

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
June 4, 2018 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Presentation of Certificates to the Jersey Shore Youth Lacrosse League – Mayor Erik Simonsen
HPC Presentation to Councilman Perry and Councilman Roy

Work Session

Consent Agenda

- Approval of Minutes May 21, 2018
Approval of Closed Session Minutes - May 21, 2018
Res. #2018-189 Payment of Vouchers \$ 906,165.01
Res. #2018-190 Authorization for the Payout of Accumulated Compensatory Time (M.Gamble, \$2762.21)
Res. #2018-191 A Resolution of the Governing Body of the Township of Lower Adopting the Form of the New Jersey Tort Claims Act Questionnaire Required to be Utilized by Claimants for the Filing of Notices of Tort Claims Against the Township of Lower in Accordance with the Provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-6 and Designating Qual-Lynx as the Agent for the Township of Lower to Provide the Questionnaire to all of the Claimants, and to Receive the Completed Questionnaire from the Claimants
Res. #2018-192 Annual Renewal of Liquor Licenses for the Year 2018-2019 (25 of 28)
Res. #2018-193 Resolution Requesting A Cape May County Water Quality Management (WQM) Plan Amendment for "Rabbit Run Subdivision Area" and Vicinity
Res. #2018-194 A Resolution Approving a Professional Service Contract with Wizards Festival of Fun, Inc for the Township of Lower's July 3, 2018 Celebration (\$14,500)
Res. #2018-195 Authorizing Payment for 2018 Regional School Taxes (July through December)
Res. #2018-196 Authorizing Payment to Lower Township Board of Education (School Tax July through December)
Res. #2018-197 Approving a Professional Service Contract with Mott MacDonald for Professional Engineering Services for Roseann Avenue/Bayshore Estates Drainage and Stormwater Management Improvements Project – Phase III (\$131,180.)
Res. #2018-198 Approval for Pyrotecnico Fireworks Inc to Load and Unload a Fireworks Barge in Lower Township
Res. #2018-199 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (JIF requirement)
Res. #2018-200 A Resolution To Affirm the Township of Lower's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come Into Contact with Municipal Employees, Officials and Volunteers (JIF requirement)
Res. #2018-201 A Resolution Authorizing the State Contract Vendor, Motorola Solutions, for the Statewide Compatible 7/800 MHZ Radio System Including Accessories for the Police Department (\$324,888.20)
Res. #2018-202 Resolution of the Township of Lower Consenting to the Issuance by the Township of Lower Municipal Utilities Authority of Revenue Bonds (Junior Lien) to the New Jersey Infrastructure Bank, and to the Issuance of a Project Note in Anticipation of the Issuance of Such Bonds, For the Financing of Certain Water System Capital Improvements
Res. #2018-203 A Resolution Requesting Reduction of Maintenance Guarantee for Cape Regional Holdings, LLC Block 629, :Lots 130-159 & Block 630, Lots 168.01-173; Escrow Z14-09-05
Ordinance #2018-08 Amending Chapter 583 – Streets and Sidewalks – of the Code of the Township of Lower; Article 1, Subsection 583-4 Excavation; Restoration and Refilling of Roads, Streets and Alleys ; Paragraph (8) Street Restoration; Adding New Sections (g), (h), & (i) – Five (5) Year Moratorium – This is the first reading of this Ordinance. The Second reading and public hearing has been scheduled for June 18, 2018.
Ordinance #2018-10 An Ordinance Amending Chapter Seven, Entitled "Traffic" of the General Ordinances of the Township of Lower; Adding Section 7-3.5 (a) No Parking / No Stopping / No Standing - This is the first reading of this Ordinance. The Second reading and public hearing has been scheduled for June 18, 2018.
Ordinance #2018-11 Amending Chapter 7 – Traffic – of the Code of the Township of Lower; Adding Article II, Regulating the Use and Operation of Bicycles within the Township of Lower. This is the first reading of this Ordinance. The Second reading and public hearing has been scheduled for June 18, 2018.

Regular Agenda

Ordinance #2018-09 An Ordinance Revising and Restating Chapter 400 – Land Development; Article X, Sub- section 400-81; Guarantees and Inspections; of the Code of the Township of Lower. This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Manager's Report

Administrative Reports

Finance

Council Comments

Call to the Public

Adjournment

COUNCIL MEETING MINUTES – May 21, 2018

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 21, 2018 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember David Perry
Councilmember Roland Roy, Jr.
Deputy Mayor Frank Sippel
Mayor Erik Simonsen

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

Proclamation - Supporting the Click It or Ticket Mobilization – Mayor Erik Simonsen

Mayor Simonsen read a proclamation declaring Lower Township's support of the Click It or Ticket Mobilization Program effective May 21 through June 3, 2018, a nation-wide effort to raise awareness and increase seat belt usage. Detective Perry accepted the proclamation on behalf of the Lower Township Police Department.

Proclamation - Joshua Kampmeier – Mayor Simonsen, Councilman Conrad

Councilmember Conrad introduced Joshua Kampmeier, Scout Troop 87, and congratulated him on his Eagle Scout achievement. Mayor Simonsen read a proclamation on behalf of Council congratulating Joshua on achieving the rank of Eagle Scout. Joshua presented a collage to Councilmember Conrad to thank him for his encouragement and support.

Work Session

Consent Agenda

Approval of NJ Firemen's Assoc. Membership Application – P Klingele – Erma Volunteer Fire Co.

Approval of Minutes May 7, 2018

Res. #2018-176 Payment of Vouchers \$ 202,727.53

Res. #2018-177 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Click It or Ticket \$5,500)

Res. #2018-178 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Distracted Driving Crackdown \$6,600)

Res. #2018-179 A Resolution Authorizing High Roller Limousine, Inc to Transfer a Limousine License

Res #2018-180 Authorization for Refund of Taxes (8 properties)

Res. #2018-181 Authorization for the Payout of Accumulated Compensatory Time (R.Hansberry \$4,456.70)

Res. #2018-182 Authorization for South Jersey Power Cooperative Electric Bid (Cape May County Cooperative as lead agency)

Res. #2018-183 Certification to Local Finance Board of Receipt and Review of Audit; Sections General Comments & Recommendations

Res. #2018-184 Appointment of Marcus Karavan, Esq. as Special Counsel to the Tax Assessors Office for Tax Related and Land Use Matters as a Professional Service Contract without Public Bidding (not to exceed \$10,000)

Res. #2018-185 Appointment to the Planning Board (J.Hemingway)

Ordinance #2018-09 An Ordinance Revising and Restating Chapter 400 – Land Development; Article X, Sub-section 400-81; Guarantees and Inspections; of the Code of the Township of Lower. This is the first reading of this Ordinance. The 2nd reading and public hearing has been scheduled for June 4, 2018.

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

Regular Agenda

Res. #2018-186

Authorizing the Payment of Vouchers – Rescue \$35,000 Contribution

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

Res. #2018-188

A Resolution Amending Res. #2018-174; Authorizing a Shared Service Agreement between the Township of Lower and the County of Cape May for Law Enforcement Coverage at a Township Event (changing the hourly rate for Sheriff Officers to \$70.)

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

Manager's Report

Manager Ridgway briefed Council on his meeting with the MUA about updating the Township's water quality plan. He informed of the Planning Board's approval for a brewery in North Cape May, and informed that the Department of Transportation has extended the permit to June 8th for work on Seashore Road. Lastly, he communicated the plan for increased public safety patrol over Memorial Day weekend.

Engineer's Report

Mark Sray, Mott MacDonald, gave an update on the Roseann Avenue Roadway and Utility Improvements Project and the Beach Drive Pedestrian Safety Improvements Project.

Administrative Reports

Personnel Action Report

Monthly Reports - Clerk, Construction, Dog, Fire Safety, Police, Tax Collector, Vital Statistics

Council Comments

Councilmember Conrad reminded everyone to use caution as schools are recessing for summer. He also reminded about road closures due to Escape the Cape events, and informed about future changes with Verizon phone service.

Councilmember Perry commented on the progress along Beach Drive. He also shared good news about the Lower Township Youth Boys Lacrosse League winning the championship.

Deputy Mayor Sippel spoke about the Armed Forces Day Ceremony and encouraged attendance at the Memorial Day Ceremony at the Villas VFW.

Mayor Simonsen shared a complimentary letter from an Upper Township coach congratulating Lower Township on their victory and sportsmanship. He also announced upcoming events including the Art Show at Fishing Creek School, Battle of the Badges Blood Drive, and the Summer Concert Series.

Call to the Public

Trish Donahue, 203 Beach Drive, addressed Council to inform of damages to her house as a result of Verizon removing a telephone pole. Manager Ridgway took Ms. Donahue's information and agreed to look into the situation.

Ray Flickinger, Washington Blvd., attested to the above situation and cautioned the wires may pose a danger.

Closed Session

Res. #2018-187

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.
Attorney/Client Privilege/Possible Litigation

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

Council adjourned to Closed Session at 7:34 p.m.

Council returned to Open Session at approximately 8:28 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Mayor Simonsen. Motion to adjourn was unanimous. Meeting adjourned at 8:29 p.m.

Mayor

Township Clerk

Approved:

May 31, 2018
01:42 PM

P.O. Type: All
Range: First to Last
Format: Condensed

Include Project Line Items: Yes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00030 A.E. STONE INC.	18-01123	04/23/18	ASPHALT/BLANKET	Open	2,272.66	0.00		B
00110 ANCO HOME CENTER*	18-00884	03/29/18	RDS/SIGNS/BLDG/APRIL	Open	120.88	0.00		
00179 AVERY TEITLER*	18-00758	03/21/18	PB SOLICITOR SALARY	Open	625.00	0.00		
	18-01380	05/18/18	RESOLUTION ACHRISTAVEST,LLC	Open	950.00	0.00		
	18-01400	05/21/18	PLANNING BOARD RESOLUTIONS	Open	900.00	0.00		
					2,475.00			
00206 JOSHUA MARCUS GROUP LLC*	18-01329	05/14/18	CLASSIC FIRE HATS	Open	564.14	0.00		
00293 BEACON CYCLING & FITNESS*	18-01270	05/07/18	POLICE BICYCLE RECONDITIONING	Open	241.95	0.00		
00370 BLUE CROSS/BLUE SHIELD OF NJ	18-01405	05/21/18	GROUP 65-81933 6/1/18 7/1/18	Open	231.46	0.00		
00419 RICHARD M BRASLOW, ESQ	18-01432	05/23/18	PROFESSIONAL SERVICES 5/7 5/15	Open	180.00	0.00		
00443 BSN SPORTS INC*	18-00322	01/31/18	LACROSSE EQUIPMENT	Open	1,737.43	0.00		
00540 CAM-DEN GLASS OF VILLAS*	18-01274	05/07/18	EMERGENCY WORK-FRONT DOOR@REC	Open	710.00	0.00		
00651 MUNICIPAL UTIL AUTH DUMP FEES	18-01350	05/16/18	DUMPING FEES APRIL 2018	Open	71,423.84	0.00		
00775 CAPRIONI PORTABLE TOILETS, INC*	18-01381	05/18/18	MONTHLY SERVICES	Open	100.00	0.00		
00784 CAPE MAY STAR & WAVE	18-01390	05/18/18	LEGAL PUBLICATION	Open	118.42	0.00		
00786 HAROLD CARTY	18-01431	05/23/18	CONTRACTUAL RIEMBURSEMENT 2018	Open	1,784.00	0.00		
00807 CDW-GOVERNMENT INC*	18-00960	04/04/18	HARD DRIVES	Open	1,270.70	0.00		
01004 SHARON MATTEUCCI	18-01351	05/16/18	OVERPAYMENT FOR WEDDING	Open	50.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01055 ERIC COOMBS	18-01464	05/30/18	REIMBURSEMENT VAN REPAIRS TOUR	Open	245.99	0.00		
01110 COLLEEN CRIPPEN	18-01428	05/23/18	ADDICTION CONFERENCE 5/18/18	Open	53.55	0.00		
01602 THOMSON WEST*	18-01353	05/16/18	NJ STATUTES	Open	312.00	0.00		
	18-01364	05/16/18	2018 NJ STATE UPDATES INC	Open	780.00	0.00		
	18-01389	05/18/18	UPDATE: T19/33/40/40A	Open	832.00	0.00		
					<u>1,924.00</u>			
01661 GENERAL SALES ADMINISTRATION*	18-01068	04/18/18	AUTO LIC READER10/2/18 10/2/19	Open	1,520.00	0.00		
01685 W W GRAINGER, INC.*	18-01265	05/07/18	AIR FILTER KITS	Open	282.64	0.00		
	18-01309	05/11/18	SCALE FOR DET. BUREAU	Open	88.82	0.00		
					<u>371.46</u>			
01785 ROBERT HARTMAN SR	18-01465	05/30/18	CONTRACTUAL REIMBURSEMENT 6/18	Open	396.00	0.00		
02100 CLAUDIA KAMMER	18-01430	05/23/18	CONTRACTUAL REIMURSEMENT 2018	Open	925.00	0.00		
02108 KEEN COMPRESSED GAS CO*	18-00886	03/29/18	BOTTLED GAS/DPW/APRIL	Open	531.20	0.00		
02134 THOMAS KEYWOOD	18-01362	05/16/18	MEDICAL CLAIMS 4/13 5/11/18	Open	677.34	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	18-00895	03/29/18	PARTS FOR POLICE VEHICLE/MAY	Open	1,027.76	0.00		
	18-01048	04/16/18	PARTS POLICE VEHICLE/APRIL CON	Open	403.20	0.00		
	18-01228	05/02/18	PARTS FOR POLICE VEHICLE/CONT.	Open	712.58	0.00		
					<u>2,143.54</u>			
02223 LANDSMAN UNIFORMS*	17-02469	09/20/17	UNIFORMS	Open	3,965.95	0.00		
	18-00646	03/12/18	UNIFORMS	Open	1,561.50	0.00		
					<u>5,527.45</u>			
02333 LOWER TWNSP RESCUE SQUAD, INC.	18-00405	02/08/18	2018-46 RESCUE EMS SERVICE	Open	35,000.00	0.00		
02538 MARSH & MCLENNAN AGENCY, LLC*	18-00140	01/16/18	DNE \$26,664 RES 18-43 BROKER	Open	2,222.00	0.00		B
02590 ARTHUR MASON	18-01403	05/21/18	CONTRACTUAL REIMBURSEMENT M	Open	81.45	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03008 NJ DEPT OF TREASURY/FEES	18-01173	04/30/18	RECYCLING MONITORING FEE	Open	2,282.50	0.00		
03026 NJ STATE HEALTH BENEFITS	18-01436	05/24/18	JUNE 2018 RETIREES BENEFITS	Open	105,630.17	0.00		
	18-01437	05/24/18	JUNE 2018 ACTIVE BENEFITS	Open	<u>179,729.22</u>	0.00		
					285,359.39			
03065 NJ MUNICIPAL COURT LAW REVIEW*	18-01153	04/26/18	2018 NJ MUNICIPAL COURT REVIEW	Open	20.00	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALIT*	18-01374	05/17/18	LEAGUE MAGAZINE Id: 18M-8992	Open	300.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	18-01361	05/16/18	BAYRUN SUPPLIES 8/4/18	Open	81.66	0.00		
03293 BLAINE PAYNTER	18-01404	05/21/18	CONTRACTUAL REIMBUREMENT M	Open	20.00	0.00		
03427 POLAR BEAR MECHANICAL SERVICES	18-01276	05/08/18	TOWNHALL AIR NOT WORKING	Open	147.00	0.00		
03466 R & R SPECIALTIES	18-01347	05/16/18	4X10 ETCHED PLAQUES BAYFRONT	Open	1,080.00	0.00		
03484 LAUREN M. READ	18-01387	05/18/18	TRAVEL REIMBURSEMENT	Open	196.86	0.00		
03518 RIGGINS, INC.*	18-01441	05/24/18	OFF HIGHWAY DIESEL	Open	741.62	0.00		
03613 SEA ISLE ICE CO. INC.*	18-01288	05/09/18	START UP ICE	Open	457.50	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	18-01372	05/16/18	5/23 SJNIGP MEETING	Open	70.00	0.00		
03692 SOUTH JERSEY GAS CO*	18-01462	05/29/18	SOUTH JERSEY GAS 4/17 5/16	Open	1,427.99	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	18-01377	05/17/18	WATER SERVICE JAN TO APRIL	Open	1,168.87	0.00		
	18-01378	05/17/18	SEWER SERVICE JAN TO APRIL	Open	160.00	0.00		
	18-01379	05/17/18	SEWER BILLING 3RD & 4TH QTR	Open	<u>2,320.00</u>	0.00		
					3,648.87			
03814 UNIVERSAL COMPUTING SERV., INC*	18-01352	05/16/18	MAILERS	Open	277.50	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	18-01349	05/16/18	REIMBURSE HALF TOTAL BILL	Open	256.87	0.00		

