI, RONALD G & ANNE	\$250.00	24 E NEW YORK AVE

Memo

To: Claudia R. Kammer, Clerk

From: Walter Fiore, Code Enforcement Officer

Subject: Liens for Lot Clearings

Date: JULY 24, 2012

CC: File

I respectfully request liens be placed on the properties listed below for lot clearing charges incurred by the Township.

Please note the Township cost to be added to all liens is \$500.00

BLK/LOT	Name (As Assessed)	Amount	Property Location
39 / 7	MCKNIGHT, ELIZABETH	\$250.00	112 E JACKSONVILLE AVE
61 / 29	CURCIO, MICHAEL J JR.	\$285.00	9 DESOTO AVE
512.13 / 3047	KELLEHER, GRAYCE	\$325.00	3705 BYBROOK DRIVE
334.09/ 19.02	HOLMAN, WAYNE D.	\$285.00	19 TEXAS AVE
80 / 35	WALTER, MATTHEW	\$285.00	57 E HUDSON
249 / 10	WELSH, JOSEPH W. & MARION A.	\$300.00	222 W DRUMBED ROAD
53 / 11	DONAHUE, MARGARET	\$275.00	522 E ST JOHNS
90 / 45	MARR, GENE	\$275.00	245 E DELAWARE PRKWY
142 / 15	STRATEGIC BCICFC ACQUISITIONS, LLC	\$185.00	7 PENNSYLVANIA AVE

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

RESOLUTION #2012 -199

TITLE: APPROVAL OF COLD SPRING PRESBYTERIAN CHURCH'S APPLICATION TO CONDUCT A FLEA MARKET

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

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

WHEREAS, the Township Council has reviewed the application of Cold Spring Presbyterian Church to conduct a flea market on September 8, 2012 with a rain date of September 15, 2012; and

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

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

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on August 6, 2012.

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

APPLICATION FOR OUTDOOR FLEA MARKET
NO FEE LICENSE

Name of Organization: Cold Spring Presbyterian Church

Name of Applicant (Responsible Party): Bonnie Bakley

Address & Phone Number: 780 Seashore Road

884-4065 or
263-2485

Cold Spring, N.J. 08204

Location of Event: Cold Spring Presbyterian Church / Price Hall

Proceeds to Benefit: Cold Spring Church - Building Upkeep
and 2014 Fund for 300th Anniversary

Dates of Flea Market: Sept 8, 2012
(Two Days Only)

Rain Date: Sept 15 2012

State Applicable Status: Non-Profit Civic

Charitable Religious

Marilyn J. Meeker
Signature of Person in Charge

FOR TOWNSHIP USE ONLY

Date Approved by Council: _____

COPY

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

RESOLUTION #2012-200

TITLE: AWARD OF VINYL FENCE INSTALLED AT LOWER TOWNSHIP POOL LOCATION

WHEREAS, proposals were solicited via the Township's Website on July 12, 2012 and due on July 24, 2012 at 11:00a.m. for the installation of vinyl fencing at the Lower Township pool location; and

WHEREAS, four (4) proposals were submitted and reviewed by the QPA and the Recreation Department; and

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

Budget Year and Appropriation Ord. # 12-10 C-04.55. 410.663

CFO Signature 

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

AWARD TO: MURPHY FENCE COMPANY
TOTAL: \$14,000.00

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-201

CAPITAL BUDGET AMENDMENT

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

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

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

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

FROM
CAPITAL BUDGET (Current Year Action)
2012

Planned Funding Services for
 Current Year 2012

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

RESOLUTION #2012-201
 Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-201

CAPITAL BUDGET AMENDMENT

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

Project	Estimated Total Costs	6 YEAR CAPITAL PROGRAM 2012 - 2017					
		2012	2013	2014	2015	2016	2017
Equipment	1,594,200.00	528,200.00	465,000.00	453,000.00	46,000.00	56,000.00	46,000.00
Recreation Facilities	377,800.00	377,800.00	0.00	0.00	0.00	0.00	0.00
Police Equipment	38,500.00	21,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
Municipal Buildings	28,000.00	28,000.00	0.00	0.00	0.00	0.00	0.00
Vehicles	360,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00
Road Program	380,000.00	180,000.00	200,000.00	0.00	0.00	0.00	0.00
Total All Projects	2,778,500.00	1,195,000.00	728,500.00	516,500.00	109,500.00	119,500.00	109,500.00

