

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

FEBRUARY 4, 2013 - 6:00 P.M.

Meeting called to order.

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

Swearing in New Police Officers: John T. Armbruster
Stephen E. Flitcroft
James P. McNulty

Eagle Scout Proclamations: Jackson Sole
Jared Osborn
Jackson VonSavage

105th Birthday Proclamation: Frank Rago

Work Session

FEMA Discussion - Mayor Beck
Special Economic Advisory Committee Discussion - Deputy Mayor Clark
Walt Fiore - Code Enforcement Officer
"Scrappers" Ordinance Discussion

Consent Agenda

Membership Applic. NJ State Fireman's Association - Theodore A. Bohn, Townbank Volunteer Fire Co.
Approval of Minutes January 23, 2013
Res. # 2013-53 Payment of Vouchers \$2,737,901.45
Res. # 2013-54 A Resolution Consenting to the Proposed Water Quality Management (WQM) Plan Amendment Entitled Cape May County Water Quality Plan (required by the Cape May County Planning Board)
Res. # 2013-55 Resolution Establishing the Bid Threshold Pursuant to NJSA 40A:11-3a (setting the bid threshold at \$36,000 and the bid quotation threshold not to exceed \$4,350.)
Res. # 2013-56 Resolution Supporting the \$20 Million Emergency Supplemental Marketing Funding (A3630/S2435) For the New Jersey Division of Travel and Tourism to Address the Negative Image of the Condition of the Jersey Shore in the Aftermath of Hurricane Sandy (requested by the Chamber of Commerce)
Res. # 2013-57 Creating a Special Economic Advisory Committee
Res. # 2013-58 Appointment of Full Time Township Engineer (George Curvan, \$70,000.)
Res. # 2013-59 Issuance of 2013 Limousine, Taxi & Operator Licenses (annual renewal)
Res. # 2013-60 Renewal of Trailer Park Licenses for the year 2013 (annual renewal)
Res. # 2013-61 Authorization for the Township of Lower to Apply For An Emergency Management Agency Assistance Subgrant (\$10,000 grant with \$5,000. match)
Res. #2013-62 Appointment of William Blaney, Esq. As Labor Attorney (not to exceed \$25,000.)
Res. #2013-63 Transfer of 2012 Appropriations (\$100.)
Res. #2013-64 Authorizing Payout of Terminal Leave (B. Marker \$30,000.)
Res. #2013-65 Bid Acceptance and Contract Award for Revised Renovation For Millman Community Center (Joseph Poretta Builders Total Award \$190,500.)
Res. #2013-66 Award of Supply and Installation of Commercial Ansul Fire System (Don J Urie Assoc. \$19,647)
Res. #2013-67 Award of Supply and Installation of Flooring at Millman Senior Center (Huffman's \$31,064.40)
Res. #2013-68 Bid Acceptance And Contract Award for HVAC Ductwork Replacement Millman Community Center (Multi-Temp Mechanical \$44,500.)
Res. #2013-69 Bid Acceptance and Contract Award for Fire Suppression System for Millman Community Center (Affordable Fire Protection \$55,000.)

- Ord. #2013- 03 An Ordinance Amending Ordinance #2012-21, Entitled "Salary and Benefit Ordinance for the Township of Lower" (adding Township Engineer)
- Ord. #2013-04 An Ordinance Amending Chapter 570 of the Revised General Ordinances of the Township of Lower (sets forth regulations and fees for "scrapping" in the Township)
- Ord. #2013-05 An Ordinance Amending Chapter 600 of the Revised General Ordinances of the Township of Lower (sets forth rules, regulations and fees for rotary towing within the Township)
- Ord. #2013-06 An Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish A Cap Bank (annual Ordinance)

Regular Agenda

Administrative Reports

Personnel Action

Council Comments

Call to the Public

Closed Session

Res. #2013- 70

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. (Neighborhood Dispute / possible litigation)

Adjournment

PUBLIC INFORMATION

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 - All rentals, commercial or residential, whether yearly, seasonal or weekly require a mercantile license. R.E. Taxes must be current. Residential rental properties owners may be subject to license revocation for actions of their tenants. Detailed info and applications available in the Clerk's Office or by calling 886-2005.

COUNCIL MEETING MINUTES - January 23, 2013

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 23, 2013 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember James Neville
Deputy Mayor Norris Clark
Mayor Michael Beck

Also present: Charles W. Sandman, III, Solicitor, Michael Voll, Manager and Karen Fournier, Clerk's Office

Presentation - Dr. & Mrs. Salvatore - Requesting a Resolution urging Cape May County Board of Chosen Freeholders to Continue Funding Historic Cold Spring Village

Deputy Mayor Norris Clark described Historic Cold Spring Village as the Williamsburg of Cape May County, a key part of the Bayshore Heritage Byway and an integral part of history and culture in our community. He stated that the village was founded by, and has been operating for the past 20 years under the stewardship of Joseph and Anne Salvatore. For a short time the village was run by the County, but later turned back to Salvatores, under the agreement that the County would provide annual funding for the village. Over time, the County has reduced funding and is now proposing to withdrawal funding altogether. Deputy Mayor Clark stated that for every dollar that the County puts into the village, they get more back in educational resources, jobs and tourism.

Anne Salvatore, Director of Historic Cold Spring Village, briefed Council on the founding of the village and its operation as a non-profit living history museum. She spoke passionately about the three-fold mission of the village being that of Historic Preservation, History Education, and Heritage Tourism. In an effort to provide a stable source of funding to maintain the village, she is requesting a resolution from the Township urging Cape May County Board of Chosen Freeholders to continue funding Historic Cold Spring Village.

Councilmember Conrad agreed that Historic Cold Spring Village offers a lot to this community and we need to give back what we can.

Councilmember Neville believes that Historic Cold Spring Village is a great return for our investment.

Deputy Mayor Norris Clark reminded us that Historic Cold Spring Village is a treasure in our own back yards and urges us not to take it for granted.

Mayor Beck stated that Historic Cold Spring Village is a key location on the Bayshore Heritage Byway, which was rerouted to increase tourism - tourism being the number one industry in Cape May County. He agreed that we need to support the village in an effort to increase economic development in this Township.

Presentation – FEMA

No FEMA representative was present. Mayor Beck stated that he will continue to try to get someone here from FEMA.

Work Session

Consent Agenda

Motion to Table Res. # 2013-44 moved by Mayor Beck, seconded by Councilmember Conrad.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
NEVILLE			X			
DOUGLASS						X
CLARK			X			
BECK	X		X			

- Approval of Minutes January 2, 2013
- Res. # 2013-31 Payment of Vouchers \$ 3,285,605.55
- Res. # 2013-32 Authorization for Refund of Taxes (disabled veteran/double payment)
- Res. # 2013-33 Approval of Precious Metals Licenses (We Buy Gold/Adele's/Valentino's)
- Res. # 2013-34 Transfer of 2012 Appropriations (\$17,700.)
- Res. # 2013-35 Authorization for the Payout of Accumulated Compensatory Time & Sick Time (D. Vanaman Jr. \$4,383.95)
- Res. # 2013-36 Authorization for the Payout of Accumulated Compensatory Time (M. Perry \$8,061.48)
- Res. # 2013-37 Authorization for the Payout of Accumulated Compensatory Time (T. Whittington \$9,716.63)
- Res. # 2013-38 Authorizing Payout of Terminal Leave (G. Crookston \$864.50)
- Res. # 2013-39 Certification of Lot Clearing Charges to the Tax Collector (5 properties \$4,320.00)
- Res. # 2013-40 Resolution Urging Cape May County Board of Chosen Freeholders to Continue Funding Historic Cold Spring Village (current level \$150,000 per year)
- Res. # 2013-41 Authorization for 2013 Incentive Award for Insurance Waiver (W. Barcas \$4,583.33)
- Res. # 2013-42 Establishing A Municipal Alliance Committee (Lower Cape Alliance - every 3 years)
- Res. # 2013-43 Authorization for South Jersey Power Cooperative Electric Bid (allowing twp to participate with County in bid for retail electric)
- Res. # 2013-45 Appointment of JIF Risk Management Consultant (J. Byrne Agency)
- Res. # 2013-46 Appointment of William Blaney, Esq. As Labor Attorney (not to exceed \$2,500)
- Ord. # 2013-01 An Ordinance Amending Chapter 90, Articles I through III of the Code of the Township of Lower - 1975, As Amended (Restating the Establishment of the Police Department) - 1st reading – 2nd reading and public hearing February 20, 2013
- Ord. # 2013-02 An Ordinance Amending Chapter 1 of the Revised General Ordinances of the Township of Lower (setting forth mandatory penalties for non-traffic offenses and establishing mandatory court for specific offenses) 1st reading - 2nd reading and public hearing February 20, 2013.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
DOUGLASS						X
CLARK			X			
BECK			X			

