

RESOLUTIONS ADOPTED DECEMBER 19, 2011

- Res. #2011-318 Payment of Vouchers, \$665,574.82
- Res. #2011-319 Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower For Engineering Services Related to 2011 Delaware Bay Shore Outfall Extensions (\$3,600 for NJ DEP permits, MOU's & Tidelands license)
- Res. #2011-320 Cancellation and Refund of 2011 Property Tax (Owners granted 100% Disabled Vet status)
- Res. #2011-321 Resolution Authorizing Payment to New Jersey Natural Lands Trust (Payment of \$4,000 for permit and other fees association with MOU between Twp & NJ Natural Lands Trust)
- Res. #2011-322 Renewal of Junk Yard License for Macum Corp. for the Year 2012 (Annual renewal)
- Res. #2011-323 Approval of Precious Metals Licenses 2011 & 2012 (1 new for 2011 & 4 renewals/new 2012)
- Res. #2011-324 A Resolution to Terminate Lower Township's Participation in the State Health Benefits Program (Resolution to termination health benefit coverage for employees through the State's program to switch to another carrier with a projected savings of over \$160,000)
- Res. #2011-325 Transfer of Appropriations, (\$131,100 from Tipping Fees, Insurance & Recreation to various dept's., gasoline, unemployment)
- Res. #2011-326 Authorizing Pay Out of Terminal Leave (E. Dougherty - retired Police - \$1, 024.27)
- Res. #2011-327 Resolution Authorizing Acceptance and Execution of an Easement (Drainage easement - part of Cox Hall Creek project)
- Res. #2011-328 Resolution Approving Release of Executive Session Minutes or Portions Thereof (Year end resolution for portion of minutes that can be released)
- Res. #2011-329 Resolution Authorizing the Township's Contribution Towards the Cox Hall Creek Restoration Project (Township's contribution, not to exceed \$17,000)

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					53,885.46			
00616			ANIMAL ALLIANCE OF CAPE					
	11-03402	12/07/11	TNR AND SPAY/NEUTER PROGRAM	Open	105.00	0.00		
	11-03437	12/12/11	2010 PET SMART GRANT	Open	129.00	0.00		
	11-03452	12/13/11	TNR AND SPAY/NEUTER PROGRAM	Open	70.00	0.00		
	11-03453	12/13/11	2010 PET SMART GRANT	Open	43.00	0.00		

					347.00			
00651			MUNICIPAL UTIL AUTH DUMP FEES					
	11-03440	12/12/11	DUMPING FEES- NOVEMBER 2011	Open	58,792.82	0.00		
00739			CAPE MAY VETERINARY HOSPITAL					
	11-03436	12/12/11	TRN PROGRAM	Open	255.03	0.00		
00784			CAPE MAY STAR & WAVE					
	11-03447	12/13/11	PUBLICATIONS	Open	57.04	0.00		
00786			HAROLD CARTY					
	11-03372	12/05/11	Medical Claims	Open	194.48	0.00		
00807			CDW-GOVERNMENT INC*					
	11-03252	11/18/11	SWITCHES COMM ROOM TOWNHALL	Open	1,049.94	0.00		
00820			COMCAST OF WILDWOOD* DPW					
	11-03393	12/06/11	INTERNET PROVIDER/DPW	Open	95.11	0.00		
00825			COMCAST*					
	11-03442	12/12/11	MONTHLY INTERNET-HALL	Open	155.13	0.00		
01083			COMTEC SYSTEMS INC*					
	11-02499	09/09/11	TOWNHALL SECURITY CAMERA	Open	15,394.09	0.00		
01110			COLLEEN CRIPPEN					
	11-03492	12/15/11	MUNICIPAL ALLIANCE DINNER BEVE	Open	25.00	0.00		
01171			VERIZON WIRELESS - TOWNHALL					
	11-03421	12/08/11	NOVEMBER CELL PHONE BILLS	Open	1,210.55	0.00		
01201			DELL CORPORATION*					
	11-03281	11/28/11	COMPUTER MEMORY	Open	76.48	0.00		
01239			DIANA L DeNOTE					
	11-03414	12/07/11	CONTRACTUAL REIMBURSEMENT	Open	200.25	0.00		
01490			ROBERT FESSLER					
	10-01751	07/06/10	2010 EQUIP ALLOW	Open	125.99	0.00		
01530			FIRE DISTRICT #1					
	11-00887	04/07/11	2011 FIRE DISTRICT TAXES	Open	151,688.43	0.00		
	11-03461	12/14/11	SFSP PAYABLE	Open	2,939.04	0.00		

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					154,627.47			
01540	FIRE DISTRICT #2							
	11-00888	04/07/11	2011 FIRE DISTRICT TAXES	Open	87,345.00	0.00		
	11-03462	12/14/11	SFSP PAYABLE	Open	3,918.72	0.00		
					91,263.72			
01550	FIRE DISTRICT #3							
	11-00889	04/07/11	2011 FIRE DISTRICT TAX	Open	213,684.06	0.00		
	11-03463	12/14/11	SFSP PAYABLE	Open	1,306.24	0.00		
					214,990.30			
01598	DEARBORN NATIONAL							
	11-03374	12/05/11	December 2011 Life Insurance	Open	521.11	0.00		
01603	GENERAL CODE PUBLISHERS*							
	11-03392	12/06/11	ECODE ANNUAL MAINT	Open	1,195.00	0.00		
01653	GENTILINI FORD*							
	11-03288	11/28/11	PARTS FOR TRUCK 10/DPW	Open	513.45	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	11-00781	03/25/11	ENGINEERING SERVICES/OUTFALLS	Open	18,563.57	0.00		B
	11-01974	07/11/11	TAX MAP REVISIONS AND UPDATES	Open	1,344.00	0.00		
	11-02633	09/26/11	STORMWATER INVESTIGATION/DPW	Open	2,250.00	0.00		
	11-03305	11/29/11	APPLICATION NJDOT BEACH ACCESS	Open	2,500.00	0.00		
	11-03379	12/05/11	AABA MEDICAL 259/3	Open	567.82	0.00		
	11-03429	12/12/11	ENGINEERING 07-12-05 BRODESSER	Open	1,248.50	0.00		
	11-03430	12/12/11	ENGINEERING 11-10-01 DERA	Open	294.30	0.00		
	11-03431	12/12/11	ENGINEERING 04-04-13 WKR CONST	Open	1,182.50	0.00		
	11-03432	12/12/11	ENGINEERING 11-03-06 LUTHE	Open	67.50	0.00		
	11-03433	12/12/11	ENGINEERING 11-10-02 NICHOLAS	Open	327.00	0.00		
					28,345.19			
01785	ROBERT HARTMAN SR							
	11-03451	12/13/11	MEDICAL CLAIMS	Open	288.92	0.00		
01806	ANTHONY J HARVATT, II, ESQ							
	11-01283	05/06/11	BOARD SOLICITOR SALARY	Open	383.33	0.00		
	11-03382	12/05/11	LTRS, INC AND MACRO RESOLUTION	Open	150.00	0.00		
					533.33			
01834	RICHARD HOOYMAN							
	11-03482	12/14/11	MEDICAL CLAIMS	Open	220.00	0.00		
01860	GNL DOORS & HARDWARE*							
	11-03270	11/18/11	DOOR HANDLE FOR GARAGE SHOP	Open	155.00	0.00		
01912	GRUCCIO, PEPPER, DESANTO&RUTH PA							