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

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

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2012-201

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

Planned Funding Services for
 Current Year 2012

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,598,700.00		53,505.00			479,195.00	1,066,000.00
Recreation Facilities	323,300.00		17,435.00			305,865.00	0.00
Police Equipment	38,500.00		1,740.00			19,260.00	17,500.00
Municipal Buildings	28,000.00		2,320.00			25,680.00	0.00
Vehicles	363,000.00				63,000.00	0.00	300,000.00
Land Purchase	210,000.00		10,000.00			200,000.00	0.00
Road Program	1,790,000.00		90,000.00			1,700,000.00	0.00
Total All Projects	4,351,500.00	0.00	175,000.00	63,000.00	0.00	2,730,000.00	1,383,500.00

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

Project	Estimated Total Costs	2012	2013	2014	2015	2016	2017
Equipment	1,598,700.00	532,700.00	465,000.00	453,000.00	46,000.00	56,000.00	46,000.00
Recreation Facilities	323,300.00	323,300.00	0.00	0.00	0.00	0.00	0.00
Police Equipment	38,500.00	21,000.00	3,500.00	3,500.00	3,500.00	3,500.00	3,500.00
Municipal Buildings	28,000.00	28,000.00	0.00	0.00	0.00	0.00	0.00
Vehicles	363,000.00	63,000.00	60,000.00	60,000.00	60,000.00	60,000.00	60,000.00
Land Purchase	210,000.00	210,000.00	0.00	0.00	0.00	0.00	0.00
Road Program	1,790,000.00	1,790,000.00	0.00	0.00	0.00	0.00	0.00
Total All Projects	4,351,500.00	2,968,000.00	528,500.00	516,500.00	109,500.00	119,500.00	109,500.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2012-201

CAPITAL BUDGET AMENDMENT

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

Project	Estimated	Capital	Capital	Grants and	General
	Total Costs	Improvement Fund	Surplus	Other Funds	Debt Authorized
Equipment	1,598,700.00	316,100.00			1,282,600.00
Recreation Facilities	323,300.00	64,000.00			259,300.00
Police Equipment	38,500.00	7,600.00			30,900.00
Municipal Buildings	28,000.00	5,500.00		0.00	22,500.00
Vehicles	363,000.00	71,800.00	63,000.00		228,200.00
Land Purchase	210,000.00	10,000.00			200,000.00
Road Program	1,790,000.00	90,000.00			1,700,000.00
Total All Projects	4,351,500.00	565,000.00	63,000.00	0.00	3,723,500.00

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

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

Certified by me:

_____ Date _____ Township Clerk
 Trenton, New Jersey
 Approved _____ 2012 _____ Director of Local Government Services

RESOLUTION #2012-201
 Capital Budget Amendment

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

RESOLUTION #2012-202

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, Bettina Steiger, Alternate Member resigned from the Recreation Board; and

WHEREAS, her resignation created a vacancy for an alternate member, and

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

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

<u>Name</u>	<u>Type</u>	<u>Term Exp.</u>
	Alternate Member (Replace Bettina Steiger)	December 31, 2012

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

FOR TOWNSHIP USE ONLY

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

Term Exp. _____ Replaced _____ or Reappointed

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

RECEIVED
8-2-12

NAME BRUCE A. FOURNIER

CITY AND STATE Lower Township, NJ

YEARS OF RESIDENCY IN TOWNSHIP 45 OCCUPATION manager

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

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

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

BA - History, Secretary Sigma Chi National Fraternity,
Intramural Sports Director - Youngstown State University,
23 years Retail/marketing/PR, Lower Township Little
League Coach 5 years, director of Fundraising/Special
Events (Aviation museum) 3 years, Summer Camp Coordinator
3 years.