Regular Agenda
Res. # 2013-47

Appointment to the Municipal Utilities Authority (replace Kenneth Mann)
Motion to nominate Steve Sheftz moved by Mayor Beck, seconded by Deputy Mayor Clark.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD				X		
NEVILLE			X			
DOUGLASS						X
CLARK		X	X			
BECK	X		X			

Res. # 2013-48

Appointment to the Municipal Utilities Authority (Nels Johnson term expires Feb, 2013)
Motion to nominate Nels Johnson moved by Councilmember Neville, seconded by Deputy Mayor Clark.

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE	X		X			
DOUGLASS						X
CLARK		X	X			
BECK			X			

Res. # 2013-49

Appointment to the Recreation Advisory Board (Lonnie Bedell term expired Dec, 2012)
Motion to nominate Lonnie Bedell moved by Councilmember Conrad, seconded by Councilmember Neville.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
DOUGLASS						X
CLARK			X			
BECK			X			

Res. # 2013-50

Appointment to the Recreation Advisory Board (Bruce Fournier term expired Dec, 2012)
Motion to nominate Bruce Fournier moved by Councilmember Neville, seconded by Deputy Mayor Clark.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE	X		X			
DOUGLASS						X
CLARK		X	X			
BECK			X			

Res. # 2013-51

Appointment to the Zoning Board of Adjustment (Kristine Trusiak term expired Dec, 2012)
No appointment made at this time.

Administrative Reports

Personnel Action Report

Department Monthly Reports: Construction, Municipal Clerk, Municipal Court, Police Department, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad reminded residents that we've been lucky thus far with weather, but there's a winter storm coming through so please prepare for it.

Councilmember Neville stated he hopes the storm moves further North.

Deputy Mayor Clark pointed out that we have received a grant from DCA for the restoration of the Historic Fishing Creek School as well as ADA compliance. This is an opportunity for contractors and workers, but he hopes to keep it within Lower Township. Anyone interested should meet with the Township's QPA, Margaret Vitelli, to find out what the qualifications are.

Mayor Beck agreed with Deputy Mayor Clark that we should try to keep the work within the Township. He also stated that he'd like to utilize our "work sessions" at the Township meetings by bringing in department representatives throughout the year to educate the public and clarify any misconceptions throughout the Township.

Mayor Beck announced that Chief Shelly of the Lenape Nation will be in the classroom at the Cape May Point State Park on January 31, 2013 from 1:30-3:30 p.m. for anyone with a Lenape or Native American background.

Call to the Public

Barry Felice of North Cape May addressed Council with questions regarding the proposed scrap metal licensing. Manager Voll explained that the Township is not concerned with the amount of money the scrappers will make, but rather the tonnage produced by the Township, in order to receive rebate money from the County MUA and grant money from the State of NJ.

Mayor Beck stated that the Township is trying to make scrapping legal, especially in this economy, but it will have to be regulated. Administration fees will be nominal.

Jay Young of Cape May Beach addressed council inquiring about repairs to Clubhouse and Bay Drive. Manager Voll responded that there is a proposal to have the work completed, but another pipe has to be run along Clubhouse Drive.

Councilmember Neville stated that a drainage pipe for Cox Hall Creek will be added at the S curve. There's an application in with the Department of Transportation for funding. They hope to complete the project by late Spring.

Ed Butler of Villas addressed Council to offer his approval on the plan for future work sessions. He also expressed his concern of possible flood insurance increases if FEMA continues to put us off, and how it could affect the people of this Township. Councilmember Neville informed Mr. Butler of the Advisory Based Flood Elevation (ABFE) and how it relates to his concern. Mayor Beck stated that he will continue to try to get FEMA here to talk about the mapping system.

Robert Rizzo of Mickel's Run addressed Council to inquire about the fence around Public Works . Manager Voll stated that it cost just under \$14,000 for the completed job. Murphy's Fence Co., a local business, did the work.

Valerie Watson, a representative from New Jersey's Project for Hope and Healing (sponsored by the NJ Division of Mental Health and Addiction Services, Disaster and Terrorism Branch) addressed Council to let them know that mental health services are available to anyone affected by Hurricane Sandy. She left brochures for anyone interested.

Nels Johnson of Townbank addressed Council to thank them for nominating him for reappointment to the MUA board. Additionally, in response to Mr. Young's inquiry regarding repairs to Clubhouse Drive, Mr. Johnson affirmed that the MUA, along with the Township, is working diligently to fix the situation. Mayor Beck complimented Mr. Johnson on the great work he has done for the MUA.

Steve Sheftz addressed Council to say thank you to those who supported him.

Steve Morey, Chairman of the Board of Cape May County Chamber of Commerce, addressed Council requesting a resolution supporting the \$20 million emergency supplemental marketing funding for the NJ Division of Travel and Tourism to address the negative image of the condition of the Jersey Shore in the aftermath of Hurricane Sandy.

George Doherty of Erma addressed Council regarding taxes and wood burning heaters. Manager Voll said the budget is still being put together. He is meeting with the CFO and Auditor tomorrow so he hopes that Council will have something to present to the public by next month. Mayor Beck stated that Council has not received any recommendations on the wood burners up to this point.

Jay Young re-addressed Council regarding dune repair along Shore Drive. Manager Voll stated that we have a permit to allow for a foot of sand to be pushed back onto Township owned property along the beach. This matter is being discussed between our Public Works Director and the Department of Environmental Protection.

Manager Voll announced that Lower Township has 3 new police officers who just graduated from the police academy: Officer McNulty, Officer Flitcroft and Officer Armbruster. They will join the Lower Township Police Department starting tomorrow.

Closed Session

Res. #2013-52

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. (Employment Relationships / Possible Litigation / Current Litigation)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
DOUGLASS						X
CLARK			X			
BECK			X			

Council returned to open session.

Motion moved by Councilman Conrad, seconded by Councilman Neville for the manager to proceed as discussed in closed session. Motion unanimous by verbal "ayes"

Adjournment

There being no further business, motion to adjourn moved by Deputy Mayor Clark, seconded by Councilmember Neville. Meeting adjourned at 8:07 p.m. by verbal "ayes".

