

**WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL**  
**January 5, 2015 - 6:00 P.M.**

**Meeting called to order.**

Opening Announcement  
Pledge of Allegiance & Moment of Silence

**Oath of Office** - Councilman Thomas Conrad, Sworn in by Freeholder Gerald M. Thornton  
Councilman Erik Simonsen, Sworn in by Freeholder Kristine Gabor  
Councilman David Perry, Sworn in by Assemblyman Samuel L. Fiocchi

Roll Call & Determination of Quorum

Res. #2015-01 Appointment of Municipal Solicitor for the year 2015

**Consent Agenda**

Approval of Minutes December 15 & 29, 2014  
Res. #2015-02 Annual Appointment of Emergency Management Council (annual)  
Res. #2015-03 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (annual)  
Res. #2015-04 Approval of Annual Contribution to Volunteers in Medicine (annual \$7,690)  
Res. #2015-05 Appointment of Township Labor Solicitor for the year 2015 (W. Blaney not to exceed \$50,000)  
Res. #2015-06 Appointment of Municipal Public Defender for the year 2015 (annual - V.Roach \$11,200)  
Res. #2014-07 Appointment of Municipal Prosecutor for the year 2015 (annual - P.Tourison \$14,000 -- M. Ragusa resigned)  
Res. #2015-08 Appointment of Municipal Auditor for the Year 2015 Without Public Bidding (Ford Scott not to exceed \$40,000)  
Res. #2015-09 Establishment of Council Meeting Dates and Times for the Year 2015 (annual)  
Res. #2015-10 Authorizing the Cash Management Plan (annual)  
Res. #2015-11 Authorizing Payment for 2015 Regional School Taxes (Jan - May \$6,013,966.50 )  
Res. #2015-12 Authorizing Payment to Lower Township Board of Education (Jan - May \$7,903,298. taxes)  
Res. #2015-13 Authorizing Payment of 2015 Debt Service (\$2,563,066.40)  
Res. #2015-14 Adopting 2015 Temporary Current Budget (\$6,154,000.)  
Res. #2015-15 Designation of Official Depositories (annual)  
Res. #2015-16 Annual Approval of Petty Cash Funds (annual - Finance and Police)  
Res. #2015-17 Designation of Public Agency Compliance Officer for Lower Township (annual - PACO - M. Vitelli)  
Res. #2015-18 Authorization for Public Bidding (annual)  
Res. #2015-19 Resolution Authorizing the Clerk to Issue Bingo and Raffle Licenses throughout the Year to Qualified Organizations (annual)  
Res. #2015-20 Designation of Official Newspapers for Legal Advertising for the year 2015 (annual Star & Wave and the Cape May Gazette)  
Res. #2015-21 Appointment of JIF Risk Management Consultant (J.Byrne Agency - 3<sup>rd</sup> year of a 3 year proposal)  
Res. #2015-22 Resolution Authorizing Lower Township's Payment to the County of Cape May for the Spay/Neuter Fund as per the Interlocal Agreement (annual \$13,287)  
Res. #2015-23 Setting the Interest Rate for Delinquent Taxes (annual)  
Res. #2015-24 Authorization for Refund of Taxes (3 properties \$8,529.74)  
Res. #2015-25 Authorization for Payout of Accumulated Sick Time (annual \$ 36,454.80)  
Res. #2015-26 Authorization for Clothing Allowance ( \$17,425)  
Res. #2015-27 Payment of 2015 Vouchers \$61,185.58  
Res. #2015-28 Transfer of 2014 Appropriations  
Res. #2015-29 Payment of 2014 Vouchers \$429,312.09  
Res. #2015-30 Approving 2015 Contract with Cape Assist (annual \$3,213.00)  
Ordinance #2015-01 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-15.14) this is a yearly requirement which MUST be adopted prior to the introduction of the budget. This is the first reading of the Ordinance  
The second reading and public hearing will be scheduled for January 21<sup>st</sup>.

**Regular Agenda**

Res. #2015-31 Resolution Designating the Lower Township Rescue Squad, Inc. As The Provider of Emergency Medical Services in Lower Township  
Res. #2015-32 Appointment of Municipal Engineer for 2015 Without Public Bidding (Hatch, Mott Macdonald not to exceed \$450,000)  
Res. #2015-33 Appointment of Bond Counsel for the Year 2015 Without Public Bidding (Archer & Greiner)  
Res. #2015-34 A Resolution of the Township Council of the Township of Lower Removing the Current Township Manager

Personnel Action Report

**Council Comments**

**Call to the Public**

**Adjournment**

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

RESOLUTION #2015-01

TITLE: APPOINTMENT OF MUNICIPAL SOLICITOR FOR THE YEAR 2015

WHEREAS, the Township of Lower ("Township") advertised for Request for Proposals (RFP) #2014-18 for 2015 Township of Lower Solicitor on December 3, 2014 with the opening scheduled for December 23, 2014 at 11:00 am and received three (3) proposals; and

WHEREAS, the Township has determined and certified in writing that the value of the contract will exceed \$17,500; and,

WHEREAS, the term of this contract is one year; and

WHEREAS, \_\_\_\_\_ has submitted a proposal indicating that he will provide the goods or services described hereinabove at a price of \_\_\_\_\_ per hour for a total price not to exceed \_\_\_\_\_ for the year; and

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

Appropriation # 5-01-20-155-200 Signature \_\_\_\_\_

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby appoints \_\_\_\_\_ as Township Solicitor and approves the contract with \_\_\_\_\_ for the goods and services described above.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a 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 the original resolution adopted by the Township Council at a meeting held on January 5, 2015

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

## COUNCIL MEETING MINUTES – December 15, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on December 15, 2014 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 Erik Simonsen  
Deputy Mayor Clark  
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzun, Township Solicitor and Karen Fournier, Clerk's Office

### Work Session

#### Relay for Life/Lower Township - Presentation

Kirby Reed introduced herself as a Relay for Life Specialist with the American Cancer Society and announced that Relay for Life is coming to Lower Township in May, 2015. Accompanying her was event leader, Buffi Hinker-Miller, who explained her role in the program. A short video was presented to give details about the program such as how funds are used locally. Ms. Hinker-Miller encouraged volunteers to form a team, become a sponsor or join the committee. Additional information was provided for anyone interested in participating.

#### Economic Development Advisory Committee Presentation

Deputy Mayor Clark gave a summation of the Economic Development Advisory Committee and presented their final report. He discussed some of the challenges for building our economy in Cape May County and he thanked a list of experienced participants. He also revealed the committees unanimous support to research the cost and benefits of changing the name of the Township with a referendum.

Ryan Krill, owner and cofounder of the Cape May Brewery advocated the idea of changing the name of Lower Township to something that blends with the brand of Cape May.

Ernie Utsch, owner of Utsch's Marina, informed that the history of the Township name was based upon religious lines. He validated the idea that a Township name is an essential ingredient to the success of any enterprise and gave examples of businesses in Lower Township that bear the Cape May name. In accord with the committee, he agrees with the idea of adopting a Township name that will identify our location.

Deputy Mayor Clark informed that several business owners offered to research the cost and benefit of changing the Township's name. He also assured that it would be done by referendum, allowing the voters to decide. He then invited Jeff Reichle, owner of Lund's Fisheries, to talk about aquaculture as it pertains to economic development. Jeff Reichle spoke about maintaining our waters and harbors for commercial and recreational fishing. He discussed Cape May County's designation as Essential Fish Habitat for Winter Flounder Eggs and the significant problems it creates for channel dredging and beach replenishment activities. On behalf of the commercial and recreational fishing industries, he requested a letter from Council supporting their efforts to review and re-designate the County's waterways.

Chris Kobik, Superintendent of Lower Cape May Regional School District, stressed the importance of working together as a community to support future economy, culture and livelihoods. LCMR School District has adopted Career Ready Practices to further promote this idea (see handout attached).

Joe Castelucci, Director of Curriculum and Instruction at LCMR School District, elaborated on the Career and Technical Education Programs (CTE) at LCMR and their important role in economic development.

Chris Kobik also talked about community based instruction, structured learning experiences, individual projects and external initiatives. He informed of LCMR's partnerships with several business such as Cape Resorts Group, LCMR Education Foundation, Cape May Forum, Cape May Maritime Museum, and Historic Cold Spring Village.

Deputy Mayor Clark thanked everyone involved and discussed opportunity for economic development at the Cape May County Airport. He concluded with information about Senator Van Drew's Legislative District Economic Development Task Force.

Mayor Beck thanked the Economic Development Advisory Committee and commented on their report. He was reluctant to take a position on changing the Township name without further research and a possible referendum. Councilmember Conrad agreed that changing the Township name will require further discussion. He addressed Mr. Reichle about the dredging issue and offered Council's help with protecting the fishing industry. Mayor Beck commented in favor of the school programs and agreed to move forward with the dredging issue. Council consented to allow the committee to investigate the name change, providing there is no cost to the Township for the investigation.

**Consent Agenda**

- Approval of Minutes December 1, 2014  
 Res. #2014-326 Payment of Vouchers \$ 812,049.45  
 Res. #2014-327 A Resolution Urging Access 1 Communications and the FCC to Keep Local Channel NBC 40 on the Air  
 Res. #2014-328 A Resolution Requesting Release of Maintenance Guarantee for Sea Bay Estates; Block 753.04, Lot 10; Escrow P04-04-13(Platzer & Remster)  
 Res. #2014-329 Authorization for Refund of Taxes (5 properties \$4,205.83)  
 Res. #2014-330 Authorization for the Payment of College Credits (K.DelVecchio \$460.)  
 Res. #2014-331 Resolution Approving Settlement of Tax Appeal Litigation known as Storage Quest New Jersey LP V. Township of Lower (original assessment \$3,436,800 2013 assessment \$2,900,000)  
 Res. #2014-332 Resolution Acknowledging the Award to Woodruff Energy US, LLC to Provide Natural Gas Services for Cape May County and Cooperative Members Participating through the South Jersey Power Cooperative Agreement  
 Res. #2014-333 Transfer of 2014 Appropriations (\$167,500)  
 Res. #2014-334 Cancellation of Current Appropriation Balances (\$60,417.32)

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

**Regular Agenda**

- Res. #2014-335 Authorizing the Payment of Vouchers – Engineering Design Associates – \$729.00 - site work DPS

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

**Administrative Reports**

- Personnel Action Report  
 Monthly Reports – Clerk, Construction, Dog, Fire, Tax, Treasurer, Vital Statistics

**Council Comments**

Councilmember Conrad thanked Lower Township residents for their votes at the Special Election. He gave recognition to Melissa O'Donnell for creating an event on Facebook reminding people to vote. He gave kudos to the Chamber of Commerce for a successful Hospitality Day and commented on the Township's missed opportunity for circulating important information. He discussed details of the FEMA meeting and encouraged residents to work together with the professionals regarding the flood maps.

Mayor Beck pointed out the problem with the "v zone" and how it pertains to homeowners. He reminded that Stu Farrell is working with the Township on this matter. He discussed funding coming from the federal government.

Councilmember Conrad wished everyone a Merry Christmas and God's blessings in the New Year.

Councilmember Simonsen thanked Michael DeLeon, founder of Steered Straight, Inc., an educational and prevention/intervention organization, for his involvement with our schools. He also wished everyone a safe and healthy holiday.

Deputy Mayor Clark expressed a desire for Cape May City to surrender their pursuit to change or withdrawal from the Regional School District. He thanked the Lower Township Taxpayer's Association for spreading the word about voting. He also wished everyone a Merry Christmas and happy holidays.

Mayor Beck announced the following: Ferry Merry Christmas, and the New Year's Eve Event. He thanked the Lower Township Rotary for the Tree Lighting/ Veterans Ceremony and the Christmas Parade. He commented on the FEMA meeting, Wreaths across America, Hospitality Day, and the referendum question. He thanked the Lower Township Taxpayer's Association, namely Janet Pitts, Ed Butler and Kathy Louderback for encouraging residents to vote "no" at the Special Election. He asked politely for Cape May Officials to stop this attack on our school system. He also wished everyone a Merry Christmas.

**Call to Public**

Janet Pitts, Villas, thanked everyone involved in the campaign for the Special Election. She asked the residents of Cape May to reevaluate the school funding issue to see if it's worth the cost.

Dan Anderson, Townbank Road, reminded residents that Cape May Beach tags are free to all veterans and military personnel.

Luke Gegan, North Cape May, thanked Manager Voll for his dedication and service to Lower Township. Manager Voll responded with gratitude.

**Closed Session**

Res. #2014-336

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.

**PROFESSIONAL SERVICE CONTRACTS**

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

Council adjourned to Closed Session at 7:15 pm.

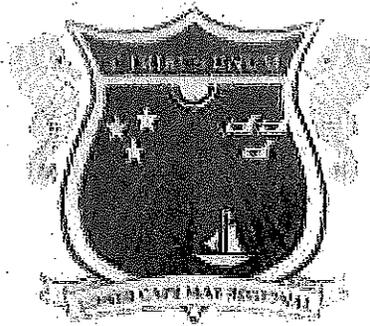
Council returned to open session at 7:45 pm. There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Simonsen. Motion to adjourn unanimous. Meeting adjourned at 7:45 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

Approved:

LCMR wants you to be Career Ready!



## The Career Ready Practices:

1. Act as a responsible and contributing citizen and employee.
2. Apply appropriate academic and technical skills.
3. Attend to personal health and financial well-being.
4. Communicate clearly and effectively and with reason.
5. Consider the environmental, social and economic impacts of decisions.
6. Demonstrate creativity and innovation.
7. Employ valid and reliable research strategies.
8. Utilize critical thinking to make sense of problems and persevere in solving them.
9. Model integrity, ethical leadership and effective management.
10. Plan education and career paths aligned to personal goals.
11. Use technology to enhance productivity.
12. Work productively in teams while using cultural global competence.



***Lower Cape May Regional School District - Future Workforce  
Initiatives.....***

***December 12, 2014***

***"You are here because you are going somewhere"***

**Career Ready Practices - Handout**

**Program Designs**

College Credit and Advanced Placement Programs – more than 800 credits earned last year

Career and Technical Education Programs – Engineering, Business Management, Administrative Assisting, Culinary Arts, TV Media Production. Developing programs in Law Enforcement, Child Development, Fashion Design, Education, Marine Science, Horticulture and Greenhouse Science, Fine and Performing Arts

**Partnerships**

Future Entrepreneurs Program – Cape Resorts Group

Lower Cape May Regional Education Foundation – “Change a Life over Lunch”

Cape May Forum – Aquaculture, Agriculture

Cape May Maritime Museum

Structured Learning Experiences & Community Based Instruction

**Projects**

Senior Interview Day – Hour of Code

SPECIAL COUNCIL MEETING MINUTES – December 29, 2014

A Special meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on December 29, 2014 at 5:00 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

Deputy Mayor Norris Clark

Mayor Michael Beck

Also present: Ron Gelzunas, Township Solicitor

Call to the Public - No one spoke

**Closed Session**

Res. #2014-337

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. **To review and/or interview perspective professionals regarding Professional Service Contracts.**

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

Council adjourned to Closed session at 5:05 p.m.

Council returned to Open Session at 5:57 p.m.

There being no further business to address, motion to adjourn moved by Deputy Mayor Clark, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 5:58 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Township Clerk

Approved:

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

RESOLUTION #2015-02

TITLE: ANNUAL APPOINTMENT OF EMERGENCY MANAGEMENT COUNCIL

WHEREAS, the Township is required to annually appoint the Emergency Management Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, the governing body thereof, that the following persons are hereby appointed to the Emergency Management Council for 2015.