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-00157	01/14/11	2011	CONTRACT EXPENSES DNE	Open	3,350.00	0.00		B
02125	KDI*							
11-03275	11/18/11	CONTRACT CHARGE 8/1 - 10/31/11	Open	433.96	0.00			
02136	TED KINGSTON INC*							
11-02481	09/08/11	NOV 2011	Open	497.86	0.00			
11-02482	09/08/11	DEC 2011	Open	494.85	0.00			
11-02869	10/19/11	REPLACEMENT REPEATER	Open	4,512.00	0.00			

					5,504.71			
02228	DAVID LASERRE							
11-03410	12/07/11	SHOE ALLOWANCE FOR 2011/DPW	Open	54.45	0.00			
02229	CHRISTIAN J. LAMBERT							
11-03418	12/08/11	TRAINING MEALS	Open	102.41	0.00			
02251	LAWYERS DIARY AND MANUAL*							
11-01548	06/02/11	LAWYERS DIARY	Open	89.00	0.00			
02334	LOWER TWP CHAMBER OF COMMERCE							
11-03322	11/30/11	ANNUAL HOSPITALITY/DIRECTORY	Open	4,000.00	0.00			
11-03487	12/15/11	CHAMBER LUNCH	Open	125.00	0.00			

					4,125.00			
02402	MGL PRINTING SOLUTIONS							
11-02764	10/06/11	PD5'S/ENVELOPES	Open	594.00	0.00			
11-02925	10/26/11	1099'S; w-2'S; 1099 INT	Open	157.00	0.00			

					751.00			
02541	ROBERT D. MARTIN, JR							
11-03400	12/07/11	CONTRACTUAL REIMBURSEMENT	Open	98.28	0.00			
02640	FRANK MCCLOSKEY							
11-03391	12/06/11	SHOE ALLOWANCE FOR 2011/DPW	Open	119.00	0.00			
02811	JAMES MOY							
11-03401	12/07/11	CONTRACTUAL REIMBURSEMENT	Open	183.60	0.00			
03076	NJLM							
11-03248	11/17/11	SIMONSEN LEAGUE 2011	Open	60.00	0.00			
03177	OCEAN CREST PRINTING*							
11-02832	10/17/11	BUS CARDS REGISTRAR	Open	25.00	0.00			
03202	OMNIS NETWORK*							
11-03155	11/09/11	LOWER TWP POLICE WEB HOSTING	Open	83.40	0.00			
03293	BLAINE PAYNTER							
11-03493	12/15/11	MEDICAL	Open	43.00	0.00			

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03305 PEDRONI FUEL*	11-03319	11/30/11	NO LEAD GAS/DPW	Open	493.34	0.00		
03347 DAVID PERRY	11-03369	12/05/11	UPS CHARGES	Open	13.70	0.00		
	11-03427	12/12/11	MEDICAL CLAIMS	Open	140.00	0.00		
					----- 153.70			
03366 AMERI-GAS*	11-03483	12/14/11	PROPANE FOR BENNETT'S	Open	276.43	0.00		
03484 LAUREN M. READ	11-03398	12/07/11	AFLAC FLEX REIMBURSEMENT	Open	499.99	0.00		
03495 ELIZABETH BYRNE	11-03321	11/30/11	MILAGE	Open	101.18	0.00		
03518 RIGGINS, INC.*	11-03353	12/05/11	OFF-HIGHWAY DIESEL/DPW	Open	778.08	0.00		
	11-03394	12/06/11	OFF-HIGHWAY DIESEL/DPW	Open	1,051.40	0.00		
					----- 1,829.48			
03573 SAFETY-KLEEN CORP*	11-03231	11/16/11		Open	319.29	0.00		
03655 PENN JERSEY MACHINERY*	11-02750	10/06/11	PARTS FOR LOADER/RDS/DPW	Open	192.94	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	11-03490	12/15/11	MVITELLI SJNIGP	Open	40.00	0.00		
03696 SOUTHERN NJ COUNCIL, BSA	11-03269	11/18/11	EXPLORER MEMBERSHIP	Open	145.30	0.00		
	11-03282	11/28/11	EXPLORERS	Open	241.00	0.00		
					----- 386.30			
03704 RAYMOND SMALL	11-03455	12/13/11	VISION	Open	264.00	0.00		
03775 LISA A. SCHUBERT	11-03373	12/05/11	Reimbursement for eye Exam	Open	100.00	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	11-02924	10/26/11	OFFICE SUPPLIES - TOWNHALL	Open	253.88	0.00		
	11-03196	11/14/11	INK - ASSESSOR'S OFFICE	Open	57.94	0.00		
	11-03326	11/30/11	CALENDERS	Open	312.49	0.00		
	11-03346	12/02/11	OFFICE SUPPLIES TOWNHALL	Open	289.04	0.00		
	11-03384	12/06/11	OFFICE SUPPLIES	Open	512.67	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					1,426.02			
03969 VERIZON	11-03489	12/15/11	PHONE BILLS	Open	120.10	0.00		
03971 VERIZON WIRELESS	11-03387	12/06/11	VERIZON MDT	Open	644.14	0.00		
03981 SECARE, RYAN & HENSEL LAW FIRM	11-02710	10/03/11	RESOLUTION 2011-224	Open	2,550.00	0.00		B
03994 MARGARET VITELLI	11-03491	12/15/11	VISION	Open	235.00	0.00		
04059 THOMAS WILL	11-03448	12/13/11	MEDICAL	Open	504.90	0.00		
04089 WIZARD'S FESTIVAL OF FUN, INC*	11-02820	10/13/11	BAND FOR COSTUME PARADE	Open	550.00	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	451.00	0.00		
04121 RESPONDER PUBLIC SAFETY EQUIP*	11-02872	10/19/11	NEW VEHICLE OUTFITTING	Open	1,401.90	0.00		
04204 ZACHARY ZELWAK	11-03449	12/13/11	MEDICAL CLAIMS	Open	226.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	11-03381	12/05/11	NOVEMBER 2011 DOG LICENSE FEES	Open	14.40	0.00		
04278 RICHARD SANDMAN, ESQ	11-03325	11/30/11	CONFLICT FLYNN & RICHARDSON	Open	400.00	0.00		
5000 Virginia Gowen	11-03375	12/05/11	Refund 4th Quarter Taxes	Open	1,227.82	0.00		
BARBER ANDREW & DIANA BARBER	11-03413	12/07/11	REFUND 2011 TAX-DISSABLED VET	Open	3,826.71	0.00		
BRITB BRUCE BRITTON	11-03279	11/28/11	SOCCER REF FOR JV GAMES	Open	510.00	0.00		
G-DB DB ELECTRONICS	11-03355	12/05/11	MISC. REPAIRS TO PODIUM	Open	180.00	0.00		
GIBSON ALICE GIBSON	11-03405	12/07/11	BASKETBALL REFUND	Open	20.00	0.00		
HEITZ DONNA HEITZ	11-03367	12/05/11	CHEERLEADING REFUND	Open	15.00	0.00		