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03954 VAN NOTE-HARVEY ASSOCIATES*	17-02751	10/25/17	RES 2017-281 TAX MAP	Open	10,226.50	0.00		B
03969 VERIZON	18-01401	05/21/18	LANDLINES 5/13/18	Open	242.03	0.00		
03992 VAL-U AUTO PARTS LLC*	18-00739	03/20/18	RDS/SANT/RECY/DPW/MARCH	Open	3,407.43	0.00		
04041 WEIGHTS & MEASURES FUND	18-00992	04/09/18	CALIBRATION OF TUNING FORKS	Open	280.00	0.00		
04075 BARBER CONSULTING SERVICES LLC	18-01463	05/29/18	COMPUTER SERVICES 3/28/18	Open	314.99	0.00		
04078 NJ ASSOC DRUG RECOGNITION EXP*	18-00961	04/04/18	2018 DRE DUES	Open	105.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*	18-01402	05/21/18	OSHA COMPLIANT FIRST AID KIT	Open	362.95	0.00		
04122 JIM CONROY	18-01418	05/23/18	LACROSSE OFFICIAL	Open	30.00	0.00		
05083 S3SHORE MARKETING LIMITED	18-01017	04/10/18	SIGNAGE FOR FUND	Open	113.73	0.00		
6059 USABLE LIFE	18-01448	05/29/18	LIFE INSURANCE JUNE 2018	Open	534.29	0.00		
6079 KAITLIN BLACK	18-01406	05/21/18	TRAINING MEALS	Open	28.65	0.00		
7037 ROBERT KING	18-01382	05/18/18	LACROSSE OFFICIAL	Open	60.00	0.00		
	18-01422	05/23/18	LACROSSE OFFICIAL	Open	30.00	0.00		
					90.00			
7044 A SHORE THING CLEANING*	18-01244	05/04/18	CLEANING OF MILLMAN CENTER	Open	175.00	0.00		
	18-01299	05/11/18	CLEANING OF MILLMAN CENTER	Open	175.00	0.00		
					350.00			
7098 SHORE VETERINARIAN ANIMAL *	18-00139	01/16/18	ANIMAL CNTRL DNE \$54K RES18-20	Open	4,500.00	0.00		B
7153 SUSAN ZACCAGNINO	18-01385	05/18/18	LACROSSE OFFICIAL	Open	50.00	0.00		
7196 LAUREN HUGGINS SUIT*	18-00085	01/10/18	RES 18-09 DNE \$10,400	Open	866.67	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7251 REIT LUBRICANTS CO*	18-01272	05/07/18	BULK 5-30 SYNTHETIC OIL	Open	2,322.00	0.00		
7301 TREASURER, STATE OF NJ	18-01180	05/01/18	ELEVATOR - FISHING CREEK SCHOO	Open	182.00	0.00		
7405 CHARLOTTE B. ANDERSON	18-01442	05/24/18	CONTRACTUAL REIMBURSEMENT 2018	Open	1,390.00	0.00		
7475 SUZANNE M SCHEID	18-01360	05/16/18	CONTRACT REIMBURSEMENT M	Open	90.00	0.00		
7508 BLANEY & KARAVAN PC*	18-00131	01/11/18	RES# 18-05 PROSECUT DNE 37,500	Open	3,125.00	0.00		B
7581 ASSOC OF STATE FLOODPLAIN	18-01250	05/04/18	CFM CERTIFICATION RENEWAL	Open	80.00	0.00		
7602 ROBERT GRECO	18-01383	05/18/18	LACROSSE OFFICIAL	Open	60.00	0.00		
	18-01421	05/23/18	LACROSSE OFFICIAL	Open	30.00	0.00		
					90.00			
7618 MEGONIGAL ELECTRIC LLC*	18-01241	05/03/18	COURT ROOM ELECTRIC	Open	750.00	0.00		
7636 MOTT MACDONALD LLC*	17-00250	01/24/17	RES 17-49 GENERAL ENG 6K DNE	Open	612.00	0.00		
	17-01015	04/13/17	BEACH DRIVE PED SFTY IMPROVEMT	Open	26,502.20	0.00		B
	17-03204	12/07/17	RES 17-322 ROADWAY EVALUATION	Open	2,664.00	0.00		B
	18-00309	01/30/18	GENERAL ENGINEERING	Open	688.50	0.00		B
	18-00550	02/27/18	CHANGE ORDER#3 ADDITIONAL WORK	Open	4,484.25	0.00		B
	18-00568	03/01/18	ROSEANN AVE UTILITY PROJECT	Open	875.00	0.00		B
	18-00757	03/21/18	C/O #1 PED WALKWAY 2018-118	Open	680.00	0.00		
	18-01391	05/21/18	PROFESSIONAL ENGINEERING 4/20	Open	3,033.15	0.00		
	18-01392	05/21/18	PROFESSIONAL ENGINEERING 4/16	Open	1,191.85	0.00		
	18-01393	05/21/18	PROFESSIONAL ENGINEERING 4/16	Open	304.30	0.00		
	18-01394	05/21/18	PROFESSIONAL ENGINEERING 4/16	Open	55.00	0.00		
	18-01395	05/21/18	PROFESSIONAL ENGINEERING 4/20	Open	138.50	0.00		
	18-01396	05/21/18	PROFESSIONAL ENGINEERING 4/20	Open	1,610.62	0.00		
	18-01397	05/21/18	PROFESSIONAL ENGINEERING 4/20	Open	167.75	0.00		
	18-01398	05/21/18	PROFESSIONAL ENGINEERING 4/20	Open	1,495.65	0.00		
	18-01399	05/21/18	PROFESSIONAL ENGINEERING 4/23	Open	330.00	0.00		
					44,832.77			
7728 SOUTH JERSEY ENERGY	18-01461	05/29/18	SOUTH JERSEY ENERGY 4/16 5/16	Open	704.77	0.00		
7741 GEORGIA GOLF CONSTRUCTION, INC*	18-01158	04/26/18	CLEM MULLIGAN FIELD	Open	2,130.00	0.00		
7759 DOG WASTE DEPOT*	18-01303	05/11/18	DOGGIE BAGS-VARIOUS LOCATIONS	Open	353.97	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7764 YVONNE CAREY	18-01433	05/23/18	LACROSSE OFFICIAL	Open	60.00	0.00		
	18-01449	05/29/18	LACROSSE OFFICIAL	Open	<u>120.00</u>	0.00		
					180.00			
7776 ROSALYN GILL	18-01450	05/29/18	LACROSSE OFFICIAL	Open	120.00	0.00		
7798 THE HON COMPANY	18-00784	03/23/18	LATERAL FILE 2 DRWR/3 DRWR LAT	Open	999.68	0.00		
7837 P.M. CONSULTANTS LLC*	18-00025	01/09/18	RES 17-333 DEF COMP CONSULTANT	Open	5,775.00	0.00		B
7888 ASPHALT PAVING SYSTEMS, INC*	18-00321	01/31/18	BEACH DR PED PROJ DNE1,967,700	Open	388,509.97	0.00		
7929 AMAZON CAPITAL SERVICES, INC	18-01306	05/11/18	FLAGS AND POLES FOR COURT	Open	200.44	0.00		
7950 KELLY BERGMAN	18-01384	05/18/18	LACROSSE OFFICIAL	Open	50.00	0.00		
BROWNK KATHY BROWN	18-01416	05/22/18	SPRING CONFRENCE 5/15 5/16/18	Open	125.73	0.00		
CANCELO DON CANCELOSI	18-01420	05/23/18	LACROSSE OFFICIAL	Open	60.00	0.00		
FASTENAL FASTENAL COMPANY*	18-01293	05/10/18	HARDWARE FOR KNOX BOX	Open	43.92	0.00		
ROMANOW FRED ROMANOWSKI	18-01419	05/23/18	LACROSSE OFFICIAL	Open	60.00	0.00		

Total Purchase Orders: 114 Total P.O. Line Items: 0 Total List Amount: 904,944.71 Total Void Amount: 0.00

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

RESOLUTION #2018-189

Title: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO#</u>	<u>Description</u>	<u>CK #</u>	<u>Amount</u>
Ever Ready First Aid & Med	18-01310	NARCAN	62315	\$ 1,220.30
TOTAL Manual Checks				\$ 1,220.30
TOTAL Computer Generated				\$ 904,944.71
TOTAL Bill List				\$ 906,165.01

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION # 2018-190

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that payment to Matthew Gamble in the amount of \$2,762.21 is authorized and chargeable to the 2018 Budget account 8-01-25-240-121.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held June 4, 2018.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

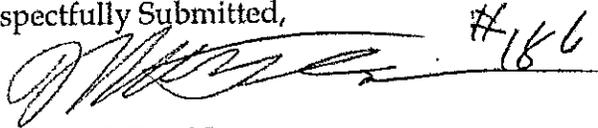
TO: Chief William Mastriana
FROM: Ptlm Matthew Gamble
DATE: May 19, 2018
SUBJECT: Compensation time, Cash out

To whom it may concern,

I am respectfully requesting to sell back my accrued compensation time, totaling 75 hours.

Thank you in advance for your consideration in this matter.

Respectfully Submitted,



Matthew R Gamble
Patrolman Badge #186

• 10 1M
• 75• X
35•8294 =
2,762•3 5130 **

C	File	Date	Officer	Comments
		5/27/2018	Chief	Forwarded to teamball for approval.

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

RESOLUTION #2018-191

Title: A RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF LOWER ADOPTING THE FORM OF THE NEW JERSEY TORT CLAIMS ACT QUESTIONNAIRE REQUIRED TO BE UTILIZED BY CLAIMANTS FOR THE FILING OF NOTICES OF TORT CLAIMS AGAINST THE TOWNSHIP OF LOWER IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY TORT CLAIMS ACT, N.J.S.A. 59:8-6 AND DESIGNATING QUAL-LYNX AS THE AGENT FOR THE TOWNSHIP OF LOWER TO PROVIDE THE QUESTIONNAIRE TO ALL OF THE CLAIMANTS, AND TO RECEIVE THE COMPLETED QUESTIONNAIRE FROM THE CLAIMANTS.

WHEREAS, the New Jersey Tort Claims Act, specifically N.J.S.A. 59:8-6, provides that a public entity may adopt a form specifying information to be contained in claims filed against a public entity or its employee under the New Jersey Tort Claims Act; and

WHEREAS, the Township of Lower is a public entity as defined in New Jersey Claims Act; and

WHEREAS, the Township of Lower has determined that it is advisable, necessary and in the public interest to adopt a form Tort Claims Act Questionnaire in the form attached hereto and made a part of this Resolution; and

WHEREAS, the Township of Lower has determined that it is in their best interest to designate the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF), Qual-Lynx, as their agent to provide the Tort Claims Act Questionnaire to all of the Claimants and to receive the completed Questionnaire from the Claimants.

NOW, THEREFORE, BE IT RESOLVED by Township Council of the Township of Lower, assembled at a public session on this 4th day of June, 2018, that the attached form of Tort Claims Act Questionnaire be and it is hereby adopted as the official Tort Claim Act Questionnaire in accordance with N.J.S.A. 59:8-6 for the Township of Lower; and

BE IT FURTHER RESOLVED, that all persons making claims against the Township of Lower in accordance with the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, et seq., shall be required to complete the Questionnaire which is attached as a condition of compliance with the notice requirements of the New Jersey Tort Claims Act.