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01171 VERIZON WIRELESS - TOWNHALL	13-00022	01/07/13	CELL PHONES ACCOUNT 622310837	Open	578.86	0.00		
01365 GARY DOUGLASS	13-00256	01/23/13	REIMBURSEMENT FOR DMV TITLES	Open	120.00	0.00		
01403 ENFORSYS FIRE SYSTEMS, INC*	13-00064	01/09/13	2013 MAINTENANCE FIRE/SAFETY	Open	440.00	0.00		
01499 JOSEPH FAZZIO, INC*	13-00069	01/09/13	STEEL MATERIALS	Open	1,006.63	0.00		
01598 DEARBORN NATIONAL	13-00292	01/28/13	FEB 2013 LIFE INSURANCE	Open	558.00	0.00		
01603 GENERAL CODE PUBLISHERS*	13-00196	01/17/13	SUPPLEMENT NUMBER 20	Open	1,707.72	0.00		
	13-00226	01/22/13	ECODE 360 ANNUAL MAINTENANCE	Open	<u>1,195.00</u>	0.00		
					2,902.72			
01643 WILLIAM GALESTOK	13-00228	01/22/13	CONTRACTUAL REIMBURSEMENT-V	Open	289.50	0.00		
01690 GRANTURK EQUIPMENT CO*	13-00160	01/15/13	SEAL KIT	Open	1,310.72	0.00		
01803 HORIZON DENTAL OPTION*	13-00291	01/28/13	FEBRUARY 2013 DENTAL	Open	15,923.63	0.00		
01806 ANTHONY J HARVATT, II, ESQ	13-00153	01/14/13	BD. SOLICITOR SALARY	Open	466.66	0.00		
01859 HESS CORPORATION	13-00285	01/28/13	ELECTRIC 12/19/12-1/21/13	Open	7,684.40	0.00		
02005 JUST SPORTS INC.*	13-00057	01/09/13	REPLACEMENT HOCKEY NETS	Open	51.12	0.00		
02108 KEEN COMPRESSED GAS CO*	13-00120	01/11/13	BOTTLED GAS	Open	106.75	0.00		
02223 LANDSMAN UNIFORMS*	12-03333	12/10/12	UNIFORMS	Open	678.00	0.00		
	12-03414	12/19/12	UNIFORMS	Open	<u>148.00</u>	0.00		
					826.00			
02417 MAGELLAN HILL TECHNOLOGIES*	13-00154	01/14/13	PHONE SERVICE FOR NOV/DEC 2012	Open	927.76	0.00		
02473 FRANCIS P. MAJANE	13-00323	01/31/13	CONTRACTUAL REIMBURSEMENT	Open	1,304.21	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02585 WILLIAM MASTRIANA	13-00203	01/18/13	MEAL REIMBURSEMENT	Open	12.99	0.00		
02714 MITCHELL HUMPREY*	13-00207	01/18/13	MAINTENANCE FOR 2013	Open	3,765.00	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALITI*	13-00200	01/17/13	2013 MEMBERSHIP DUES	Open	1,518.00	0.00		
03158 NYSCA*	12-03438	12/26/12	RE CERTIFICATION FOR COACHES	Open	40.00	0.00		
03160 OFFICE BASICS, INC*	13-00052	01/09/13	PAPER 8 1/2 X 11	Open	499.00	0.00		
	13-00117	01/11/13	SUPPLIES FOR DPW OFFICE	Open	<u>363.46</u>	0.00		
					862.46			
03280 PARAMOUNT SANITARY SUPPLY*	12-03343	12/11/12	BLACK WALL MOUNT FOR GYM	Open	40.00	0.00		
03305 PEDRONI FUEL*	13-00303	01/29/13	NO LEAD GAS	Open	573.12	0.00		
03366 AMERI-GAS*	13-00295	01/29/13	FUEL BENNETTS CONCESSION STAND	Open	313.06	0.00		
	13-00296	01/29/13	FUEL-BENNETTS CROSSING	Open	<u>419.37</u>	0.00		
					732.43			
03374 SEASHORE SUPPLY*	13-00178	01/16/13	SUPPLIES TO FIX URINAL/ BENNET	Open	48.22	0.00		
03387 POGUE INC. *	13-00119	01/11/13	SAFETY AND HEALTH CONSORTIUM	Open	2,668.00	0.00		
03427 POLAR BEAR*	13-00056	01/09/13	DOUGLASS PRK HEAT AIR REPAIR	Open	242.00	0.00		
03440 QUALITY COMMUNICATIONS*	12-03153	11/15/12	DATALUX MEMORY UPGRADE	Open	1,650.00	0.00		
03449 QC INC*	13-00208	01/18/13	RENTENTION POND WATER SAMPLE	Open	57.50	0.00		
03460 V.E. RALPH & SON, INC.*	12-03348	12/11/12	INVEST. SUPPLIES	Open	150.90	0.00		
03478 RED THE UNIFORM TAILOR, INC.*	12-03397	12/17/12	UNIFORMS	Open	200.25	0.00		
03496 REGISTRARS ASSN OF NEW JERSEY	13-00300	01/29/13	2013 MEMBERSHIP DUES	Open	50.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03518 RIGGINS, INC.*	13-00257	01/23/13	HIGHWAY DIESEL	Open	1,699.73	0.00		
03608 SEAWAVE CORPORATION*	13-00204	01/18/13	ONE INSERTION 1/16/13	Open	94.77	0.00		
	13-00302	01/29/13	ONE INSERTION 1/16/13	Open	<u>106.79</u>	0.00		
					201.56			
03688 SOUTHERN NJ CHAPTER NIGP*	13-00321	01/30/13	2013 MEMBERSHIP SJNIGP	Open	80.00	0.00		
03691 SJ COURT ADMINISTRATOR'S ASSN*	13-00211	01/18/13	DUES	Open	90.00	0.00		
03692 SOUTH JERSEY GAS CO*	13-00278	01/25/13	GAS JANUARY 2013	Open	8,116.93	0.00		
03723 STAPLES, INC.*	12-03487	12/28/12	OFFICE SUPPLIES	Open	398.17	0.00		
	13-00147	01/11/13	OFFICE SUPPLIES	Open	<u>251.17</u>	0.00		
					649.34			
03750 STATE DISTRIBUTION & SUPPLY	12-03427	12/21/12	CLEANING/FOOD SUPPLIES	Open	423.08	0.00		
03764 TCTANJ	13-00199	01/17/13	2013 MEMBERSHIP-LAUREN READ	Open	100.00	0.00		
03790 THE PRESS*	13-00150	01/14/13	WANT AD - ENGINEER	Open	645.22	0.00		
03805 TOWNBANK VOLUNTEER FIRE CO.	12-02859	10/26/12	SHELTER REIMB 10/2012 STORM	Open	1,626.81	0.00		
03831 TREASURER, COUNTY TAXES	13-00325	01/31/13	1ST QTR COUNTY TAX DUE 2/15/13	Open	2,335,092.63	0.00		
03969 VERIZON	13-00286	01/28/13	TELEPHONE 1/13/13-2/13/13	Open	6,040.51	0.00		
03971 VERIZON WIRELESS	13-00305	01/29/13	MDT - VERIZON	Open	142.41	0.00		
03979 MICHAEL VOLL	13-00206	01/18/13	REIMBURSEMENT FOR LUNCH	Open	35.28	0.00		
03995 VITAL COMMUNICATIONS, INC.*	13-00033	01/07/13	2013 MOD IV TAX UPDATE	Open	100.00	0.00		
04030 WEST PUBLISHING PAYMENT *	13-00271	01/23/13	ANNUAL UPDATES-SEARCH&SEIZURE	Open	120.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04075 BARBER CONSULTING SERVICES LLC								
	13-00065	01/09/13	MIS4 2013 SERVICES	Open	2,000.00	0.00		
	13-00149	01/14/13	WALL MOUNT RACK TAX OFFICE	Open	1,389.97	0.00		
	13-00282	01/26/13	ROUTER FOR REC FACILITY	Open	69.99	0.00		
					<u>3,459.96</u>			
04225 PRINK ME*								
	12-02432	09/11/12	BANNERS FOR RECREATION CENTER	Open	500.00	0.00		
	13-00231	01/22/13	BANNER FOR BBALL SPONSER	Open	40.00	0.00		
					<u>540.00</u>			
04261 STATE OF NEW JERSEY								
	13-00324	01/31/13	4TH QTR UNEMPLOYMENT	Open	26,398.91	0.00		
04280 G.F.O.A. OF NJ								
	13-00161	01/15/13	MEMBERSHIP DUES 2013	Open	90.00	0.00		
04300 W B MASON CO INC*								
	12-03485	12/28/12	SOAP REFILLS FOR TOWNSHIP	Open	737.25	0.00		
05084 SERVICE MASTER CLEAN OF THE								
	12-03434	12/21/12	RUG CLEANING	Open	612.60	0.00		
05100 CHARLES W. SANDMAN, III ESQ								
	13-00268	01/23/13	2013 LITIGATION MONTHLY \$50k	Open	4,166.66	0.00		B
05101 VITELLI ELECTRIC*								
	13-00281	01/25/13	DEDICATED CIRCUIT SERVER ROOM	Open	400.00	0.00		
5027 CAPE MAY COUNTY FIRE PROTECTIO								
	13-00142	01/11/13	2013 FPA DUES RENEWAL	Open	50.00	0.00		
5032 NORTH WILDWOOD \$ CREST SHIRT*								
	12-03425	12/21/12	YOUTH BASKETBALL LEAGUE SHIRTS	Open	2,196.00	0.00		
BIRCH BIRCH'S COMMUNICATIONS LLC*								
	12-03394	12/17/12	REPROGRAM RADIO'S NARROWBAND	Open	870.00	0.00		
CARTYW WALLACE CARTY								
	13-00288	01/28/13	5/6 GRADE TRAVEL BBALL REFEREE	Open	40.00	0.00		
DSTEFANK DAN STEFANKIEWICZ								
	13-00297	01/29/13	5/6 GRADE TRAVEL BBALL REFEREE	Open	40.00	0.00		
G-DB DB ELECTRONICS								
	13-00290	01/28/13	MICROPHONE FOR SOUND SYSTEM	Open	400.00	0.00		
JFLECK JACOB FLECK								
	13-00229	01/22/13	BACKGROUND FOR BBALL COACH	Open	26.00	0.00		
JLLOYD JOSEPH LLOYD								
	13-00230	01/22/13	3/4 GRADE TRAVEL BBALL REFEREE	Open	40.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
JLLOYD JOSEPH LLOYD								
			Continued					
	13-00287	01/28/13	3/4 GRADE TRAVEL BBALL REFEREE	Open	<u>40.00</u>	0.00		
					80.00			
MATTBETZ MATTHEW BETZ								
	13-00163	12/29/12	REFUND FOR TOLLS-FOOTBALL	Open	3.00	0.00		
NSAFFOLD NINA SAFFOLD								
	13-00270	01/23/13	RETURN PRECIOUS METAL BOND	Open	1,000.00	0.00		
RWARREN RICHARD WARREN								
	13-00274	01/25/13	REFUND MERCANTILE LICENSE	Open	75.00	0.00		
SIXSM LLOYD SIXSMITH*								
	12-03294	12/05/12	REC ADVISORY BOARD SHIRTS	Open	235.00	0.00		
STONEHAR BOROUGH OF STONE HARBOR								
	13-00195	01/17/13	ETHICS CLASS	Open	60.00	0.00		
<hr/>								
Total Purchase Orders:	98	Total P.O. Line Items:	255	Total List Amount:	2,733,734.79	Total Void Amount:		0.00