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
HINKER DAWN HINKER	11-03368	12/05/11	SOCCER COACHING REFUND	Open	15.00	0.00		
NASW NAVAL AIR STATION WILDWOOD	GR 15393	12/08/11	NASW PAYMENT #1	Open	16,000.00	0.00		
SHOF KRISTIN SHOFFLER	11-03376	12/05/11	BASKETBALL REFUND	Open	15.00	0.00		
TILL TILL PAINT CO CORP*	11-03164	11/09/11	WHITE FIELD PAINT	Open	555.00	0.00		
Total Purchase Orders: 119 Total P.O. Line Items: 263 Total List Amount:					681,574.82	Total Void Amount:	0.00	
					665,574.82			

I hereby certify the foregoing resolution was adopted by the governing body of the Township of Lower at a regular meeting held on December 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-319

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO 2011 DELAWARE BAY SHORE OUTFALL EXTENSIONS

WHEREAS, Hatch Mott MacDonald is currently serving as the Municipal Engineer (the "Engineer") based upon a Contract For Services which sets forth their standard hourly rates as approved by the Township Council and executed by the Mayor and Clerk (the "Engineer's Contract");

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to 2011 Delaware Bay Shore Outfall Extensions for NJ DEP permits & Tidelands License which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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


 Lauren Read, CFO

C-04-55-384-106
 Account

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$3,600.00 is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on December 19, 2011.


 Claudia R. Kammer, Township Clerk

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



**Hatch Mott
MacDonald**

Hatch Mott MacDonald

833 Rt 9 North
PO Box 373
Cape May Court House, NJ 08210
T 609.465.9377 www.hatchmott.com

Res. 2011-319

November 30, 2011

Via email: gdouglasslowertownship@comcast.net & 1st Class Mail

Mr. Gary Douglass, CPWM
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Additional Work
NJDEP permits & Tidelands License
2011 Delaware Bay Shore Outfall Extensions
Township of Lower, Cape May County, New Jersey
HMM No. 291956**

Dear Mr. Douglass:

As you are aware Hatch Mott MacDonald (HMM) was authorized by Council to perform surveying, engineering and permitting services for the 2011 Delaware Bay Shore outfall extensions on March 21, 2011 (Township Resolution No. 2011-91) based on our March 2, 2011 proposal.

Under Task 6 of the aforementioned proposal a budget of \$9,500 was established to handle any reimbursable services or direct expenses incurred during the performance of Tasks 1-5 such as meetings, travel, plan and report reproduction and follow-up with the NJDEP and USACE during the permitting process. As a result of out of scope work performed for the Tweed property the Township authorized an additional \$4,973 to the Task 6 budget.

As you are aware subsequent to these authorizations from the Township to perform work on the above referenced project, additional work has been performed and additional costs incurred to respond to the NJDEP's request for additional information for the outfall reconstruction, plan revisions relating to property ownership clarifications and easements, and an additional description demonstrating no significant impact for the relocation of the Whittier Avenue outfall. This information was contained in our submittal package to the NJDEP dated, October 26, 2011. Additional postage expenses were incurred for over seventy (70) individual certified public notices.

We reached our previously amended Task 6 budget of \$14,473 with our October 26, 2011 NJDEP submittal. There is still remaining work to be performed to assist in acquiring the NJNLT MOU and easements, and submittal of final plan revisions to the NJDEP in support of the CAFRA/WFD permit and Tidelands License, work that was not anticipated in the original Task 6 budget.



Hatch Mott
MacDonald

As a result of the additional unanticipated work needed to complete the NJDEP applications for final review, we request that the Township authorize an additional **\$3,600** (allocated to the Task 6 budget) so HMM can complete the remainder of the work contemplated under Task 6. As indicated in our previous proposal, all work performed under Task 6 will be based on a reimbursable method of compensation for the actual time required and at the actual hourly rates for the individuals employed.

We thank you for your consideration of this request. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

Mark R. Sray PE, CME
Senior Associate
T 609.465.9377 F 609.465.5270
mark.sray@hatchmott.com

Steven C. Morey, CEP
Associate
T609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

cc (via Email): Michael J. Voll, Township Manager

Accounts - C-04 - 55-384-106

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

RESOLUTION #2011-320

TITLE: CANCELLATION AND REFUND OF 2011 PROPERTY TAX

WHEREAS, Block 659 lot 13, assessed to Andrew & Diana Barber was changed to property class 15F as of January 1, 2011 due to being a 100% disabled veteran: and

WHEREAS, the 2011 taxes have been paid by the property owners.

NOW, THEREFORE, BE IT RESOLVED that the 2011 taxes be canceled and \$3,826.71 be refunded.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on December 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, Clerk

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

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

RESOLUTION #2011-321

TITLE: RESOLUTION AUTHORIZING PAYMENT TO NEW JERSEY NATURAL LANDS TRUST

WHEREAS, Resolution #2011-292 adopted on November 7, 2011 approved a Memorandum of Understanding between the NJ Natural Lands Trust and the Township of Lower to provide the Township access to their property known as Block 512.06, Lot 1 for the purpose of constructing and/or maintaining stormwater pipes, and

WHEREAS, as a condition of the MOU the Township has agreed to pay the Trust a fee of Four Thousand Dollars (\$4,000) which represents payment in lieu of application fee and staff time and resources involved in reviewing the information presented by the Township, and

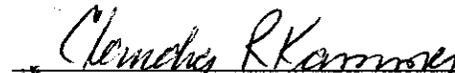
WHEREAS, the CFO has certified, by here signature, that funds are available as follows:

Ord # 09-12 C.04.55-395-910
Account #


Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED that payment to the NJ Natural Lands Trust in accordance with the signed MOU be and is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 19, 2011.


Claudia R. Kammer, Township Clerk

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



5000 to ...
RECEIVED
12-9-11 p.

The New Jersey
NATURAL LANDS TRUST

December 7, 2011

Ms. Claudia R. Kammer, Township Clerk
Township of Lower
2600 Bayshore Road
Villas, New Jersey 08251

RE: New Jersey Natural Lands Trust MOU
Block 512.06, Lot 1

Dear Ms. Kammer:

Enclosed please find the fully-executed Memorandum of Understanding between the Township of Lower and New Jersey natural Lands Trust.

Thank you for your attention to this matter.

Sincerely,

Cari J. Wild
Real Estate Coordinator

**THE TOWNSHIP OF LOWER
&
NEW JERSEY NATURAL LANDS TRUST
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING (MOU), dated this 7th day of November, 2011, by and between the Township of Lower (Township) and the New Jersey Natural Lands Trust (Trust) is entered into concerning lands owned by the Trust at Block 512.06, Lot 1 on the official tax map of the Township of Lower, Cape May County ("the Property").