BE IT FURTHER RESOLVED, that Qual-Lynx, the Claims Administrator for the Atlantic County Municipal Joint Insurance Fund (ACMJIF) be and they are hereby designated as the agent for the Township of Lower to provide the Tort Claims Act Questionnaire to all Claimants and to receive the completed Questionnaire from the Claimants.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

_____ **OF** _____

C/O QUAL-LYNX
100 Decadon Drive
Egg Harbor Township, New Jersey 08234

TORT CLAIMS ACT QUESTIONNAIRE

CLAIMANT INFORMATION

Name: _____ Telephone: _____
Address: _____ Date of Birth: _____
_____ SSN: _____
Email: _____

ATTORNEY INFORMATION (if applicable)

Name: _____ Telephone: _____
Address: _____ FAX: _____
_____ File No.: _____
Email: _____

Send Notices to: _____ Claimant _____ Attorney

GENERAL INSTRUCTIONS: Pursuant to the provisions of the New Jersey Tort Claims Act, this Tort Claims Act Questionnaire has been adopted as the official form for the filing of claims against the _____ of _____.

The questions are to be completely and accurately responded to by the Claimant or by his/her attorneys, agents, servants, and employees, under oath. The fully completed Questionnaire and all of the requested documents shall be returned to:

_____ of _____
c/o Qual-Lynx
100 Decadon Drive
Egg Harbor Township, New Jersey 08234

PLEASE BE ADVISED: Your claim will not be considered to be filed as required by the New Jersey Tort Claims Act until this completed Questionnaire has been filed with the designated agent for the _____ of _____, Qual-Lynx. Your failure to provide all of the information requested in the Questionnaire, and including responses such as "To Be Provided" or "Under Investigation" will result in the claim being treated as not being properly filed.

In accordance with the New Jersey Tort Claims Act, timely Notices of Claim/Questionnaires must be filed within ninety (90) days after the incident giving rise to the claim.

This Questionnaire is designed as a general form for use with respect to all claims. Some of the questions may not be applicable to your particular claim. For example, if your claim does not arise out of an automobile accident, questions regarding road conditions might not be applicable. In that event, please indicate "Not Applicable".

If you are unable to answer any question because of a lack of information available to you, specify the reason the information is not available to you. If a question asks that you identify a document, it will be sufficient to furnish true and legible copies of the document. If a question asks that you "identify all persons," provide the name, address, telephone number and email address of the person.

If you need more space to provide a complete answer, attach supplementary pages, identifying the continuation of the answer with the number of the applicable question.

DEFINITIONS:

"*Claimant*" shall refer to the person or persons on whose behalf the Notice of Claim has been filed with the _____ of _____.

"*Documents*" shall refer to any written, photographic or electronic representation, and any copy thereof, including, but not limited to, computer tapes and/or disks, videotapes and other material relating to the subject matter of the claim.

"*Person*" shall include in its meaning a partnership, joint venture, corporation, association, trust or any other kind of entity, as well as a natural person.

"*Public Entity*" shall refer to the _____ of _____ along with any agent, official or employee of the _____ of _____ against whom a claim is asserted by the Claimant.

PLEASE NOTE that the questions are divided into sections relating to the claimant, the claim, property damage, personal injury and the basis for the claim against the public entity or a public employee.

If the claim involves only property damage, then the portion of the Questionnaire regarding personal injuries is not required to be answered. Under these circumstances, please enter as the answer to Question 12 "No personal injuries are being claimed."

If the claim involves no property damage, then the portion of the Questionnaire regarding property damage is not required to be answered. Under these circumstances, please enter as the answer to Question 11 "No property damage is being claimed."

INFORMATION REGARDING THE CLAIMANT

1. Provide the following information with respect to the Claimant:
 - a. Any other name by which the Claimant has been known.
 - b. Residence and Mailing Addresses at the time of the incident giving rise to the claim. Also provide current Email address.
 - c. Marital Status at the time of the incident and currently.
 - d. Identify each person residing with the claimant and the relationship of that person, if any, to the Claimant.

2. Provide all addresses of the Claimant for the last 10 years, the dates of the residence, the persons residing at the addresses at the same time that the Claimant resided at the address and the relationship of that person, if any, to the Claimant.

INFORMATION REGARDING ALL CLAIMS

3. Provide the exact date, time and place of the incident forming the basis of the claim and the weather conditions prevailing at the time.

4. Provide the Claimant's complete version of the events that form the basis of the claim. Describe in detail the alleged condition which caused the incident. Provide Photographs of the area where the incident occurred, and indicate on the Photographs the exact location where the incident occurred.

5. List any and all individuals who were witnesses to or who have knowledge of the facts of the incident which gave rise to the claim. Provide the full name, address, email address and telephone number of each individual.

6. Identify all public entities or public employees [by name and position] alleged to have caused the injury or property damage **and specify as to each public entity or employee the exact nature of the act or omission alleged to have caused the injury or property damage. Describe in detail the alleged condition which caused the incident and any and all facts which establish that the public entity or public employees were responsible for the condition.**

10. If you have received any money or thing of value for your injuries or damages from any person, firm or corporation, state the amounts received, the dates, names and addresses of the payors. Specifically list any policies of insurance, including policy number and claim number, from which benefits have been paid to you or to any person on your behalf, including doctors, hospitals or any person repairing damage to property.

11. If any photographs, drawings, charts or maps were made with respect to anything which is the subject matter of the claim, state the date thereof, the names and addresses of the persons who took the photographs or who prepared the drawings, charts or maps and indicate who presently has possession of these documents. Attach copies of any photographs, drawings, charts or maps.

12. If you or any of the parties to this incident or any of the witnesses to this incident made any statements or admissions, set forth in detail the statements or admissions that were made; who made the statements or admissions; the date and place where the statements or admissions were made; and in whose presence the statements or admissions were made, providing the names and addresses of any persons having knowledge of the statements or admissions.

13. State the total amount of your claim and the basis upon which you have calculated the amount that is being claimed.

14. Provide copies of all documents, memoranda, correspondence, reports [including police reports], etc. which discuss, mention or pertain to the subject matter of this claim.

15. Provide the names and addresses of all persons or entities against whom you are asserting a claim for the injuries or damages arising out of the incident forming the basis of this claim and give the basis for your claim against each person or entity.

16. Were any criminal and/or traffic Complaints or Tickets issues as a result of this incident? If so, please provide copies of the Complaints and/or Tickets and advise as to the disposition of the Complaints and/or Tickets.

PROPERTY DAMAGE CLAIMS

17. If your claim is for property damage, attach a detailed description of the property damage that is being claimed, and include copies of any and all estimates obtained which detail the costs to repair the property damage. If your claim does not involve any claim for property damage, enter "None".

If your claim is for property damage only, initial here and proceed directly to page 15 and sign the Certification.

Initials

21. If you have been confined to any hospitals as a result of the injuries sustained in this incident, state name and address of each hospital and the dates of admission and discharge. Also provide the name and address of each hospital where you were admitted prior to and subsequent to the alleged incident and provide the reason for each admission.

22. If X-Rays, MRIs, CAT Scans or any other diagnostic testing was performed, state (a) the address of the place where each was performed; (b) the name and address of the person who performed the testing; (c) the date when each test was performed; (d) the results of each test; (e) where and in whose possession they test results and films are now located. Include all X-Rays, MRIs, CAT Scans and any other diagnostic testing that was performed prior to or subsequent to the alleged injury forming the basis of the claim.

23. If were treated by doctors, including psychiatrists or psychologists, state (a) the name and present address of each doctor; (b) the dates and places where the Treatments were administered; (c) the nature of the treatment; (d) the date of last the last treatment; (e) and if treatments are continuing, the schedule of future continuing treatments. Provide true copies of all written reports rendered to you or about you by any doctors whom you propose to have testify on your behalf.

24. If you have any physical impairment which you allege is caused by any injury sustained in this incident and which is affecting your ordinary movements, hearing or sight, state in detail the nature and extent of the impairment and what corrective appliances, support or device you have been prescribed to overcome or alleviate the impairment.
25. If you claim that a previous injury has been aggravated or exacerbated, describe the injury and provide the name and present address of each doctor who treated you for the condition; the period during which treatment was received; and the cause of the previous injury. Specifically list any impairment, including use of eyeglasses, hearing aid or similar device, which existed at the time of the injury forming the basis of this claim.
26. If any treatments, operation or other form of surgery in the future has been recommended to alleviate any injury or condition resulting from the incident which forms the basis of the claim, state in detail (a) the nature and extent of the treatment, operation or surgery; (b) the purpose thereof and the results anticipated or expected; (c) the name and address of the doctor who recommended the treatments, operation or surgery; (d) the name and address of the doctor who will administer or perform the same; (e) the estimated medical expenses to be incurred; (f) the estimated length of time of treatments, operation or surgery, period of hospitalization and period of convalescence; (g) all other losses or expenditures anticipated as a result of the treatments, operation or surgery; (h) whether it is your intention to undergo the treatments, operation or surgery and the approximate date.

27. Itemize any and all expenses incurred for hospitals, doctors, nurses, x-rays, prescriptions, care and appliances and indicate which expenses were paid by any insurance coverage.

28. If you were employed at the time of the alleged injury forming the basis of the claim state (a) the name and address of the employer; (b) the position held and the nature of the work performed; (c) the average weekly wages for the year prior to the injury; (d) the period of time lost from employment, providing dates; (e) the amount of wages lost, if any. List any sources of income continuation or replacement, including, but not limited to, worker's compensation, disability income, social security and income continuation insurance.

29. If other loss of income, profit or earnings is claimed, state (a) total amount of the loss; (b) provide a complete detailed computation of the loss; (c) the nature and dates of the loss.

30. If you are claiming lost wages state (a) the date that the employment commenced; (b) the name and address of the employer; (c) the position held and the nature of the work performed; and (d) the average weekly wages. Attach copies of pay stubs, tax returns, W-2s or other complete payroll record for all wages received during the past year.

DOCUMENT REQUEST

You are required to produce any and all documents identified in your answers to the Questions set forth above.

CERTIFICATION

I hereby certify that the information provided is the truth and is the full and complete response to the questions, to the best of my knowledge.

Signature of Claimant

Dated: _____

**AUTHORIZATION FOR RELEASE OF
MEDICAL AND HOSPITAL RECORDS**

TO: _____

Date: _____

RE: _____
Patient's Name

Address

Address

Social Security Number

Claim Number

You are hereby authorized and requested to disclose, make available and furnish to:

QUAL-LYNX
100 Decadon Drive
Egg Harbor Township, New Jersey 08234

all information, records, x-rays, reports or copies thereof relating to my examination, consultation, confinement or treatment and to permit him or her to inspect and make copies or abstracts thereof.

Approximate date of admission to hospital, first examination, treatment or consultation:

A photocopy of this release form, bearing a photocopy of my signature, shall constitute your authorization for the release of the information in accordance with the request made to you.

Authorized Signature

AUTHORIZATION FOR RELEASE OF EMPLOYMENT RECORDS

TO: _____

Date: _____

RE: _____
Patient's Name

Address

Address

Social Security Number

Claim Number

You are hereby authorized and requested to disclose, make available and furnish to:

QUAL-LYNX
100 Decadon Drive
Egg Harbor Township, New Jersey 08234

all information relating to my employment, including, but not limited to, my job title, assigned duties, compensation, benefits, attendance, and sick leave and to permit him or her to inspect and make copies or abstracts thereof.

A photocopy of this release form, bearing a photocopy of my signature, shall constitute your authorization for the release of the information in accordance with the request made to you.

Authorized Signature

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

RESOLUTION #2018-192

Title: ANNUAL RENEWAL OF LIQUOR LICENSES FOR THE YEAR 2018-2019

WHEREAS, applications have been made by the persons, firms, and/or corporations hereinafter named for renewal of Plenary Retail Consumption Licenses, Plenary Retail Distributions Licenses and/or Club Licenses, heretofore granted by this issuing authority; and

WHEREAS, all requirements of the applicants have been met, including the payment of the required fees and all laws and regulations for the control of alcoholic beverages; and

WHEREAS, this governing body is of the opinion that said applications should be granted and licenses issued.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, the Municipal Issuing Authority, that the licenses be issued to the person, firms and/or corporations named on the attached Schedule "A" for the period of one year commencing July 1, 2018 through June 30, 2019.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

SCHEDULE "A"

<u>Number</u>	<u>Name & Address</u>	<u>Type</u>	<u>Amount</u>
0505-31-021-001	Lt. Charles Buddy Lewis Veterans Home Association 6 E. Delaware Parkway Villas, NJ 08251	Club	\$150.00
0505-31-022-001	Stella Maris Home Association 324 Breakwater Road Cape May, NJ 08251 t/a Stella Maris Home Association	Club	\$150.00
0505-31-024-001	Sunset Beach Sportsmen's Club Sunset Blvd., Lower Township Cape May Point, NJ 08212 t/a Sunset Beach Sportsmen Club	Club	\$150.00
0505-31-026-003	Lower Township Moose Lodge #1054 Loyal Order of Moose 569 Seashore Road Cape May, NJ 08204 t/a Lower Township Moose Lodge #1054	Club	\$150.00
0505-31-029-001	Diamond Beach Beach Club 600 E. Raleigh Avenue Wildwood Crest, NJ 08260 t/a Diamond Beach Beach Club	Club	\$150.00
0505-31-030-001	Grand Beach Club 600 E. Rochester Avenue Wildwood Crest, NJ 08260 t/a Grand Beach Club	Club	\$150.00
0505-31-031-002	Greater Cape May Elks Lodge #2839 901 Bayshore Road Villas, NJ 08251 t/a Greater Cape May Elks Lodge #2839 Benevolent and America Inc.	Club	\$150.00
0505-32-001-012	Renaissance Beverages III, LLC 3845 Bayshore Road N. Cape May, NJ 08204 t/a Gorman's Wines & Spirits	PRC (Broad C)	\$2,000.00
0505-33-003-008	Buttonwood Manor Inc. 3832 Bayshore Road N. Cape May, NJ 08204 t/a The Bayshore Inn Red Brick Ale House	PRC	\$2,000.00
0505-33-004-005	Spicer Creek 1216 Rt 109 Cape May, NJ 08204 t/a Mayer's Bar	PRC	\$2,000.00
0505-33-005-005	Cape May Pub Inc Rt. 9 Florence Avenue Cape May, NJ 08204 t/a Cape May National Golf Club	PRC	\$2,000.00