<u>NAME</u>	<u>CATEGORY</u>	<u>NAME</u>	<u>CATEGORY</u>
Michael Beck	1	David Perry	1
Township Manager	2	William Mastriana	2 & 7
Gary Douglass	2 & 8	Eileen Kreis	2
Kurt Hughes	2	Donna Blackley	2
Gary Playford	2 & 5	Craig Loper	5
Thomas Beeby	7	Kevin Hart	2 & 3
Bryan Harron	4 & 9	Lewis Megonigal	4 & 9
		Warren Muller	2

BE IT FURTHER RESOLVED the following individuals be appointed as the Deputy OEM Coordinators for 2015

1. Eileen Kreis
2. Kurt Hughes
3. William Mastriana

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2015-03

TITLE: CONFIRMATION OF OFFICIALS FOR JOINT INSURANCE FUND AND MUNICIPAL EXCESS LIABILITY FUND

WHEREAS, it is necessary for the Township to designate certain persons for the receipt of notices and processing of claims for the Joint Insurance Fund; and

WHEREAS, the Township is desirous of updating the records of the Atlantic County Municipal Joint Insurance Fund with changes.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following persons are named in the capacity listed for the Joint Insurance Fund for 2015 and shall remain in said positions until changed by resolution:

Fund Commissioner	Julie A. Picard
Alt. Fund Commissioner	Township Manager
Claims Coordinator	Colleen Crippen
Safety Coordinator	Jason Dilworth
Township Clerk	Julie A. Picard

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2015-04

Title: APPROVAL OF ANNUAL CONTRIBUTION TO VOLUNTEERS IN MEDICINE

WHEREAS, Volunteer in medicine of Cape May County's primary mission is to understand and serve the health and wellness needs of the medically uninsured or under-served population living or working in Cape May County; and

WHEREAS, VIM has begun a Municipal Partners Program to create a permanent symbolic relationship between the VIM clinic and the sixteen municipalities; and

WHEREAS, VIM has requested each municipality donate fifty cents (\$0.50) for each taxable line to the program to help with specialized services for eye care, pediatrics and podiatry in addition to the primary care being offered.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower does hereby authorize and approve a contribution of \$7,690. for the year 2015.

BE IT FURTHER RESOLVED that the CFO, Lauren Read is hereby authorized to issue a check to Volunteers in Medicine for \$7,690 chargeable to budget line Council Special Projects 01-20-110-281 where sufficient funds are available as evidenced by her signature.

\_\_\_\_\_  
Lauren Read, CFO

I hereby certify the foregoing to the original Resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

## Julie Picard

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**From:** Margaret Vitelli <mvitelli@townshipoflower.org>  
**Sent:** Tuesday, December 30, 2014 4:54 PM  
**To:** Julie Picard  
**Subject:** FW: Municipal Partners Program  
**Attachments:** news2014\_Vf.pdf

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**From:** Jacqueline M Meiluta [<mailto:jmeiluta@vimcmc.org>]  
**Sent:** Tuesday, December 30, 2014 4:21 PM  
**To:** Margaret Vitelli  
**Subject:** Municipal Partners Program

Honorable Michael Beck and Council  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

Dear Mayor Beck and Council,

Volunteers in Medicine will soon be 13 years old – 13 years of Neighbors Caring for Neighbors. And, we could not have done it without the Township of Lower. In the Clinic's early days, we initiated the **Municipal Partners Program**. This program was designed to create a permanent symbiotic relationship between the clinic and all sixteen county municipalities; you are a valued partner in this program.

As VIM continues to provide health services to the needy residents of your community, we ask that your annual budget include a partnership donation of \$7,690 to Volunteers in Medicine of Cape May County.

VIM believes that a measure of any society or community is how its citizens care for those in need; Cape May County and the Township of Lower in particular, is a shining example of neighbors caring for neighbors. Thank you for your continued support and leadership on this very important issue. If you have any questions or require any additional information, please do not hesitate to contact me.

On behalf of the Board of Trustees of  
**Volunteers in Medicine of Cape May County**

*Jacqueline Meiluta*  
*Executive Director*  
*Volunteers in Medicine of Cape May County*  
423 N. Route 9  
CMCH, NJ 08210  
T: 609-463-2846

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

RESOLUTION #2015-05

TITLE: APPOINTMENT OF TOWNSHIP LABOR SOLICITOR FOR THE YEAR 2015

WHEREAS, the Township of Lower ("Township") advertised for Request for Proposals (RFP) #2014-18 for 2015 Township of Lower Solicitor on December 3, 2014 with the opening scheduled for December 23, 2014 at 11:00 am and received one (1) proposal for Township Labor Solicitor; and

WHEREAS, the term of this contract is one year; and

WHEREAS, William Blaney Esq. has submitted a proposal indicating that he will provide the goods or services described hereinabove at a price of \$135.00 per hour for a total price not to exceed \$50,000 for the year; and

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

Appropriation # \_\_\_\_\_ Signature \_\_\_\_\_

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby appoints William Blaney Esq. as Labor Solicitor and approves the contract with William Blaney, Esq of Blaney Donohue for the goods and services described above.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a 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 the original resolution adopted by the Township Council at a meeting held on January 5, 2015

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

**Response to Request for**  
**Proposal for 2015 Township Labor Solicitor**  
**RFP# 2014-18**

**Margaret Vitelli, Purchasing Agent**  
**Township of Lower**  
**2600 Bayshore Road**  
**Villas, NJ 08251**

**Submitted By: Blaney & Donohue, PA**  
**3200 Pacific Avenue, Suite 200**  
**Wildwood, NJ 08260**  
**Phone (609) 435-5368**

**2014-18 PROPOSAL FORM**

The undersigned, having read the Notice to Bidder, Request for Proposal and specifications attached hereto, hereby agrees to provide the services, as outlined in this specifications as follows:

Municipal Solicitor 2015 Rates: Associate Hourly Rate \$135.00

Partner Hourly Rate \$135.00

Paralegal Hourly Rate \$75.00

Planning Solicitor 2015 Rates: Associate Hourly Rate \_\_\_\_\_

Partner Hourly Rate \_\_\_\_\_

Paralegal Hourly Rate \_\_\_\_\_

Zoning Solicitor 2015 Rates: Associate Hourly Rate \_\_\_\_\_

Partner Hourly Rate \_\_\_\_\_

Paralegal Hourly Rate \_\_\_\_\_

Blaney & Donohue, PA

Company Name

45-3983572

Federal I.D. # or Social Security #

3200 Pacific Ave., St. 200, Wildwood, NJ 08260

Address



Signature of Authorized Agent

William G. Blaney

Type or Print Name

Title: President

609-435-5368

Telephone Number

12/10/14

Date

The Township of Lower reserves the right to reject any or all bids if it deems it in the best public interest to do so.

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

RESOLUTION #2015-06

Title: APPOINTMENT OF MUNICIPAL PUBLIC DEFENDER FOR THE YEAR 2015

WHEREAS, there exists a need for the service of a Municipal Public Defender in the Township of Lower, County of Cape May, State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED that Victoria Roach is hereby appointed by the Township Council of the Township of Lower as the Lower Township Public Defender for a term commencing on the date of this Resolution and continuing until December 31, 2015.

BE IT FURTHER RESOLVED that Victoria Roach as the Lower Township Public Defender shall be paid a salary of \$11,200.00 without benefits, payable in bi-weekly installments on the Township's regularly scheduled pay days and the funds are available in the current fund as evidenced by the Chief Financial Officer's Certification and Signature:

\_\_\_\_\_  
Lauren Read, Chief Financial Officer

BE IT FURTHER RESOLVED that any notice of this Resolution that may be required pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., be duly published in the Township's official Newspaper.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-07

Title: APPOINTMENT OF MUNICIPAL PROSECUTOR FOR THE YEAR 2015

WHEREAS, there exists a need for the service of a Municipal Prosecutor in the Township of Lower, County of Cape May, State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED that Peter Tourison, Esquire is hereby appointed by the Township Council of the Township of Lower as the Lower Township Municipal Prosecutor for the year 2015 for a term commencing on the date of this Resolution and continuing until December 31, 2015.

BE IT FURTHER RESOLVED that Peter Tourison, Esquire as the Lower Township Municipal Prosecutor shall be paid a salary of \$ 14,000.00 without benefits, payable monthly on the first Council meeting of every month and CFO has determined sufficient funds will be available in the current budget as follows:

Appropriations # \_\_\_\_\_

Signature: \_\_\_\_\_

BE IT FURTHER RESOLVED that Peter Tourison has completed and submitted a Business Entity Disclosure Certification which certifies that Peter Tourison has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit Peter Tourison from making any reportable contributions through the term of the appointment. .

BE IT FURTHER RESOLVED that any notice of this Resolution that may be required pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., be duly published in the Township's official newspaper.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-08

TITLE: APPOINTMENT OF MUNICIPAL AUDITOR FOR THE YEAR 2015 WITHOUT PUBLIC BIDDING

WHEREAS, because of the general election and short turnaround time thereafter, the Township did not have enough time to prepare a bid package for Township Auditor for the year 2015, but will in fact put the Auditor services out to bid for the year 2016; and

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

WHEREAS, the Township has determined and certified in writing that the value of the acquisition will exceed \$17,500, and Ford Scott and Associates, LLC has submitted a proposal indicating that they will provide the goods or services described above for a price not to exceed \$ 40,000; and

WHEREAS, the term of this contract is one year; and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation # 5-01-20-130-299,135,207 Signature \_\_\_\_\_

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

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

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						



# FORD - SCOTT

& ASSOCIATES, L.L.C.

CERTIFIED PUBLIC ACCOUNTANTS

1535 HAVEN AVENUE • PO BOX 538 • OCEAN CITY, NJ • 08226-0538

PHONE 609.399.6333 • FAX 609.399.3710

[www.ford-scott.com](http://www.ford-scott.com)

December 16, 2014

Mayor and Governing Body  
and Chief Financial Officer  
Township of Lower  
2600 Bayshore Road  
Villas, N.J. 08251

Members of the Governing Body:

We are pleased to confirm our understanding of the services we are to provide the Township of Lower for the year ended December 31, 2014. We will audit the regulatory basis financial statements of the Township of Lower as of and for the year ended December 31, 2014. In addition, we will assist you in preparing the following additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

- Assistance in the preparation of the 2015 Local Municipal Budget from information provided to us by officials of the Township of Lower.
- Assistance in the preparation of the 2014 Annual (Unaudited) Financial Statement utilizing the post-closing trial balances and analyses prepared by the Chief Financial Officer of the Township of Lower.
- Assistance in the preparation of the 2014 Financial Statements and related notes utilizing the post-closing trial balances and analyses prepared by the Chief Financial Officer of the Township of Lower.
- Assistance in the preparation of the 2014 Annual Debt Statement.

We have also been engaged to report on supplementary information other than Required Supplementary Information (RSI) that accompanies the Township of Lower's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- Schedules of Expenditures of Federal & State Awards (if applicable).
- Supplemental information and schedules required by the NJ Division of Local Government Services.

The following information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and our auditor's report will not provide an opinion or any assurance on that information:

- Other Comments and Recommendations

Separately, we will also prepare and issue the following reports and documents as required by the Division of Local Government Services:

- Court Report
- Dog Report
- New Jersey Audit Questionnaire

### **Audit Objectives**

The objective of our audit is the expression of an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with the regulatory basis of accounting prescribed by the New Jersey Division of Local Government Services and to report on the fairness of the supplementary information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on:

Internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

If applicable, internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996, OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* and New Jersey OMB 04-04.

The *Government Auditing Standards* report on internal control over financial reporting and compliance and other matters will include a paragraph that states that the purpose of the report is solely to (1) describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The OMB Circular A-133 report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of OMB Circular A-133. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, if applicable, the Single Audit Act Amendments of 1996, The Provisions of OMB Circular A-133; New Jersey OMB 04-04; and the Requirements of Audit promulgated by the New Jersey Division of Local Government Services and will include tests of the accounting records, if applicable, a determination of major program(s) in accordance with OMB Circular A-133 and New Jersey OMB 04-04 and other procedures we consider necessary to enable us to express such opinions and to render the required reports. Since the entity's financial statements are presented in accordance with the regulatory basis of accounting, our opinion will be adverse for presentation in accordance with accounting principles generally accepted in the United States of America. If our opinion on the financial statements or, if applicable, the Single Audit Act Compliance opinions based on the regulatory basis is other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for the basic financial statements, if applicable, the schedules of expenditures of federal and state awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government awards received and understanding and complying with

the compliance requirements, and for the preparation of the schedules of expenditures of federal and state awards as applicable in accordance with the requirements of OMB Circular A-133 and New Jersey OMB 04-04. As part of the audit, we will assist with the preparation of your financial statements, schedules of expenditures of federal and state awards if applicable, and related notes. You agree to assume all management responsibilities relating to the financial statements, schedule of expenditures of federal and state awards if applicable, and related notes. These nonaudit services do not constitute an audit under Government Auditing Standards and such services will not be conducted in accordance with Government Auditing Standards. You will be required to acknowledge in the written representation letter our assistance with the preparation of the financial statements and the schedules of expenditures of federal and state awards, if applicable, and that you have reviewed and approved the financial statements, schedules of expenditures of federal and state awards, if applicable, and related notes prior their issuance and have accepted responsibility for them. You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal control over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met, following laws and regulations and ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts and grant agreements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the entity in conformance with the Regulatory Basis of Accounting promulgated by the Division of Local Government Services in the State of New Jersey; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

You are responsible for including all informative disclosures that are appropriate for the New Jersey Regulatory Basis of Accounting. Those disclosures will include (1) a description of the New Jersey Regulatory Basis of Accounting, including a summary of significant accounting policies, and how the New Jersey Regulatory Basis of Accounting differs from GAAP; (2) informative disclosures similar to those required by GAAP; and (3) additional disclosures beyond those specifically required that may be necessary for the financial statements to achieve fair presentation.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud, or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud, or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit

findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review when we begin our field work.

You are responsible for preparation of the schedules of expenditures of federal & state awards in conformity with OMB Circular A-133 and New Jersey OMB 04-04, if applicable. You agree to include our report on the schedule of expenditures of federal & state awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal and state awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal and state awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal and state awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedules of expenditures of federal and state awards in accordance with OMB Circular A-133 and New Jersey OMB 04-04; (2) that you believe that schedules of expenditures of federal and state awards, including its form and content, is fairly presented in accordance with OMB Circular A-133 and New Jersey OMB 04-04; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedules of expenditures of federal and state awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with the regulatory basis of accounting prescribed by the Division of Local Government Services. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported, on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon, or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with the New Jersey Regulatory Basis of Accounting; (2) that you believe the supplementary information, including its form and content, is fairly presented in accordance with the New Jersey Regulatory Basis of Accounting; (3) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits or other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on current findings, conclusions, and recommendations, as well as planned corrective actions, for the report, and for the timing and format for providing that information.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents. With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of

abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors or any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements; schedules of expenditures of federal and state award programs; compliance with laws, regulations, contracts and grant agreements; or other matters required by generally accepted auditing standards.

#### **Audit Procedures—Internal Controls**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133 and New Jersey OMB 04-04, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal and state award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133 and New Jersey OMB 04-04.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133 and New Jersey OMB 04-04.

#### **Audit Procedures – Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of your compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 and NJ OMB 04-04 require that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB Circular A-133 Compliance Supplement for the types of compliance requirements that could have a direct and material effect on each of your major programs. The purpose of these procedures will be to express an opinion on your compliance with requirements applicable to each of your major programs in our report on compliance issued pursuant to OMB Circular A-133 and NJ OMB 04-04.

### **Audit Administration, Fees, and Other**

We understand that your employees will provide all documentation we request and information selected by us for testing.

At the conclusion of the engagement, if applicable, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the Municipality and the Division of Local Government Services, however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Ford, Scott & Associates, L.L.C. and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals, will be made available upon request and in a timely manner to a regulatory agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. If requested, access to such audit documentation will be provided under the supervision of Ford, Scott & Associates, L.L.C. personnel.

Furthermore, upon request, we may provide photocopies of audit documentation to such an entity which may intend, or decide, to distribute the photocopies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Municipality. If we are aware that a federal or state awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party contesting the audit finding for guidance prior to destroying the audit documentation.