WHEREAS, the Trust has been created by Law of 1968, chapter 425, as amended (N.J.S.A. 13:1B-15.119 et seq.), as a body corporate and politic in but not of the Division of Parks and Forestry of the Department of Environmental Protection, and the statutory purposes of the Trust include the preservation of land in its natural state for enjoyment by the public and the protection of elements of natural diversity; and

WHEREAS, the Trust has the authority to make, enter into and perform all contracts and agreements necessary or incidental to the performance of its duties, the maintenance of its properties and the execution of its statutory powers; and

WHEREAS, the Trust has the statutory authority to cooperate with and assist, insofar as practicable, any agency of the State or any of its political subdivisions, and any private agency or person in furtherance of the purposes of the Trust; and

WHEREAS, the Township is a municipal corporation which maintains a stormwater management system for the protection and preservation of public health, safety and welfare, and which system is a benefit to the Township's citizens; and

WHEREAS, prior to the Trust acquiring the Property, the Township constructed two stormwater pipes on the Property; and

WHEREAS, in order to accomplish the objectives of the Township in maintaining an adequate stormwater management system and alleviating the flooding of residential property and public roads, the Township seeks to construct, extend and maintain its outfall pipes along the Delaware Bay beaches including the stormwater pipes located on the Property; and

WHEREAS, the Township seeks access to the Property to extend a stormwater pipes, and to maintain and repair them as necessary. The Township will conduct this stormwater pipe extension work pursuant to approvals to be obtained from the New Jersey Department of Environmental Protection (NJDEP),

including a Coastal Area Facilities Review Act (CAFRA); and

WHEREAS, the Trust recognizes that in order to undertake the extension of the stormwater pipes it may be necessary for the Trust, as owner of the property on which those activities will be undertaken, to assist in providing information required for, and/or to consent to the Township's filing of, applications for applicable federal, state and local approvals that may be required; and

WHEREAS, the Trust's Board reviewed this matter on September 23, 2011, at a duly noticed public meeting and through a resolution of the Board has authorized the Chairman to enter into this MOU with the Township; and

WHEREAS, the Administrator of the Office of Natural Lands Management in the Division of Parks and Forestry serves as the Executive Director of the Trust and can provide for coordination between the Trust and the Township.

NOW, THEREFORE, in consideration of these mutual promises and pursuant to the authority of N.J.S.A. 13:1B-15.122 and 13.1B-15.123, it is understood by and between the parties hereto as follows:

1. The Trust grants the Township authority to access the Property to the extent necessary to undertake the stormwater pipe extension activities outlined in this MOU, in accordance with the scope of work incorporated in the Coastal Area Facilities Review Act (CAFRA) permit, which upon receipt by the Township will be attached hereto and incorporated herein as Attachment A. No activities expressed or implied are authorized by this MOU outside of the areas identified as the scope of work in Attachment A.
2. Upon execution of this MOU, the Township shall submit a check to the Trust made payable to the Trust in the amount of \$4,000.00, which amount represents a payment in lieu of application fee and reimbursement for staff time and resources involved in reviewing the information that has been presented by the Township.
3. The parties agree that there will be no construction activities from May 1 through September 15 to avoid impact to shorebirds.
4. The Township shall undertake the stormwater pipe extension activities and any necessary repairs and maintenance in a way that, to the greatest extent possible, minimizes site disturbance, and shall restore the site to its pre-disturbance condition.
5. The Township shall undertake the stormwater pipe extension activities in

full compliance with all applicable federal, state and local laws, regulations, permits and other approvals.

6. By execution of this MOU, and so long as the Township is in compliance with the terms hereof, the Trust consents to the Township applying for any licenses, permits or other approvals related to the stormwater pipe extension activities. As necessary, the Trust, as owner of the property on which the stormwater pipe extension activities will be undertaken, will execute consent required for the Township to file application for stormwater pipe extension related activities. The Township will be responsible for all application fees and other costs associated with applying for, and obtaining all necessary permits and approvals and for complying with all terms and conditions of these permits and approvals.
7. The Township shall provide the Trust with written notice of completion of the stormwater pipe extension activities.
8. In the absence of emergency, the Township shall provide the Trust with ten (10) days notice of any proposed maintenance or repair, including construction specifications and plans, provided, however, that only twenty-four (24) hours notice is required in case of an emergency, such as a broken pipe that will cause a threat of severe damage to persons or property if not remedied on short notice. In each case, the notice shall contain a description of the improvement to be constructed.
9. **TERM.** The term of this MOU shall remain in effect after the completion of construction by the Township only for the purpose of maintenance and repair. The Township shall have a continuing right and obligation to maintain and repair the stormwater pipes and extensions with access to the Property limited to the area of pipes, which are depicted in the Delaware Bay Shore Outfall Extensions Plans – Sandalwood Road and Springtime Road dated July 5, 2011 attached as Attachment B, along with 12 feet on each side from the center of each outfall pipe.
10. **BINDING EFFECT.** All of the terms, conditions, and covenants to be observed and performed by the parties under this MOU shall be applicable to and binding upon their employees, agents, contractors, successors and assigns, as the case may be.
11. **ASSIGNMENT.** This MOU shall not be assigned by either party hereto without the prior written consent of the other party.
12. **NO THIRD PARTY BENEFICIARIES.** There are no third party beneficiaries to this MOU and this MOU shall not create any third party rights, claims or causes of action against the parties.

13. **INDEMNIFICATION.** The Township, for itself, its officers, officials, agents, employees, successors and assigns, assumes all risks and liabilities arising out of the use or occupancy of the Property and covenants to indemnify, protect and hold harmless the Trust, and hereby releases the Trust, and each and every of its officers, officials, agents, employees, successors and assigns from any and all liability, claims, and costs which may in any manner arise out of, be occasioned by, or result from the entry, use or occupancy of the Property for activities under this MOU by the Township, its officers, agents, employees, or invitees, express or implied. The Township's liability under this provision shall continue after the termination or expiration of this MOU, with respect to any liability, loss, expense or damage resulting from (i) acts or omissions to act occurring prior to termination or expiration; or (ii) obligations of the Township under this Agreement which survive such termination or expiration. This indemnification is not limited by, but is in addition to, the insurance obligations contained in this Agreement.

14. **INSURANCE.**

a. The Township shall, at its sole cost and expense, obtain and maintain at all times for the duration of this Agreement, and require all of its contractor(s) and subcontractor(s) (including but not limited to any person providing any service and/or conducting any activity as part of the Township's use of the Property) to secure and maintain in force at all times during the construction of any project and/or the provision of any service and/or conduct of any activity as part of the Township's use of the Property, insurance of the types and in the amounts as hereinafter provided:

1. Comprehensive general liability insurance as broad as the standard coverage form currently in use in the State of New Jersey, which shall not be circumscribed by any endorsements limiting the breadth of coverage, against claims for bodily injury, death or property damage occurring on, in or about the Property. The policy shall be endorsed to include:

(a) Broad Form Comprehensive General Liability; and

(b) Grantee-owned, operated or non-owned motor vehicles.