**RESOLUTION # 2013-53
MANUAL CHECK LISTING**

<u>Vendor</u>	<u>PO#</u>	<u>Description</u>	<u>Amount</u>
CHARLES W. SANDMAN III, ESQ	13-00268	JAN 2013 MONTHLY PAYMENT	\$ 4,166.66
Total Manual Check			\$ 4,166.66
Total computer generated bill list			\$ 2,733,734.79
TOTAL BILL LIST:			\$ 2,737,901.45

I hereby certify the foregoing to be a Resolution adopted by the Township of Council at a meeting held on February 4, 2013

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-54

TITLE: A RESOLUTION CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: CAPE MAY COUNTY WATER QUALITY PLAN

WHEREAS, Lower Township Council desires to provide for the orderly development of wastewater facilities within The Township of Lower; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment was noticed in the New Jersey Register on January 7, 2013, for the Cape May County Water Quality Management Plan, prepared by The County of Cape May.

NOW, THEREFORE, BE IT RESOLVED on this 4TH day of February, 2013, by the governing body of the Township of Lower that:

1. The Governing Body of The Township of Lower hereby consents to the amendment entitled, Cape May County Water Quality Management Plan, publicly noticed on January 7, 2013 and January 9, 2013, prepared by Cape May County, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.
3. The Township of Lower desires to further review the WQM plan as it moves through the approval process to consider the LTMUA property, Bottle Creek Drive area, Academy Road area and the Township's proposed industrial park property for inclusion in the sewer service area.

I do hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting duly held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

**CAPE MAY COUNTY
PLANNING DEPARTMENT**



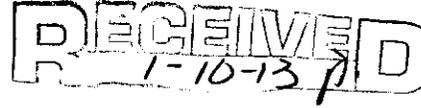
Will Morey
Freeholder

4 Moore Road
Cape May Court House, N.J. 08210-1601
(609) 465-1080 □ Fax: 465-1418
planningbd@co.cape-may.nj.us

Leslie L. Gimeno, PP, AICP
Planning Director

Established 1953

Date: January 8, 2012



To: All Municipal Mayors and Clerks

From: Leslie Gimeno, PP, AICP, Planning Director

Re: Cape May County Water Quality Management Plan – Future Wastewater Service Area Map
Proposed Amendment to the Cape May County Water Quality Management Plan (WQMP)

The purpose of this letter is to request a written statement of consent from your municipality/agency for the above-cited proposed WQMP amendment. State of New Jersey regulations (N.J.A.C. 7:15) require that all governmental entities, sewerage agencies, and BPU related sewer and water utilities that may be affected by, or otherwise have a substantial interest in, approval of the amendment proposal, shall be requested to issue a written statement of consent. In consideration of this requirement, the governing body of your agency/municipality is hereby requested to issue a statement of consent on the attached amendment proposal. A statement of consent by a governmental unit shall be in the form of a resolution by that unit's governing body.

Pursuant to N.J.A.C. 7:15-3.4, this written statement of consent is required within sixty days of your receipt of this letter. Enclosed, as an aid to you to ensure that the resolution is satisfactorily worded, is a "model" resolution. Should you determine that the governing body does not support the amendment proposal, it may submit a resolution to that effect, which shall specify the reasons why the amendment proposal is not supported.

Please send copies of the resolution to the following 2 parties:

Cape May County Planning Department
4 Moore Road – DN 309
Cape May Court House, New Jersey 08201
Attention: Brigitte Sherman

NJDEP – Division of Coastal and Land Use Planning
P.O. Box 420, Mail Code 401-07C, 401 East State Street
Trenton, New Jersey 08625-0420

Please be aware that if you do not submit the requested resolution, the DEP maintains the option of considering approval of the proposed amendment. Therefore, it is in your best interest to submit a resolution defining your position so that the DEP may consider it in their decision-making process on the amendment proposal.

If you have any questions on this matter, please feel free to contact me at 609-465-6875.

Maps can be viewed at the County Planning Department's webpage:

www.capemaycountygov.net .

Information on Public Notice is on NJDEP webpage: <http://www.nj.gov/dep/wqmp/>

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

RESOLUTION #2013- 55

TITLE: RESOLUTION ESTABLISHING THE BID THRESHOLD PURSUANT TO NJSA 40A:11-3a

WHEREAS, recent changes to the Local Public Contracts Law gives local contracting units the ability to increase their bid threshold; and

WHEREAS, N.J.S.A 40A:11-3A, permits an increase in the bid threshold if a Qualified purchasing Agent has been appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, Margaret Vitelli is the Township's appointed QPA.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Lower in the County of Cape May in the State of New Jersey hereby re-establishes its bid threshold of \$36,000.00 as permitted by NJSA 40A:11-3a.

BE IT FURTHER RESOLVED the Lower Township Bid Quotation threshold shall not exceed \$4,350. with amount to be established by a directive from the Township Manager.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

RESOLUTION # 2013-56

TITLE: RESOLUTION SUPPORTING THE \$20 MILLION EMERGENCY SUPPLEMENTAL MARKETING FUNDING (A3630/S2435) FOR THE NEW JERSEY DIVISION OF TRAVEL AND TOURISM TO ADDRESS THE NEGATIVE IMAGE OF THE CONDITION OF THE JERSEY SHORE IN THE AFTERMATH OF HURRICANE SANDY

WHEREAS, Hurricane Sandy caused severe damage to Ocean and Monmouth Counties in New Jersey on October 29, 2013; and

WHEREAS, national media coverage and celebrity fundraisers have created the perception that the entire 127 miles of New Jersey coastline was destroyed; and

WHEREAS, reality is that while a few communities along the Jersey Shore did sustain catastrophic damage from Hurricane Sandy and will require many months to recover, the majority of the Jersey Shore is already or will be open for business by the traditional Memorial Day Weekend start of the summer season in 2013; and

WHEREAS, tourism is a \$38 billion industry in New Jersey creating over 300,000 jobs that we cannot afford to lose; and

WHEREAS, Maryland, Virginia, North and South Carolina are launching aggressive advertising campaigns to lure New Jersey customers to their vacation destinations; and,

WHEREAS, the \$9 million budget for marketing New Jersey Tourism is insufficient to counter the negative image created by media and maintain status quo marketing; and

WHEREAS, the tourism industry generates over \$150 million in tax revenue for New Jersey which if lost in whole or in part would be devastating to our state's economy,

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Lower supports Assembly bill 3630 and Senate bill 2435 calling for an emergency supplemental marketing allocation of \$20 million for promoting New Jersey Tourism and that this campaign should begin immediately.