Date: 8/1/12 Signature: Bruce Fournier (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

Address of Residence 13 Newport Dr Email Bruce.A.Fournier@Gmail.com
Primary Phone Number 609 224-7806 Work Phone Number 609 886-8787

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

FOR TOWNSHIP USE ONLY

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

Term Exp. _____ Replaced _____ or Reappointed _____

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

RECEIVED
7-31-12

NAME JOE Will

CITY AND STATE CARE MAY, N.Y 08204

YEARS OF RESIDENCY IN TOWNSHIP 50 OCCUPATION FOREMAN @ Trump Plaza

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

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

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

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

Little League Umpire experience. In the past I was a basketball referee for the men's league at our recreation center. I played baseball for 4 yrs. in high school. Assistant coach for tee ball and was a little league coach. Also, it would be an honor to be on the board as the Rec. Center is named after my father - Paul P. Will - who worked tirelessly to give the youth of the township a safe place to go to and play sports, etc. Thank you

Date: 7/25/12 Signature: Joe Will (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

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

*PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE

Address of Residence 232 MARSHALL AVE. Email JD.Will10@VERIZON.NET
 Primary Phone Number (609) 827-4997 Work Phone Number 441-6000

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

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

RESOLUTION # 2012-203

TITLE: APPOINTING A MUNICIPAL PUBLIC DEFENDER

WHEREAS, the services of a Municipal Public Defender are required by law; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) requires that the Resolution Authorizing the Award of Contracts for "Professional Services" without competitive bids must be publicly advertised, although this award falls below the pay-to-play threshold; and

WHEREAS, the position of Public Defender is currently vacant for the term ending December 31, 2012;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower in the County of Cape May and State of New Jersey, that _____, Esquire is hereby appointed Municipal Public Defender for the Township of Lower, commencing immediately and for the duration of the unexpired term ending on December 31, 2012, funding for such position having been previously encumbered and certified by the Chief Financial Officer;

BE IT FURTHER RESOLVED that this appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because it encompasses a Professional Service recognized, licensed and regulated by New Jersey Law;

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Cape May Star & Wave within ten (10) days of its adoption.

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

Claudia R. Kammer, Municipal Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

RESOLUTION #2012-204

TITLE: RESOLUTION FOR EXTENSION OF LIQUOR LICENSE TO RECEIVER

WHEREAS, an application has been filed for the extension of Plenary Retail Consumption License 0505-33-010-007 to the Court appointed Receiver, Alan I. Gould, Esquire; and

WHEREAS, the submitted application form is complete in all respects, including proof of appointment to act as Receiver;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower that the Township Council does hereby approve, effective August 6, 2012, the extension of the aforesaid Plenary Retail Consumption License to Alan I. Gould to conduct business under the privileges, terms, and conditions of the license as Court appointed Receiver until such time as the Court appointment shall cease or the license be otherwise disposed.

BE IT FURTHER RESOLVED that the Township Clerk shall endorse the License Certificate as follows: "This license is hereby extended, subject to all its terms and conditions to Alan I Gould, Court appointed Receiver, until June 30, 2013."

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

Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						

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

ORDINANCE #2012-19

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND DRAINAGE IMPROVEMENTS IN AND BY THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,790,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,700,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Lower, in the County of Cape May, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,790,000, including a Small Cities Grant in the amount of \$75,000 expected to be received (the "Grant") and further including the sum of \$90,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment and in anticipation of receipt of the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,700,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various road and drainage improvements, consisting of evaluating, maintaining, correcting/and or repairing various issues regarding roads, drainage and outfalls, all as set forth on a list in the Office of the Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one 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 notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to 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 purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. 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 and notes provided in this bond ordinance by \$1,700,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$140,000 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 purpose or improvement.

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township 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 10. 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. 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 real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Council At Large

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Clerk

1st Rdg 7/16/12

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

ORDINANCE 2012-18

AN ORDINANCE AUTHORIZING ACCEPTANCE OF TITLE TO THE BRANDYWINE SHOAL LIGHT STATION AND APPROVING THE LEASING THEREOF TO THE CAPE MAY MARITIME MUSEUM AND EDUCATION CENTER, INC.