0505-33-007-004	Two Mile Crab House, LLC Fishdock Road Wildwood NJ 08260 t/a Two Mile Crab House	PRC	\$2,000.00
0505-33-008-006	Ford Creek LLC 954 Ocean Drive Cape May, NJ 08204 t/a Harbor View Restaurant	PRC	\$2,000.00
0505-33-009-010	Driftwood Cove LLC 1200 Route 9 Cape May, NJ 08204 t/a Lucky Bones	PRC	\$2,000.00
0505-33-010-009	PM Properties Management Corp 3729 Bayshore Road N. Cape May, NJ 08204 t/a 5 West Bar & Grille	PRC	\$2,000.00
Special Conditions	The patio area may be open only for the hours of 12:00 noon until 10:00 p.m.		
0505-33-011-005	Five P's Inc. 8100 Bayview Drive, Lower Twp. Wildwood Crest, NJ 08260 t/a Bayview Inn	PRC	\$2000.00
0505-33-015-009	Marie Nicole Inc. 9510 Pacific Avenue Wildwood Crest, NJ 08260 t/a Marie Nicole's	PRC	\$2,000.00
Special Conditions	This license shall be operated at the eating establishment, serving alcoholic beverages only to dining customers, no more than six seats for waiting customers, not bar only customers. No seating after 10:30 p.m., no package sales of alcoholic beverages.		
0505-33-016-006	Maypoint Hospitality Scott Ave. & Beach Drive N. Cape May, NJ 08204 t/a Harpoons on the Bay	PRC	\$2,000.00
0505-33-017-006	Jake's Bar & Grill, Inc. 5-7 W. Delaware Parkway, Villas, NJ 08251 t/a Jake's Bar & Grill	PRC	\$2,000.00
0505-33-019-010	Panicos Secondos LLC. 9901 Ocean Drive, Lower Township Cape May, NJ 08204 t/a Panicos Secondo	PRC	\$2,000.00
0505-33-020-004	Marco Voeks, Inc. 9600 Pacific Ave., Lower Township Wildwood Crest, NJ 08260 t/a Fitzpatrick's Crest Tavern	PRC	\$2,000.00

0505-36-014-005	Pier Beverage / Icona Ocean Blue 9701 Atlantic Ave., Wildwood Crest, NJ 08260 T/A Pier 6600 Motor Inn	PRC	\$2,000.00
Special Conditions	This license shall be exercised only during such period of time as the establishment is in operation as a hotel/motel containing at least 100 sleeping rooms equipped furnished for accommodation of guests.		
0505-44-013-007	Matteras Liquor 908 Route 109 Cape May, NJ 08204 t/a Joe Canal's Cape May	PRD	\$1,000.00
0505-44-018-005	O'Doyal's Inc. 1900 Bayshore Road Villas, NJ 08251 t/a Villas Country Liquor Store	PRD	\$1,000.00
0505-44-028-005	Acme Markets Inc. 3845 Bayshore Road N. Cape May, NJ 08204 t/a Acme	PRD	\$1,000.00

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

RESOLUTION #2018-193

Title: RESOLUTION REQUESTING A CAPE MAY COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT FOR "RABBIT RUN SUBDIVISION AREA" AND VICINITY

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

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

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

WHEREAS, the WQM plan is currently under review by NJDEP thru a shared process with Cape May County.

NOW, THEREFORE, BE IT RESOLVED on this 4TH day of June, 2018, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that:

1. The Lower Township Council hereby requests that Block 498 lots 15.01 through 15.17 and Block 498.01 Lot 1, shown on the attached tax map page 7.17, commonly known as the Rabbit Run Subdivision area be incorporated into the applicable WQM plan(s).
2. This request shall be submitted to the NJDEP, the Cape May County Planning Board and the Lower Township MUA.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-194

Title: **A RESOLUTION APPROVING A PROFESSIONAL SERVICE CONTRACT WITH WIZARDS FESTIVAL OF FUN INC FOR THE TOWNSHIP OF LOWER'S JULY 3, 2018 CELEBRATION**

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

WHEREAS, Al Belmont, President of Wizards Festival of Fun Inc. has provided a proposal for entertainment (provide and operate rides) for the Township of Lower's July 3rd Celebration at a fee of \$14,500; and

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

Budget Line: 8-01-30-420-254

Signature _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the attached contract, without public bidding, be awarded to Wizards Festival of Fun, Inc. for entertainment (provide and operate rides) for the Township of Lower's July 3rd Celebration at a fee of \$14,500.00.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

Wizard's Festival of Fun Inc

RESOLUTION # 2018-194

125 Coles Road
Blackwood, NJ 08012
Phone (609) 206-5244
www.wizardsfestivaloffun.com
e-mail: wizardsfestivaloffun@verizon.net

May 22, 2018

Mr. Mitchell Plenn
Director of Parks and Recreation
Township of Lower
2600 Bayshore Road
Villas, NJ 08251 (Via Fax (609) 886-7838) (Via Email: recreation@townshipoflower.org)

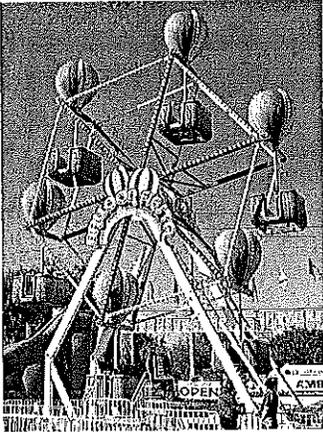
Dear Mr. Plenn:

Thank you for your continued interest in Wizards. As you know, we have contributed to outstanding events for more than 22 years. Our credits include Family Day Celebrations for Armstrong, Hanover Brands, and IBM - Mini-State Fairs for up to 15,000 people including main stage & children's entertainment, fun foods, games, amusement rides and tenting.

Because we own and operate our own shows, games, carnival rides and attractions, we offer real value. Our one-stop shopping approach makes event planning a lot easier.

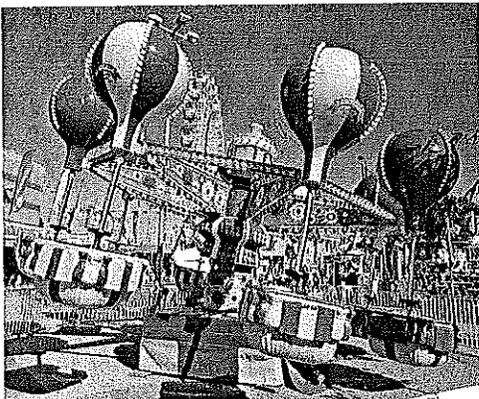
We propose to provide the following full-size Amusement Rides for your event on Tuesday, July 3, 2018!

- ***Gondola Balloon Ferris Wheel.***



Aim high with the favorite attraction at fairs, festivals, and theme parks across the US. Our beautiful new Balloon Gondola Ferris Wheel is flashy, durable and, of course, absolutely thrilling. It's a sure winner as the 40' tall Grand Entrance to the 2018 Lower Township Independence Day Festival.

- ***Sky Chaser Balloons.***



Whirling its way into every Midway, the Sky Chaser Balloon ride is a perfect family attraction. Brightly outfitted with colorful spinning passenger compartment baskets and flashing lights on the balloons, sweep arms and centerpiece, the eight hot-air balloons accommodate both adults and children.

- ***Spectacular Fun Slide***



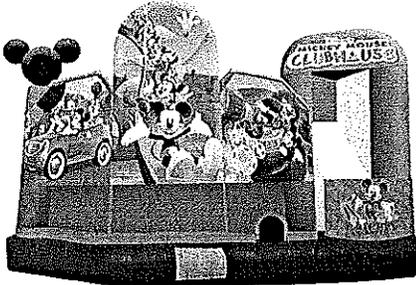
Our Spectacular Fun Giant Slide provides a towering landmark, as well as exciting family slide action for your event.

- ***Rally Coast to Coast - Kiddie Car Ride.***



A flashy, raceway themed kid ride that generates lots of repeat rides thanks to a combination of vehicles including fire trucks, beach patrol & USA jeeps, tow truck and sports car.

- ***Mickey Mouse Club House Combination Unit.***



Our 5-in-1 Bounce is the ultimate in inflatable jumpers offering a basketball hoop, both log and pop-up obstacles in addition to a climb and an exit slide. Parents have a clear view through the 360-degree mesh sides.

- ***One 65KW Three Phase, Sound-Attenuated Generators with NEC Code, UL Approved Power Distribution Systems including four eight-foot ground rods, setup, teardown & fuel.***

All of the above adds up to a memorable, fun-filled package. Our services include detailed rides, uniformed ride crew, *whisper-quiet* power generator, and all advance and day-of-event roundtrip (180 miles) transportation for both personnel and equipment trailers including fuel, tolls, travel pay, and staff travel meals. All Rides are in excellent condition, inspected daily by a NAARSO (National Association of Amusement Ride Safety Officials) Level 2 Ride Inspector and operated in compliance with all New Jersey regulations.

We will operate Tuesday, July 3, 2018 from 5 PM until 9 PM. Total cost for providing the Rides outlined above under the terms and conditions outlined above including transportation, set-up and teardown will be \$ 14,500. There will be NO CHARGE to the public to ride. Our terms are NET 10 days. We have at least 5 years of experience providing ride and entertainment packages. We can provide references upon request. We keep a NAARSO Level 2 or greater Certified Ride Maintenance Technician Mechanic on site throughout the event. With respect to our operations, we provide Commercial General Liability \$1,000,000 per incident, Aggregate \$2,000,000; Auto Liability \$1,000,000, and Statutory Workers Compensation. We maintain additional Umbrella GL limits of \$ 2,000,000.

We will provide a General Liability Certificate of Insurance naming Lower Township as additional insured. We will also provide Lower Township a Hold Harmless Certificate applying only to our operations at your event. A nationally certified NAARSO Level 2 ride safety official will inspect all rides the day of the event. All rides will comply with all New Jersey State, Cape May County, and Township of Lower, rules and regulations and have proper permits and licenses displayed. We hold a State of New Jersey Business Registration Certificate. Our operations have always met, and exceeded, MEL JIF requirements.

Since we are committing equipment and attractions that work both indoors and outside, our terms are rain or shine. We strongly advise you to purchase rain insurance from an outside agency. Such insurance can reimburse your expenses, by paying a predetermined amount, if a predetermined amount of rain falls during a predetermined four-hour period, the day of your event whether your event is cancelled or not. Allied Insurance offers rain insurance at reasonable cost. The contact at Allied is Carol Serra, 800-237-3355. You may also want to contact Alexander Freedman, Client Services, Rain Protection Insurance at (800) 528-7975. If desired, at the present time, a July 5 Rain Date is available and can be purchased as a separate event contract at additional cost.

Any additions or changes to our proposal will be provided at extra cost to you. Due to the high demand for all of the above items, we cannot give holds on services. We must continue to solicit business. No dates or services can be reserved and Wizard's cannot accept any obligation to provide any element until we have received a purchase order accompanied with an appropriate deposit. Please respond to this proposal as soon as possible. Please call if you have any questions. My number is (609) 206-5244.

Thank you for your interest. I look forward to contributing to the success of your event.

Sincerely,

Al Belmont

President/Executive Producer

Wizard's Festival of Fun Inc.

125 Coles Road

Blackwood, NJ 08012

Phone: (609) 206-5244

e-mail: wizardsfestivaloffun@verizon.net

AMB/sp

The content of this proposal includes proprietary information and remains the intellectual property of the author. Copyright 2018, Wizard's Festival of Fun Inc, Blackwood, NJ 08012

LOWER TOWNSHIP
2600 BAYSHORE ROAD
VILLAS, NJ 08251
(609) 886-2005

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

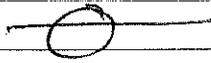
The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of
WIZARD'S FESTIVAL OF FUN INC (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

<u>Date</u>	<u>Name of Organization</u>	<u>Amount</u>
		

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.

Albert M. Belmont
PRESIDENT
WIZARD'S FESTIVAL
OF FUN INC

Sworn and Subscribed to before me
this 30 day of April, 2018.

BRADLEY J ETHRIDGE
Notary Public
Notary Public - State of New Jersey
My Commission Expires Oct 10, 2022

BUSINESS ENTITY DISCLOSURE CERTIFICATION
 FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
 TOWNSHIP OF LOWER

Part I – Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name WIZARD'S FESTIVAL OF FUN INC. has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Erik Simonsen	
Frank Sipple	Any present or future candidate committee or
Rolland Roy	joint candidate committee or local political party
Thomas Conrad	committee formed for the election of members of
David Perry	the Lower Township governing body.

Part II – Ownership Disclosure Certification

_____ I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

Partnership Corporation Sole Proprietorship Subchapter
 S Corporation Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address
ALBERT M. BELMONT JR.	125 COLES RD.; BLACKWOOD, NJ 08012
SUZANNE M. BELMONT	125 COLES RD. BLACKWOOD, NJ 08012

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: WIZARD'S FESTIVAL OF FUN INC
 Signed: Albert M. Belmont Jr. Title: PRESIDENT
 Print Name: ALBERT M. BELMONT JR Date: _____

Subscribed and sworn before me this 20th day of April, 2018.

My Commission expires: 10/10/22

BRADLEY J ETHRIDGE
 Notary Public – State of New Jersey
 My Commission Expires Oct 10, 2022

Albert M. Belmont Jr.
 (Affiant)
ALBERT M. BELMONT JR., PRESIDENT
 (Print name & title of affiant) (Corporate Seal)

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

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 any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, 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.

In conforming with the applicable employment goals, 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, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO 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 Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Firm Name: WIZARD'S FESTIVAL OF FUN INC

Name of Agent: ALBERT M. BELMONT JR

Title: PRESIDENT

Date: 4-6-2018



STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: WIZARD'S FESTIVAL OF FUN, INC.