Limits of liability shall not be less than \$1,000,000 Dollars per occurrence as a combined single limit; and

2. Worker's Compensation applicable to the Laws of the State of New Jersey and Employer's Liability Insurance with limits of not less than One Hundred Thousand (\$100,000.00) Dollars per occurrence for

bodily injury liability and One Hundred Thousand (\$100,000.00) Dollars occupational disease per employee with an aggregate limit of Five Hundred Thousand (\$500,000.00) Dollars occupational disease.

- b. All insurance coverage required to be maintained in accordance with this MOU shall be issued by an insurance company authorized and approved to conduct business in the State of New Jersey and, except for worker's compensation and employer's liability insurance, shall name the New Jersey Natural Lands Trust as an additional insured.
 - c. Prior to entering the Property under this MOU and prior to the initiation of any work to be performed by the Township and/or any of the Township's contractors and/or subcontractors, the Township shall provide to the Trust in form satisfactory to the Trust a certificate of insurance evidencing that insurance coverage required under this MOU is in effect. The certificate of insurance shall provide for thirty (30) days notice, in writing, to the Trust prior to any cancellations, expiration, or non-renewal during the term the insurance is required to be maintained in accordance with this MOU.
 - d. The Township also agrees to provide the Trust with valid certificates of renewal of the insurance upon the expiration of the policies so that the Trust is in continuous possession of documentation that the Township has at all times obtained and maintained all insurance coverage required under this MOU. The Township shall, upon request, provide the Trust with copies of each policy required under this MOU, certified by the agent or underwriter to be true copies of the policies provided to the Township. The Township shall deliver all certificates to the Trust's address set forth below. The Township expressly understands and agrees that any insurance protection required by this MOU shall in no way limit the Township's obligations assumed in this MOU, and shall not be construed to relieve the Township from liability in excess of such coverage, nor shall it preclude the Trust from taking such other actions as are available to it under any provision of this MOU or otherwise at law.
 - e. Provided the requirements at a. through d. above are met, the Township may satisfy these insurance requirements through the issuance and maintenance of such insurance coverage by the contractor or contractors with whom the township contracts for the stormwater pipe extension.
15. **MODIFICATION.** No provision of this MOU shall be modified without the express written approval thereof by the Trust and the Township.
16. **SEVERABILITY/WAIVER.** All agreements and covenants contained

herein are severable, and in the event any of them shall be held to be invalid by any competent court, this Agreement shall be interpreted as if such invalid agreements or covenants were not contained herein. Should one or more covenants or conditions be waived, such waiver shall not be deemed to waive or render unnecessary the consent or approval of the waiving party to or of any subsequent similar act by the other party.

17. **NOT A PARTNERSHIP.** This MOU is not intended to create, and shall not be construed as creating, a legal form of partnership between the parties to the MOU.
18. **CHOICE OF LAW.** This MOU is being executed and is intended to be performed in the State of New Jersey and shall be governed in all respects by the laws of the State of New Jersey, and any action related hereto shall be brought in the Superior Court of New Jersey.
19. **NOTICES.** All notices, checks, reports, statements, requests or authorizations and other communications required or permitted to be given under this MOU shall be either delivered by hand, mailed postage prepaid by certified or registered mail, return receipt requested, or delivered by a nationally recognized overnight courier which provides evidence of receipt (such as Federal Express). Such notices and other communications shall be deemed given when hand delivered to the intended addressee, delivered to the intended addressee by certified mail, or delivered to the intended addressee by a nationally recognized overnight courier. All notices and other communications shall be addressed as follows:

To The Trust:

Executive Director
New Jersey National Lands Trust
P.O. Box 404
22 S. Clinton Avenue
Trenton, New Jersey 08625

To the Township:

Township Manager and Solicitor
Township of Lower
2600 Bayshore Road
Villas, New Jersey 08215

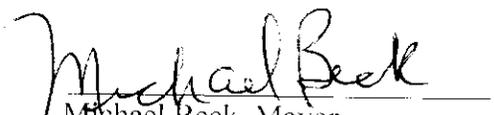
20. **NOT A CONVEYANCE.** The Trust permits the Township to apply for and receive a on fee license from the Sate of New Jersey, through the Tidelands Resource Council and the Commissioner of Environmental Protection, pursuant to N.J.S.A. 12:3-9 and N.J.S.A. 12:3-23. Based on the Township's implied easement, the Trust waives its rights as an upland owner under these provisions to the extent of the terms of this MOU. In

all other respects, no conveyance of title in whole or in part is intended by the Trust or the Township.

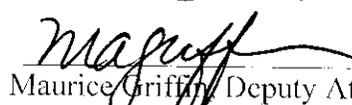
21. **LIENS.** The Township shall not permit to be placed against the Property, or any part thereof, any design professionals', mechanics', materialmen's, contractors' or subcontractors' liens with regard to the Township's actions upon the property. The Township agrees to hold the Trust harmless for any loss or expense, including reasonable attorneys' fees and costs, arising from any such liens which might be filed against the Property, the Trust or the State of New Jersey.
22. **PREVAILING WAGE.** All work undertaken by the Township on the Property shall comply with the applicable requirements of N.J.A.C. 12:60-1.1 through N.J.A.C. 12:60-8.7 (generally requiring that workers be paid prevailing wages according to the craft work they perform, and the timely submission of certified payroll records reflecting such payments to workers), and N.J.A.C. 12:62-1.1 through N.J.A.C. 12:62-2.6 (generally requiring that all contractors performing such work hold valid Public Work contractor registration Certificates, issued by the New Jersey Department of Labor and Workforce Development, before bidding, contracting or performing any such work on the Property).
23. **EFFECTIVE DATE.** The undersigned are authorized to sign this MOU and to bind their respective parties to the terms and provisions of this MOU. This MOU shall become effective upon execution by the parties.

Dated:


Michael Catania, Chairperson
New Jersey Natural Lands Trust


Michael Beck, Mayor
The Township of Lower

Reviewed and Approved as to Form:


Maurice Griffin, Deputy Attorney General
State of New Jersey

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

RESOLUTION #2011-322

TITLE: RENEWAL OF JUNK YARD LICENSE FOR CAPE MAY USED AUTO PARTS FOR THE YEAR 2012

WHEREAS, application for the renewal of a junk yard license has been received from Macum Corp./Cape May Used Auto Parts, located at Block 749, Lot 6 and,

WHEREAS, said application is in proper form and the required license fee has been paid, and

WHEREAS, no known reason exists why said license should not be renewed.

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower that the renewal of a junk yard license for the year 2012 is hereby approved for Macum Corp t/a Cape May Used Auto Parts, expiring Dec. 31, 2012 .