Section 1. PREAMBLE

WHEREAS, the Township of Lower in the County of Cape May and State of New Jersey, after presentation at a public meeting by the Cape May Maritime Museum and Education Center, Inc., ("Maritime Museum") has expressed its interest in acquiring title to the Brandywine Shoal Light Station, as well as a lease of said property to the Maritime Museum for the purposes hereinafter set forth; and

WHEREAS, in accordance with the provisions of the National Historic Lighthouse Preservation Act of 2000 (NHLPA), certain historic lighthouse properties are available for title transfer under a no-cost upfront commitment. The Act allows no-cost transference of a lighthouse to another government agency (federal, state, or local level) or to a non-profit organization for the purposes of historic preservation, education, cultural, resource, or park use, with reasonable public access. In accordance with the NHLPA process, the Maritime Museum submitted a letter of interest (LOI) for the Brandywine Shoal Light Station lighthouse property. In response, the National Park Service (NPS) forwarded a formal NHLPA application package to the Maritime Museum. On September 27, 2011, the Maritime Museum and Duffield Associates Engineering inspected the Brandywine Shoal Light Station to pursue an application for stewardship of the historic structure through the NHLPA process; and

WHEREAS, the Township recognizes the rich Maritime History of the Township of Lower; coupled with the positive experience of the Cape May Lighthouse located within the Township and the close proximity of the Historic Brandywine Light to the Township; the parties agreed that although the Maritime Museum would develop the NHLPA application, it would identify the Township of Lower as its partner in the application, indicating that the title/deed to the lighthouse shall be given to the Township in case of a winning application; and

WHEREAS, the Township acknowledges the lighthouse knowledge and expertise of the Maritime Museum and its Partners that include the Hereford Lighthouse and the Delaware Bay Lighthouse Keepers Association, the parties also agreed that the Township of Lower would enter into a long-term lease agreement with the Maritime Museum for all aspects of the planning, preservation, restoration, and operations of the lighthouse in compliance and accordance with the Application; and

WHEREAS, the intention of this ordinance is to create a public-private partnership between Township of Lower and the Maritime Museum, bringing together the strengths and capabilities of each for the benefit of the preservation, restoration, and public use of the historic lighthouse property.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, as follows:

Section 2. The preamble of this ordinance is hereby incorporated by reference as if set forth here at length as the findings and determinations of the Township of Lower;

Section 3. LEGAL AUTHORITY

The Township of Lower is authorized to accept title under the provisions of N.J.S.A. 40:60-25. The Township is authorized to lease the property without public bidding to the a non-profit entity for the purposes of historic programs or activities and to promote the general welfare of the community though such efforts. The Township of Lower finds and determines that the acquisition of title to the Brandywine Shoal Light Station and the leasing of the property to the non-profit entity , the Cape May Maritime Museum and Education Center, Inc., serves these purposes and is expressly of historic interest and promotes the general welfare of the community at large.

Accordingly, this Ordinance shall serve as the approved lease agreement with the Maritime Museum for the purposes aforesaid. Good and sufficient consideration for the mutual terms hereof are acknowledged by the Township and the Maritime Museum based upon the several rights and duties conferred upon and owing from each of the parties hereto. This entire ordinance and the lease elements approved hereby shall be considered the lease agreement by and between the Township and the Maritime Museum and the parties thereto shall execute a signature page evincing their acceptance and acknowledgment of such terms.