Leon P. Costello is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$40,000. In addition, we will bill separately at our standard hourly rates for any additional services requested by the Township of Lower. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based



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

RESOLUTION #2015-09

TITLE: ESTABLISHMENT OF COUNCIL MEETING DATES AND TIMES  
FOR THE YEAR 2015

WHEREAS, the Reorganization Meeting of the Township Council of the Township of Lower was held on January 5, 2015 at which time it was necessary to establish the official Council Meeting dates and times.

NOW, THEREFORE, BE IT RESOLVED that Council Meetings be held in the Meeting Room of Township Hall beginning at 6:00 p.m. prevailing time on the first and third Monday of each month with the exception of the holiday dates designated below when the meeting will be held on the date listed. The annual schedule of Council meetings shall be posted on the official Township bulletin board at the Township Hall. Unless otherwise provided by law, all of the above described meetings shall be open to the public.

Meeting of January 19 shall be changed to January 21  
Meeting of February 16 shall be changed to February 18  
Meeting of September 7 shall be changed to September 9

I hereby certify the foregoing to be the original resolution adopted by the Township Council Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

TOWNSHIP OF LOWER CLERK'S OFFICE  
2600 BAYSHORE ROAD  
VILLAS, NJ 08251  
609-886-2005 x113

**IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

In compliance with Chapter 231 of the Laws of New Jersey, 1975, the following constitutes the 2015 schedule of **Lower Township Work Sessions and Regular Meetings** to be held the first and third Mondays of each month, unless otherwise noted, beginning at **6:00 p.m.** prevailing time.

January 5, 2015	July 6, 2015
January 21, 2015*	July 20, 2015
February 2, 2015	August 3, 2015
February 18, 2015*	August 17, 2015
March 2, 2015	September 9, 2015*
March 16, 2015	September 21, 2015
April 6, 2015	October 5, 2015
April 20, 2015	October 19, 2015
May 4, 2015	November 2, 2015
May 18, 2015	November 16, 2015
June 1, 2015	December 7, 2015
June 15, 2015	December 21, 2015

\*Indicates a change due to holiday

Unless otherwise noted, all meetings will be open to the public and action may be taken. Meetings will be held in the Meeting Room of Township Hall, 2600 Bayshore Road, Villas, New Jersey.

Julie A. Picard, RMC  
Township Clerk

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

RESOLUTION #2015-10

Title: **AUTHORIZING THE CASH MANAGEMENT PLAN**

**WHEREAS**, it is in the best interest of the Township of Lower to earn additional revenue through the investment and prudent management of its cash receipts; and

**WHEREAS**, P.L. 1983, Chapter 8, approved January 18, 1983 is an act concerning the Local Fiscal Affairs Law and amends N.J.S.A. 40A: 5-2 and N.J.S.A. 40A5-14.

**NOW, THEREFORE, BE IT RESOLVED**, that the following shall constitute the Cash Management Plan for the Township of Lower and the Treasurer shall deposit and manage its funds pursuant to this plan:

Definitions

1. Treasurer shall mean the Treasurer of the Township of Lower
2. Fiscal Year shall mean the twelve-month period ending December 31.
3. Cash Management Plan shall mean that plan as approved by resolution.

Designation of Depositories

At least once each fiscal year the governing body shall by resolution designate the depositories for the Township of Lower in accordance with N.J.S.A. 40A: 5-14. In addition to the designation, the Township of Lower may make deposits with the State of New Jersey Cash Management Fund in accordance with N.J.S.A. 40A: 5-14.

Audit Requirement

1. The cash Management Plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A: 5-4.

Authority to Invest

1. The governing body shall pass a resolution at its first meeting of the fiscal year designating the Township of Lower officials who shall make and be responsible for municipal deposits and investments.

Investment Instruments

1. The Treasurer shall invest at his/her discretion in any investment instrument as approved by the State of New Jersey in accordance with N.J.S.A. 40A: 5-15.1.

Records and Reports

1. The Treasurer shall report all investments in accordance with N.J.S.A. 40:5-15.2.

At a minimum the Treasurer shall:

- Keep a record of all investments.
- Keep cash position records that reveal, on a daily basis, the status of the cash in its bank accounts.
- Confirm investments with the governing body at the next regularly scheduled meeting.
- Report monthly to the governing body as to the status of cash balances in bank accounts, revenue collection, interest rates and interest earned.

Cash Flow

1. The Treasurer shall ensure that the accounting system provides regular information concerning the cash position and investment performance.
2. All moneys shall be turned over to the Treasurer and deposited in accordance with N.J.S.A. 40A: 5-15.

3. The Treasurer is authorized and directed to invest surplus funds of the Township of Lower as the availability of the funds permit. In addition, it shall be the responsibility of the Treasurer to minimize the possibility of idle cash by depositing the moneys in interest bearing accounts wherever practical and in the best interest of the Township of Lower.
4. The Treasurer shall ensure that funds are borrowed for Capital Projects in a timely fashion.

Schedule of Statutory Payments

1. Fire Districts are to be paid in accordance with N.J.S.A. 40A: 14-79. Statutory tax payments are made to each district as follows:
  - 21.25% on or before April 1
  - 22.50% on or before July 1
  - 25.00% on or before October 1
  - 31.25% on or before December 31

The Lower Township Fire District No. 2 has requested that their payments be made in the following increments:

- 40% due April 1
- 30% due July 1
- 20% due October 1
- 10% due on or before December 31

Annual Allowance Amounts

The Township of Lower has authorized participation in a flexible spending account for the employees. The flexible spending account allows a portion of the employee's salary to be redirected to provide reimbursement for allowable medical expenses. At the beginning of each plan year, a specific dollar amount must be elected. For 2015, the allowable amount is \$1,500.00.

Banking Policies

Periodically, the Treasurer will utilize the competitive contracting process to request proposals from local banking institutions to provide banking services for the Township. This is to assure that banking services being provided to the Township are based on a competitive "bidding" process. The Township will have the option to extend the contract if it is in the best interest of the Township to do so. At least once every year the Treasurer will evaluate current banking services to assure compliance with the specifications contained in the contract and any new services that may become available in the banking industry. A detailed banking policy will be kept in the Office of the Treasurer detailing the Township's specific banking requirements.

Fund Balance Policy

It is in the best interest of the Township to establish a fund balance policy to assure adequate funds are available to mitigate current and future risk, ensure stable tax and utility rates and strengthen the Township's credit worthiness. Regarding the current fund balance, it is the policy of the Township to maintain fund balance at a level of no less than 10 to 20 percent of the current fund budget with an optimal balance equaling two months of current fund expenditures.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-11

Title: **AUTHORIZING PAYMENT FOR 2015 REGIONAL SCHOOL TAXES**

WHEREAS, the amounts listed below are owed to Lower Cape May Regional for current year 2015 taxes on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget; and

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

WHEREAS, tax payments made to Lower Cape May Regional are charged to a non-budget appropriation #5-01-55-910-019 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer \_\_\_\_\_.

LOWER CAPE MAY REGIONAL

APPROPRIATION: 5-01-55-910-019

DUE DATE		AMOUNT DUE
15-Jan	2015	1,202,793.30
15-Feb	2015	1,202,793.30
15-Mar	2015	1,202,793.30
15-Apr	2015	1,202,793.30
15-May	2015	1,202,793.30
<b>TOTAL PAYMENTS 1/2015 - 5/2015</b>		<b>6,013,966.50</b>

NOW, THEREFORE BE IT RESOLVED by the Township Council that the above tax payments to the Regional School are hereby authorized.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

CHRISTOPHER H. KOBIK  
Superintendent

RICHARD J. HOOYMAN  
President

MARK G. MALLET  
Business Administrator/Board Secretary

GARY PLAYFORD  
Vice-President

*Board of Education*  
*Lower Cape May Regional School District*  
687 Route 9 Cape May, New Jersey 08204  
(609) 884-3475 Fax: (609) 884-7067

CITY OF CAPE MAY

TOWNSHIP OF LOWER

BOROUGH OF WEST CAPE MAY

May 23, 2014

Julie Picard  
Lower Township  
2600 Bayshore Road  
Villas, NJ 08251

Dear Ms. Picard:

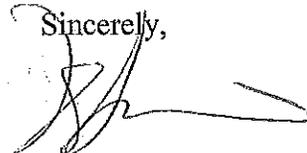
Following is the breakdown of Lower Township's share of Lower Cape May Regional School District's taxes for the 2014/15 school year in the amount of \$12,027,933.00:

<b>July</b>	14	1,202,793.30
<b>August</b>	14	1,202,793.30
<b>September</b>	14	1,202,793.30
<b>October</b>	14	1,202,793.30
<b>November</b>	14	1,202,793.30
<b>January</b>	15	1,202,793.30
<b>February</b>	15	1,202,793.30
<b>March</b>	15	1,202,793.30
<b>April</b>	15	1,202,793.30
<b>May</b>	15	1,202,793.30
<b>Total</b>		<b>\$12,027,933.00</b>

Enclosed for your convenience is a signed voucher.

If you have any questions or concerns regarding this information, please contact me.

Sincerely,



Mark G. Mallett  
Business Administrator/  
Board Secretary

MGM/vl  
Enclosure

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

**RESOLUTION #2015-12**

**TITLE: AUTHORIZING PAYMENT TO LOWER TOWNSHIP BOARD OF EDUCATION**

**WHEREAS**, the amounts listed below are owed to Lower Township Board of Education for current year 2015 taxes on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget; and

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

**WHEREAS**, tax payments made to Lower Township Board of Education are charged to a non-budget appropriation #5-01-55-910-017 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer \_\_\_\_\_.

**LOWER TOWNSHIP BD. OF EDUCATION**

**APPROPRIATION: 5-01-55-910-017**

DUE DATE		AMOUNT DUE
1-Jan	2015	1,580,659.00
1-Feb	2015	1,580,659.50
1-Mar	2015	1,580,659.50
1-Apr	2015	1,580,659.50
1-May	2015	1,580,659.50
<b>TOTAL PAYMENTS 1/2015 - 5/2015</b>		<b>7,903,298.00</b>

**NOW, THEREFORE BE IT RESOLVED** by the Township Council that the above tax payments to the Lower Township Board of Education are hereby authorized.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-13

Title: AUTHORIZING PAYMENT OF 2015 DEBT SERVICE

WHEREAS, the amounts listed below are owed for debt service in the current year 2015 and are due on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget; and

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

WHEREAS, funds for debt service are available in the 2015 budget appropriations for Bond Principal, Bond Interest, Note Interest, Loan Principal and Loan Interest as certified by the Chief Financial Officer

NOW, THEREFORE BE IT RESOLVED by the Township Council that the following debt service payments are hereby authorized:

<u>DATE</u>	<u>TOTAL</u>	<u>PRIN</u>	<u>INT</u>	
1/15/2015	13,600.00		13,600.00	BOND
2/9/2015	24,873.28	19,785.24	5,088.04	LOAN
2/15/2015	9,327.48	6,989.47	2,338.01	LOAN
3/7/2015	27,982.44	21,819.82	6,162.62	LOAN
4/1/2015	1,081,125.00	1,000,000.00	81,125.00	BOND
6/15/2015	18,437.50		18,437.50	BOND
7/15/2015	693,600.00	680,000.00	13,600.00	BOND
8/6/2014	48,000.00		48,000.00	NOTE
8/9/2015	24,873.28	19,983.10	4,890.18	LOAN
8/15/2015	9,327.48	7,059.37	2,268.11	LOAN
9/7/2015	27,982.44	22,038.02	5,944.42	LOAN
10/1/2015	65,500.00		65,500.00	BOND
12/15/2015	518,437.50	500,000.00	18,437.50	BOND
	<b>2,563,066.40</b>	<b>2,277,675.02</b>	<b>285,391.38</b>	

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

LOWER TOWNSHIP  
LIFETIME MATURITY SCHEDULE

Debt Service Schedule - 2015

DATE	TOTAL	PRIN	INT
1/15/2015	13,600.00		13,600.00
2/9/2015	24,873.28	19,785.24	5,088.04
2/15/2015	9,327.48	6,989.47	2,338.01
3/7/2015	27,982.44	21,819.82	6,162.62
4/1/2015	1,081,125.00	1,000,000.00	81,125.00
6/15/2015	18,437.50		18,437.50
7/15/2015	693,600.00	680,000.00	13,600.00
8/6/2014	48,000.00		48,000.00
8/9/2015	24,873.28	19,983.10	4,890.18
8/15/2015	9,327.48	7,059.37	2,268.11
9/7/2015	27,982.44	22,038.02	5,944.42
10/1/2015	65,500.00		65,500.00
12/15/2015	518,437.50	500,000.00	18,437.50
	2,563,066.40	2,277,675.02	285,391.38

Principal Only	2001/2012 Issue	2004 Issue	2009 Issue	2006 Issue	2007 Issue	2009 Issue
Year	Total	2004 Issue	2009 Issue	2006 Issue	2007 Issue	2009 Issue
2015	2,277,675.02	680,000.00	1,000,000.00	39,768.34	43,857.84	14,048.84
2016	1,599,638.28	500,000.00	1,000,000.00	40,567.68	44,739.38	14,331.22
2017	1,301,641.00	1,200,000.00	1,200,000.00	41,383.08	45,638.64	14,619.28
2018	1,303,684.01	1,200,000.00	1,200,000.00	42,214.90	46,555.98	14,913.13
2019	105,768.04			43,063.40	47,491.76	15,212.88
2020	107,893.98			43,928.98	48,446.34	15,518.66
2021	110,062.65			44,811.96	49,420.11	15,830.58
2022	112,274.91			45,712.68	50,413.45	16,148.78
2023	114,531.66			46,631.52	51,426.77	16,473.37
2024	116,833.70			47,568.78	52,460.44	16,804.48
2025	119,182.10			48,524.94	53,514.90	17,142.26
2026	96,704.41			24,627.04	54,590.55	17,486.82
2027	45,543.68				27,705.38	17,838.30
2028	18,196.85					18,196.85
2029	9,235.13					9,235.13
	7,438,865.42	680,000.00	1,000,000.00	508,803.30	616,261.54	233,800.58

Year	Total	Green Acres 2006				Green Acres 2007				Green Acres 2009			
		1/15	7/15	12/15	6/15	4/1	10/1	8/9	3/7	9/7	2/15	8/15	
2015	237,391.36	13,600.00	13,600.00	18,437.50	18,437.50	81,125.00	65,500.00	5,088.04	4,890.18	6,162.62	5,944.42	2,338.01	2,268.11
2016	156,978.09			9,375.00	9,375.00	65,500.00	48,000.00	4,690.34	4,488.52	5,724.04	5,501.45	2,197.52	2,126.22
2017	94,725.37					48,000.00	24,000.00	4,284.68	4,078.78	5,276.64	5,049.59	2,054.21	1,981.47
2018	44,682.38					24,000.00		3,870.84	3,660.82	4,820.26	4,588.63	1,908.01	1,833.82
2019	18,598.34							3,448.70	3,234.44	4,354.70	4,118.42	1,758.88	1,683.20
2020	16,472.38							3,018.06	2,799.50	3,879.78	3,638.75	1,606.75	1,529.54
2021	14,303.72							2,578.76	2,355.82	3,395.32	3,149.44	1,451.57	1,372.81
2022	12,091.45							2,130.64	1,903.22	2,901.11	2,650.30	1,293.26	1,212.92
2023	9,834.73							1,673.52	1,441.52	2,396.98	2,141.13	1,131.77	1,049.81
2024	7,532.64							1,207.20	970.54	1,882.71	1,621.72	967.04	883.43
2025	5,184.29							731.52	490.10	1,358.11	1,091.86	798.99	713.71
2026	2,788.78							246.32		822.96	551.36	627.57	540.57
2027	1,093.70									277.05		452.70	363.95
2028	458.11											274.32	183.79
2029	92.35											92.35	
	622,227.71	13,600.00	13,600.00	27,812.50	27,812.50	32,968.62	30,313.44	40,047.07	43,252.28	40,047.07	18,952.95	17,743.35	

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

RESOLUTION #2015-14

Title: ADOPTING 2015 TEMPORARY CURRENT BUDGET

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2015 Budget, temporary appropriations should be made by resolution prior to January 30<sup>th</sup> of the fiscal year; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year, excluding appropriations made for interest and debt redemption charges and capital improvement fund; and