Trade Name:

Address: 125 COLES RD.
BLACKWOOD, NJ 08012

Certificate Number: 0550825

Effective Date: October 24, 1989

Date of Issuance: January 14, 2016

For Office Use Only:

20160114132449136

Certification

CERTIFICATE OF EMPLOYEE INFORMATION REPORT²⁷³⁰⁹

RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of

15-SEP-2013 to 15-SEP-2020



WIZZARD'S FESTIVAL OF FUN INC.
125 COLES ROAD
BLACKWOOD NJ 08012



A handwritten signature in black ink, appearing to read "Andrew P. Sidamon-Eristoff".

Andrew P. Sidamon-Eristoff
State Treasurer

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

RESOLUTION #2018-195

Title: **AUTHORIZING PAYMENT FOR 2018 REGIONAL SCHOOL TAXES**

WHEREAS, the amounts listed below are owed to Lower Cape May Regional for current year 2018 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 #8-01-55-910-019 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer _____.

SCHOOL TAXES DUE 7/15/18	\$ 1,308,121.10
SCHOOL TAXES DUE 8/15/18	\$ 1,308,121.10
SCHOOL TAXES DUE 9/15/18	\$ 1,308,121.10
SCHOOL TAXES DUE 10/15/18	\$ 1,308,121.10
SCHOOL TAXES DUE 11/15/18	\$ 1,308,121.10
TOTAL PAYMENT DUE 7/1/18 - 12/31/18	\$ 6,540,605.50

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the above tax payments are hereby authorized:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-196

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 2018 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 #8-01-55-910-017 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer _____.

SCHOOL TAXES DUE 7/1/18	\$ 1,732,595.20
SCHOOL TAXES DUE 8/1/18	\$ 1,732,594.70
SCHOOL TAXES DUE 9/1/18	\$ 1,732,594.70
SCHOOL TAXES DUE 10/1/18	\$ 1,732,594.70
SCHOOL TAXES DUE 11/1/18	\$ 1,732,594.70
TOTAL PAYMENT DUE 7/1/18 - 12/31/18	\$ 8,662,974.00

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the above tax payments are hereby authorized:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

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

RESOLUTION #2018-197

Title: **APPROVING A PROFESSIONAL SERVICE CONTRACT WITH MOTT ACDONALD FOR PROFESSIONAL ENGINEERING SERVICES FOR ROSEANN AVENUE / BAYSHORE ESTATES DRAINAGE AND STORMWATER MANAGEMENT IMPROVEMENTS PROJECT – PHASE III**

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

WHEREAS, Mott MacDonald has provided a proposal for professional engineering services for the Roseann Avenue/Bayshore Estates Drainage and Stormwater Management Improvement Project Phase III in an amount of \$131,180.00 broken down as follows:

Task 1 – Design Phase Services	\$ 81,770.00
Task 2 – Permitting Phase Services	\$ 44,160.00
Task 3 – Bid Phase Services	\$ 5,250.00
TOTAL Professional Service	<u>\$ 131,180.00</u>

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

Appropriation: _____

Signature: _____
Lauren Read, CFO

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

1. The Project Proposal between Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of \$131,180.00 is hereby approved.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk



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

Via email at gdouglass@townshipoflower.org

Your Reference
Roseann Avenue Roadway
and Utility Improvements
Phase 3

Our Reference
398225

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

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

**Professional Engineering Services Proposal
Roseann Avenue Roadway and Utility Improvements Project
Phase 3
Township of Lower, Cape May County, New Jersey**

May 2, 2018

Dear Mr. Douglass:

Please find enclosed herewith our proposal for professional engineering services for the above referenced project. We have provided a detailed breakdown of our scope of services below and have also attached a map of the project area for reference.

Based on the Hydraulic Study performed by our office and various conversations with Township staff, Phase 3 of the Roseann Avenue Roadway and Utility Improvements project will include the following construction work:

- Removal and replacement of approximately 1,000' of existing stormwater main in Roseann Avenue from the termination of the Phase 1 & 2 improvements to the boundary between the Roseann Avenue and Bayshore Road right-of-way. The proposed pipe shall be capable of handling the 5-year storm event;
- Tie in existing stormwater conveyance systems into the new stormwater main;
- Construct underdrains within the roadway to alleviate high groundwater conditions in the area adjacent to the roadway; and
- Full pavement reconstruction of Roseann Avenue from the termination of the Phase 1 & 2 improvements to the Bayshore right-of-way.

It is assumed that during the design phase of the project the Township will:

- Assist in providing traffic control during the performance of the geotechnical borings in Roseann Avenue; and

- Perform test pits prior to the survey work to locate existing stormwater main inverts throughout the Phase 3 project area.

All engineering and design work will be performed in house by qualified Mott MacDonald staff.

Based on the above project understanding and assumptions we offer the following scope of work for the project:

Task 1 **Design Phase Services**

Mott MacDonald will provide the following services under Task 1:

1. Topographic Survey, Utility Location & Base Map Preparation
 - Establish survey control for the site. The Horizontal Datum will be NAD83 and the Vertical Datum will be NAVD88. Four (4) permanent benchmarks will be established for use during the construction phase of the project;
 - Perform a topographic survey of the project area and adjacent cartways identifying all features required. Field survey (50-foot cross sections) of Phase 3 of Roseann Avenue will be provided including sufficient information at all intersections to prepare the necessary construction plans. Spot elevations will also be provided at the location of all driveways, curbs, steps, etc.;
 - Establish the location of any drainage easements adjacent to Roseann Avenue;
 - Contact utility companies regarding the proposed project, anticipated construction schedule and to acquire any utility mapping for use in preparing the base map;
 - Locate existing visible structures within the project area;
 - Locate proposed soil borings for use in detailing the soil profiles on the plan; and
 - Prepare topographic base mapping for the project area incorporating the data gathered from the survey work efforts identified above. The plan will be prepared using AutoCAD incorporating the above information on 24" x 36" (D Size) drawings;
2. Stormwater Conveyance System Design
 - Utilizing the results of the hydraulic study and model performed in August 2015, Mott MacDonald will prepare the appropriate design and construction details for the replacement of the existing stormwater main in Roseann Avenue with a 66" x 51" or 60" round aluminized steel pipe.

The new upgraded conveyance system will be designed to handle the 5-year storm event under non-tidal stormwater event backwater conditions;

- Design the tie-ins of all existing stormwater conveyance systems into the new stormwater main;
- Design an underdrain system in the new roadway at the gutter lines to provide for the collection and conveyance of groundwater localized in the areas adjacent to the curb lines;
- Coordinate with the Cape May County Engineer's office regarding limits of improvements and tie-in of County drainage facilities that exist in the Roseann Avenue & Bayshore Road intersection.

3. Structural / Geotechnical Evaluations and Designs

- To support the proposed Phase 3 of Lower Township's Roadway and Utility Improvement Project along Roseann Avenue, Mott MacDonald intends to conduct a geotechnical investigation to obtain site-specific geotechnical information to identify any constructability constraints or concerns associated with the planned work.

Mott MacDonald will retain a licensed drilling subcontractor to advance at least two soil borings to 30 feet below grade along the proposed improvement segment. Soil samples will be obtained continuously within the top 15 feet of each boring, then in five-foot intervals thereafter using the Standard Penetration Test in accordance with ASTM D1586-99. A Mott MacDonald geotechnical representative, under the direction of a Professional Engineer licensed in the State of New Jersey, will be on site to oversee and log soil boring activities. Upon completion of each boring, the boreholes will be backfilled using native soil cutting and bentonite grout and be restored at grade with an asphalt patch. Our drilling subcontractor will be additionally responsible for submitting one-call utility markout tickets and setting up cones and signs around the work area. Mott MacDonald will coordinate with the driller, geotechnical laboratory and Township staff for scheduling and site access.

- It is anticipated that the borings will be completed by a truck rig, that the borings along the alignment on Roseann Avenue will be taken on the shoulder of the road and Mott MacDonald assumes that the Township will assist in the coordination of no parking zones prior to the investigation. Our costs assume that the drilling subcontractor and boring work will be completed in one day.
- Upon completion of the soil borings and receipt of the data from the geotechnical laboratory, Mott MacDonald will prepare a focused Geotechnical Memo that will include the findings of our investigation, lab testing and will provide project-specific geotechnical recommendations for the proposed roadway and utility improvements including applicable excavation, dewatering, subgrade preparation, backfilling and compaction recommendations. A Boring Location Plan, soil boring logs, as-received laboratory testing results, and any reference material will be provided as attachments to our Geotechnical Memo.

- Mott MacDonald will provide an uplift analysis to determine the minimum thickness or uplift ballast design for the precast chamber.
4. Soil Erosion and Sediment Control Plan & Details
 - Prepare Soil Erosion and Sediment Control Plans, Details and Notes as required for the construction of the project, to secure the necessary plan certification from the Cape Atlantic Conservation District and to acquire an "Authorization to Discharge" stormwater under the NJPDES General Permit No. NJ0088323.
 5. Roadway Reconstruction Design
 - Design new roadway grades and proposed elevations for the full depth pavement reconstruction of Roseann Avenue within the Phase 3 project area;
 - Design new curb, gutter, sidewalk and driveway grades within the project area;
 - Design ADA compliant handicap ramps at required locations;
 - Prepare road reconstruction plans and profiles for the entire roadway alignment; and
 - Prepare detail sheets and construction specifications based upon the NJDOT 2007 Standard Specifications for Road and Bridge Construction.
 6. Contract Plans, Specifications & Engineer's Estimate
 - Prepare Contract Plans and Specifications for the public bidding of the project;
 - Provide fifteen (15) copies of the Contract Plans and Specifications and a CD at the final design stage of the project; and
 - Provide an Engineer's Estimate of Construction at the final design stage of the project.

We propose to complete the scope of work outlined above (**Task 1**) for the lump sum amount of **\$81,770**.

Task 2 **Permitting Phase Services**

Mott MacDonald will provide the following services under Task 2:

1. NJDEP CAFRA Individual Permit

On February 27, 2018 Mott MacDonald received New Jersey Department of Environmental Protection correspondence indicating that the extension of the

stormwater pipe replacement project (Phase 3) is considered a Public Development and shall require a CAFRA Individual Permit.

The following outlines our proposed scope of services for work included in preparing and submitting the NJDEP CAFRA Permit application;

- Research and review of existing site conditions to obtain necessary information in support of the preparation of a CAFRA permit application to the NJDEP;
- Assemble documents and prepare materials required for the preparation of a Coastal Zone Management (CZM) rules Environmental Impact Statement in support of a CAFRA Individual Permit application submission;
- Request a certified Adjoining Property Owners list from the municipality and prepare public notifications to governmental agencies, newspaper and adjacent property owners as required;
- Communicate, coordinate and review of information to be submitted to the NJDEP with the Township;
- Monitor and respond to NJDEP information requests to deem the application complete for final review; and
- Review of an issued permit and its conditions relative to potential impacts on the Township/Project.

It is Mott MacDonald's goal in all CAFRA applications to provide all necessary information in order for the NJDEP to assign an agency project number, accept the application and notify the applicant that the application is complete for public hearing or public comment period based on our initial submittal application package.

The NJDEP's review of CAFRA projects is based on rules promulgated for the entire CAFRA zone. Since interpretations of the rules may vary, depending on the site location, environmental sensitivity, nature of the development, and other factors such as public comments, it is not possible to predict with certainty that a particular NJDEP reviewer will deem the application package "complete for final review" based on the initial submittal.

As such our lump sum cost under this Task does not include the cost for any additional requests from regulatory and governmental agencies not previously specified or identified, or subsequent revisions to the CAFRA application based on 1) project revisions or modifications; 2) issues resulting from public comment; or 3) responses to permit conditions. Any work associated with the above additional requests, revisions or modifications will be considered outside our scope of work.

2. Cape Atlantic Conservation District Plan Certification and RFA

Prepare a Soil Erosion and Sediment Control Plan Certification Application and a request for "Authorization to Discharge, 5G3 - Construction Activity Stormwater (GP)" (RFA)" to discharge stormwater under the NJPDES General Permit No. NJ0088323. Mott MacDonald will prepare the required application



form for Plan Certification and submit it along with the required documents to the Cape Atlantic Conservation District directly.

Mott MacDonald will also prepare the required information for the "Authorization to Discharge" application and forward to the Township so they can complete the online permitting process.

Fees for the Plan Certification application and Authorization to Discharge shall be paid for by the Township.

3. NJDEP Construction Dewatering Permitting

As part of the Phase 3 project Mott MacDonald will file for a temporary construction dewatering discharge permit under the New Jersey Department of Environmental Protection (NJDEP) Master General Permit (Category B7, Permit No. NJ0134511) so that the prospective Phase 3 contractor may have the option to discharge construction dewatering to a surface water or directly to the LTMUA sewer interceptor. As you recall these options were available to the Phase 1 & 2 contractor with the exception that he would have to acquire the permitting for discharging construction dewater to surface water prior to proceeding with construction.

Pre-construction groundwater sampling for Phase 1 & 2 of the replacement project was previously completed by Mott MacDonald in September 2017 and March 2018. MacDonald collected seven (7) pre-construction groundwater samples from temporary wells installed along Roseann Avenue between the pump station site just west of the Clearwater Drive intersection to Amhurst Road. The groundwater sample results contained concentrations of arsenic, chromium, copper, iron, lead, nickel, and zinc at concentrations exceeding at least one of the New Jersey Pollutant Discharge Elimination System (NJPDES) permit limits or the New Jersey Class IIA Groundwater Quality Standards (GWQS).

During construction, groundwater generated during dewatering activities is required to be properly handled in accordance with NJPDES rules defined at N.J.A.C. 7:14A. Mott MacDonald recommends that groundwater generated during dewatering be treated and then discharged to Cox Hall Creek/Mickels Run (FW2-NT/SE1), the nearest surface water body via the proposed stormwater main to be installed under Phase 1 & 2.

The discharges proposed for this project are associated with dewatering required for construction and not associated with any site remediation activities or located within a known contaminated site. The NJDEP Division of Water Quality allows a discharge of treated groundwater to surface waters under a General Groundwater Remediation Cleanup (BGR) Permit in accordance with N.J.A.C. 7:14A. This project will also require a treatment works approval (TWA) as discharges will likely occur for a period of more than 30 days and dewatered liquids treated prior to discharge to the surface water body.