Section 4. APPROVED LEASE ELEMENTS

1. If the Township of Lower is given title to the Brandywine Shoal Light Station property by the federal government, the Township gives the Maritime Museum all and exclusive rights to plan, preserve, restore, maintain, and operate Brandywine Shoal Light Station in accordance with the NHLPA application submitted to the federal government, hereafter referred to as the "Application". Since the Application becomes the legally binding document between the federal government and the entity to which it transfers title, i.e., the Township of Lower, it similarly codifies the scope of all of the activities to be performed by the Maritime Museum, as the operations agent of the owner.
2. All management, insurance, and financial arrangements are also codified in the Application. This is a no-cost lease from the Township to the Maritime Museum i.e., there is no lease payment from the Maritime Museum to the Township.
3. The Maritime Museum, as the lessee and lighthouse operations agent, will normally receive all income associated with Brandywine Shoal Light Station (e.g., fund-raising from donors, operating income from tours). Similarly, the Maritime Museum will normally pay for all expenses associated with the lighthouse from this income. Actual and projected income & expenses will be identified in an annual Financial Report.
4. The Township and the Maritime Museum agree that any and all funds that are raised for the preservation, restoration, maintenance and operation of the lighthouse will be used only for those purposes, i.e., funds could not be withdrawn from one of the partners for other general purposes not having to do with the preservation, restoration, maintenance, and operation of the Brandywine Shoal Light Station. If and when the revenues from all sources far exceeds all projected expenditures on a regular basis and an appropriate management reserve has been built up, the Township and the Maritime Museum may choose to pursue potential exceptions to this stipulation (i.e., use excess income for purposes other than the lighthouse) via the Changes clause of this lease, as long as the proposed uses are not in non-compliance with the NHLPA.
5. Township will not impose any further requirements on the Maritime Museum beyond what is documented in the Application. Maritime Museum will not conduct any activities that are not identified in the Application.
6. Similarly, neither the Township or the Maritime Museum can enter into any agreements regarding Brandywine Shoal Light Station with other parties that are not identified in the Application or enter into any agreements that are inconsistent with the intent of the Application; any proposed agreements with additional parties not identified in the Application will require mutual prior approval from both the Township and the Maritime Museum.
7. In accordance with N.J.S.A. 40A:12-15, the term of this lease from the Township to the Maritime Museum is thirty (30) years plus two options of twenty-five (25) years each. At the end of each twenty-five (25) year lease period, the Township and the Maritime Museum will review the lease and make any mutually agreeable changes. Thereafter, the new lease shall be approved by Ordinance of the Township Council as required by law. The Township may reject any option extending the lease if it can be demonstrated that the Maritime Museum has not complied with the NHLPA and/or the Application, in accordance with the Termination clause of this lease.
8. The Township shall have no initial financial obligation. In the event that financing of any aspect of the Maritime Museum's stewardship of the lighthouse is requested, such financing shall be subject to the

financial policies of the Township, the law of the State of New Jersey and subsequent approval by the governing body of the Township of Lower.

9. The lease shall be governed by the laws of the State of New Jersey and any applicable federal law, to include state and federal regulatory provisions, and any dispute brought to a court hereunder shall be venued in the Superior Court of the State of New Jersey in the County of Cape May.
10. Changes: Changes to this lease may be made by mutual written agreement of the Township and the Maritime Museum, as long as the proposed changes are compliant with the NHLPA and the Application and are approved by the governing body of the Township of Lower.

11. Termination:

- a. The Township can terminate this lease with the Maritime Museum only if Maritime Museum does not abide by its commitments in the Application, therefore jeopardizing the Township's ownership of Brandywine Shoal Light Station. The Township will give the Maritime Museum three months to rectify any deviations from the Application and if not corrected, it will give the Maritime Museum (30) days written notice of termination of lease.
- b. The Maritime Museum can terminate the lease if it finds that it can no longer abide by the Application. It will give the Township three months written notice so that Township can take appropriate action with the federal government, if needed.

12. This shall be the entire agreement between the parties which may not be modified by any other document(s) or oral communication(s).

Section 5. SEVERABILITY.

The sections of this Ordinance are individually and severally adopted hereby and shall be severable. In the event that any portion of this Ordinance shall be deemed ineffective or unenforceable as a matter of law by a court of competent jurisdiction, the surviving portions shall remain in full force and effect.

Section 6. EXECUTION OF LEASE AGREEMENT AUTHORIZED

Upon final adoption of this Ordinance in accordance with law, the Mayor and Clerk shall be and are authorized and directed to execute the aforementioned signature page on behalf of the Township of Lower, binding the Township for the purposes aforesaid.

Section 7. This ordinance shall be published by the Clerk in accordance with law and shall take effect after final passage and the expiration of 20 days from the date thereof.