WHEREAS, the total appropriations of the 2014 Budget, exclusive of any appropriations for interest and debt redemption charges and capital improvement fund is \$26,359,549.87; and

WHEREAS, 26.25% of the total appropriations in the 2014 Budget, exclusive of any appropriations made for interest and debt redemption charges and capital improvement fund is \$6,154,000.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the 2015 Temporary Current Budget is set in an amount not to exceed \$6,154,000.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-15

TITLE: DESIGNATION OF OFFICIAL DEPOSITORIES

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, the official depositories for the Township funds shall be: Sturdy Savings & Loan, Crest Savings, Cape Savings, Bank of America, PNC and NJ Cash Management Fund;

BE IT FURTHER RESOLVED that all disbursements by check require two signatures unless noted otherwise and shall be signed by the following officials:

<u>ACCOUNT</u>	<u>AUTHORIZED OFFICIALS</u>
Municipal Court Account – General (One signature required)	CFO, Asst. Treasurer, Judge, Court Administrator, Deputy Court Administrator
Municipal Court Account – Bail (One signature required)	CFO, Asst. Treasurer, Judge, Court Administrator, Deputy Court Administrator
Payroll Account (One signature required)	CFO, Asst. Treasurer, Township Clerk, or Asst. Twp. Clerk
Payroll-Flexible Spending Account (One signature required)	CFO, Asst. Treasurer, Township Clerk, Asst. Twp. Clerk or Aflac representative
Tax Redemption Account	Tax Collector, Asst. Tax Collector, CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Tax Premium Account	Tax Collector, Asst. Tax Collector, CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Council Checking Account	Mayor, Deputy Mayor, Twp. Clerk, Asst. Twp. Clerk, CFO, Asst. Treasurer
Dog Damage Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Trust Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Unemployment Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Grants Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Revitalization Savings Account (transfers)	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Economic Development Account (transfers)	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Historic Commission Trust Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Joint Housing Trust Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

**ACCOUNT**

**AUTHORIZED OFFICIALS**

Police Investigative Trust Account

Police Chief, Police Captain(s), CFO, Asst. Treasurer,  
Twp. Clerk, Asst. Twp. Clerk

Police Forfeiture Account

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

Community Police Account

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

Developer's Escrow Account

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

Harbortown (Escrow Savings)

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

Council Online Payment Account (transfers)

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

NJ Cash Management Fund – Capital Account

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

Group Insurance Fund

CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

**BE IT FURTHER RESOLVED** that the use of electronic signatures for the signatures of the Mayor, Township Clerk and Chief Financial Officer is hereby authorized.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-16

TITLE: ANNUAL APPROVAL OF PETTY CASH FUNDS

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash fund; and

WHEREAS, it is the desire of the Township Council of the Township of Lower, County of Cape May to approve the following petty cash funds:

<u>Location</u>	<u>Amount</u>	<u>Custodian</u>
Treasurer's Office	\$100.00	Lauren Read, CFO Colleen Crippen, Asst. Treas.
Police Department	\$250.00	Chief William Mastriana Captain Thomas Beeby

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May hereby approves the use of petty cash funds as defined by N.J.S.A. 40A:5-21.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2015-17

**TITLE: DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR LOWER TOWNSHIP**

**WHEREAS**, in accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual to serve as its Public Agency Compliance Officer (P.A.C.O.); and

**WHEREAS**, the Public Agency Compliance Officer is the liaison between Lower Township and the Division of Public Contracts Equal Employment Opportunity Compliance for all matters concerning implementation and administration of the statute; and

**WHEREAS**, the Public Agency Compliance Officer is responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers. The P.A.C.O. must have the authority to recommend changes to effectively support the implementation of the statute and its regulations.

**NOW, THEREFORE, BE IT RESOLVED** that **Margaret Vitelli** be appointed the Public Agency Compliance Officer for the Township of Lower.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-18

TITLE: AUTHORIZATION FOR PUBLIC BIDDING

WHEREAS, the Township is required to publicly bid certain items during the course of the year in accordance with the Local Public Contracts Law; and

WHEREAS, the Township may also desire to obtain public bids on certain other items that may become necessary during the course of the year but which are not required to be publicly bid.

NOW, THEREFORE, BE IT RESOLVED:

The Qualified Purchasing Agent is hereby authorized to obtain public bids as necessary for items or services in 2015 as they become necessary in accordance with the Local Public Contract Law.

BE IT FURTHER RESOLVED that all contracts awarded through public bidding be made a resolution of the Township Council and the required Chief Financial Officer's certification as to the availability of funds for the items/services to be procured.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-19

**TITLE: A RESOLUTION AUTHORIZING THE CLERK TO ISSUE BINGO & RAFFLE LICENSES THROUGHOUT THE YEAR TO QUALIFIED ORGANIZATIONS**

**WHEREAS**, the Township Clerk receives applications throughout the year from various organizations to conduct bingo and/or raffle games within Lower Township; and

**WHEREAS**, the below listed applicants have obtained their state registrations from NJ Legalized Games of Chance and have been in good standing with the Township for many years; and

**WHEREAS**, there appears to be no reason to deny said licenses for 2015 providing all paperwork is completed and required fees have been paid.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, the governing body thereof, that the Township Clerk is authorized to issue bingo/raffle licenses for 2015 to the following organizations as applicable throughout the year.

Animal Alliance of Cape May County	Lower Township Elementary School
Cape May Stage	Make a Wish Foundation
Cape Regional Medical Center Aux.	National Quilters Assoc of CMC #279
Christ Child of CMC	St. John Neumann – St. Raymond's Holy Name Society
Erma Volunteer Fire Company	St. John Neumann – St. Raymond's Catholic Church
Friends of Historic Cold Spring Village	St. John Neumann – St. John of God Alter Rosary Society
Greater Cape May Elks Lodge	St. John Neumann – St. John of God Catholic Church
Knights of Columbus	Townbank Volunteer Fire Company
Kiwanis Club of Cape May	VFW Post 5343 Lt. Charles Buddy Lewis
Lower Cape May Little League	Vietnam Vets of America – Chapter #602
Lower Cape Hockey Association	Villas Volunteer Fire Company
Lower Township Optimist Club	

**FURTHER RESOLVED**, the Clerk may issue additional Bingo & Raffle Licenses to organizations not listed above upon a valid LGCC ID certificate and all appropriate paperwork and fees.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-20

TITLE: DESIGNATION OF OFFICIAL NEWSPAPERS FOR LEGAL ADVERTISING FOR THE YEAR 2015

WHEREAS, the Reorganization Meeting of the Township Council of the Township of Lower, the governing body thereof, was duly held on January 5, 2015 at the Township Hall, Villas, New Jersey; and

WHEREAS, it has been deemed necessary to select a newspaper to serve as the official publication of all Township advertising; and

WHEREAS, it has been deemed necessary to designate a second newspaper for the publication of all meeting notices required under the Open Public Meetings Law; and

WHEREAS, it has been deemed necessary to establish a fee to cover the cost of providing notice of all public meetings to any persons requiring such notices,

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, the governing body thereof, that the official newspaper for all Township advertising, including notices of public meetings, shall be the Cape May Star & Wave.

BE IT FURTHER RESOLVED that the second newspaper to be utilized for publication of all notices of public meetings as required by the Open Public Meetings Law shall be the Cape May Gazette.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-21

TITLE: APPOINTMENT OF JIF RISK MANAGEMENT CONSULTANT

WHEREAS, the Governing Body of the Township of Lower is a member of the Atlantic County Municipal Joint Insurance Fund, a self- insurance pooling fund, following a detailed analysis; and

WHEREAS, the Bylaws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Bylaws indicate a fee not to exceed six percent (6%) of the municipal assessment which expenditure represents reasonable compensation for the services required, and was included in the cost considered by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Lower does hereby appoint J. Byrne Agency as its Risk Management Consultant for a fee of 2.25% of the combined ACMJIF and MELJIF net assessment amount as per their proposal. (Final year of a three year proposal.)

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

# **Agreement**

## **Risk Management Consultant Atlantic County Municipal Joint Insurance Fund**

This agreement, entered into this 1st day of January, 2013, between the Township of Lower (hereinafter referred to as the municipality) and the J. Byrne Agency, Inc. (Corporation) of the State of New Jersey, having its principal office at 5200 New Jersey Avenue, Wildwood, NJ (hereinafter referred to as the Consultant)

**WHEREAS**, the Consultant has offered to the Municipality professional risk management consulting services as required in the Bylaws of the Atlantic County Municipal Joint Insurance Fund, and

**WHEREAS**, the municipality desires these professional services pursuant to the resolution adopted by the Township Council of the Municipality at a meeting held on January 23, 2013 ;

**NOW THEREFORE**, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

- 1) The consultant, for and in consideration of the amount stated hereinafter agrees to provide services to the Municipality as follows:
  - A) The Consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume or transfer the risk of loss.
  - B) Assist the Municipality in understanding and selecting the various coverage's available from the Atlantic County Municipal Joint Insurance Fund.
  - C) Review with the Municipality any additional coverage's that the Consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage's outside the Fund.

- D) Assist the Municipality in the preparation of applications, statements of values and similar documents requested by the Fund, it being understood that this agreement does not include any appraisal work by the consultant.
  - E) Review the Municipality's assessment as prepared by the Fund and assist the Municipality in the preparation of its annual insurance budget.
  - F) Review the loss engineering reports and generally assist the safety committee in its loss containment objectives.
  - G) Assist where needed in the settlement of claims, with the understanding that the scope of the Consultant's involvement does not include the work normally done by a public adjuster.
  - H) Any other services required by the Fund's ByLaws.
- 2) The term of this agreement shall be for three (3) years from the first day of January, 2013, or from the effective date of coverage.
  - 3) The Municipality authorizes the Fund to pay its Consultant as compensation for services rendered an amount equal to two and a quarter percent (2.25%) of the Municipality's annual assessment as promulgated by the Fund. Said fee shall be paid within 30 days of the payment of the member's assessment. The consultant shall receive no other compensation or commission for the placement or servicing of any municipal coverage with the Fund.
  - 4) For any coverage's, authorized by the Municipality, to be placed outside of the Fund, the Consultant shall receive as his full compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the Fund's assessment in computing the fee outlined in Item 3 above.

ATTEST: *[Signature]* By: *[Signature]* Township of Lower

DATED: 1/29/13

ATTEST: *[Signature]* By: *[Signature]*  
 J. BYRNE AGENCY  
 Thomas P. Byrne, AIA  
 President

DATED: 1/23/13

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

RESOLUTION #2015-22

TITLE: RESOLUTION AUTHORIZING LOWER TOWNSHIP'S PAYMENT TO THE COUNTY OF CAPE MAY FOR THE SPAY/NEUTER FUND AS PER INTERLOCAL AGREEMENT

WHEREAS, on September 8, 2008 via Resolution #2008-220, the Township of Lower entered into an Interlocal Service Agreement with the County of Cape May for Animal Sheltering Services; and

WHEREAS, section V. of the agreement states that "Cape May County agrees to provide for the establishment of a County-wide Spay/Neuter Fund as part of the services offered by the County Animal Shelter" with a set fee of \$13,287.00 per year; and

WHEREAS, Lower Township wishes to provide said compensation to the County of Cape May and use their services as per the Interlocal Agreement Section V. Spay/Neuter Fund.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Finance Office is hereby directed to pay the County of Cape May "one lump sum" payment of \$13,287.00 on or before February 1<sup>st</sup> of each year as per the attached Interlocal Service Agreement.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

Schedule A  
LOWER TOWNSHIP

Schedule A establishes the financial requirements for municipal and County participation. Each increment is based upon a full 12 months at each step, beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of each year. Payment of Operating Contract Costs shall be made quarterly on the same schedule as tax disbursement to the County. The contribution to the County Spay and Neuter fund shall be made in a lump sum on or before February 1<sup>st</sup> of each year.

Year	Annual Spay/Neuter Fund Contribution	Operating Contract Payment 1	Operating Contract Payment 2	Operating Contract Payment 3	Operating Contract Payment 4	Operating Contract Total
2009	\$ 13,287.00	\$ 19,930.00	\$ 19,930.00	\$ 19,930.00	\$ 19,930.00	\$ 79,720.00
2010	\$ 13,287.00	\$ 20,683.00	\$ 20,683.00	\$ 20,683.00	\$ 20,683.00	\$ 82,732.00
2011	\$ 13,287.00	\$ 21,462.25	\$ 21,462.25	\$ 21,462.25	\$ 21,462.25	\$ 85,849.00
2012	\$ 13,287.00	\$ 22,269.00	\$ 22,269.00	\$ 22,269.00	\$ 22,269.00	\$ 89,076.00
2013	\$ 13,287.00	\$ 23,103.75	\$ 23,103.75	\$ 23,103.75	\$ 23,103.75	\$ 92,415.00
2014	\$ 13,287.00	\$ 23,967.75	\$ 23,967.75	\$ 23,967.75	\$ 23,967.75	\$ 95,871.00
2015	\$ 13,287.00	\$ 24,862.00	\$ 24,862.00	\$ 24,862.00	\$ 24,862.00	\$ 99,448.00

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

RESOLUTION # 2015-23

TITLE: SETTING THE INTEREST RATE FOR DELINQUENT TAXES

WHEREAS, the Reorganization Meeting of the Township Council of the Township of Lower, the governing body thereof, was duly held on January 5, 2015 at the Township Hall, Villas, New Jersey; and

WHEREAS, R.S. 54:4-67 as amended authorizes municipalities to fix a rate of interest to be charged for the non-payment of taxes or assessments on or before the date when they would become delinquent. Delinquency is to be calculated on the sum of all taxes from year to year and not be calculated on an individual year basis, and N.J.S.A. 40A:5-17.1 provides that a municipality may authorize the cancellation of tax delinquencies of less than Ten (\$10.00) Dollars.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that interest be charged for the non-payment of taxes or assessments on or before the date when they would become delinquent in accordance with R.S. 54:4-67 and that the rate of interest shall be eight percent (8%) based on a 365 day year on the first \$1,500.00 of delinquency and eighteen per cent (18%) based on a 365 day a year on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment. Interest will stay at eighteen per cent (18%) until taxes are completely current. No interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same become payable.

BE IT FURTHER RESOLVED that a penalty of 6% shall be levied against a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year. This 6% penalty shall also apply to delinquency in excess of \$10,000.00 to third party lien holders and that an additional penalty shall be levied against tax sale certificates as follows:

When the taxes, interest and cost shall exceed the sum of \$200.00, such additional sum shall be equal to 2% of such amount paid.

When the taxes, interest and costs shall exceed the sum of \$5,000.00, such additional sum shall be equal to 4% of such amount paid; and when that sum exceeds \$10,000, such additional sum shall be equal to 6% of such amount paid. This section is retroactive only as to existing municipally held certificates but acts prospectively with regard to certificates held by third parties as of March 28, 1991.

BE IT FURTHER RESOLVED that the Tax Collector be and hereby is directed to collect interest on delinquents at the aforesaid rate.

BE IT FURTHER RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Tax Collector is hereby authorized to process, without further action on the part of the Township Council, the cancellation of any property tax delinquency of less than Five (\$5.00) Dollars.