I hereby certify the forgoing to be a Resolution adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-57

**TITLE: A RESOLUTION CREATING A SPECIAL ECONOMIC
ADVISORY COMMITTEE**

WHEREAS, under the authority the New Jersey Statute 40:69A-1, the governing body of the Township of Lower is empowered to form Special Committees for the handling of extraordinary matters; and

WHEREAS, the governing body has identified a need to create a special advisory committee of interested persons to examine all aspects of potential economic development for Lower Township and to create an economic blueprint for the future of the township,

WHEREAS, the development of an economic blueprint is found to be important to the interests of the welfare of the people of the Township of Lower,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lower, duly assembled this 4th day of February 2013 that a Special Committee is created, subject to the following:

1. The Committee shall be known as the Economic Advisory Committee (EAC) for an examination of economic development and creation of an economic blueprint
2. The Economic Advisory Committee shall consist of the following members:
Deputy Mayor Norris Clark (Chairman)
Councilman Glenn Douglass (Vice Chairman)
10 citizen members, selected by 2 nominations from each councilmember
3. The governing body, at their meeting next following the adoption of this Resolution, shall approve members of the committee. The committee shall hold its organizational meeting within 30 days of the appointment of its membership. The committee shall agree upon a schedule of meetings, which schedule shall be published by the Clerk once in an official newspaper together with the time and location of such meetings and shall also be posted on the Township website. The committee shall comply with the Open Public Meetings Act where applicable if an effective majority of the governing body is participating in the meeting. Otherwise, the committee shall have discretion to include the public as appropriate in its meetings and deliberations.
4. The committee shall be strictly advisory in nature and shall advise the governing body to which it is subordinate. The committee and its members, jointly and severally, shall have no authority, apparent or otherwise, to bind the Township of Lower in any fashion.

5. The committee shall have no budget and shall have no authority to expend the funds of the Township, though the Chair may appear before the governing body, as authorized by the committee, with any request for expenditure of funds, for example to hire an expert to assist the committee, which expenditure shall only occur upon approval of the governing body in accordance with law and Township policy.
6. Committee members are expressly volunteers, shall serve without compensation, shall not be considered employees, are offered and given no contract, serve at the complete discretion of the governing body, may be removed without cause from the committee and all members acknowledge same by their acceptance of appointment. The Clerk shall provide each member with a copy of this Resolution.
7. The purview of the committee shall be limited to the examination of economic development within Lower Township, and the creation of an economic blueprint for the future of Lower Township.
8. The committee will report to Council as may be requested by the governing body from time-to-time but shall report at the expiration of six months from the date of this Resolution or sooner at the discretion of the committee, and at six month intervals thereafter.
9. The committee's existence shall terminate on December 31st 2014, or sooner at the discretion of council. The committee may request an extension if necessary. Council will determine the validity of the request.

I hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-58

TITLE: APPOINTMENT OF FULL TIME TOWNSHIP ENGINEER

WHEREAS, the Township of Lower ("Township") has a need to acquire a full time Township Engineer; and

WHEREAS, the Manager has advertised for the position and interviewed candidates for the full time position of Engineer with the Township; and

WHEREAS, the Salary Ordinance of the Township has been amended to reflect the position.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves the hiring of George A. Curvan, P.E., as a full time Township Engineer at a starting salary of \$70,000.00 with a hire date of February 5, 2013.

I hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on February 4, 2013

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2013-59**

TITLE: ISSUANCE OF 2013 LIMOUSINE, TAXI AND OPERATOR LICENSES

WHEREAS, applications have been submitted by High Roller Limousine, Inc., Aart's Transportation Service Corp. Shore Limousine, and G Taxi pursuant to Ord. #2000-4 for Taxi, Limo and Operator Licenses, and

WHEREAS, the applicants submitted the appropriate fees, provided the required documentation, and the Police have reviewed and approved the application packet.

NOW, THEREFORE BE IT RESOLVED, the Clerk is hereby authorized to issue the following:

High Roller Limousine

<u>License Type</u>	<u>Description</u>
Limousine	2005 Dodge Caravan, Vin# 1D4GP24R55B201485
Limousine	2000 Dodge Caravan, Vin# 1B4GP86G0YB806796
Operators	Arthur Wolf, Karen Wolf & Joseph Pallotta

Aarts Transportation Service

<u>License Type</u>	<u>Description</u>
Taxi	2001 Dodge Caravan, Vin# 2B8GP44G91R106832
Taxi	2002 Chrysler Town & Country, Vin #2C4GP74L332RTT1037
Taxi	2003 Chrysler, Vin#2C4GP24R53R250584
Operators	William Garner, James Volpe, Thomas Fontannaz, Roy Wolf, Keith Bancroft

Shore Limousine Services, LLC

<u>License Type</u>	<u>Description</u>
Limousine	2000 Ford , Vin# 1FDXE45F2YHA14588
Limousine	2007 Lincoln Town Car, Vin #1L1FM88W274616586
Limousine	2010 Cadillac, 1G6KR5E41A4103662
Operators	Paul Quinn, Danette Quinn, Michael Shapley, James Rixey , Kimberly Day

G(Garibaldi) -Taxi

<u>License Type</u>	<u>Description</u>
Taxi	2001 Ford Focus Vin#1FAHP36321W127256
Operator	Oleg Pismenny

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 4, 2013

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-60

TITLE: RENEWAL OF TRAILER PARK LICENSES FOR THE YEAR 2013

WHEREAS, the following applicants have submitted applications for renewal of their trailer park licenses for the year 2013; and

WHEREAS, the appropriate license fees have been received and the real estate taxes on subject properties are current.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the renewal of trailer park licenses for the year 2013 are hereby approved for the following applicants:

<u>NAME</u>	<u>LOCATION</u>
Cape Meadows Inc. t/a Cape Meadow	306 Route 9
Victor & Patricia Major t/a Broadway Mobile Park	901 Broadway
Jeffrey VanMourik t/a Cape May Mobile Estates	753 Route 9
Inter Coastal Enterprises, Inc. t/a Shawcrest Mobile Home Park	5200 Shawcrest Road
NHC-NJ102 LLC T/A Cape May Crossing	878 Route 109 South

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013- 61

TITLE: AUTHORIZATION FOR THE TOWNSHIP OF LOWER TO APPLY FOR AN EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUBGRANT

WHEREAS, the Lower Township Office of Emergency Management desires to apply for and obtain an Emergency Management Agency Assistance Subgrant. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 local matching funds, is for the purpose of enhancing Lower Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Subgrant award incorporates all conditions and representations contained or made in application; and

WHEREAS, the Lower Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Lower Township Office of Emergency Management adequately satisfies through the 2013 Lower Township approved budget for salaries and wages and fringe benefits.

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey State Police, Office of Emergency Management, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey State Police, Office of Emergency Management.

BE IT FURTHER RESOLVED that Lauren Read, the Chief Fiscal Officer, Michael E. Beck, the Mayor and Gary Douglass, Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; Lauren Read, Chief Financial Officer; Gary Douglass, Emergency Management Coordinator and the Office of the Treasury.