Mott MacDonald will apply for a General Groundwater Remediation Cleanup (BGR) Permit from the NJDEP Division of Water Quality. The BGR permit application will include submittal of the following forms:

- Request for Authorization (RFA) Certification;
- New Jersey Pollutant Discharge Elimination System Permit Application (NJPDES-1);
- BGR Supplemental Form; and
- Form R (Generator – Industrial).

The permit application will also require submittal of a facility diagram, treatment flow diagram, USGS topographical map, contaminant lab data, public notice, and evidence of submission to municipality and sewer authority.

Mott MacDonald will perform hydraulic modeling to estimate the volume of groundwater (average daily and maximum design flow) that will be generated during construction. The hydraulic data will be used to evaluate the appropriate water treatment method that will be used for treating groundwater during construction.

The NJDEP requires evidence that the municipality and local sewer authority have been notified of the BGR permit application submittal. Mott MacDonald will submit a copy of the permit application and a written notice to Lower Township and Lower Township Municipal Utilities Authority, stating that written comments or objections must be provided to the NJDEP within 30 days. In addition, a public notice will be published in the local newspaper (e.g. Cape May Star and Wave) for one day to provide public notice of the discharge application. The permit application will include a copy of the public notice.

The NJDEP also requires a Treatment Works Approval (TWA) to evaluate the proposed treatment plant's design and its ability to meet effluent standards specified in a NJPDES permit in accordance with N.J.A.C. 7:14A-22 and 23. Mott MacDonald will submit the TWA application to the NJDEP after obtaining the BGR permit. The TWA application will include the following submittals:

- TWA-1 form;
- Engineer's Report Form WQM-006;
- Consent Form WQM-003; and
- Construction cost estimate, receipts of public notification, USGS quadrangle map and GPS coordinates of treatment plan, one set of final signed construction plans and profiles, and one set of construction specifications.

Pursuant to the Water Supply Management Act NJSA 58:1A-1 et seq., a temporary dewatering permit (Permit No. 1329D, Activity No. DWP160001) was obtained on March 28, 2017 to support dewatering activities associated with Phase 1 & 2 of the Roseann Avenue project. The temporary dewatering permit expires on December 31, 2018 and therefore, Phase 3 dewatering activities, which are scheduled for completion in 2020, will require submission of a temporary dewatering permit renewal application to the NJDEP in Fall 2018. As part of this task, Mott MacDonald has included the costs to complete the required temporary dewatering permit renewal for submission to the NJDEP. NJDEP fees and any costs to complete any new permits or modifications to the existing temporary dewatering permit are not included in this task.

We propose to complete the scope of work outlined above (**Task 2**) for the lump sum amount of **\$44,160**.



Task 3 Bid Phase Services

Mott MacDonald will provide the following services under Task 3:

- Mott MacDonald will assist the Township with the bidding process. It is assumed that the Township will advertise and assume advertising costs for the notice to bidders;
- Respond to potential questions and requests for additional information from Contractors bidding on the project;
- Prepare any addenda or clarification memos resulting from bidders' inquiries during the bidding phase. Report to the Township when clarifications and interpretations of the Contract Documents are needed and transmit to the Township clarifications and interpretations to be issued to prospective bidders;
- Attend the bid opening;
- Furnish a Bid Report that summarizes the information in the bids received and provide recommendations for the award of the Contract based upon input received from references and review of bid forms. (It is assumed the Township will contact Contractors' references and perform a legal review of the bidder's documents – bonds, technical completeness, compliance with public bidding laws, etc.).

Mott MacDonald's proposal for Bid Phase Services is based upon one round of bidding. If for any reason, other than an error on the part of Mott MacDonald, additional round(s) of bidding are required, those additional services will be considered beyond our original scope of services.

We propose to complete the scope of work outlined above (**Task 3**) for the lump sum amount of **\$5,250**.

FEE SUMMARY

<u>Scope of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost</u>
Task 1	Design Phase Services	Lump Sum	\$81,770
Task 2	Permitting Phase Services	Lump Sum	\$44,160
Task 3	Bid Phase Services	Lump Sum	\$5,250
TOTAL			\$131,180



The following is a summary of project tasks that have been excluded from Mott MacDonald's scope of design services. These tasks, if required, are assumed to be the owner's responsibility:

- Landscaping & Lighting Designs
- Preparation of permit application forms, other than included above
- Legal noticing and project notifications, other than listed above
- Land easement/acquisition or legal services
- Application Fees, Certification Fees, Permit Fees (to be paid by Township)
- Off-tract improvements, studies and investigations
- Other NJDEP permitting including reports, applications, etc. other than listed above
- Any other Local, County or State Permit acquisition unless specifically noted herein.
- Surveys and Existing conditions outside the project area
- Threatened or Endangered Species studies
- Wetlands Mitigation Plans
- Supporting documents, calculations, reports, estimates for NJEIT financing (discussions with the Township's grantsman indicated there was no additional information required for the NJEIT application)

Contract: Mott MacDonald will perform this work under our 2018 "Agreement for Professional Engineering Services" with the Township of Lower.

Invoicing: Compensation for Tasks 1, 2 & 3 of this project shall be on a lump sum basis and the Township shall be invoiced on a percent complete basis.

We thank you for the opportunity to provide this Scope of Work for Roseann Avenue Roadway and Utility Improvements, Phase 3. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink that reads "Mark R. Sray".

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

Encl.

cc: Jim Ridgway, Township Manager (via email)
Julie Picard, Township Clerk (via email)
Cathleen Marcelli, PE, CME, Vice President, Mott MacDonald
Robert C. Mainberger, PE, CME, Mott MacDonald

P:\398225-Roseann Avenue-Phase 3-Design\Proposals\gd0501.18-Proposal-Roseann Avenue Phase 3.docx



**COX HALL
CREEK
WATERSHED**

ROSEANN AVENUE ROADWAY
AND UTILITY IMPROVEMENTS
PHASES 1 & 2

PHASES 1 & 2
PROJECT BEGIN
N 57,302
E 364,782

ROSEANN AVENUE ROADWAY AND
UTILITY IMPROVEMENTS
PHASE 3 - 1000'± OF
STORMWATER PIPE REPLACEMENT
AND ROADWAY RECONSTRUCTION

PHASES 1 & 2
PROJECT END
PHASE 3
PROJECT BEGIN
N 56,352
E 366,258

PHASE 3
PROJECT END
N 55,661
E 366,980

**STREET
MAP**

NO SCALE

M
M
**MOTT
MACDONALD**

Certificate No. 24GA28016600

211 Bayberry Drive, Suite 1A
Cape May Court House, NJ 08210
Tel: (609) 465-9377

APPLICANT:
TOWNSHIP OF LOWER

PROJECT:
ROSEANN AVENUE ROADWAY AND
UTILITY IMPROVEMENTS

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

RESOLUTION #2018-198

Title: **APPROVAL FOR PYROTECNICO FIREWORKS INC TO LOAD AND UNLOAD A FIREWORKS BARGE IN LOWER TOWNSHIP**

WHEREAS, Pyrotecnico Fireworks, Inc has requested permission to load and unload a barge in Lower Township for fireworks displays on the following dates:

1. July 3, 2018 for Lower Township / Rain Date July 5th
2. July 4, 2018 for Congress Hall Hotel / Rain Date July 5th; and

WHEREAS, Pyrotecnico has provided the required proof of liability insurance required by the Uniform Fire Code Section 5:18-3.27 and signed a Hold Harmless agreement.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Pyrotecnico Fireworks, Inc is hereby granted permission to load and unload the "fireworks barge" for the events listed above in accordance with all other necessary approvals and permits.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/26/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME:		
	PHONE (A/C, No, Ext): 216-658-7100	FAX (A/C, No): 216-658-7101	
E-MAIL ADDRESS: info@brittongallagher.com			
INSURED Pyrotechnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Everest Indemnity Insurance Co.		10851
	INSURER B : Everest National Insurance Company		10120
	INSURER C : Maxum Indemnity Company		26743
	INSURER D : Axis Surplus Insurance Company		26620
INSURER E :			
INSURER F :			

COVERAGES

CERTIFICATE NUMBER: 1975337215

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			S18ML00891-181	1/14/2018	1/14/2019	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000 \$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			S18CA00141-181	1/14/2018	1/14/2019	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$			EXC6030375	1/14/2018	1/14/2019	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
D	Excess Liability #2			EAU620323	1/14/2018	1/14/2019	Each Occurrence \$5,000,000 Aggregate \$5,000,000 Total Excess Limits \$9,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
Fireworks Display Date: July 3, 2018 / Rain Date: July 5, 2018
Location: On Barge - Lower Twp, NJ
Additionally Insured: Lower Township, NJ - North Star Marine, Inc. - Cape Atlantic Fisheries

CERTIFICATE HOLDER

Lower Township
2600 Bayshore Road
Villas NJ 08251

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2010 ACORD CORPORATION. All rights reserved.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/18/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME: PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS: info@brittongallagher.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
INSURED 2299 Pyrotecnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103	INSURER A: Everest Indemnity Insurance Co.	10851
	INSURER B: Everest National Insurance Company	10120
	INSURER C: Maxum Indemnity Company	26743
	INSURER D: Axis Surplus Insurance Company	26620
	INSURER E: INSURER F:	

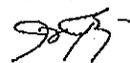
COVERAGES **CERTIFICATE NUMBER: 1330120191** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WYO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY		S18ML00891-181	1/14/2018	1/14/2019	EACH OCCURRENCE	\$1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000
B	AUTOMOBILE LIABILITY		S18CA00141-181	1/14/2018	1/14/2019	EACH OCCURRENCE	\$1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
C	UMBRELLA LIAB		EXC6030375	1/14/2018	1/14/2019	EACH OCCURRENCE	\$4,000,000
	<input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				AGGREGATE	\$4,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			WC STATU-TORY LIMITS	OTHER
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
D	Excess Liability #2		EAU620323	1/14/2018	1/14/2019	Each Occurrence	\$5,000,000
						Aggregate	\$5,000,000
						Total Excess Limits	\$9,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
 Fireworks Display Date: July 4, 2018 / Rain Date: July 5, 2018
 Location: on barge in front of Congress Hall Hotel - Cape May, NJ
 Additionally Insureds: City of Cape May, NJ - Lower Township, NJ - North Star Marine, Inc. - Chamber of Commerce of Greater Cape May, NJ - Congress Hall Hotel

CERTIFICATE HOLDER Congress Hall Hotel 200 Congress Place Cape May NJ 08204	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/09/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC. P.O. Box 10265 Birmingham, AL 35202	CONTACT NAME: Melanie Allen	
	PHONE (A/C, No, Ext): 800-478-2211	FAX (A/C, No):
E-MAIL ADDRESS: mail@mcgriff.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: See Below		
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** 6MQ8828C **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INBR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMPOP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	738720960404-California Ins. Co (NAIC# 38885) 738720960408-Continental Indemnity Co.(NAIC# 28258) (Blanket Waiver of Subrogation Incd)	06/07/2017	06/07/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000 \$ \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Re: Proof of Coverage

CERTIFICATE HOLDER	CANCELLATION
Pyrotecnico F/X LLC P.O. Box 149 New Castle, PA 16103	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 

FIREWORKS DISPLAY

HOLD HARMLESS AGREEMENT

Between the Borough/Township/City/County of Lower
and PYROTECNICO FIREWORKS, INC. (Contractor).

WITNESSETH:
PYROTECNICO
1. FIREWORKS, INC.

(Contractor) agrees to release, indemnify and hold harmless the Borough/Township/City/County of Lower from and against any loss, damage or liability, including attorneys' fees and expenses incurred by the latter entities and their respective employees, agents, volunteers or other representatives arising out of or in any manner relating to the manufacture, installation, firing or disassembly of any pyrotechnic equipment or device and/or the supervision and presentation thereof.

2. The applicant has furnished the Certificate of Insurance with limits of liability described below:

Workers Compensation/Employers Liability: \$1,000,000.00
General Liability: \$5,000,000.00
Automobile Liability: \$1,000,000.00
Umbrella Liability: \$5,000,000.00

A true copy of the Certificate of Insurance is attached indicating the member entity and applicable associations, recreations or committees formed by the member entity to organize the "event" must be named as additional insured on all liability policies.

3. The facilities will be used for the following purpose and no other:

Event: FIREWORKS Date: 7-3-18 Rain Date: 7-5-18

Dated: 4-27-18 Signed: [Signature]
Authorized Signature of the Contractor

Witness: [Signature]

FIREWORKS DISPLAY

HOLD HARMLESS AGREEMENT

Between the Borough/Township/City/County of Lower Township
and PYROTECNICO FIREWORKS, INC. (Contractor).

WITNESSETH:
PYROTECNICO
1. FIREWORKS, INC.

(Contractor) agrees to release, indemnify and hold harmless the Borough/Township/City/County of Lower Township from and against any loss, damage or liability, including attorneys' fees and expenses incurred by the latter entities and their respective employees, agents, volunteers or other representatives arising out of or in any manner relating to the manufacture, installation, firing or disassembly of any pyrotechnic equipment or device and/or the supervision and presentation thereof.

2. The applicant has furnished the Certificate of Insurance with limits of liability described below:

Workers Compensation/Employers Liability: \$1,000,000.00

General Liability: \$5,000,000.00

Automobile Liability: \$1,000,000.00

Umbrella Liability: \$5,000,000.00

A true copy of the Certificate of Insurance is attached indicating the member entity and applicable associations, recreations or committees formed by the member entity to organize the "event" must be named as additional insured on all liability policies.

3. The facilities will be used for the following purpose and no other:

Event: FIREWORKS Date: 7-4-18 Rain Date: 7-5-18

Dated: 5-19-18 Signed: [Signature]
Authorized Signature of the Contractor

Witness: [Signature]

Loading & unloading of product onto/off of barge
Congress Hall Hotel

Bond No: 21BSBFH9165
Bond Amount: \$2,500.00
Bond Term: 1/30/18 to 1/30/19

THE STATE OF NEW JERSEY
DEPARTMENT OF LABOR
OFFICE OF SAFETY COMPLIANCE

SURETY BOND

Discharging, Firing-off, Exploding or Displaying Fireworks,
at any Public Exhibition or Exhibition.