FURTHER RESOLVED the licensee shall conduct all business in accordance with Chapter 392 of the Code of the Township of Lower.

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 19, 2011


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-323

TITLE: APPROVAL OF PRECIOUS METALS LICENSES 2011 & 2012

WHEREAS, application has been made for a 2011 Precious Metals license by

Pete Wilson T/A North End Thrift

in accordance with Chapter 529 in the Code of the Township of Lower, and

WHEREAS, application has been made for 2012 Precious Metals licenses by

Adele Christensen T/A Adele's Jeweled Treasures
Pete Wilson T/A North End Thrift
Valentino Speyerer T/A Valentino Coins, Military and More
Anthony Natale T/A We Buy Gold, LLC

in accordance with Chapter 529 in the Code of the Township of Lower, and

WHEREAS, the applicants have paid the proper fees, posted the required bonds and the police have no objection to the issuance of said licenses,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that following licenses be issued:

2011

Pete Wilson T/A North End Thrift

2012

Pete Wilson T/A North End Thrift
Valentino Speyerer T/A Valentino Coins,
Military and More
Anthony Natale T/A We Buy Gold, LLC
Adele Christensen T/A Adele's Jeweled
Treasures

I hereby certify this is the original resolution adopted by the Township Council at the meeting of December 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, Township Clerk

	Conrad	Simonsen	Douglass	Lare	Beck
Motion			X		
Second	X				
Aye	X		X	X	X
Nay					
Abstain					
Absent					

STATE OF NEW JERSEY
 DEPARTMENT OF THE TREASURY
 DIVISION OF PENSIONS AND BENEFITS
STATE HEALTH BENEFITS PROGRAM
SCHOOL EMPLOYEES' HEALTH BENEFITS PROGRAM
 PO BOX 299 TRENTON, NEW JERSEY 08625-0299

RESOLUTION

A RESOLUTION to terminate participation under the State Health Benefits Program and School Employees' Health Benefits Program (including Prescription Drug Plan and/or Dental Plan coverage).

BE IT RESOLVED:

1. The Township of Lower _____
CORPORATE NAME OF EMPLOYER — COUNTY
 hereby resolves to terminate its participation in the program (Medical Plan, Prescription Drug Plan, and/or Dental Plan coverage) thereby canceling coverage provided by the State Health Benefits Program and/or School Employees' Health Benefits Program (N.J.S.A. 52:14-17.25 et seq.) for all of its active and retired employees.
2. We shall notify all active employees of the date of their termination of coverage under the program.
3. We understand that the Division of Pensions and Benefits will notify retired employees of the cancellation of their coverage.
4. We understand that all COBRA participants will be notified by the Division of Pensions and Benefits and advised to contact our office concerning a possible alternative health, prescription drug, and dental insurance plan.
5. We understand that this resolution shall take effect the first of the month following a 60-day period beginning with the receipt of the resolution by the State Health Benefits Commission or School Employees' Health Benefits Commission.

I hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the

Township of Lower _____
CORPORATE NAME OF EMPLOYER

on the 19 day of December, 2011.

2600 Bayshore Road _____
STREET ADDRESS

Chomda R. Korman _____
SIGNATURE

Villas NJ 08251 _____
CITY STATE ZIP CODE

TOWNSHIP CLERK _____
OFFICIAL TITLE

609 886-2005 _____
AREA CODE TELEPHONE NUMBER

Please complete the reverse side of this form

PLEASE COMPLETE AND COMPLY WITH THE FOLLOWING:

A. Employer New Jersey State Health Benefits Program or School Employees' Health Benefits Program Identification Number 024700 - Lower Township

B. Type of funding method with the new contract:

1. Conventionally insured FULL INSURED
2. Minimum premium N/A
3. Administrative Services Only (ASO) N/A
4. Other (please list) N/A

C. New Health Carrier HORIZON BCBS NJ

D. New Prescription Drug Carrier HORIZON BCBS NJ - CAREMARK

E. New Dental Plan Carrier (SAME) HORIZON BCBS NJ

F. Reason for termination from the State Health Benefits Program/School Employees' Health Benefits Program _____

REDUCE COST AND MAINTAIN
SAME BENEFITS

G. In accordance with N.J.S.A. 18A:16-21 and 40A:10-25, you must file a copy of your new contract with the State Health Benefits Commission or School Employees' Health Benefits Commission. Please submit a copy of the new contract with this completed resolution.

SEE ATTACHED EQUAL TO OR BETTER
LETTER.



Horizon Blue Cross Blue Shield of New Jersey

Making Healthcare Work.

November 2, 2011

Mark Senior
510 Bank Street
Cape May, NJ 08204

Re: Township of Lower

Dear Mark:

Based on the information submitted, regarding Township of Lower's current medical program with the State Health Benefits Program (SHBP), Horizon Blue Cross Blue Shield of New Jersey (Horizon BCBSNJ) agrees to provide a medical program with benefit levels (i.e., co-payments, coinsurance, deductibles, plan limits and maximums) that are equal to or better than the current Direct Access plans in the SHBP

Please note that Horizon BCBSNJ will administer the medical program in accordance with its own medical policies, protocols, networks, formularies and utilization management practices including determination of medical necessity and Horizon's standard prior authorization and medical management programs.

We understand there exists ample potential for misunderstanding during the transition to any new carrier. Be assured that our Business Team Leaders are prepared to work with you to identify and resolve any specific issues we encounter as we transition the plan to Horizon BCBSNJ.

If you have any questions or concerns, I am available at your convenience. Thank you for considering Horizon Blue Cross Blue Shield of New Jersey.

Sincerely,

Joseph Fortney

Joseph Fortney
Sales Executive
Major Accounts Market
Horizon Blue Cross Blue Shield of NJ
250 Century Parkway
Mount Laurel, NJ 08854

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

RESOLUTION #2011-325

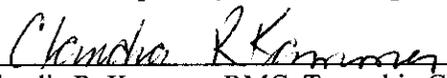
Title: TRANSFER OF 2011 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two months of the current fiscal year when it has been determined that any appropriation is insufficient to pay the claims authorized or incurred during the current year, which are chargeable to said appropriation, and there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers totaling \$131,100.00 be made between the 2011 budget appropriations.

<u>LINE ITEM</u>			<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
UNEMPLOYMENT	OE	1-01-23-225-500		25,000.00	
POLICE	S&W	1-01-25-240-101		46,000.00	
DPW	S&W	1-01-26-305-101		48,000.00	
COLLECTOR	S&W	1-01-20-145-101		3,000.00	
ASSESSOR	S&W	1-01-20-150-101		500.00	
B&G	S&W	1-01-20-310-101		1,100.00	
PLANNING	S&W	1-01-20-170-101		2,000.00	
DCRP	OE	1-01-36-476-501		500.00	
GASOLINE	OE	1-01-31-460-299		5,000.00	
TIPPING FEES	OE	1-01-32-465-601			50,100.00
RECREATION	S&W	1-01-28-370-101			15,000.00
INSURANCE	OE	1-01-23-220-400			66,000.00
				<u>131,100.00</u>	<u>131,100.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 19, 2011.