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-62

TITLE: AMENDING RESOLUTION # 2013-46, APPOINTMENT OF WILLIAM BLANEY, ESQ. AS LABOR ATTORNEY

WHEREAS, the Township of Lower ("Township") adopted Resolution #2013-46 at its Council Meeting of January 23, 2013, appointing William Blaney as Labor Attorney at a fee not to exceed \$2,500.; and

WHEREAS, William Blaney, Esq. has submitted a revised proposal indicating he will provide the goods or services described hereinabove at a rate of \$125.00 per hour for a total revised price not to exceed \$25,000.00; and

WHEREAS, the CFO has determined sufficient funds are available in the current budget as follows:

Appropriation Legal OE Signature: 
3-00-20-155-200

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby appoints William Blaney as Labor Attorney and approves the contract for the goods and services for a total amount not to exceed \$25,000.00.

BE IT FURTHER RESOLVED that notice of Award of Professional Contract for the above appointment shall be published in the official Township paper.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-63

Title: TRANSFER OF 2012 APROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three months of the succeeding year when it has been determined that any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during the preceding year, which were chargeable to said appropriation, and there is an excess in any appropriation reserve 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, and totaling \$100.00 be made between the 2012 budget appropriation reserves.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
POLICE	OE	2-01-25-240-216	100.00	
POLICE	S&W	2-01-25-210-101		100.00
			<u>100.00</u>	<u>100.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 4, 2013.

Julie A. Picard, RMC, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

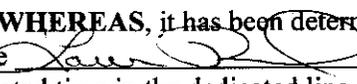
RESOLUTION # 2013-64

Title: AUTHORIZING PAY OUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has requested that his maximum of 1440 sick hours be paid out in three installments per his employment contract, and

WHEREAS, this pay out constitutes the third of three installments, 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 Brian Marker in the amount of \$ 30,000 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 February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						



C. CFO
ASST. TREAS.

LOWER TOWNSHIP POLICE DEPARTMENT

Brian Q. Marker
Chief of Police

CAPTAIN WILLIAM MASTRIANA
Executive Officer

LT. MARTIN BIERSBACH
Administrative Services Commander

LT. THOMAS BEEBY
Patrol Bureau Commander

HEADQUARTERS
Cape May County Airport
405 Breakwater Road
Erma, NJ 08204

Office: (609) 886-1619
Fax: (609) 889-6664

MEMORANDUM T13-03

TO: Michael Voll, Township Manager
FROM: Brian Q. Marker, Chief of Police *BQM*
DATE: January 29, 2013
SUBJECT: Request for Accrued Sick Leave Payment

Dear Manager Voll:

I respectfully request the 2013 installment of the agreed upon payment of 480 hours of accrued sick leave.

Thank you for your consideration of this request.

BQM/davm

C file

Approved
1/30/13
[Signature]

Township Of Lower
Office of Township Manager
2600 Bayshore Road
Villas, New Jersey 08251

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

RESOLUTION # 2013-65

TITLE: BID ACCEPTANCE AND CONTRACT AWARD FOR REVISED RENOVATION FOR MILLMAN COMMUNITY CENTER

WHEREAS, The Notice to Bidders for the 2012-17 Revised Renovation for Millman Community Center was advertised on January 2, 2013 and accepted on January 16, 2013 at 11:00 a.m.; and

WHEREAS, Three (3) proposals were submitted and reviewed by the QPA, Construction Official, and

WHEREAS, the lowest qualified bidder complied with the specifications and supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Appropriation # : 022 12-10 C-04-55-40-662 118,940.82
 022 10-08 C-04-55-397-661 63,287.06
 022 10-08 C-04-55-397-663 8,272.06

CFO Signature: 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that the contract for the above is hereby awarded to the lowest qualified responsible bidder as follows:

Base Bid plus Alternate #1

AWARD TO: JOSEPH PORETTA BUILDERS

BASE BID: \$172,500.00

ALTERNATE #1 \$18,000.00

TOTAL AWARD: 190,500.00

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

SECTION 12 BID PROPOSAL FORM

To: Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Project: **2012-17 Revised Renovation for Millman Community Center**
209 Bayshore Road, Villas, NJ 08251

BASE BID

A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders, Bid Documents and Contract for the above mentioned project, we the undersigned, hereby offer to enter into a Contract to perform the Work for the Contract Sum of:

one hundred seventy two thousand five hundred dollars
(in words)

\$ 172,500.

in lawful money of the United States of America.

ALTERNATE BID PRICE (OUTSIDE RENOVATION)

B. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders, Bid Documents and Contract for the above mentioned project, we the undersigned, hereby offer to enter into a Contract to perform the Work for the Contract Sum of:

Eighteen Thousand dollars
(in words)

\$ 18,000.

in lawful money of the United States of America.

C. All applicable taxes that are not exempt in accordance with the Owner's Sales and Use Tax Certificate of Exemption are included in the Bid Sum.

D. Any exceptions need to be submitted separately.

1.2 ACCEPTANCE:

A. This offer shall be open to acceptance and is irrevocable for sixty (60) days from the bid closing date.

B. If this bid is accepted by the Owner within the time period stated above, we will:

1. Execute the Agreement within three days of receipt of the Contract Agreement.
2. Furnish the required bonds prior to or with the executed Contract Agreement.
3. Commence work within ten days after written Notice to Proceed.

1.3 CONTRACT TIME:

A. If this bid is accepted, we will complete the work:

1. Within _____ calendar days from Notice to Proceed.

1.4 ADDENDA:

A. The following Addenda have been received. The modifications to the Contract Documents noted therein have been considered and all costs thereto are included in the Bid Sum.

Addendum No. None Dated: _____
Addendum No. _____ Dated: _____

1.5 APPENDICES:

A. The following documents are appended hereto and form an integral part of this Bid Form:

1. Documents provided as required.

Joseph Porretta Builders
Bidder Please Print Full Name of Company

557 Anderson Ave Hammonton NJ 609-561-0118
Address and Telephone Number 609-561-6391 office

J.P.
Authorized Signing Officer/Title

1/16/13
Date

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

RESOLUTION # 2013-66

TITLE: AWARD OF SUPPLY AND INSTALLATION OF COMMERCIAL ANSUL FIRE SYSTEM

WHEREAS, Proposals were solicited via the Township of Lower's website on December 28, 2012 and due on Thursday January 10, 2013 at 11:00 am.

WHEREAS, Two (2) proposals were submitted and reviewed by the QPA and the Construction Official;

WHEREAS, the CFO has determined sufficient funds are available in the budget as follows:

Appropriation # : Ord 07.14 C-04-55-391-540

CFO Signature: 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that authorization to purchase the above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: DON J. URIE ASSOCIATES INC.

TOTAL AWARD: \$19,647.00

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

PROPOSAL PAGE

2012-21 P2P Millman Senior Center Kitchen Ansul System

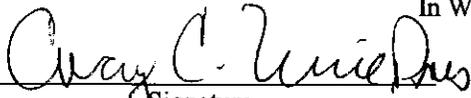
The undersigned hereby declares that they have carefully read the documents attached and they fully understand Instructions to Bidders and Technical Specifications and will strictly adhere to all terms and conditions of said documents if awarded a contract therefore.

Date: 01/09/2013 ~~01/02~~

ANSUL KITCHEN SYSTEM

TOTAL LUMP SUM BID: \$ 19,647.00
In Numbers

Nineteen Thousand Six Hundred Forty Seven Dollars

In Words
 Craig C. Urie
Signature Printed Name

President Don J. Urie Associates, Inc.
Title Name of Firm

3905 N. Delsea Drive Vineland, NJ 08360
Address Address

Craig C. Urie 856-692-4590
Contact Person Telephone

856-696-4964 craig@urieassoc.com
Fax E-mail

EXCEPTIONS _____

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

RESOLUTION # 2013-67

TITLE: AWARD OF SUPPLY AND INSTALLATION OF FLOORING AT MILLMAN SENIOR CENTER

WHEREAS, Proposals were solicited via the Township of Lower's website on December 28, 2012 and due on Thursday January 10, 2013 at 11:00 am.