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-24

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
497.01	32	Lereta, LLC	disabled veteran	710.81
677	4	Corelogic	disabled veteran	3,780.00
719	1.08 c-203	Corelogic	paid twice	4,038.93

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2015-25

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the employees listed on the attached schedule have accrued sick time due from the Township and per union contract the Township will at the employees request, annually buy back a maximum of five (5) days of unused sick leave in December of any year, from employees who have not used more than the amount of sick days as determined in their union contracts; and

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by her signature \_\_\_\_\_ that adequate funding is available for such payment in the 2014 budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to the employees listed on the attached schedule not to exceed the amount of \$36,454.80 is authorized and chargeable to the 2014 Budget.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

Last Name	First Name	Dept.	Hours	Rate	Total
Playford	Gary	BOCA	35	41.3873	\$ 1,448.56
Moore	Rose	BOCA	35	25.5516	\$ 894.31
Byrne	Elizabeth	Courts	35	43.5362	\$ 1,523.77
Alexander	Mark	DPW	40	24.3666	\$ 974.66
Bailey	Howard	DPW	40	31.4797	\$ 1,259.19
Barger	George	DPW	40	25.9177	\$ 1,036.71
Bonilla	Dan	DPW	40	16.1779	\$ 647.12
Fairman	Timothy	DPW	40	24.6668	\$ 986.67
Finnegan	Gerald	DPW	40	29.6200	\$ 1,184.80
Laserre	David	DPW	40	24.6668	\$ 986.67
Lepor	David	DPW	40	35.7137	\$ 1,428.55
Magnavita	Allen	DPW	40	24.0665	\$ 962.66
McCloskey	Arthur	DPW	40	27.5026	\$ 1,100.10
McFeeters	David	DPW	40	24.5666	\$ 982.66
Rementer	Joseph	DPW	40	23.3162	\$ 932.65
Small	Raymond	DPW	40	24.0665	\$ 962.66
Solenski	Thomas	DPW	40	25.6719	\$ 1,026.87
Thomas	David	DPW	40	16.7418	\$ 669.67
Thomas	Linda	DPW	35	25.1767	\$ 881.18
Douglass	Gary	DPW	40	42.3900	\$ 1,695.60
Crippen	Colleen	Finance	35	42.0700	\$ 1,472.45
Read	Lauren	Finance	35	50.3478	\$ 1,762.17
Voll	Michael	Manager	35	56.5934	\$ 1,980.77
Douglass	Don	Bldgs & Grounds	40	24.2495	\$ 969.98
Palek	Keith	Bldgs & Grounds	40	21.6954	\$ 867.82
Galestock	William	Planning	35	47.0137	\$ 1,645.48
Schubert	Lisa	Planning	35	26.1917	\$ 916.71
Flitcroft	Stephen	Police	40	22.1800	\$ 887.20
McEwing	Brian	Police	40	42.3702	\$ 1,694.81
Kline	Vernon	Recreation	40	11.7300	\$ 469.20
Ridgway	James	Recreation	22	28.3194	\$ 623.03
Plenn	Mitchell	Recreation	35	33.6264	\$ 1,176.92
Sansone	Rocco	Recreation	35	11.5200	\$ 403.20
					\$ 36,454.80

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

RESOLUTION # 2015-26

Title: AUTHORIZATION FOR CLOTHING ALLOWANCE

WHEREAS, the Teamsters Contract Article 18 Section B stipulates that employees shall be entitled to a \$425.00 payment per year as an all-inclusive clothing, shoe, and cleaning allowance; and

WHEREAS, the employees on the attached list are the covered employees; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to the attached Teamster Union members in the amount of \$17,425.00 is authorized and chargeable to the 2015 Budget account 5-01-26-305-101.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

Last Name, Suffix	First Name, Middle Initial	Amount
ALEXANDER	MARK J	425.00
BAILEY III	HOWARD A	425.00
BAILEY JR	ROBERT W	425.00
BARGER JR.	GEORGE A	425.00
BONILLA JR.	DANIEL A	425.00
BROWN	JAMES R	425.00
CLARK JR	DONALD P	425.00
DOUGLASS	JEFFREY M	425.00
DOUGLASS	SCOTT	425.00
DUNLEVY JR.	THOMAS W	425.00
EAGAN	THOMAS J	425.00
FAIRMAN	TIMOTHY T	425.00
FINNEGAN	GERALD	425.00
GARRISON	RAYMOND E	425.00
GIUFFRIDA	MICHAEL J	425.00
GRIER	ALAN B	425.00
LaSERRE	DAVID	425.00
LONERGAN SR.	STEPHEN	425.00
MACCARTER	JOHN F	425.00
MAGNAVITA	ALLEN M	425.00
MAGNAVITA	ZACKARY A	425.00
McCLOSKEY	ARTHUR	425.00
McCLOSKEY	FRANK	425.00
McCLOSKEY	FRED	425.00
McFEETERS	DAVID L	425.00
McGRAW SR.	ANDREW F	425.00
McGRAW JR	ANDREW F	425.00
MONTGOMERY	DONALD R	425.00
MULLER	WARNER T	425.00
OLIVER	MICHAEL J	425.00
PALEK	KEITH	425.00
PARKER	STEPHEN H	425.00
REMENTER JR	JOSEPH G	425.00
SMALL JR	RAYMOND J	425.00
SOLENSKI SR.	THOMAS J	425.00
SZCZUR	MARC C	425.00
THOMAS	BARRY D	425.00
THOMAS	DAVID M	425.00
THOMAS III	ROBERT L	425.00
THOMAS JR	ROBERT L	425.00
YOUNG JR	RONALD C	425.00
		17,425.00

**Resolution 2015-27**

**REORGANIZATION MEETING JANUARY 5, 2015**

Volunteers of Medicine	Due Jan 1	\$	7,690.00
US Able Life	Due Jan 1	\$	460.02
Chief Bill Mastriana	Petty Cash	\$	100.00
Colleen Crippen	Petty Cash	\$	250.00
J. Byrne Insurance Recreation Policy	Due Jan 1	\$	12,350.00
Edmunds Assoc	Due Jan 1	\$	19,425.00
Cape Assist	Due Jan 1	\$	3,213.00
Blue Cross Blue Shield Med D	due Jan 1	\$	1,553.64
Barber Consulting	Due Jan 1	\$	5,000.00
Advance Video Maint	Due Jan 1	\$	2,900.00
Nixle LLC Emergency Notification Sys	Due Jan 1	\$	5,500.00
Cape Mediation	Due Jan 1	\$	2,743.92
<b>Total 2015 Bill List</b>		<b>\$</b>	<b>61,185.58</b>

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-28

Title: TRANSFER OF 2014 APPROPRIATIONS

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 \$51,500.00 be made between the 2014 budget appropriation reserves.

LINE ITEM		ACCT. NUMBER	FROM	TO
Gasoline	OE	4-01-31-460-200	11,500.00	
Solid Waste	OE	4-01-32-465-600	40,000.00	
Police	S&W	4-01-25-240-100		40,000.00
Court	OE	4-01-43-490-200		500.00
Buildings and Grounds	S&W	4-01-20-310-100		1,000.00
Dispatch	S&W	4-01-25-250-100		1,500.00
Electric	OE	4-01-31-430-200		6,500.00
Natural Gas	OE	4-01-31-446-200		2,000.00
			<u>51,500.00</u>	<u>51,500.00</u>

I hereby certify the foregoing to be the original resolution a resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784 CAPE MAY STAR & WAVE				Continued				
	14-03284	12/22/14	LEGAL PUBLICATION 12-10-14	Open	32.86	0.00		
	14-03302	12/24/14	LEGAL PUBLICATION 12-17-14	Open	<u>20.46</u>	0.00		
					108.52			
00825 COMCAST*								
	14-03254	12/16/14	INTERNET TOWNHALL & CABLE	Open	151.19	0.00		
	14-03277	12/22/14	MONTHLY INTERNET ACCESS	Open	383.34	0.00		
	14-03298	12/24/14	DPS - INTERNET	Open	<u>120.55</u>	0.00		
					655.08			
00991 COLONIAL ELECTRIC SUPPLY*								
	14-02626	10/14/14	OUTSIDE LIGHTS-TOWNHALL	Open	530.28	0.00		
	14-03061	11/24/14	PARKING LOT LIGHTS	Open	<u>37.56</u>	0.00		
					567.84			
01075 COPIERS PLUS*								
	14-03182	12/09/14	COPIERS 08/20/14-11/19/14	Open	428.71	0.00		
01201 DELL CORPORATION*								
	14-02775	10/31/14	COMPUTERS - DPS 101889528942	Open	3,384.60	0.00		
	14-03172	12/09/14	POWER EDGE T320 SERVER FIRE	Open	3,465.19	0.00		
	14-03240	12/15/14	PICARDS COMPUTER	Open	<u>1,058.40</u>	0.00		
					7,908.19			
01220 DRAEGER SAFETY DIAGNOSTICS*								
	14-03016	11/18/14	ALCHO TEST MACHINE WARRANTEE	Open	1,272.00	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*								
	14-02411	09/16/14	BUILDING, MAINT./POLICE	Open	250.00	0.00		
	14-03107	12/01/14	REPLACE CIRCUIT BREAKER	Open	<u>125.00</u>	0.00		
					375.00			
01577 MIKE FLINN**								
	14-03276	12/19/14	INSTRUCTOR FOR JUDO CLASSES	Open	1,120.00	0.00		
01641 GALL'S INC*								
	14-02937	11/07/14	PATROL SUPPLIES	Open	1,381.70	0.00		
01690 GRANTURK EQUIPMENT CO*								
	14-02163	08/13/14	PARTS FOR RECYCLING/SEPT	Open	627.92	0.00		
01781 HATCH MOTT MACDONALD, LLC*								
	14-00256	01/24/14	RECONSTR CLUBHOUSE DR #2014-43	Open	11,580.65	0.00		
	14-03142	12/03/14	CLUBHOUSE DRIVE PROJECT	Open	<u>1,338.00</u>	0.00		B
					12,918.65			
01968 ITS MAILING SYSTEMS, INC*								
	14-03158	12/04/14	INK/LABELS MAIL MACHINE TOWNHA	Open	358.95	0.00		
02025 HUNTER JERSEY PETERBILT*								
	14-03087	11/25/14	PARTS FOR TRUCKS	Open	1,531.68	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02025 HUNTER JERSEY PETERBILT* Continued	14-03171	12/09/14	PARTS FOR TRUCKS	Open	1,560.79	0.00		
					<u>3,092.47</u>			
02066 DEBORAH A. JOHNS	14-03299	12/24/14	MEDICAL CLAIMS- V	Open	45.00	0.00		
02136 TED KINGSTON INC*	14-01289	05/12/14	RADIO MAINT. DPS- DECEMBER	Open	547.56	0.00		
	14-02938	11/07/14	RADIO SUPPLIES	Open	626.10	0.00		
	14-02999	11/14/14	NARROW BAND RADIO SQUAD ROOM	Open	<u>2,773.38</u>	0.00		
					3,947.04			
02223 LANDSMAN UNIFORMS*	14-03007	11/18/14	HOLSTERS	Open	1,264.15	0.00		
02247 LAWSON PRODUCTS, INC.*	14-02978	11/12/14	MATERIAL/DPW	Open	698.25	0.00		
02248 LAWMEN SUPPLY*	14-02918	11/05/14	SWAT BALLISTIC VESTS	Open	4,340.00	0.00		
02292 DONALD LOMBARDO	14-03325	12/30/14	MEDICAL CLAIMS	Open	1,212.62	0.00		
02448 JOHN MACCARTER	14-03219	12/11/14	MEDICAL CLAIMS-V	Open	354.00	0.00		
02461 JOHN MAHER	14-03300	12/24/14	MEDICAL CLAIMS	Open	1,932.52	0.00		
02585 WILLIAM MASTRIANA	14-03241	12/15/14	REIMBURSEMENT - CHIEFS MEETING	Open	20.00	0.00		
02652 MCMANIMON, SCOTLAND & BAUMANN*	14-03260	12/18/14	BOND COUNSEL SERVICES-SEC	Open	1,462.00	0.00		
02656 MICHAEL MCPHERSON*	14-00791	03/28/14	LOT CLEARING	Open	985.00	0.00		B
02661 KENNETH J. MCGURK	13-01067	04/16/13	2013 EQUIP. ALLOWANCE	Open	136.84	0.00		B
	14-01081	04/25/14	2014 EQUIP. ALLOWANCE	Open	<u>39.71</u>	0.00		B
					176.55			
02677 KAREN F. WOLF	14-03245	12/15/14	MEDICAL CLAIMS	Open	205.00	0.00		
02774 ROSE MOORE	14-03225	12/11/14	MEDICAL CLAIMS-V	Open	250.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	14-01700	06/16/14	PARTS/RDS/SANT/RECY/AUG	Open	657.05	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03158 NYSCA*	14-03103	11/26/14	COACHES RECERTIFICATION	Open	60.00	0.00		
	14-03143	12/03/14	RECERTIFICATIONS OF COACHES	Open	<u>180.00</u>	0.00		
					240.00			
03202 OMNIS NETWORK*	14-03258	12/18/14	EMAIL - DPS	Open	84.40	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	14-03189	12/09/14	TRASH BAGS RECREATION CENTER	Open	159.06	0.00		
03305 PEDRONI FUEL*	14-03308	12/29/14	NO LEAD GAS	Open	278.67	0.00		
03330 PENNANT SPORTS, INC*	14-03122	12/01/14	BASKETBALL RACKS	Open	230.30	0.00		
03366 AMERI-GAS*	14-03251	12/16/14	PROPANE- BENNETTS CROSSING	Open	238.05	0.00		
03427 POLAR BEAR*	14-03123	12/01/14	REPAIR HEATER IN SIGN SHOP	Open	1,533.80	0.00		
03460 V.E. RALPH & SON, INC.*	14-02936	11/07/14	PATROL SUPPLIES	Open	113.00	0.00		
03466 R & R SPECIALTIES	14-03267	12/19/14	DESK WEDGE/DOOR SIGNS/SIGN HOL	Open	143.00	0.00		
	14-03268	12/19/14	PLAQUE- J NEVILLE	Open	<u>99.00</u>	0.00		
					242.00			
03478 RED THE UNIFORM TAILOR, INC.*	14-03014	11/18/14	UNIFORMS	Open	689.85	0.00		
03518 RIGGINS, INC.*	14-03250	12/16/14	OFF HIGHWAY DIESEL	Open	988.35	0.00		
	14-03306	12/29/14	OFF HIGHWAY DIESEL	Open	<u>1,226.18</u>	0.00		
					2,214.53			
03544 PORTER LEE CORP*	14-03017	11/18/14	INVEST. SUPPLIES	Open	138.50	0.00		
03720 SOUTH SHORE BASKETBALL LEAGUE	14-03015	11/18/14	BASKETBALL LEAGUE FEES	Open	300.00	0.00		
03723 STAPLES, INC.*	14-03220	12/11/14	OFFICE SUPPLIES	Open	212.56	0.00		
03775 LISA A. SCHUBERT	14-03326	12/30/14	MEDICAL CLAIMS -V	Open	250.00	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	14-03065	11/24/14	OFFICE SUPPLIES	Open	245.64	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03969 VERIZON	14-03279	12/22/14	DECEMBER 2014 PHONE SERVICE	Open	4,141.48	0.00		
03992 VAL-U AUTO PARTS LLC*	14-03100	11/26/14	RDS/SANT/RECYCL/NOV	Open	2,484.15	0.00		
03996 VINELAND AUTO ELECTRIC, INC.*	14-03169	12/09/14	NEW VEHICLE CALIBRATION	Open	200.00	0.00		
04089 WIZARD'S FESTIVAL OF FUN, INC*	14-03042	11/21/14	RES 2014-306 FERRY MERRY/NEW Y	Open	9,435.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*	14-03173	12/09/14	TOWNHALL/PLANNING FIRE AID KIT	Open	253.12	0.00		
04176 CHRISTOPHER J WINTER SR*CALEA	14-01403	05/23/14	CALEA- ACCRED. CONSULT SERVICE	Open	450.00	0.00		
	14-01404	05/23/14	CALEA- ACCRED. CONSULT SERVICE	Open	<u>450.00</u>	0.00		
					900.00			
04216 PRIVATE ISLAND EMBROIDERY*	14-03249	12/16/14	UNIFORMS	Open	216.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	14-03282	12/22/14	STATE DOG LICENSE FEES-DECEMBE	Open	3.60	0.00		
04300 W B MASON CO INC*	14-02579	10/08/14	OFFICE SUPPLIES	Open	67.76	0.00		
	14-03096	11/25/14	OFFICE SUPPLIES	Open	<u>799.68</u>	0.00		
					867.44			
05071 SHORE SOUND ENTERTAINMENT*	14-03210	12/09/14	PHOTO BOOTH - NEW YEARS EVE	Open	500.00	0.00		
06019 AFFORDABLE FIRE PROTECTION INC	14-03159	12/05/14	TOWNHALL/MILLMAN SPRINKLER INS	Open	450.00	0.00		
5032 NORTH WILDWOOD \$ CREST SHIRT*	14-03137	12/03/14	REVERSIBLE PRACTICE PINNIES	Open	302.10	0.00		
5055 MATTHEW GAMBLE	13-01068	04/16/13	2013 EQUIP. ALLOWANCE	Open	51.41	0.00		B
	14-01071	04/25/14	2014 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		
					201.41			
5065 JAMES McNULTY	13-01058	04/16/13	2013 EQUIP. ALLOWANCE	Open	40.34	0.00		B
6004 LERETA, LLC	14-03341	12/31/14	RES 2015-24 REFUND 2014 TAX	Open	710.81	0.00		
6061 AMERIHEALTH ADMINISTRATORS	14-03255	12/16/14	DECEMBER 15 HEALTH & RX	Open	91,125.03	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6061 AMERIHEALTH ADMINISTRATORS								Continued
	14-03301	12/24/14	DECEMBER 22 HEALTH & RX	Open	90,680.29	0.00		
					<u>181,805.32</u>			
6071 UNITED UNIFORMS LIMITED LIAB*								
	14-02668	10/20/14	UNIFORMS	Open	1,668.99	0.00		
	14-02940	11/07/14	NEW EMPLOYEE UNIFORMS	Open	1,325.00	0.00		
	14-02996	11/14/14	UNIFORMS	Open	1,617.00	0.00		
	14-02998	11/14/14	UNIFORMS	Open	<u>1,140.96</u>	0.00		
					<u>5,751.95</u>			
7019 OCEAN VIEW VETERINARY*								
	14-03265	12/19/14	VET SERVICES 10/9/14	Open	90.00	0.00		
7074 J & B LOCKSMITHS*								
	14-03101	11/26/14	LOCK MAINTENANCE REC. CENTER	Open	247.00	0.00		
7079 SUBURBAN PROPANE L P*								
	14-02935	11/07/14	EMERGENCY GENERATOR FUEL	Open	98.79	0.00		
7119 ENGINEERING DESIGN ASSOC*								
	14-03283	12/22/14	PROFESSIONAL ENGINEERING	Open	54.00	0.00		
7181 JENNIFER KELLY, PHD, LLC*								
	14-03230	12/15/14	PRE-EMPLOYMENT PSYCHOLOGICAL	Open	400.00	0.00		
7272 SECUREIT TACTICAL*								
	14-02622	10/14/14	WEAPON STORAGE CABINET	Open	1,348.00	0.00		
7285 GLOCK, INC.*								
	14-02751	10/28/14	SPECIALIZED EQUIPMENT	Open	265.00	0.00		
7295 USPS HASLER #8007584 & #8007605								
	14-03256	12/17/14	POSTAGE	Open	20,000.00	0.00		
7296 MELISSA O'DONNELL								
	14-03278	12/22/14	REIMBURSEMENT-NYS CA CERT.	Open	20.00	0.00		
7304 PRESENTA PLAQUE CORP*								
	14-03095	11/25/14	PLAQUE KIT	Open	138.56	0.00		
7305 DECATUR ELECTRONICS, INC.								
	14-03138	12/03/14	SOLAR RADAR MPH SIGNS	Open	10,735.00	0.00		
7310 CORELOGIC REAL ESTATE TAX SER								
	14-03339	12/31/14	RES 2015-24 REFUND 2014 TAX	Open	4,038.93	0.00		
	14-03340	12/31/14	RES 2015-24 REFUND 2014 TAX	Open	<u>3,780.00</u>	0.00		
					<u>7,818.93</u>			
7313 AWARENESS PROTECTIVE CONSULTS*								
	14-03253	12/16/14	DISPATCH TRAINING	Open	200.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7314 SHAREEN WILLIAMS	14-03257	12/18/14	REIM FOOTBALL/CHEER REGISTRATI	Open	35.00	0.00		
7316 HEATHER ASMAN	14-03295	12/23/14	REIM FOR BASKETBALL	Open	15.00	0.00		
7317 ASSUMPTION REGIONAL SCHOOL	14-03296	12/23/14	REIM BASKETBALL TOURNAMENT FEE	Open	125.00	0.00		
7319 DANIEL NIEVES	14-03314	12/29/14	REIMBURSEMENT-BASKETBALL	Open	75.70	0.00		
8201 DIRECT ENERGY BUSINESS	14-03239	12/15/14	ELECTRIC 11/07/14-12/09/14	Open	132.55	0.00		
	14-03316	12/29/14	ELECTRIC CHARGES 11/14-12/15	Open	<u>12,551.68</u>	0.00		
					12,684.23			
ALPHACAR ALPHA CARD SYSTEMS*	14-03187	12/09/14	RIOPRO/ENDURO RIBBON FOR CARDS	Open	296.36	0.00		
ANZE JENNIFER ANZELONE	13-01075	04/16/13	2013 EQUIP. ALLOWANCE	Open	21.17	0.00		B
HEALT005 HEALTH & HUMAN SERVICES	14-03261	12/18/14	ACA TRANSITIONAL REINSURANCE	Open	26,649.00	0.00		
Total Purchase Orders:		124	Total P.O. Line Items:	0	Total List Amount:	429,312.09	Total Void Amount:	0.00