Thomas Conrad, Councilmember

Walt Craig, Councilmember

Glenn Douglass, Councilmember

Adopted: _____

Kevin Lare, Council At Large

Attest: _____
Claudia R. Kammer, Township Clerk

Michael E. Beck, Mayor

PERSONNEL ACTIONS

Report for Council Meeting of 8/06/2012

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
DPW	Marker, Brian Jr.	7/09/2012		resigned	Clerk Typist	yes
DPW	Alexander, Stephen	08/06/2012		new hire	Temp Laborer	yes
DPW	Doll, Frederick	7/30//2012		new hire	Temp Laborer	yes
DPW	Palek, Keith	7/28/2012		title change	Sr. Groundskeeper	yes
DPW	Frame, George	7/23/2012	Mastalski, Mat	new hire	Laborer	yes
DPW	Magnavita, Zachary	7/23/2012	Crookston, Gayle	new hire	Laborer	yes
DPW	Thomas, David	7/23/2012		new hire	Laborer	yes
Recreation	Betz, Matthew	8/2/2012	Petronzi, Christine	new hire	Rec Aide	yes
Recreation	Marino, Pat	8/2/2012		new hire	Park Attendant	yes
Rev and Finance	Starret, Mariya	7/30/2012		new hire	Temp Clerk Typist	yes

Date of report 8/2/2012

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

**LOWER TOWNSHIP MUNICIPAL COURT
MONTHLY DISBURSEMENTS**

TRAFFIC (All fines split w/ County)	\$6,923.00
TRAFFIC COSTS (We receive all costs)	\$5,320.50
CRIMINAL FINES (We receive both Criminal & Local Ordinance fines)	\$ 2,118.00
CRIMINAL COSTS	\$ 974.00
REINSTATED BAILS	\$ -
LOCAL PARKING	
CONTEMPT CHARGES	\$ 164.00
PUBLIC DEFENDER FEES	
MISCELLANEOUS FEES (Spinal & Overpayments)	\$ 5.42
DWI SURCHARGE	\$ 369.23
JUNE 2012 DISBURSEMENTS	

JUNE 2012 COMPLAINTS ISSUED	CRIMINAL IND.	CRIMINAL DP	TRAFFIC	DUI	TOTAL
	43	66	209	7	325
TOTAL RECEIPTS	TOWNSHIP SHARE				
\$38,327.00	\$15,874.15				

COMPLAINTS IN WARRANT STATUS	CRIMINAL	TRAFFIC	TOTAL
	210	166	376

OUTSTANDING CHECKS

JUNE 2012

<u>PRIOR</u>			<u>JUNE</u>		<u>DIT'S</u>
12/10/10	43930	26.25	47569	110,393.78	186.00 DUE FROM BANK
	44435	17.16	47570	174,358.80	4,524.79
	45910	30.00	47571	156,929.40	506.00
	45943	115.40	47579	144.00	1,052.00
	46104	20.00	47582	1,495,251.40	2,760.00
	47350	170.00	47588	388.93	3,780.00
	47455	225.00	47656	200.00	28.00
	47515	30.00	47658	225.00	30.80
			47663	450.00	18,421.94
			47666	217.13	2,352.65
			47667	146.32	
			47675	918.79	
			47676	126.00	
			47677	300.00	
			47679	200.00	
			47680	150.00	
			47683	45.35	
			47689	200.00	
			47691	460.52	
			47706	200.00	
			47708	225.00	
			47709	200.00	
			47710	675.00	
			47711	54.00	
			47715	75.00	
			47720	200.00	
			47721	225.00	
			47732	149.01	
			47740	200.00	
			47741	725.00	
			47743	131.35	
			47746	33.97	
			47759	200.00	
			47761	200.00	
			47767	250.00	
			47771	200.00	
			47780	200.00	
			47781	200.00	
			47788	225.00	
			47800	200.00	
			47804	50.00	
			47807	200.00	
			47810	200.00	
			47811	200.00	
			47815	200.00	
			47818	400.00	

633.81

TOTAL OUTSTANDING CHECKS

1,947,123.751,947,757.5633,642.18

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

RESOLUTION # 2012-205

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 of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- _____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- X** (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on August 6, 2012 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

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

 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
CRAIG						
DOUGLASS						
LARE						
BECK						