 Claudia R. Kammer, RMC, Township Clerk

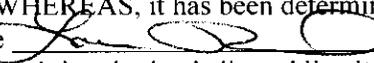
	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND	X				
AYES	X		X	X	X
NAYS					
ABSTAIN					
ABSENT					

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011- 326**

Title: Authorizing Pay Out of Terminal Leave

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Edward Dougherty in the amount of \$ 1,024.27 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on Dec 14 2011.


Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED			X		
SECONDED	X				
AYE	X		X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-327

TITLE: RESOLUTION AUTHORIZING ACCEPTANCE AND EXECUTION OF AN EASEMENT

WHEREAS, the Township of Lower in the County of Cape May and State of New Jersey has been presented with an Easement from Frank and Carol Cahill to the benefit of the Township for the installation and maintenance of certain storm water infrastructure; and

WHEREAS, the Township is authorized to accept such easements for the benefit of the health, safety and welfare of the citizens of the Township of Lower; and

WHEREAS, the easement is attached hereto as exhibit A and on file with the Township Clerk

NOW, THEREFORE BE IT RESOLVED by the Township of Lower duly assembled in public session on the 19th day of December, 2011, as follows:

1. The preamble of this Resolution is hereby adopted and incorporated by reference.
2. The Mayor and Clerk are hereby authorized and directed to execute the easement on behalf of the Township for the purposes aforesaid.
3. The Clerk shall record the easement and provide a copy of the recorded easement to the office of County Counsel of the County of Cape May.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 19, 2011.

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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

DRAINAGE EASEMENT
TO BE CONVEYED TO

THE TOWNSHIP OF LOWER

-BY-

FRANK & CAROL CAHILL,
husband and wife

Beginning at a point in the former center line of Cox Hall Creek at the Delaware Bay, said point being terminus of the fourth course of the property now or formerly owned by William C. Lamon, as reflected in a Deed recorded in the Office of the Cape May County Clerk in Deed Book 1985, at pages 74 through 77, dated November 22, 1989, and continuing thence;

1. Along the former course of Cox Hall Creek, North eighty-nine degrees, seven minutes, forty five seconds, East (N89 07' 45" E) Seventy-four and ten one hundredths feet (74.10'), to a pin and cap; thence
2. Along the former course of Cox Hall Creek, South sixty-three degrees, six minutes, zero seconds, East (S63 06' 00"E) forty-seven and zero one-hundredths feet (47.00') to a concrete monument; thence
3. Along the former course of Cox Hall Creek, South eighty-three degrees, six minutes, zero seconds, East (S83 06' 00"E) one hundred forty-three and zero one hundredths feet,(143.00') to a point; thence
4. Along the former course of Cox Hall Creek, South eighty-three degrees, forty nine minutes, fourteen seconds, East (S83 49' 14"E) one hundred twenty-two and ninety-three one-hundredths feet,(122.93) to a point, thence
5. Along a line parallel to, and ten feet distant from the centerline of the proposed storm water and tidewater pipe as shown on the plan entitled "Cape May County, Lower Township, New Jersey, Cox Hall Creek, Wetlands Restoration Outfall Pipe and Control Structure, Plan and Profile" Dated 1/31/11, prepared by Peter E. Kocsik, P.E., P.L.S., N.J. Lic. No. 24GE03067600S, for Hatch Mott MacDonald, North eighty-four degrees fifty-two minutes, twenty-eight seconds West (N 84 52' 28"W) three hundred eighty-seven and forty-four one-hundredths feet (387.44'), to the point of intersection with the fourth course of the referenced deed; thence

6. Along the said deed course, North nineteen degrees forty-one minutes, fifty-six seconds East (N19 41' 56"E) Sixteen and ninety-three one-hundredths feet (16.93') to the point and the place of beginning.

Being a portion of Lot 2.01 Block 512.02, to be conveyed as an easement for the construction and maintenance of a storm water and tidewater culvert pipe and associated appurtenances, manhole and control structures.

Containing within the above described two thousand nine hundred seventy-eight and forty-five one hundredths square feet, (2,978.45 s.f.), more or less.

PREPARED BY:

William C. Burkett, PLS
NJ Lic. No. 24GS02719400
County of Cape May
Office of the County Engineer

PREPARED BY:

MICHAEL J. DONOHUE., ESQ.
Lower Township Solicitor

**DEED OF EASEMENT
(DRAINAGE)**

THIS DEED OF EASEMENT is made on this _____ day of _____, 2011, by **FRANK R & CAROL CAHILL**, husband and wife, whose address is 71 Winding Way, Stratford, NJ 08084 (hereinafter referred to as "Grantor") in favor of **THE TOWNSHIP OF LOWER**, a municipal corporation of the State of New Jersey, with offices at 2600 Bayshore Road, Villas, NJ 08251 (hereinafter referred to as "Grantee"). The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

THE EASEMENTS are granted by Grantor to Grantee for and in consideration of One (\$1.00) Dollars and other good and valuable consideration, receipt of which is hereby acknowledged. Grantor acknowledges that the conveyance of this easement is a part of the Cox Hall Creek Wetlands Restoration Project.

THE LANDS AFFECTED by this Deed of Easement is as described on Schedule "A" (identified as the "Drainage Easement") which is a legal description prepared by William C. Burkett, Licensed Land Surveyor, N.J. License No. 24GS02719400, of the Office of the Cape May County Engineer and is attached hereto and made a part hereof. The affected lands are more particularly shown on a plan entitled "Cape May County, Lower Township, New Jersey, Cox Hall Creek, Wetlands Restoration Outfall Pipe and Control Structure, Plan and Profile", prepared by Peter E. Kocsik, P.E., P.L.S., N.J. Lic. No. 24GE03067600S of Hatch Mott MacDonald, dated January 31, 2011. Said affected lands are located on a portion of Block 512.02, Lot 2.01 on the prevailing municipal tax map of the Township of Lower, County of Cape May and State of New Jersey and are alternatively known as a portion of 1011 Shore Drive, Lower Township, New Jersey.

SAID AFFECTED LANDS are a part of the lands and premises conveyed unto Grantor by Deed from William C. and Nellie K. Lamon, husband and wife, dated February 27, 1998 and recorded in the Cape May County Clerk's Office on March 5, 1998 in Deed Book 2745 commencing at Page 834.

THE TERMS OF THIS DECLARATION are as follows:

1. Upon reasonable notice to Grantor, Grantee and/or its federal, state, county, local or other partners as a part of the aforesaid Cox Hall Creek Wetlands Restoration Project, shall be permitted to place, construct, erect, operate,

maintain and inspect storm drainage facilities, including but not limited to storm water and tide water culvert pipes and associated appurtenances, manholes and control structures, across the described premises.