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-30

TITLE: APPROVING 2015 CONTRACT WITH CAPE ASSIST

WHEREAS, N.J.S.A. 40A:11-3 authorizes the award of any contract without competitive bidding for any purchase, work or service that does not exceed in the fiscal year the total sum of Seventeen Thousand Five Hundred (\$17,500) Dollars; and

WHEREAS, the Township is desirous of renewing its contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. administered by Cape Assist for the Employee Assistance Program; and

WHEREAS, the contract amount for 2015 is Twenty-One Dollars (\$21) per employee currently based on 153 employees for a total of Three Thousand Two Hundred Thirteen Dollars (\$3,213.00) and funds are available in the current fund entitled Group Health 01-23-220-402 as evidenced by the Treasurer's signature below:

\_\_\_\_\_  
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign the contract agreement for the year 2015.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						



## **AGREEMENT**

### **EMPLOYEE ASSISTANCE PROGRAM**

This is an agreement between the CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC., a New Jersey non-profit corporation (hereafter "Cape Assist") and Municipality of Lower Township (hereafter "Employer") to establish an EMPLOYEE ASSISTANCE PROGRAM (hereafter "EAP") to commence on 1/1/2015 and terminate on 12/31/2015.

WHEREAS, the Employer recognizes the need for an EAP for its employees and desires to retain Cape Assist to establish, administer, and provide personnel for an EAP, it is hereby agreed that

#### **CAPE ASSIST WILL:**

- \* Meet and confer with appropriate personnel of the Employer to develop the policies that will define the scope of the program, and, the procedures and the activities of the program that will most effectively meet the needs of the Employer to be referred to as the "EAP Policies and Procedures."
- \* Conduct a training program for the Employer's administrative and supervisory Personnel on EAP Policies and Procedures.
- \* Conduct an initial orientation and educational seminar on EAP Policies and Procedures, for all employees who are eligible to participate in the EAP.
- \* Provide assessment, evaluation, intervention, referral and case management Services for employees referred to the EAP.

**THE EMPLOYER WILL:**

- Designate specific members of its administrative staff to assist Cape Assist's representatives in the development of EAP Policies and Procedures.
- \* Designate and set aside an appropriate meeting place for the initial orientation seminar on EAP Policies and Procedures for all employees who are eligible for the EAP and for any additional education or training program that the parties agree are necessary to facilitate the EAP.
- \* Provide a private, confidential meeting place where the Employer's can meet with Cape Assist Staff when they wish to be counseled at their work site consistent with EAP Policies and Procedures, if requested.

**BOTH PARTIES AGREE:**

- To strictly adhere to the confidential regulations that are defined in Federal Law 42 CFR Part 2 and pertains to the confidentiality of patient/client records.
- To abide by the EAP Policies and Procedures.
- To review and update the Policies and Procedures annually or on an as needed basis, when the need to do so is identified by either the Employer or Cape Assist.

**In Consideration for the EAP services to be provided by Cape Assist, the Employer agrees to pay:**

**A flat rate of \$3,213.00 for 153 employees for twelve (12) months beginning January 1, 2015 and ending December 31, 2015. Annual cost per employee is \$21.00. Full payment to be received within thirty (30) days of formal acceptance of Agreement. Increases or decreases in personnel of 10% or more shall be reported to Cape Assist and will result in Agreement modification.**

## **INDEMNITY AND HOLD HARMLESS AGREEMENT PROVISION**

**Cape May County Council on Alcoholism and Drug Abuse, Inc. agrees to indemnify and hold harmless the Employer and their agents, servants and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees in case of the work herein, which 1) for personal or bodily injury, illness or death, or for property damage, including loss of use, and 2) caused in whole or part by Cape May County Council on Alcoholism and Drug Abuse, Inc.'s negligent act or omission or that of a subcontractor may be liable. This indemnification and agreement shall apply in all instances whether the Employer is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of the action or claim.**

The employer agrees to indemnify and hold harmless Cape May County Council on Alcoholism and Drug Abuse, Inc. and their agents, servants, and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees in case it shall be necessary to file an action, arising out of performance of the work herein, which is 1) for personal or bodily injury, illness or death for property damage, including loss of use, and 2) caused in whole or part by the Employer's negligent act or omission or that of a subcontractor, or that of anyone employed by them or for whose acts contractors or subcontractor may be liable. This indemnification and agreement shall apply in all instances whether Cape May County Council on Alcoholism and Drug Abuse, Inc. is made a party to the action or claim or is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of the action or claim.

Nothing herein shall constitute a waiver of or otherwise limit any right either the Employer or Cape Assist may claim for immunity pursuant to N.S.S.A. 2a:53Aa-7, et seq. or, any other law of this State.

CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC., a New Jersey non-profit corporation.

by Ryann O'Keefe  
Executive Director

\_\_\_\_\_  
Date

Witness Kate J. Della  
Name

\_\_\_\_\_  
Date

**Municipality of Lower Township:**

by \_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

by \_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Witness \_\_\_\_\_  
Name

\_\_\_\_\_  
Date

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

ORDINANCE #2015-01

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 up to 1.5% 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 2015 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 \$713,336 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 2015 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 \$713,336, and the CY 2015 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance.

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.

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

\_\_\_\_\_  
David Perry, Councilmember

\_\_\_\_\_  
Erik Simonsen, Councilmember

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Norris Clark, Deputy Mayor

Attest: \_\_\_\_\_  
Julie A Picard, Township Clerk

\_\_\_\_\_  
Michael E Beck, Mayor

TOWNSHIP OF LOWER  
 SPENDING CAP CALCULATION FOR ANNUAL ORDINANCE  
 2015

LMR  
 12/19/2014

The municipal budget has two "caps," a spending cap and a levy cap.

The spending cap is based on a 1977 law which states the Director of DLGS must annually set the COLA (Cost of Living Adjustment). The COLA is based on the Implicit Price Deflator for Local Governments. For 2015 the COLA is **1.5%**.

The spending cap law states that the automatic increase is the COLA rate but the governing body has the ability to increase it to the statutory maximum of **3.5%**. This **does not** mean the Township will exceed the spending cap. The difference between the annual cap and the statutory maximum is not automatically reserved so the ordinance to exceed the cap amount **and reserve the difference** is necessary to assure the Township is able to "bank" the difference should we require additional cap funds for future budgets.

The bank amounts are reserved for two years.

Calculation:

General Appropriations for 2014	25,801,844.00
Less:	
Interlocal Service Agreements	(187,300.00)
Grants	(95,012.00)
Capital Improvement	(95,000.00)
Debt Service	(2,760,300.00)
Deferred Charges	(417,000.00)
Reserve for Uncollected Taxes	(1,866,193.00)
	<hr/>
Total Exceptions:	(5,420,805.00)
	<hr/>
Amount on which % CAP is applied	20,381,039.00
Add:	
1.5% CAP	305,715.59
2.0% Additional CAP allowed	407,620.78
<b>3.5%</b> Total amount CAP allowed	<b>713,336.37</b>
	<hr/>
Total allowable appropriations (Budget sheet 19)	<b>21,094,375.37 *</b>

\*The difference between the actual amount budgeted on sheet 19 and this amount will be reserved for up to two years.



\*\*\*\*\*

**State of New Jersey**  
**Department of Community Affairs**  
**Division of Local Government Services**  
**Bureau of Financial Regulation and Assistance**  
**Cap Calculations for the budget year of 2015**

**Municipality:** Lower Township  
**County:** Cape May  
**MuniCode:** 505

Total General Appropriations for 2014	\$25,801,844
Cap Base Adjustment --	\$0
<b>Subtotal :</b>	<b>\$25,801,844</b>

**Exceptions Less:**

Total Other Operations	
Total UCC	
Total Interlocal Serv Agreement	\$187,300
Total Additional Appropriations	\$0
Total Public-Private Offset	\$95,012
Total Capital Improvement	\$95,000
Total Debt Service	\$2,760,300
Total Deferred Charges	\$417,000
Judgements	\$0
Cash Deficit of Preceding Year	
Total Approp for School Purp	
Transferred to Board of Ed	
Reserve for Uncollected Taxes	\$1,866,193
<b>Total Exceptions:</b>	<b>\$5,420,805</b>

Amount on Which % CAP is Applied	\$20,381,039.00
1.5% Cap	\$305,715.59
<b>Allowable Operating Appropriations before Additional Exceptions Per (N.J.S. A. 40A:4-45.3)</b>	<b>\$20,686,754.59</b>

**Cap Bank Calculations for budget 2015**

2013 Bank		
Available for Banking		\$346,177.92
Utilized in Budget 2014		\$86,155.05
<b>* Balance Available for budge 2015</b>		<b>\$260,022.87</b>
2014 Bank		
Allowable Operation Appropriations		\$20,972,403.64
Approved Budget (H-1)		\$20,381,039.00
<b>Available for banking</b>		<b>\$591,364.64</b>

\* If not utilized in the 2015 budget, available amount will expire per N.J.S.A. 40A:4-45.15a

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

RESOLUTION # 2015-31

**TITLE: RESOLUTION DESIGNATING THE LOWER TOWNSHIP RESCUE SQUAD, INC. AS THE PROVIDER OF EMERGENCY MEDICAL SERVICES IN LOWER TOWNSHIP**

**WHEREAS**, the Lower Township Rescue Squad ("Rescue Squad") , since its inception in 1950, had the purpose of providing high quality rescue and emergency medical services to the residents of and visitors to the Township of Lower ("Township"); and

**WHEREAS**, the Rescue Squad has provided these services for the Township and the Township desires to continue its relationship with the Rescue Squad and to look to the Rescue Squad for the provision of all of its ambulance, rescue and emergency medical services ("Emergency Services"), except as otherwise set forth herein; and

**WHEREAS**, the Township desires to formalize and clarify its relationship with the Rescue Squad to insure that it is conducted pursuant to all applicable laws, and to establish clear lines of responsibility and division of authority between the Township and the Rescue Squad, as well as to make clear that the Rescue Squad is an entity separate and apart from the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of Lower, in the County of Cape May, State of New Jersey, that the Township hereby recognizes and designates the Rescue Squad as the primary provider of Emergency Services for the Township subject to the following terms and conditions:

1. Pursuant to N.J.S.A. 40:5-2, The Township will take all formal steps necessary to voluntarily contribute the sum of SEVENTY THOUSAND (\$70,000.00) DOLLARS per annum to the Rescue Squad retroactive to the beginning of the year 2013, which payment shall be in two (2) installments: one in the amount of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS due on or before June 3, 2013 and the second in the amount of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS due on or before November 4, 2013. In the event the Township designates and recognizes the Rescue Squad as the provider of Emergency Services in the Township beyond one (1) year from the effective date of this Resolution, the payments will continue on or about the same days of the following year(s).