WHEREAS, One (1) proposal was submitted and reviewed by the QPA and the Construction Official;

WHEREAS, the CFO has determined sufficient funds are available in the budget as follows:

Appropriation #: Ord 12-10 C-04-55-410-662

CFO Signature: 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that authorization to purchase the above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: HUFFMAN'S FLOOR COVERING

TOTAL AWARD: \$31,064.40

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

PROPOSAL PAGE

2012-18 Millman Senior Center Flooring supply and Installation

The undersigned hereby declares that they have carefully read the documents attached and they fully understand Instructions to Bidders and Technical Specifications and will strictly adhere to all terms and conditions of said documents if awarded a contract therefore.

Date: 12/31/12, 2012

PART #1 RESILIENT FLOORING (supply and installation)

TOTAL LUMP SUM BID: \$ 25,031.46
In Numbers

twenty five thousand & thirty one & forty cents Dollars
In Words

PART #2 TILE CARPETING (supply and installation)

TOTAL LUMP SUM BID: \$ 6,033.00
In Numbers

Six thousand & thirty three Dollars
In Words

John Huffman
Signature
FAX 1014 185-345790

John Huffman
Printed Name

Sole Prop.
Title

HUFFMAN'S FLOOR COVERING
Name of Firm

3860 Bayshore Rd. N.C.M, N.J.
Address

3860 Bayshore Rd N.C.M, N.J.
Address

John Huffman
Contact Person

609-886-1131
Telephone

609-886-1544
Fax

Huffman's Floor covering@yahoo.com
E-mail

EXCEPTIONS _____

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

RESOLUTION # 2013-68

TITLE: BID ACCEPTANCE AND CONTRACT AWARD FOR HVAC DUCTWORK REPLACEMENT
MILLMAN COMMUNITY CENTER

WHEREAS, The Notice to Bidders for the 2013-02 Millman Community Center HVAC Ductwork Replacement was advertised on January 23, 2013 and accepted on February 1, 2013 at 9:00 a.m.; and

WHEREAS, Three (3) proposals were submitted and reviewed by the QPA, Construction Official, and

WHEREAS, the lowest qualified bidder complied with the specifications and supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Ord 12-10 C-04-55-410-662 4114.24
Ord 06-20 C-04-55-394-575 \$20,804.86
Appropriation #: Ord 07-14 C-04-55-391-575 \$19,580.90

CFO Signature: 

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

AWARD TO: MULTI-TEMP MECHANICAL, INC.

TOTAL AWARD: \$44,500.00

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

2013-02 RE-BID MILLMAN HVAC DUCTWORK BID PROPOSAL FORM

To: Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Project: **2013-02 Re-Bid Millman Community Center HVAC DUCTWORK**
209 Bayshore Road, Villas, NJ 08251

BASE BID

A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders, Bid Documents and Contract for the above mentioned project, we the undersigned, hereby offer to enter into a Contract to perform the Work for the Contract Sum of:

Forty Four thousand, five hundred dollars
(in words)

\$ 44,500.⁰⁰

in lawful money of the United States of America.

C. All applicable taxes that are not exempt in accordance with the Owner's Sales and Use Tax Certificate of Exemption are included in the Bid Sum.

D. Any exceptions need to be submitted separately.

1.2 ACCEPTANCE:

A. This offer shall be open to acceptance and is irrevocable for sixty (60) days from the bid closing date.

B. If this bid is accepted by the Owner within the time period stated above, we will:

1. Execute the Agreement within three days of receipt of the Contract Agreement.
2. Furnish the required bonds prior to or with the executed Contract Agreement.
3. Commence work within ten days after written Notice to Proceed.

1.3 CONTRACT TIME:

A. If this bid is accepted, we will complete the work:

1. Within 30 calendar days from Notice to Proceed.

1.4 APPENDICES:

A. The following documents are appended hereto and form an integral part of this Bid Form:

1. Documents provided as required.

Multitemp Mechanical, Inc.
Bidder Please Print Full Name of Company

1000 Delsea Drive Westville NJ 08093 856-384-9900
Address and Telephone Number

[Signature], President
Authorized Signing Officer/Title

1/29/13
Date

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

RESOLUTION # 2013-69

TITLE: **BID ACCEPTANCE AND CONTRACT AWARD FOR FIRE SUPPRESSION SYSTEM FOR MILLMAN COMMUNITY CENTER**

WHEREAS, The Notice to Bidders for the 2013-03 Millman Community Center Fire Suppression System was advertised on January 23, 2013 and accepted on February 1, 2013 at 9:00 a.m.; and

WHEREAS, Two (2) proposals were submitted and reviewed by the QPA, Construction Official, and

WHEREAS, the lowest qualified bidder complied with the specifications and supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Appropriation # : Oct 07-14 C-04-55-391-540

CFO Signature: 

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

AWARD TO: AFFORDABLE FIRE PROTECTION INC.

TOTAL AWARD: \$55,000.00

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

2013-03 RE-BID PROPOSAL FORM

To: Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Project: 2013-03 Re-bid Fire Suppression System Millman Community Center
209 Bayshore Road, Villas, NJ 08251

BASE BID

A. Having examined the Place of The Work and all matters referred to in the Instructions to Bidders, Bid Documents and Contract for the above mentioned project, we the undersigned, hereby offer to enter into a Contract to perform the Work for the Contract Sum of:

Fifty-Five Thousand Dollars⁰⁰/₁₀₀ ~~_____~~ dollars
(in words)

\$55,000.00
in lawful money of the United States of America.

- C. All applicable taxes that are not exempt in accordance with the Owner's Sales and Use Tax Certificate of Exemption are included in the Bid Sum.
- D. Any exceptions need to be submitted separately. - "ATTACHED"

1.2 ACCEPTANCE:

- A. This offer shall be open to acceptance and is irrevocable for sixty (60) days from the bid closing date.
- B. If this bid is accepted by the Owner within the time period stated above, we will:
 - 1. Execute the Agreement within three days of receipt of the Contract Agreement.
 - 2. Furnish the required bonds prior to or with the executed Contract Agreement.
 - 3. Commence work within ten days after written Notice to Proceed.

1.3 CONTRACT TIME:

- A. If this bid is accepted, we will complete the work:
 - 1. Within approx. 120 calendar days from Notice to Proceed.

1.4 APPENDICES:

- A. The following documents are appended hereto and form an integral part of this Bid Form:
 - 1. Documents provided as required.

AFFORDABLE FIRE PROTECTION, INC
Bidder Please Print Full Name of Company

540 HAMILTON AVE, LINWOOD, N.J. 08221
Address and Telephone Number

609-927-9220

[Signature] PRESIDENT
Authorized Signing Officer/Title

1/30/2013
Date

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

ORDINANCE #2013-03

AN ORDINANCE AMENDING ORDINANCE #2012-21, ENTITLED "SALARY AND BENEFIT ORDINANCE FOR THE TOWNSHIP OF LOWER"

Be It Ordained by the Township Council, the governing body of the Township of Lower, that Ordinance 2012-21 shall be amended and supplemented to include the following new title and range.

<u>TITLE</u>	<u>RANGE</u>		
Township Engineer	70,000.00	to	100,000.00

Section 1. This ordinance shall take effect immediately upon final passage and publication according to law.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

Township of Lower, County of Cape May, State of New Jersey

Ordinance # 2013-04

AN ORDINANCE AMENDING CHAPTER 570 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER

WHEREAS, Article II Section 570-15 of the Revised General Ordinances of the Township of Lower governs the handling of material intended for recycling; and

WHEREAS, there has been increasing activity by non-regulated persons conducting the activity of canvassing the Township in search of certain discarded materials for the purpose of selling same to scrap yards.

WHEREAS, there is a need to regulate this activity for the purpose of both protecting the public and accounting to the State of New Jersey for said materials removed from Lower Township for recycling purposes.

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

Section 1. Section 570-15 of the Revised General Ordinance of the Township of Lower is hereby enacted as follows:

A. Title. The new revised Article II Section 570-15 to be titled "Scrapping".

B. Definition. For the purpose of this article Scrapping is hereby defined as any action taken by those independent persons or entities, not associated with the Township of Lower, who engage in the practice of searching and gathering certain discarded bulk materials for the purpose of resale to recycling entities.