Know All Men by these Presents, that we Pyrotecnico Fireworks, Inc. dba Pyrotecnico

Fireworks Vendor

1640 Garden Road, Vineland, NJ 08360 of (in the County of Cumberland), as
Fireworks Vendor Street Address County Name

Principal, are held and stand firmly bound unto the Treasurer and Receiver General of the State of New Jersey in the just sum of TWO THOUSAND FIVE HUNDRED dollars (\$2,500) to be paid to the Treasurer and Receiver General or his successor in office, to which payment well and truly to be made, we hereby jointly and severally bind ourselves, our respective heirs, executors and administrators, successors and assigns, firmly by these presents.

The Condition of this Obligation, is such that if the said Hartford Fire Insurance Company, his heirs, executors and administrators, successors and assigns, shall pay any judgment obtained in an action brought against the said Pyrotecnico Fireworks, Inc. dba Pyrotecnico for discharging,
Fireworks Vendor Name

firing-off, exploding or displaying of said fireworks at any public exhibition or exhibitions hereof, for or on account of any loss, damage or injury resulting to persons or property by reason of the said discharging, firing-off, exploding or displaying of said fireworks, at said public exhibition or exhibitions, provided that said judgment is obtained in an action brought within a period of twelve months following the date of the public exhibition or exhibitions, in which cause of said action is alleged to have occurred, this obligation shall be void, otherwise it shall remain in full force and effect. The maximum amount of said bond shall in no way exceed the face amount of said bond no matter how many claims are made on said bond, in each Municipality, per display.

In Witness Whereof, we hereunto set our hands and seals, this 10th day of December, 2017

Pyrotecnico Fireworks, Inc. dba Pyrotecnico

Principal

Beth Stone
WITNESS

Anna Arulchero
WITNESS

Hartford Fire Insurance Company

Mark W. Edwards, II
Attorney in Fact Mark W. Edwards, II

POWER OF ATTORNEY

Direct Inquiries/Claims to:
THE HARTFORD
 BOND, T-12
 One Hartford Plaza
 Hartford, Connecticut 06155
 Bond.Claims@thehartford.com
 call: 888-266-3488 or fax: 860-767-5836

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 21-250036

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of Unlimited :

R.E. Daniels, Shelby E. Daniels of Pensacola FL, Robert Read Davis of Atlanta GA, Robert M. Verdin of Metairie LA, Christopher C. Gardner of Union MS, Mark W. Edwards II, Alisa B. Ferris, Robert R. Freel, Ronald B. Giadrosich, Jeffrey M. Wilson, Evondia H. Woessner of BIRMINGHAM, Alabama

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray

John Gray, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT }
 COUNTY OF HARTFORD } ss. Hartford

On this 11th day of January, 2016, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Nora M. Stranko

Nora M. Stranko
 Notary Public
 My Commission Expires March 31, 2018

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of December 10, 2017. Signed and sealed at the City of Hartford.



Kevin Heckman

Kevin Heckman, Assistant Vice President



April 26, 2018

Ms. Margaret A. Vitelli
Lower Township
2600 Bayshore Road
Villas, NJ 08251

Dear Margaret,

A representative from our company will do a first light inspection at The Atlantic Cape Fisheries in Lower Township as well as an inspection on beach front starting at Town Bank Road heading South all the way to the Light House the morning of first light on July 4th, 2018. We will be responsible for policing the fireworks display and search for and disposing of unfired fireworks.

Please also be aware that we do police the area after the fireworks display has been completed. This is our procedure for all of our shows.

If you have any questions, please do not hesitate to contact our office at 856-697-1023.

Sincerely,

Raquel L. Flowers
Fireworks Coordinator

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

RESOLUTION #2018-199

Title: GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions
Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF
COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION'S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964”**

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES

STATE OF NEW JERSEY
COUNTY OF CAPE MAY

We, the members of the governing body of the Township of Lower being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Township Council of the Township of Lower in the County of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr. Councilmember

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

Sworn to and subscribed before me this
4th day of June, 2018

Julie A Picard, Township Clerk

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

RESOLUTION #2018-200

Title: A RESOLUTION TO AFFIRM THE TOWNSHIP OF LOWER'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Township of Lower to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the governing body of the Township of Lower has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Township Council of the Township of Lower that:

Section 1: No official, employee, appointee or volunteer of the Township of Lower by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the Township.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Manager shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Manager shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Manager shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Manager shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

Model General Complaint Procedure:

Any individual who observes alleged wrongdoing on the part of officials, employees, or volunteers associated with the Township may report such action using this procedure. This includes any action the individual believes to constitute harassment, sexual harassment, or any other wrongdoing. Employees of the Township shall follow the Employee Complaint Procedure. All other individuals including volunteers and members of the public may report the alleged wrongdoing to the head of the applicable department or volunteer organization, or, if they prefer, or do not think that the matter can be discussed with the head of the applicable department or organization, they should contact the Manager or the Township Solicitor.

Reporting of such incidents is encouraged both when an individual feels that he or she is subject to such incidents, or observes such incidents in reference to other individuals. The report or complaint should be in writing, but individuals may make a verbal complaint at their discretion. If an individual has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not alleged to be involved in the alleged harassment or wrongdoing.

No individual will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining individual will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

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

RESOLUTION # 2018-201

Title: A RESOLUTION AUTHORIZING THE STATE CONTRACT VENDOR, MOTOROLA SOLUTIONS, FOR STATEWIDE COMPATIBLE 7/800 MHZ RADIO SYSTEM INCLUDING ACCESSORIES FOR THE POLICE DEPARTMENT

WHEREAS, the Township of Lower, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Lower Police Department intends to enter into a New Jersey State Contract with Motorola Solutions Contract #T0109 distributed by Wireless Communications and Electronics Vendor #83909 through this resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current New Jersey State contracts; and

WHEREAS, The Township of Lower authorized the Purchasing Agent to purchase the 7/800 VHF MHZ Radio System and any accessories necessary pursuant to the conditions of the individual State contract; and the CFO has certified the availability of funds as evidenced by her signature below:

Lauren Read, CFO

ORD #18-07 C-04-55-422-840
Budget Account

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

AWARD TO: MOTOROLA SOLUTIONS
TOTAL: \$324,888.20

****Additional items may be purchased at the New Jersey State contract pricing**

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk



MOTOROLA SOLUTIONS

STATE OF NEW JERSEY CONTRACT 83909
MOTOROLA PROCUREMENT PROPOSAL

DATE:

SHIP TO: DATE 10/3/2017

CUSTOMER

LOWER TWP PD
405 BREAKWATER RD
ERMA, NJ 08204
CHIEF MASTRIANA

VENDOR: MOTOROLA SOLUTIONS, INC.

C/O WIRELESS COMMUNICATIONS
153 COOPER RD
WEST BERLIN, NJ 08091

ATTENTION: JOHN HURON

PHONE: 609-385-5881
FAX: 609-264-5240

NJ STATE CONTRACT INFO

MODEL DESCRIPTION

QTY

LIST UNIT PRICE

EXT UNIT PRICE

NJ STATE DISCOUNT

DISC UNIT PRICE

DISC EXTENDED PRICE

ITEM LINE NO	COMMODITY CODE	MODEL	DESCRIPTION	QTY	LIST UNIT PRICE	EXT UNIT PRICE	NJ STATE DISCOUNT	DISC UNIT PRICE	DISC EXTENDED PRICE
1	00002	726-88-085633	H51UCF9PW6	10	\$ 1,400.00	\$ 14,000.00	25%	\$ 1,050.00	\$ 10,500.00
		00002	726-88-085633	10	\$ 1,570.00	\$ 15,700.00	25%	\$ 1,177.50	\$ 11,775.00
		1b	726-88-085633	10	\$ 400.00	\$ 4,000.00	25%	\$ 300.00	\$ 3,000.00
		1c	726-88-085633	10	\$ -	\$ -	25%	\$ -	\$ -
		1d	925-36-085643	10	\$ 60.00	\$ 600.00	0%	\$ 60.00	\$ 600.00

ITEM LINE NO	COMMODITY CODE	MODEL	DESCRIPTION	QTY	LIST UNIT PRICE	EXT UNIT PRICE	NJ STATE DISCOUNT	DISC UNIT PRICE	DISC EXTENDED PRICE
2	00013	726-90-085643	WPLN4212	4	\$ 495.00	\$ 1,980.00	20%	\$ 396.00	\$ 1,584.00
3	00013	726-90-085643	PMMN4084	8	\$ 95.00	\$ 760.00	20%	\$ 76.00	\$ 608.00

NOTES:

- 1. Terms and Prices are quoted from the NJ State Contract - 83909 Expires 4/31/18
- 2. Quotation By: John Huron Senior Account Manager - Wireless Communications

TOTAL PRICE \$ 28,067.00



STATE OF NEW JERSEY CONTRACT 83909
MOTOROLA PROCUREMENT PROPOSAL

DATE: 10/3/2017

SHIP TO: DATE

CUSTOMER

LOWER TWP PD
405 BREAKWATER RD
ERMA, NJ 08204
CHIEF MASTRANA

VENDOR: MOTOROLA SOLUTIONS, INC.
C/O WIRELESS COMMUNICATIONS
153 COOPER RD
WEST BERLIN, NJ 08091

ATTENTION: JOHN HURON
PHONE: 609-385-5881
FAX: 609-264-5240

ITEM LINE NO	COMMODITY CODE	MODEL	DESCRIPTION	QTY	LIST UNIT PRICE	EXT UNIT PRICE	NJ STATE DISCOUNT	DISC UNIT PRICE	EXTENDED PRICE
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APX8000									
1	00002	726-88-085633	H91TGD9PW5	52	\$ 5,459.00	\$ 283,888.00	25%	\$ 4,094.25	\$ 212,901.00
1a	00002	726-88-085633	Q806	52	\$ 515.00	\$ 26,780.00	25%	\$ 386.25	\$ 20,085.00
1b	00002	726-88-085633	H38	52	\$ 1,200.00	\$ 62,400.00	25%	\$ 900.00	\$ 46,800.00
1c	00002	726-88-085633	Q361	52	\$ 300.00	\$ 15,600.00	25%	\$ 225.00	\$ 11,700.00
1d	00028	726-88-085633	QA00580	52	\$ 400.00	\$ 20,800.00	0%	\$ 400.00	\$ 20,800.00
1e	00002	726-88-085633	QA05509	52	\$ (800.00)	\$ (41,600.00)	25%	\$ (600.00)	\$ (31,200.00)
1f	00002	726-88-085633	Q58AU	52	\$ 118.00	\$ 6,136.00	0%	\$ 118.00	\$ 6,136.00
1g	00027	925-36-085646	SVC03SVC0115F	52	\$ 60.00	\$ 3,120.00	0%	\$ 60.00	\$ 3,120.00

PARTS AND ACCESSORIES

2	00013	726-90-085643	PMMN4084	52	\$ 95.00	\$ 4,940.00	20%	\$ 76.00	\$ 3,952.00
3	00013	726-90-085643	NNTN7624	0	\$ 390.00	\$ -	20%	\$ 312.00	\$ -
4	00013	726-90-085643	PMNN4486	6	\$ 142.00	\$ 852.00	40%	\$ 85.20	\$ 511.20
5	00013	726-90-085643	NNTN8844	1	\$ 1,250.00	\$ 1,250.00	20%	\$ 1,000.00	\$ 1,000.00
6	00025	920-37-085644	SVC03SVC0124D	4	\$ 254.00	\$ 1,016.00	0%	\$ 254.00	\$ 1,016.00

NOTES:

- Terms and Prices are quoted from the NJ State Contract - 83909 Expires 4/31/18
- Quotation By: John Huron Senior Account Manager - Wireless Communications

TOTAL PRICE \$ 296,821.20



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF THE TREASURY
DIVISION OF PURCHASE AND PROPERTY
OFFICE OF THE DIRECTOR
33 WEST STATE STREET
P. O. Box 039

ELIZABETH MAHER MUOIO
Acting State Treasurer

SHEILA Y. OLIVER
Lt. Governor

TRENTON, NEW JERSEY 08625-0039
<https://www.njstart.gov>

MAURICE A. GRIFFIN
Acting Director

Telephone (609) 292-4886 / Facsimile (609) 984-2575

**AMENDMENT #6
T0109
SOLICITATION #22183**

Extension #1

TO: All Using Agencies
DATE: April 30, 2018
FROM: Courtney Iversen
Procurement Specialist
SUBJECT: Radio Communications Equipment and Accessories Extension

Please be advised that following contracts have been extended for a period of one (1) year. This first extension will commence on May 1, 2018 and expire on April 30, 2019.