2. In addition to the financial contributions referenced in paragraph 1 above, the Township shall further provide gasoline and supplies for equipping the Rescue Squad's ambulance vehicles and facility in an amount not to exceed an additional THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS for each calendar year thereafter, subject to approval by Council at the beginning of each such year. Such amount will be paid from time to time over the course of the fiscal year based upon the submission of vouchers for either reimbursement to the Rescue Squad or payments directly to third party vendors, in accordance with the purchasing guidelines of the Township and subject to all other applicable laws.

Appropriation # \_\_\_\_\_

CFO Signature: \_\_\_\_\_

3. Each year the Rescue Squad shall provide the Chief Financial Officer of the Township an audit performed by a certified public accountant or registered municipal accountant of the Rescue Squad's financial records which audit shall certify to the Governing Body of the Township that such records are being maintained in accordance with sound accounting principles, as also required by N.J.S.A. 40:5-2.

4. The Rescue Squad shall operate as an entity separate and apart from the Township. Except for the voluntary contribution referred to in Paragraph 1 above and the other in-kind contributions as set forth below, the Rescue Squad shall be responsible for all other financial and administrative matters regarding its operations

including, without limitation, fund-raising, billing, training, bookkeeping, and management, which such matters shall not be the responsibility of the Township. Furthermore, the Rescue Squad shall maintain title to and ownership of all vehicles, as well as title to any other property and/or facilities it currently owns, or should hereafter acquire.

5. The Rescue Squad shall further provide the Township, the Lower Township Board of Education and any other agencies within the Township, upon the Township's request, with standby ambulance services at Township or other governmental functions such as parades, school sporting events, and the like, to the extent available.

6. It is the intention of this Resolution to express the parties' belief that the relationship between the Rescue Squad and Township continue in such a fashion that the relationship will provide the citizens of the Township with the highest quality of Emergency Services in the manner most efficient and most economical to the Township, and in the best interest of the public health, safety and welfare of the Township's citizens.

7. The Rescue Squad shall, at all times, conduct its business and provide the Emergency Services and other services hereunder in strict accordance with all applicable federal, state and local laws including, without limitation, Medicare, Medicaid and other applicable health and welfare laws.

8. The Rescue Squad must, at all times, maintain adequate insurance in such amounts and with such types of coverage as required by the State and/or Township pursuant to Chapter 115 of the Code of Lower Township and shall name the Township as an additional insured on all such policies, and shall provide proof of such insurance to the Township.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2015-32

Title: APPOINTMENT OF MUNICIPAL ENGINEER FOR 2015 WITHOUT PUBLIC BIDDING

WHEREAS, because of the general election and short turnaround time thereafter, the Township did not have enough time to prepare a bid package for General Engineering Services for the year 2015, but will in fact put the Engineering Services out to bid for the year 2016; and

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

WHEREAS, the Township has determined and certified in writing that the value of the acquisition will exceed \$17,500, and Hatch Mott MacDonald, LLC has submitted a proposal indicating that they will provide the goods or services described above for a price not to exceed \$450,000; and

WHEREAS, the anticipated term of this contract is one year, January 5, 2015 thru December 31, 2015; and

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

Appropriation # \_\_\_\_\_

Signature \_\_\_\_\_

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

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

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

AGREEMENT  
FOR  
PROFESSIONAL ENGINEERING AND PLANNING SERVICES

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of January 2015, by and between **HATCH MOTT MacDONALD, LLC**, having its principal place of business at 111 Wood Avenue South, Suite 500, Iselin, New Jersey 08830-1005, hereinafter called "ENGINEER"; and **TOWNSHIP OF LOWER** a municipal corporation of the State of New Jersey, having offices at 2600 Bayshore Road, Villas, New Jersey 08251, hereinafter called the "CLIENT".

WHEREAS, CLIENT wishes to obtain professional engineering and planning consulting services through the year 2015 (sometimes referred to herein as the "Work", and

WHEREAS, the CLIENT desires that the ENGINEER be available to undertake such professional engineering services as the CLIENT may order hereunder, and

WHEREAS, CLIENT wishes to retain the services of Mark R. Sray and Shawn A. Carr, Professional Engineers licensed by the State of New Jersey, with the firm Hatch Mott MacDonald, LLC in the position of Township Engineer and Assistant Township Engineer/Zoning Board Engineer/Planning Board Engineer, respectively, for a one year period commencing on January 1, 2015 (sometimes referred to herein as the "Work"), and

WHEREAS, funds are available for this purpose;

NOW, THEREFORE, in consideration of the premises and the covenants and agreements contained herein, CLIENT and ENGINEER agree as follows:

SECTION 1 - BASIC SERVICES OF  
ENGINEER

a. ENGINEER shall provide the professional engineering services of the types described in Exhibit A hereto ("Further Description of Basic Services").

b. The ENGINEER is hereby authorized to perform General Municipal Engineering Services without further order.

c. For other Services Work Orders specifying the specific professional engineering services required will be issued hereunder from time to time by the CLIENT and will be mutually agreed by the CLIENT and the

ENGINEER. These Work Orders may be in the form annexed hereto as Exhibit A, Attachment 1. However, no particular formality is required for Work Orders and they may take the form of ordinary letters or oral directives from the CLIENT. All the terms and conditions of this Agreement shall apply to each Work Order as if set forth at length therein.

d. No Work Orders shall be issued unless funds have been appropriated for this purpose and duly committed to this Agreement. Each Work Order shall contain a certificate, from the CLIENT's authorized representative, of the availability of funds for this purpose and shall be accompanied by a certified copy of the CLIENT's Resolution authorizing the Work.

e. ENGINEER is retained as an independent contractor and not as an employee of the CLIENT.

f. ENGINEER shall be responsible to CLIENT for ENGINEER's negligent acts, errors or omissions in the performance of its professional engineering services and those of its subcontractors, agents and employees. However, ENGINEER shall not be responsible for any other persons, including but not limited to the agents, employees and contractors of CLIENT. **ENGINEER'S SERVICES SHALL NOT BE SUBJECT TO ANY EXPRESS OR IMPLIED WARRANTIES WHATSOEVER.**

#### SECTION 2 - ADDITIONAL SERVICES OF ENGINEER

a. If authorized in writing by CLIENT and agreed to in writing by ENGINEER, ENGINEER shall furnish or obtain from others Additional Services which will be paid for by CLIENT as indicated in Section 5. The following shall be Additional Services:

b. Services resulting from significant changes in the extent of the orders issued by the CLIENT or changes requested by CLIENT.

c. Additional or extended services made necessary by prolongation of the services ordered or acceleration of the ENGINEER's progress schedule.

d. Services after completion of the Work ordered -- Preparing to serve or serving as a consultant or witness (either expert or factual) for CLIENT in any arbitration, litigation, public hearing or other legal or administrative proceeding involving the Work.

e. Services normally furnished by CLIENT or other services not otherwise provided for in this Agreement and the Work Orders issued hereunder.

#### SECTION 3 - CLIENT'S RESPONSIBILITIES

CLIENT shall:

a. Provide all criteria and full information as to CLIENT's requirements for the services.

b. Assist ENGINEER by placing at his disposal all available information pertinent to the services including previous reports and any other data relative to the Work.

c. Arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform his services.

d. Examine all studies, reports, sketches and other documents presented by ENGINEER, obtain advice of an attorney, insurance counselor and other consultants as CLIENT deems appropriate for such examination, within a reasonable time so as not to delay the services of ENGINEER.

e. Designate in writing a person to act as CLIENT'S representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CLIENT'S policies and make decisions with respect to the Work.

f. Give prompt written notice to ENGINEER whenever CLIENT observes or otherwise becomes aware of any development that affects the scope or timing of ENGINEER's services or any alleged defect or non-conformity in the work of the ENGINEER.

g. Furnish or request ENGINEER to provide necessary Additional Services as required for the Work.

h. Provide all record-keeping and file all reports required to comply with the CLIENT's legal responsibility.

#### SECTION 4 - PERIOD OF SERVICE

a. The provisions of this Section 4 and the various rates of compensation for ENGINEER's services provided for elsewhere in this Agreement have been agreed to in anticipation

of the orderly and continuous progress of the services through completion.

b. If there are material modifications or changes in the extent of the services or in the time of performance of ENGINEER's services, the various rates of compensation and the time of completion of the services shall be equitably adjusted appropriately.

c. This Agreement shall cover the period from January 1, 2015, through December 31, 2015.

#### SECTION 5 - PAYMENTS TO ENGINEER

a. CLIENT shall pay ENGINEER for Basic Services rendered on a time and materials basis under ENGINEER's 2015 Rate Schedule, attached hereto as Exhibit B.

b. A not to exceed amount shall be established by mutual agreement for each work order.

c. The not to exceed amount shall not be exceeded without the express written authorization of CLIENT. If at any time the ENGINEER determines that, without the fault of the ENGINEER, the not to exceed amount will not be sufficient to complete the services, he shall give notice of the same to the CLIENT, accompanied by his estimate of the additional funding necessary to complete such services, whereupon the CLIENT shall have the option of either providing the additional funds necessary for the completion of the services (in which case the Work Order shall be amended by mutual agreement to set forth the additional amounts) or reducing the further services to be provided by the ENGINEER consistent with the remaining funds in the not to exceed amount (in which case the Work Order shall be amended by mutual agreement to set forth the revised scope of work).

d. For Additional Services. CLIENT shall pay ENGINEER for additional Services rendered under Section 2 as follows:

e. For Additional Services rendered under Section 2(a) on the basis of ENGINEER's Hourly Rate Schedule in effect at the time the services are rendered, and the actual hours of services rendered by any employees assigned to the Project. The ENGINEER may also be contracted and paid on a lump sum basis for specific projects, as agreed upon by the CLIENT.

f. Special Consultants. For services and reimbursable expenses of special consultants employed by ENGINEER, the amount billed therefore times a factor of 1.10.

g. For Reimbursable Expenses. In addition to payments provided for in Paragraph 5(d), CLIENT shall pay ENGINEER the actual costs of all Reimbursable Expenses incurred in connection with Additional Services during the project.

h. The terms ENGINEER's Hourly Rate Schedule and Reimbursable Expenses shall have the meanings assigned to them in Paragraph 5(l) hereinafter.

i. Times of Payments -- ENGINEER shall submit monthly statements for Basic and Additional Services rendered (based upon a time and materials summary or percent complete for projects contracted on a lump sum basis) and for Reimbursable Expenses incurred. CLIENT shall make prompt monthly payments in response to ENGINEER's monthly statements.

j. Other Provisions Concerning Payments If CLIENT fails to make any payment due ENGINEER for services and expenses within thirty (30) days after the date of the ENGINEER's bill therefor, the amounts due ENGINEER shall include a charge at the rate of 1 1/2% per month from said thirtieth day, and in addition, ENGINEER may, after giving seven (7) days' written notice to CLIENT, suspend services under this Agreement until he has been paid in full all amounts due him for services and Reimbursable Expenses.

k. In the event of a termination under paragraph 6(a) of this Agreement, ENGINEER

will be paid for all unpaid Basic Services, Additional Services and unpaid Reimbursable Expenses, to the date of termination.

l. Reimbursable Expenses.

Reimbursable Expenses mean the actual expenses incurred directly or indirectly in connection with the Project for: transportation and subsistence incidental thereto; telephone calls and telegrams; postage and delivery charges; photographic and photocopying expenses; and reproduction of reports, drawings, specifications, and other Work-related items as are set forth in the "Expenses" Schedule of Exhibit B.

m. ENGINEER's Hourly Rate Schedule. ENGINEER's 2015 Rate Schedule is set forth in Exhibit B.

SECTION 6 - GENERAL PROVISIONS

a. Termination -- Either the CLIENT or the ENGINEER may terminate this Agreement without advance notice and effective immediately for cause which, on the part of the ENGINEER shall be for breach of the terms and conditions of this Agreement, and, on the part of the CLIENT, shall be for failure to make the payments under the terms of this Agreement; or, otherwise, with or without cause, upon ten (10) days advance written notice to the other party.

b. Reuse of Documents -- All documents prepared and delivered by ENGINEER pursuant to this Agreement are instruments of service in respect of the Work ordered. They are not intended or represented to be suitable for reuse by CLIENT or others on extensions of the Work or on any other project. CLIENT shall not reuse said documents without the express written consent of ENGINEER. Any such reuse shall be at the sole risk of the CLIENT.

c. Project Records -- As used in this Agreement, the term, "Records", shall include plans, reports, documents, field notes, work product, or other items generated or obtained for the Project by ENGINEER. Only original signed and sealed documents and drawings shall constitute Records. Unsigned or unsealed

copies, prints, CADD files, computer programs, magnetic deliverables and/or any other media shall not be considered Records. If there is a discrepancy between the signed and sealed Records and any other documents or drawings, the Records shall prevail.

d. Records which are instruments of service deliverable under this Agreement shall become the property of the CLIENT upon payment for all the Work. Originals of Records shall remain in the possession of the ENGINEER. The CLIENT shall be entitled to additional copies of all Records within a reasonable period of time after forwarding a written request to the ENGINEER, provided that the CLIENT has paid the ENGINEER for all the Work. ENGINEER shall be compensated for the reasonable costs of research and reproduction of the additional copies of the requested Records.

e. This Agreement is to be governed by the laws of the State in which the services are to be performed.

f. CLIENT and ENGINEER each binds himself and his partners, successors, executors, administrators, assigns and legal representatives to the other party to this Agreement and to the successors, executors, administrators, assigns and legal representatives of such other party, in respect to all covenants, agreements and obligations of this Agreement.

g. Neither CLIENT nor ENGINEER shall assign this Agreement without the express written consent of the other, except as stated in Paragraph 6(f) and except to the extent that the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ENGINEER from employing such independent consultants, associates and subcontractors as he may deem appropriate to assist him in the performance of the Work hereunder.

h. Nothing in this Agreement shall be construed to give any rights or benefits hereunder to any one other than CLIENT and ENGINEER.

i. Estimates of Cost -- Since ENGINEER has no control over the cost of labor, materials or equipment, or over contractor(s) methods of determining prices, or over competitive bidding or market conditions, his opinions of estimated Project cost or construction cost are to be made on the basis of his experience and qualifications and represent his professional judgment as an engineer, but ENGINEER cannot and does not guarantee that such cost will not vary from opinions of estimated cost prepared by him.

j. Notwithstanding anything else to the contrary herein, the liability of either party to the other under this Agreement (whether by reason of breach of contract, tort or otherwise, including under any applicable indemnification provisions) shall be limited to the greater of: (a) the amount of professional service fees paid to the ENGINEER under this Agreement; or (b) the amount of liability insurance posted by the CLIENT at the time of execution of this Agreement. ENGINEER and the CLIENT hereby waive their respective rights to any and all claims against each other for special, indirect or consequential damages.

#### SECTION 7 - EXHIBITS AND SPECIAL PROVISIONS

The following Exhibits are attached to and made a part of this Agreement:

- a. Further Description of Basic Services (Exhibit A).
- b. The ENGINEER's Schedule of Hourly Rates and Expenses (Exhibit B).
- c. Mandatory Affirmative Action Clause (Exhibit C).
- d. This Agreement is subject to the following special provisions -- The mandatory language of applicable equal employment opportunity and affirmative action laws and

regulations promulgated by the federal and state governments having jurisdiction are incorporated by reference into this Agreement. ENGINEER agrees to afford equal opportunity in performance of this Agreement in accordance with an affirmative action program approved by the appropriate authorities.

e. Insurance -- ENGINEER shall carry the following insurance during the performance of its services and shall provide certificates of insurance evidencing its coverage, prior to starting the Work. The certificates of insurance shall provide for advance notice to the CLIENT of any subsequent modification or cancellation of the coverages.

- i. Worker's Compensation Insurance with statutory coverage and \$1,000,000 employer's liability coverage.
- ii. Commercial General Liability Insurance with aggregate annual limits of \$1,000,000.
- iii. Automobile Liability Insurance with aggregate annual limits of \$1,000,000.
- iv. Professional Liability Insurance with aggregate annual limits of \$1,000,000.