C. Bulk Materials. Bulk materials are hereby defined as any materials other than those recyclable materials normally picked up by Lower Township on a regular basis (i.e. aluminum, tin, steel cans, glass, plastic, cardboard, paper, etc., hereinafter "normal household recyclables"). Scrappers are hereby specifically prohibited from gathering "normal household recyclables".

D. Fee. All such persons described above (hereinafter referred to as "Scrappers") prior to conducting the activities described in Section B above shall first obtain a permit from the Township before conducting any such activity. The Fee for said permit shall be \$10.

E. Requirement. In order to qualify for said permit each applicant must show that he or she is a Lower Township resident; present a valid Driver's License; Registration and valid proof of insurance for any vehicle intended to be used for this activity. Applicant is hereby further required to sign an Indemnification Agreement indemnifying the Township from any liability as a result of applicant or any agents of applicants action while conducting any activities pursuant to this section.

F. Accounting of Materials Taken. All persons acting under this article are to provide copies of receipts from the salvage yard to the Township setting forth only the weight and type of material removed from Lower Township.

G. All activities under this article are limited to only those areas designated herein for placement of any recyclable materials for pickup by the Township (i.e. curbside) and those specifically authorized by the property owner.

H. All persons conducting the activities described herein and are to leave any areas where such activity has been conducted in a neat and orderly fashion.

I. Storage. No material gathered pursuant to any activity governed under this article is to be stored anywhere in the Township of Lower, unless stored in an area previously and expressly approved by the Township of Lower as being an appropriate site for the storage of such materials.

§570-16. Enforcement.

A. The Municipal Recycling Coordinator and the following designees, the Public Works Manager, Code Enforcement Officer and the Lower Township Police Department, are hereby individually and severally empowered to enforce the provisions of this article. The enforcers of the article may conduct an inspection at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any designated recyclable material.

B. Additionally, the Cape May County Health Department (CMCHD) shall be empowered to enforce the provisions of this article. The municipality shall retain primary enforcement responsibility with the CMCHD serving in a secondary enforcement role which includes inspection of commercial establishments with proof of prior law enforcement actions.

§570-17. Rules and regulations.

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the source separation, preparation, placement and collection of recyclable materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this article and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

§570-18. Violations and penalties.

Any person or entity violating, or failing to comply with, any of the provisions provided in this article shall, upon conviction thereof, be punishable by a fine of not less than \$50 and not more than \$500 or by imprisonment for a term not to exceed 90 days, or by both such fine and imprisonment, in the discretion of the municipal judge. The continuation of any violation for each successive day shall constitute a separate offense, and the person, persons, or entity allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any violation may be afforded one warning at the discretion of the enforcement designees before the issuance of any fines.

Section 2. The above revised Ordinances §570-15 through §570-18 are intended to replace and supercede all previous provisions set forth under said code sections.

Section 3. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 5. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

Section 6. This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law.

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

Township of Lower, County of Cape May, State of New Jersey

Ordinance #2013-05

AN ORDINANCE AMENDING CHAPTER 600 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER

WHEREAS, Chapter 600 of the Revised General Ordinances of the Township of Lower governs rules and regulations with regard to the practice of automobile towing and storage in the Township of Lower; and

WHEREAS, certain code sections of Chapter 600 require updating and amendment to further promote the health, safety and welfare of the Township, persons supplying and those requiring such services and to be consistent with the present value of same.

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

Section 1. Section 600-2 Base of Services, is hereby amended to be:

Base of Service. For the convenience of the public and the Lower Township Police Department and to reduce excessive mileage charges, any business applying for a towing license shall have a place of business and storing yard located within the confines of the Township of Lower. Any vehicles used to tow vehicles under the provisions of this chapter also must be principally garaged within the confines of the Township of Lower.

Section 2. Section 600-2 "Storage Facility" is hereby amended to be:

Storage Facility. A lawfully licensed area or lot located within the Township's corporate boundary line. Any storage area or lot located within the Township is subject to any and all provisions contained in this chapter and any and all other ordinances of the Township.

Section 3. Section 600-3G is hereby amended as follows:

G. Facilities; hours; transporting vehicles.

(1). Each tow operator shall deposit towed vehicles only at a facility providing personnel on site for the owner to recover his vehicle. Such location shall be open and personnel available

to assist customers between the hours of 8:00 a.m. through 5:00 p.m. Monday through Friday, on weekends and holidays, between the hours of 8:00 a.m. and 5:00 p.m. by appointment only. No tow operator shall unreasonably deny access to a vehicle by an owner or his agent for the purposes of removing personal property (i.e. wallet, purse, car seats. The tow operator may deny access to remove fixed objects (i.e. car stereos, speakers, license plates).

(2) Each tow operator shall store each towed vehicle in an area which provided appropriate security and protection for the towed vehicle and which is in compliance with all state and township regulations. Appropriate security and protection shall mean within a locked, 6 ft. high fenced-in area or building.

(3) No tow company or operator will request or demand any person involved in a motor vehicle crash to sign documents requiring the crash victim to have their car repaired at any specific location.

(4) The owner or his designated agent shall make arrangements with the tow firm to make payment or to pick up the motor vehicle by first contacting the affected tow firm in person or by phone in advance.

(5) After normal business hours and on weekends and holidays, the towed vehicle shall be taken to the tow firm's storage yard and arrangements made to have that vehicle transported to the owner's requested designation at the next earliest convenience.

(6) All vehicles towed under the provision of this chapter must be stored in the Township of Lower unless the owner of the vehicle requests otherwise.

(7) All personnel employed or utilized by the tower while engaged in a township requested or authorized tow shall be at least 18 years of age. All such personnel must possess a valid driver's license.

Section 4. Section 600-4I is hereby amended as follows:

I. All applications shall be accompanied by a nonrefundable fee of \$500.

Section 5. Section 600-6A(1) shall be amended as follows:

A (1) The following is the fee schedule for basic towing services:

- (a) Towing services provided during the day, 8:00 a.m. to 6:00 p.m.: flat fee of \$125.
- (b) Towing services provided at night, 6:00 p.m. to 8:00 a.m., weekends or on New Jersey State holidays: flat fee of \$150.

A (2) The following is the fee schedule for nonbasic towing services:

- (a) Charges for the use of jacks and dollies: \$10 over regular tow.
- (b) Charges for each beach tow: \$25 over regular tow.
- (c) Winching-up-righting: \$2.25 per foot per cable.

- (h) Towing of Township vehicles \$50.
- (i) Towing of Motorcycles \$125.
- (j) The fee for hookup (if a vehicle has been hooked up and ready to tow and then claimed by its owner) shall be \$60.
- (k) Standby time. If a tow operator is called to the scene of an accident- or theft-related tow and is required to wait at that scene prior to removing the vehicle, this by direction of the Police Department, a fee to be imposed of \$50.

Section 8. The above revised Ordinances are intended to replace and supercede all previous provisions set forth under said code sections.

Section 9. All code section 600 provisions not altered or amended, hereby are to remain in full force and effect as if set forth with particularity herein.

Section 10. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 11. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 12. Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

Section 13. This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law. •

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
ORDINANCE #2013-06**

TITLE: AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lower in the County of Cape May finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lower hereby determines that a 3.5% increase in the budget for said year, amounting to \$677,362.53 in excess of the increase in final appropriations otherwise permitted by the Local Government Cape Law is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lower, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2013 budget year, the final appropriation of the Township of Lower shall, in accordance with this ordinance and N.J.S.A. 40A: 4-15.14, be increased by 3.5% amounting to \$667,973.10, and the CY 2013 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinafter that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

PERSONNEL ACTIONS

Report for Council Meeting of 02/04/2013

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Public Safety	Black, Kaitlin O.	2/4/2013		New Hire	Police Officer	Yes
Municipal Court	Gipple, Laura	2/1/2013		Separated	Temp Clerk Typist	Yes
Public Safety	Gipple, Laura	2/2/2013		New Hire	Relief Dispatcher	Yes

Date of report 1/31/13

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

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

RESOLUTION # 2013-70

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on _____, 2013 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 February 4, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						