2. Grantee and/or its federal, state, county, local or other partners shall have the right of ingress and egress to and over said described premises at any and all times for the purpose of constructing, repairing, inspecting or patrolling the said drainage facilities and for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted.
3. Grantee shall have the right to remove at any time any or all of the drainage improvements erected upon, under or on the described premises.
4. Grantee shall be indemnified and held harmless from and against any claim, liability, damage or expense (including reasonable attorney's fees) that Grantee may incur relating to, arising out of or existing upon the negligence or otherwise wrongful conduct on the part of the Grantor's (its agents, successors or assigns) activities within the described premises.
5. Grantor shall be indemnified and held harmless from and against any claim, liability, damage or expense (including reasonable attorney's fees) that Grantor may incur relating to, arising out of or existing upon the negligence or otherwise wrongful conduct on the part of the Grantee's activities (and the activities of its agents, successors or assigns) within the described premises.
6. Grantor hereby covenants with Grantee that it is lawfully seized and possessed of the described lands, and that it has a lawful right to convey it or any part thereof.
7. Any plans that are developed by the Grantee for said premises in accordance with the terms of this Deed of Easement shall be submitted to the Grantor for review.
8. No buildings shall be placed within the drainage easements without the express prior written consent of the Grantor.

THE GRANTOR SIGNS THIS DEED to be effective as of the date at the top of the first page.

WITNESS:

GRANTORS:

FRANK R. CAHILL

CAROL CAHILL

STATE OF NEW JERSEY :

: ss.

COUNTY OF CAPE MAY :

I CERTIFY that on _____, 2011, FRANK R. CAHILL and CAROL CAHILL personally came before me and acknowledged under oath to my satisfaction that they:

- (a) are the makers of this Deed and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as their own act and deed; and
- (c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

NOTARY PUBLIC

FOR THE TOWNSHIP OF LOWER
Subscribed and sworn to before me this
19th Day of December, 2011.

WITNESS:

Claudia R. Kammer

Michael E. Beck, Mayor

RECORD AND RETURN TO:

CLAUDIA R. KAMMER

Township Clerk

2600 Bayshore Road

Villas, NJ 08251

Tel. (609) 886-2005

Fax (609) 886-9488

Email ckammer@townshipoflower.org

DRAINAGE EASEMENT
TO BE CONVEYED TO

THE TOWNSHIP OF LOWER

-BY-

FRANK & CAROL CAHILL,
husband and wife

Beginning at a point in the former center line of Cox Hall Creek at the Delaware Bay, said point being terminus of the fourth course of the property now or formerly owned by William C. Lamon, as reflected in a Deed recorded in the Office of the Cape May County Clerk in Deed Book 1985, at pages 74 through 77, dated November 22, 1989, and continuing thence;

1. Along the former course of Cox Hall Creek, North eighty-nine degrees, seven minutes, forty five seconds, East (N89 07' 45" E) Seventy-four and ten one hundredths feet (74.10'), to a pin and cap; thence
2. Along the former course of Cox Hall Creek, South sixty-three degrees, six minutes, zero seconds, East (S63 06' 00"E) forty-seven and zero one-hundredths feet (47.00') to a concrete monument; thence
3. Along the former course of Cox Hall Creek, South eighty-three degrees, six minutes, zero seconds, East (S83 06' 00"E) one hundred forty-three and zero one hundredths feet,(143.00') to a point; thence
4. Along the former course of Cox Hall Creek, South eighty-three degrees, forty nine minutes, fourteen seconds, East (S83 49' 14"E) one hundred twenty-two and ninety-three one-hundredths feet,(122.93) to a point, thence
5. Along a line parallel to, and ten feet distant from the centerline of the proposed storm water and tidewater pipe as shown on the plan entitled "Cape May County, Lower Township, New Jersey, Cox Hall Creek, Wetlands Restoration Outfall Pipe and Control Structure, Plan and Profile" Dated 1/31/11, prepared by Peter E. Kocsik, P.E., P.L.S., N.J. Lic. No. 24GE03067600S, for Hatch Mott MacDonald, North eighty-four degrees fifty-two minutes,

twenty-eight seconds West (N 84 52' 28"W) three hundred eighty-seven and forty-four one-hundredths feet (387.44'), to the point of intersection with the fourth course of the referenced deed; thence

6. Along the said deed course, North nineteen degrees forty-one minutes, fifty-six seconds East (N19 41' 56"E) Sixteen and ninety-three one-hundredths feet (16.93') to the point and the place of beginning.

Being a portion of Lot 2.01 Block 512.02, to be conveyed as an easement for the construction and maintenance of a storm water and tidewater culvert pipe and associated appurtenances, manhole and control structures.

Containing within the above described two thousand nine hundred seventy-eight and forty-five one hundredths square feet, (2,978.45 s.f.), more or less.

PREPARED BY:

William C. Burkett, PLS
NJ Lic. No. 24GS02719400
County of Cape May
Office of the County Engineer

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

RESOLUTION #2011-328

TITLE: RESOLUTION RELEASING MINUTES OR PORTIONS THEREOF AS REVIEWED BY THE MINUTES REVIEW COMMITTEE

WHEREAS, in accordance with law, the Township of Lower makes release of certain minutes as they become public record.

NOW, THEREFORE BE IT RESOLVED, that minutes or portions of minutes as approved by the Minutes Review Committee related to the closed session meetings listed below, are determined to be appropriate for release on request, said minutes being on file with the Township Clerk's Office.

Jan. 19, 2011	July 6, 2011
February 7, 2011	July 18, 2011
February 23, 2011	Aug. 1, 2011
March 7, 2011	Sept. 7, 2011
March 21, 2011	Oct. 3, 2011
April 4, 2011	Oct. 17, 2011
May 2, 2011	Nov. 7, 2011
May 16, 2011	Nov. 21, 2011
June 6, 2011	Dec. 5, 2011
June 20, 2011	

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 19, 2011.

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-329

TITLE: RESOLUTION AUTHORIZING THE TOWNSHIP'S CONTRIBUTION TOWARDS THE COX HALL CREEK RESTORATION PROJECT

WHEREAS, the County Planning Department along with the Cox Hall Creek Focus Group has worked on the Cox Hall Creek Restoration project for approximately 10 years, and

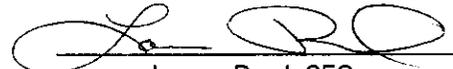
WHEREAS, several public and private agencies have pledged available resources including in-kind services, materials and financial contributions, and

WHEREAS, the Township has been requested and agreed to match the \$17,000 contribution from the Lower Township MUA and assist with the purchase of materials which may include lumber, hardware and pipes and/or other costs, and

WHEREAS, the Cox Hall Creek Restoration Project will help improve the flooding problems, mitigation of fire risk and mosquito control of the area.

NOW, THEREFORE, BE IT RESOLVED that an amount not to exceed \$17,000 as certified below is authorized to be expended for the Township's contribution, coordinated through the Public Works Director Gary Douglass, towards the Cox Hall Creek Restoration Project

Ord # 05-13 C.O. 4-55-381-106
Line Item


Lauren Read, CFO

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 19, 2011.


Claudia R. Kammer, Township Clerk

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