#### SECTION 8 - ENTIRE AGREEMENT

This Agreement (consisting of Pages 1 to 6, inclusive), together with the Exhibits identified in Section 7 above), constitutes the entire agreement between CLIENT and ENGINEER and supersedes all prior written or oral understandings. This Agreement and said Exhibit may only be amended, supplemented, modified or cancelled by the terms of a mutually agreed written instrument. In case of any inconsistency between the terms of a Work Order and this Agreement, the terms of this Agreement shall prevail, unless the terms of the Work Order expressly provide that the terms of the Work Order are to prevail.

SECTION 9 - NON-FAIR AND OPEN  
CONTRACT CONTRIBUTION  
PROHIBITION

Political Contribution Disclosure. This contract has been awarded to ENGINEER based on the merits and abilities of ENGINEER to provide the good or services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that ENGINEER, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the

Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the *municipality* if a member of that political party is serving in an elective public office of that *municipality* when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that *municipality* when the contract is awarded.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement as of the day and year first written above.

ATTEST:

\_\_\_\_\_

TOWNSHIP OF LOWER

By \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

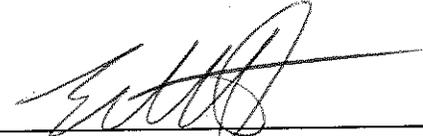
ATTEST:



MARCIE M. JUCZAK  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires May 22, 2019

HATCH MOTT MacDONALD, LLC

By \_\_\_\_\_



Eric C. Betz  
Vice President

## EXHIBIT A

### FURTHER DESCRIPTION OF BASIC SERVICES

This is Exhibit A, attached to, made a part of and incorporated by reference into the Agreement for Professional Engineering Services. The Basic Services of ENGINEER as described in SECTION 1 of the Agreement are supplemented as indicated below:

ENGINEER shall perform all engineering duties required to be performed on behalf of the CLIENT and the laws of the State of New Jersey. ENGINEER shall perform such other services and duties as may be necessitated and as authorized by the CLIENT and to provide the necessary engineering services to the officials of the CLIENT.

Whenever it is determined by the CLIENT to be desirable or necessary in the performance of its work, the CLIENT shall call upon ENGINEER to perform specific consulting engineering services.

These services may include review of wastewater systems, operations and recommendations for modifications or improvements, preparation of reports or studies on the CLIENT's infrastructure, preparation of plans and specifications for new rehabilitation of existing facilities and/or infrastructure, roadway improvements, park and recreation, marine and coastal improvements, cost estimates, assistance in systems operations, preparation of applications to regulatory agencies, attendance at Township meetings, special meetings and meeting with regulatory agencies, any other consultation services related to general and specific municipal engineering services, such as, tax map preparation and revisions.

Hatch Mott MacDonald will specifically assign Mr. Mark R. Sray, P.E. to the position of Township Engineer for the full course of the contract period unless specifically approved otherwise by the CLIENT.

This contract with the ENGINEER for Professional Engineering and Planning Services for 2015 shall not exceed \$450,000 unless amended by the CLIENT.

EXHIBIT A  
Attachment A-1

WORK ORDER NO.

This Work Order is issued between **TOWNSHIP OF LOWER** and **HATCH MOTT MacDONALD, LLC**, pursuant to the Agreement for Professional Engineering and Planning Services between the parties dated January , 2015 and subject to all the terms and conditions thereof.

**SCOPE OF WORK TO BE PERFORMED**

The ENGINEER is hereby requested to perform the following services (the "Work"):

**COMPENSATION**

The ENGINEER shall be compensated as follows:

**AUTHORIZATION**

The undersigned Authorized Representative represents that funds have been duly appropriated and committed for this Work Order and that the Work has been duly authorized by the CLIENT. A copy of the CLIENT's authorizing Resolution is annexed hereto.

ACCEPTED:

TOWNSHIP OF LOWER

Dated: \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Type or Print Name

\_\_\_\_\_  
Title

HATCH MOTT MacDONALD, LLC

Dated: 12/19/2014

By  \_\_\_\_\_

Eric C. Betz  
Vice President

EXHIBIT B



2015 Hourly Rate Schedule  
 Township of Lower  
 Township of Lower Planning Board  
 Township of Lower Zoning Board of Adjustment

	<u>Per Hour*</u>
Municipal Engineer .....	\$143.50
Planning Board Engineer/Zoning Board Engineer/Assistant Municipal Engineer.....	\$130.00
Vice Presidents / Principals .....	\$160.00
Principal Project Managers / Associates / Senior Associates .....	\$143.50
Sr. Project: Engineer, Architect, Manager, Scientist, Geologist .....	\$143.50
Project Managers / Project Engineers / Project Architects.....	\$130.50
Project Scientists / Project Geologists .....	\$127.50
Sr. Engineers / Sr. Designers / Sr. Architects / Sr. GIS & CAD Specialists .....	\$123.50
Sr. Scientists / Sr. Geologists / Sr. Environmental Specialists .....	\$123.50
Engineers / Designers / Architects.....	\$84.50 to \$115.50
Senior Inspectors (V) / Senior Surveyors (Licensed, V) .....	\$95.00 to \$130.50
Scientists / Geologists / Environmental Scientists.....	\$78.50 to \$113.50
Inspectors / Surveyors / Crew Chiefs / Field Technicians.....	\$60.00 to \$106.00
Drafters / CAD Operators / GIS Technicians / Engineering Technicians.....	\$60.00 to \$ 90.50
Administration / Project Support .....	\$48.00 to \$ 78.50

\* Hourly rates for special consultations and services in conjunction with litigation are available on request.

EXPENSES

Personal Auto / Company Auto.....	\$0.56 <sup>1</sup> / mile
Company Vans / Company Pick-Up.....	\$0.56 / mile
Photocopies, Printing & Reproduction.....	Variable
UPS / Federal Express /Postage /Messenger Service .....	Direct + 10%
Subcontractors (including Contract Laboratory).....	Direct + 10%
Telephone (Cellular).....	Variable
Field Equipment .....	Variable

<sup>1</sup>Varies, changes in accordance with Federal Rate Standard

Invoices are payable within 30 days of invoice date.  
 Delinquent bills are subject to finance charges of 1.5% per month.  
 The client shall pay attorney fees, court costs, and related expenses incurred in the collection of delinquent accounts.

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

RESOLUTION #2015-33

**TITLE: APPOINTMENT OF BOND COUNSEL FOR THE YEAR 2015 WITHOUT PUBLIC BIDDING**

WHEREAS, because of the general election and short turnaround time thereafter, the Township did not have enough time to prepare a bid package for Bond Counsel Services for the year 2015, but will in fact put the Bond Counsel Services out to bid for the year 2016; and

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

WHEREAS, the Township has determined and certified in writing that the value of the contract may exceed \$17,500, and Archer & Greiner, P.C. has submitted a proposal indicating that they will provide the goods or services described above; and

WHEREAS, the term of this contract is one year; and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation: Applicable Bond Ordinances

Signature: \_\_\_\_\_

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

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

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 5, 2015.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

**Proposal:**  
**Municipal Bond Counsel**  
for the  
**Township of Lower**

**Submitted by:**  
**Archer & Greiner**  
**A Professional Corporation**  
**One Centennial Square**  
**Haddonfield, NJ 08033**  
**856-795-2121**  
**[www.archerlaw.com](http://www.archerlaw.com)**

December 2, 2014

**Archer & Greiner** P.C.  
ATTORNEYS AT LAW

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**BOND COUNSEL SERVICES  
A G R E E M E N T**

THIS AGREEMENT, made as of this \_\_\_ day of January, 2015, between the TOWNSHIP OF LOWER, a body politic of the State of New Jersey, herein designated as the "Township", party of the first part, and ARCHER & GREINER, P.C., Attorneys at Law with offices at 10 Highway 35, Red Bank, New Jersey, hereinafter designated as "Bond Counsel", party of the second part:

WITNESSETH:

1. The Township desires to authorize and to issue its bonds for various capital projects and to provide for the terms and the security of such bonds in accordance with the laws of the State of New Jersey. The Township desires to finance such capital projects through temporary and permanent obligations at the most advantageous terms available to it.

2. Bond Counsel, in consideration of the making and the signing of the within Agreement, agrees to render the following services:

A. Bond Counsel will prepare or review all bond ordinances adopted or to be adopted by the governing body.

B. Bond Counsel will assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey Statutes.

C. When the Township determines to issue bonds, Bond Counsel will prepare the necessary resolutions or other operative documents authorizing the bond sale. Bond Counsel will seek the advice of the Auditor in connection with the appropriate maturity schedule for the bonds to be sold. Bond Counsel will coordinate the printing and the distribution of the Official Statement to those financial institutions that customarily submit bids for new issues of New Jersey municipal bonds of that type. It will arrange for the printing of the notice of sale in The Bond Buyer and in the local newspaper, as required by law, and will answer inquiries made by the investment community concerning the bond sale. Bond Counsel will attend the bond sale and will render legal advice as necessary concerning the submission of bids for the bonds in accordance with the notice of sale and the requirements of law. After the bond sale, Bond Counsel will prepare the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for the delivery of the bonds to the successful bidder. Bond Counsel will attend the closing with the appropriate officials, at which time the bonds will be delivered, payment will be made for the bonds, and Bond Counsel will issue a final approving legal opinion with respect to the validity of the bonds.

D. When the Township determines to issue bond anticipation notes or tax anticipation notes, Bond Counsel will prepare any necessary resolutions to authorize the sale of such notes. When the purchaser and the details of the notes have been determined, Bond Counsel will prepare the notes for execution and will prepare the appropriate closing certificates and an approving legal opinion with respect to the notes. Unless requested otherwise, Bond Counsel will forward the notes, closing papers and approving legal opinion to the Township Attorney for execution and delivery.

E. Bond Counsel will provide basic advice in regard to the effect of the federal arbitrage regulations on the issuance of bonds or bond anticipation notes and the investment of the proceeds thereof.

F. Bond Counsel will provide other legal advice requested by the Township, provided such advice is within the legal expertise of Bond Counsel's law firm.

G. Bond Counsel will prepare, review and distribute the Preliminary and Final Official Statements in connection with any bond or note financing.

H. Bond Counsel will provide legal services, prepare the necessary documentation and review and comment upon all documents in connection with any capital equipment lease financing or pooled loan financing undertaken by the Township.

I. Bond Counsel will provide legal services listed in the Township's solicitation of qualifications, which are incorporated herein by this reference.

3. The Township will make payment to Bond Counsel for services rendered in accordance with the following schedule:

A. For services rendered or in connection with each bond sale, a fee of \$3,500, plus \$1.00 per thousand dollars of bonds issued. Time relating to the review of the Official Statement, the continuing disclosure document or other disclosure document will be billed at the hourly rates described in Section 3F below.

B. For services rendered in connection with the preparation of each bond ordinance, a fee of \$400 for each single purpose ordinance and \$550 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, that is, services that are not described in Section 2 hereof such as attendance at meetings, attention to litigation or other matters described in Section 3F, there will be additional fees to be charged at the hourly rates of the attorneys in effect at the time of providing the services. The fees for services in connection with the ordinances will be charged periodically during the course of the year.

C. The fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at the closing shall be \$1,000.00 for Bond Counsel's approving legal opinion in connection with such a financing and \$.50 per

thousand dollars of bond or tax anticipation notes or emergency notes issued. If additional services are required, such as with issues involving advance refundings or the combination of numerous ordinances, the additional time required will be billed at the hourly rates in effect when the services are performed.

D. In the event that a Letter of Credit or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee based on the responsibility assumed and time involved will be billed at the hourly rates described in Section 3F below.

E. In the event of a bond issue providing for an escrow agreement and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be a fee of \$5,000 in addition to the fees described herein.

F. Services rendered beyond the scope of those described above will be billed at the hourly rates in effect when the services are rendered. The present hourly rates range from \$75 to \$150 per hour depending on the paralegal or attorney involved. Such services include, but are not limited to, attendance at meetings, work involved in the preparation or review of the Official Statement and a continuing disclosure agreement, if applicable, for a bond sale or the review or the preparation of an Official Statement and a continuing disclosure agreement, if applicable, for a bond anticipation note sale, diligence for a bond ordinance, review of authorization proceedings for a bond ordinance, preparation of prequalification packages for bond insurance, preparation of a rating agency package, analysis of any credit enhancement facility, the preparation or review of a Local Finance Board application, attention to or services rendered with regard to any litigation that may occur or any legal question posed by the Township, tax work, complicated arbitrage analysis or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations and legal services, the preparation of the necessary documentation and reviewing and commenting upon all documentation in connection with any capital equipment lease financing, pooled loan financing or federal or state department/agency/authority financing undertaken by the Township.

G. In the event that a bond sale is held but all bids are rejected or the sale is cancelled, or this Agreement is terminated prior to the sale of bonds, the fee to be charged shall be a reasonable one, based on the services performed.

H. Customary at-cost disbursements shall be added to the fees referred to in this Agreement. These may include photocopying, express or overnight delivery charges and postage costs, newspaper publication costs and the costs of printing official statements, travel expenses, telecommunications, filing fees, book binding, messenger service or other costs advanced on behalf of the Township.

I. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

4. Bond Counsel and the Township hereby incorporate into this contract the mandatory language of Subsection 3.4(a) and the mandatory language of Section 5.3 of the Regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, and Bond Counsel agrees to comply fully with the terms, the provisions and the conditions of Subsection 3.4(a) and of Section 5.3, provided that Subsection 3.4(a) shall be applied subject to the terms of Subsection 3.4(d) of the Regulations.

IN WITNESS WHEREOF, the TOWNSHIP OF LOWER has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Bond Counsel has caused this Agreement to be duly executed by the proper party as of the day and year first above written.

TOWNSHIP OF LOWER

ATTEST:

BY: \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

\_\_\_\_\_  
Township Clerk

ARCHER & GREINER P.C.

BY: \_\_\_\_\_

JOHN M. CANTALUPO

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P.L. 1975, C. 127 (N.J.A.C. 17:27)  
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

During the performance of this Contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

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

RESOLUTION # 2015-34

TITLE: A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER REMOVING THE CURRENT TOWNSHIP MANAGER

WHEREAS, The Township of Lower ("Township") is a New Jersey municipal corporation operating under an optional municipal charter council-manager form of government pursuant to N.J.S.A. 40: 69A-81, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40: 69A-93, the Township Manager shall hold office for an indefinite term subject to removal by a majority vote of the Township Council; and

WHEREAS, in the event the Township Council desires to remove the Township Manager, it is required to adopt a Preliminary Resolution regarding such removal; and

WHEREAS, also pursuant to N.J.S.A. 40: 69A-93, the Township Manager shall have the right to request a public hearing which shall take place not earlier than twenty (20) days and not later than thirty (30) days after such request is made, at which time, and after full consideration, the Township Council may by a majority vote of its members adopt a Final Resolution of removal.

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

1. That due to the governmental transition following the most recent general election and a determination by Township Council that it is the best interests of the Township to remove and replace the present Township Manager, the Township Council hereby adopts this Preliminary Resolution to remove Michael Voll as the Township Manager.
2. Mr. Voll is also hereby suspended from duty as Township Manager with pay in accordance with N.J.S.A. 40: 69A-93, effective immediately.
3. If requested by Mr. Voll, a public hearing on this matter shall be held not earlier than twenty (20) days and not later than thirty (30) days after such request is made.
4. After such hearing, if one is requested, or as part of the agenda at a subsequent meeting, the Township Council may consider a Final Resolution of removal, which Resolution shall state the effective date of such removal.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 5, 2015.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
SIMONSEN						
CLARK						
BECK						

# PERSONNEL ACTIONS

Report for Council Meeting of 01/05/2015

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<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	Aaren Senico	01/01/2015	Wilusz, Anne	Transfer to Finance	Clerk Typist	Yes
Public Safety	Kocis, William T	12/19/2014		New Hire	Class II Officer	Yes
Recreation	Muldoon, Phyllis	12/15/2014	Blackley, Kim	Interim to FT	Clerk Typist	Yes

Date of report: 12/31/2014

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