Vendor	Contract Number
Queues Enforth Development, Inc.	83889
ATT Communications Systems Corporation	83890
Eventide, Inc.	83891
Goosetown Enterprises, Inc.	83892
Mutualink, Inc.	83894
Essential Management Solutions	83895
Office Business Systems Holdings, Inc.	83896
D.M. Radio Service Corp.	83897
Northeast Communications, Inc.	83898
New Jersey Business Systems, Inc.	83899

Philip M. Casciano Associates, Inc.	83900
Allcomm Technologies	83902
KML Technology, Inc.	83903
Gold Type Business Machines, Inc.	83904
Electronic Service Solutions, Inc.	83905
Kova Corp.	83906
R.F. Design & Integration, Inc.	83907
Value Added Voice Solutions	83908
Motorola Solutions	83909
EF Johnson Co.	83911
West Safety Solutions Corp.	83916
Atlantic Communications Electronics, Inc.	83917
Pinnacle Wireless	83918
Aviat Networks	83920
Nice Systems	83921
Ergoflex Systems, Inc.	83922
Icom America	83923
Zetron, Inc.	83924
Airbus DS Communications, Inc.	83925
Kenwood USA Corp.	83927
Procomm Systems, Inc.	83931
Harris Corporation	83932

The following Vendors have declined the State's request to extend its contract and will be allowed to expire as of 04/30/2018:

Vendor	Contract Number
O-MC Signal Research, Inc.	83901
Spok, Inc.	83912
Aeroflex Wichita	83913

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

RESOLUTOIN #2018-202

Title: **RESOLUTION OF THE TOWNSHIP OF LOWER CONSENTING TO THE ISSUANCE BY THE TOWNSHIP OF LOWER MUNICIPAL UTILITIES AUTHORITY OF REVENUE BONDS (JUNIOR LIEN) TO THE NEW JERSEY INFRASTRUCTURE BANK, AND TO THE ISSUANCE OF A PROJECT NOTE IN ANTICIPATION OF THE ISSUANCE SUCH REVENUE BONDS, FOR THE FINANCING OF CERTAIN WATER SYSTEM CAPITAL IMPROVEMENTS**

WHEREAS, The Township of Lower Municipal Utilities Authority (the "Authority"), a public body corporate and politic of the State of New Jersey, was created pursuant to the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the "Act"), and was given the responsibility to implement and operate a municipal utilities authority which provides certain water and sewer services to the inhabitants of the Township of Lower, in the County of Cape May, New Jersey (the "Township"); and

WHEREAS, the Act provides that the Authority shall have the power to borrow money and issue its bonds, notes and other obligations and to provide for the rights of the holders of its bonds, notes and other obligations, as provided in the Act; and

WHEREAS, on February 3, 2010, the Authority adopted a resolution entitled, "Resolution Authorizing the Issuance of Revenue Bonds (Junior Lien) of The Township of Lower Municipal Utilities Authority", as amended and supplemented (the "Junior Lien General Bond Resolution"), authorizing the issuance of junior lien revenue bonds secured by a pledge of the Revenues (as defined in the Junior Lien General Bond Resolution) and other funds available pursuant to the Junior Lien General Bond Resolution, but at all times subordinate to bonds outstanding under the Authority's general bond resolution adopted December 4, 1972 (the "Senior General Bond Resolution"); and

WHEREAS, the Authority desires to undertake the Cost (as defined in the Act) of Phase II of the East Villas water main extension project, including but not limited to the installation of approximately 22,625 linear feet of 8" water main, installation of approximately 2,150 linear feet of 12" water main, installation of approximately 413 water services and 37 fire hydrants, including paving restorations and restorations of non-paved areas in the East Villas Section of Lower Township, and all work and costs ancillary and incidental thereto and payment of the costs associated with the issuance of the Obligations (as defined herein) (collectively, the "2018 Project"); and

WHEREAS, to finance the 2018 Project, the Authority has applied for funding through the New Jersey Infrastructure Bank (the "NJIB"); and

WHEREAS, to secure such funding, the Authority must issue a bond to (i) NJIB, and (ii) the State of New Jersey Department of Environmental Protection (the "State"), and approve the terms of all financing documents in connection therewith; and

WHEREAS, pursuant to Section 501(a) of the Junior Lien General Bond Resolution, the Authority is authorized to issue junior lien bonds for the purpose of raising funds to pay the costs of construction of any Project (as defined in the Junior Lien General Bond Resolution), including the 2018 Project; and

WHEREAS, the Authority will adopt a junior lien bond resolution authorizing the issuance of not to exceed \$6,000,000 aggregate principal amount of Revenue Bonds (Junior Lien) (the "Bonds") to the NJIB and the State; and

WHEREAS, Section 305(F) of the Junior Lien General Bond Resolution and Section 305(3) of the Senior General Bond Resolution require, as a condition to the issuance of the Bonds, delivery to the Trustee of an Officer's Certificate stating that the governing body of the Township has adopted a resolution to the effect that the construction of the improvement (if any) described therein is on behalf of the Township approved and consented to by said governing body; and

WHEREAS, in order to fund the cost of the 2018 Project in anticipation of receipt of the proceeds of the Bonds, the Authority has determined to issue short-term tax-exempt project notes pursuant to, and in accordance with, the Authority's "Resolution Authorizing the Issuance of Project Notes of The Township of Lower Municipal

Utilities Authority", as amended and supplemented (the "Project Note Resolution"), in the principal amount of not to exceed \$6,000,000; and

WHEREAS, the Authority has determined to adopt a resolution authorizing the issuance of \$6,000,000 aggregate principal amount of a Project Note (the "Project Note" and, together with the Bonds, the "Obligations"); and

WHEREAS, the Authority anticipates that the Project Note will be defeased with proceeds from the Bonds, unspent Project Note proceeds, connection fees and/or other available revenues of the Authority; and

WHEREAS, the Municipal Council of the Township is also adopting this resolution to grant its consent to the 2018 Project and the issuance of the Obligations to the extent required under the 1968 Service Contract, dated November 16, 1968 (the "Service Contract"), between the Township and the Authority.

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

1. The Township hereby consents to the Authority's issuance of the Obligations, in one or more series, to fund the Cost (as defined in the Act) of the 2018 Project.
2. The Township hereby consents to the construction of the 2018 Project on behalf of the Township.
3. The Township hereby consents to the adoption of the Supplemental Resolution, attached hereto as Exhibit A and the Supplemental Project Note Resolution attached hereto as Exhibit B.
4. The Service Contract is hereby ratified to the extent of any inconsistency herewith and confirmed and continued in effect.
5. The Township hereby covenants and agrees to provide annual financial information and operating data and notice of certain enumerated events, if material, and only to the extent required and in accordance with the requirements of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.
6. The Mayor, Chief Financial Officer and Clerk of the Township are each hereby authorized and directed to enter into and execute any document, certificate or agreement necessary in connection with the issuance by the Authority of the Obligations or in furtherance of the transactions contemplated by this resolution.
7. This resolution shall take effect immediately.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

Exhibit A

Supplemental Resolution

RESOLUTION NO. _____

**SUPPLEMENTAL RESOLUTION AUTHORIZING THE
ISSUANCE OF NOT TO EXCEED \$6,000,000 PRINCIPAL
AMOUNT OF REVENUE BONDS (JUNIOR LIEN) OF THE
TOWNSHIP OF LOWER MUNICIPAL UTILITIES
AUTHORITY**

WHEREAS, The Township of Lower Municipal Utilities Authority (the "Authority"), was duly created by ordinance of the Township of Lower, New Jersey (the "Township"), duly adopted July 24, 1968, as a public body corporate and politic of the State of New Jersey and has been reorganized and is existing under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State of New Jersey and the acts amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, the Act provides that the Authority shall have the power to borrow money and issue its bonds and other obligations and to provide for the rights of the holders of its bonds and other obligations, as provided in the Act, for the purpose of financing the cost of various projects; and

WHEREAS, on February 3, 2010, the Authority adopted a resolution entitled, "Resolution Authorizing the Issuance of Revenue Bonds (Junior Lien) of The Township of Lower Municipal Utilities Authority", as amended and supplemented (the "Junior Lien General Bond Resolution"), authorizing the issuance of junior lien revenue bonds secured by a pledge of the Revenues (as defined in the Junior Lien General Bond Resolution) and other funds available pursuant to the Junior Lien General Bond Resolution, but at all times subordinate to bonds outstanding under the Authority's general bond resolution adopted December 4, 1972 (the "Senior General Bond Resolution"); and

WHEREAS, the Authority has determined to undertake a project within the service area of the Authority (as more particularly described in Exhibit A attached hereto) (the "Project") and fund the costs associated with financing such project; and

WHEREAS, the Authority has determined to finance the Project with the proceeds of a loan from the New Jersey Infrastructure Bank (the "NJIBank") and the State of New Jersey Department of Environmental Protection (the "State" and together with the NJIBank, the "NJIB"), to fund all or a portion of the cost of the Project (the "NJIB Funds") and to secure such funding, the Authority shall issue a bond to each of the NJIB and State, respectively, in an amount not to exceed the aggregate amount of the NJIB loan and approve the terms of all financing documents in connection therewith; and; and

WHEREAS, pursuant to Section 501(a) of the Junior Lien General Bond Resolution, the Authority is authorized to issue junior lien bonds for the purpose of raising funds to pay the costs of construction of any Project (as defined in the Junior Lien General Bond Resolution), including the Project (as defined herein); and

WHEREAS, the Authority, in accordance with the provisions of the Junior Lien General Bond Resolution, desires to authorize the issuance and delivery of such junior lien bonds in a

principal amount not to exceed \$6,000,000 to be designated "Revenue Bonds (Junior Lien), Series 20__" (the "NJIB Bonds"), with such series designation to reflect the year of issuance of such NJIB Bonds, for the purpose of (i) funding the Project, and (ii) paying costs and expenses associated with the authorization, sale and issuance of the NJIB Bonds (collectively, the "2018 Project"); and

WHEREAS, the Authority wishes to provide terms and conditions with respect to the NJIB Bonds in addition to those which have been previously established under and pursuant to the Junior Lien General Bond Resolution and delegate the sale of such NJIB Bonds to the Executive Director of the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE TOWNSHIP OF LOWER MUNICIPAL UTILITIES AUTHORITY, as follows:

ARTICLE I

Definitions and Interpretations

Section 101. **Short Title.** This resolution may hereinafter be cited by the Authority and is hereinafter sometimes referred to as the "Supplemental Resolution".

Section 102. **Authorization for Supplemental Resolution.** This Supplemental Resolution is authorized by and adopted pursuant to the provisions of Section 501 of the Junior Lien General Bond Resolution.

Section 103. **Terms Defined in Junior Lien General Bond Resolution.** Terms which are used as defined terms herein shall, unless specifically defined herein or unless the context clearly requires otherwise, have the meanings assigned to such terms in Section 102 of the Junior Lien General Bond Resolution.

Section 104. **Other Definitions.** As used or referred to, and unless the context clearly indicates a different meaning or use, in this Supplemental Resolution:

"Act" shall have the meaning given to such term in the recitals hereto.

"Authority" shall have the meaning given to such term in the recitals hereto.

"Authority Consultants" shall be as defined in section 302(3) of this Supplemental Resolution.

"Bank" shall be as defined in section 306 of this Supplemental Resolution.

"Consultants" shall be as defined in section 302(3) of this Supplemental Resolution.

"Junior Lien General Bond Resolution" shall have the meaning given to such term in the recitals hereto.

"NJIB" shall have the meaning given to such term in the recitals hereto.

"NJIBank" shall have the meaning given to such term in the recitals hereto.

"NJIB Bonds" shall have the meaning given to such term in the recitals hereto.

"NJIB Funds" shall have the meaning given to such term in the recitals hereto.

"Paying Agent" shall be as defined in section 306 of this Supplemental Resolution.

"Program Consultants" shall be as defined in section 302(3) of this Supplemental Resolution.

"Registrar" shall be as defined in section 306 of this Supplemental Resolution.

"Resolution" shall mean, together, the Junior Lien General Bond Resolution and this Supplemental Resolution.

"State" shall have the meaning given to such term in the recitals hereto.

"Senior General Bond Resolution" shall have the meaning given to such term in the recitals hereto.

"Township" shall have the meaning given to such term in the recitals hereto.

"Trustee" shall be as defined in section 306 of this Supplemental Resolution.

"2018 Project" shall have the meaning given to such term in the recitals hereto.

Section 105. **Incorporation of Junior Lien General Bond Resolution.** This Supplemental Resolution supplements and amends the Junior Lien General Bond Resolution. The Junior Lien General Bond Resolution is incorporated herein by reference thereto.

(End of Article I)

ARTICLE II

Determination By and Obligations of the Authority

Section 201. **Authority for Supplemental Resolution.** This Supplemental Resolution is adopted pursuant to the Act and the Junior Lien General Bond Resolution and the Authority has ascertained and hereby determines that each and every act, matter, thing or course of conduct as to which provision is made in this Supplemental Resolution is appropriate in order to carry out and effectuate the purposes of the Authority in accordance with the Act and the Junior Lien General Bond Resolution to further secure the payment of the principal or redemption price of and interest on the NJIB Bonds.

Section 202. **NJIB Bonds to Constitute Additional Bonds.** The NJIB Bonds shall constitute "Additional Bonds" as such term is defined in the Junior Lien General Bond Resolution and shall be authorized and issued pursuant to Section 501 of the Junior Lien General Bond Resolution.

Section 203. **Resolution to Constitute Contract.** In consideration of the purchase and acceptance of the NJIB Bonds by those who shall hold the same from time to time, the provisions of the Resolution shall be deemed to be and shall constitute a contract between the Authority, the Trustee and the holders from time to time of the NJIB Bonds; the pledge made in the Resolution and the covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be for the equal benefit, protection and security of the holders of any and all of the Junior Lien Bonds, including the NJIB Bonds all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Junior Lien Bonds over any other thereof except as expressly provided in or pursuant to the Resolution.

(End of Article II)

ARTICLE III

Authorization, Purpose, Execution, Issuance and Sale of NJIB Bonds

Section 301. **Amount, Title and Purpose of NJIB Bonds.** Not to exceed \$6,000,000 principal amount of NJIB Bonds are hereby authorized to be issued and sold by the Authority in accordance with the provisions of the Junior Lien General Bond Resolution and this Supplemental Resolution. Such NJIB Bonds shall be designated "Revenue Bonds (Junior Lien), Series 20__", with such series designation to reflect the year of issuance of such NJIB Bonds, or such title as shall be determined in a certificate of an Authority Officer. The purpose for which the NJIB Bonds are being issued is to fund the 2018 Project.

Section 302. **Description of NJIB Bonds.**

(1) **Amount and Term.** The NJIB Bonds shall be in an amount not to exceed \$6,000,000. The NJIB Bonds shall be two (2) in number and issued to the NJIBank and State, respectively with interest rates fixed to maturity, shall be dated such date as required by the NJIB, numbered R-1 upward, shall mature over a term ending not later than December 31, 2049, or such other date as determined by the NJIB, and be payable on the dates and in the years and in the amounts as provided for by this Supplemental Resolution, the Financing Documents and/or subparagraph (2) of this Section.

(2) **Delegation to Issue NJIB Bonds.** Each Authorized Officer of the Authority is hereby designated as the individual who shall have the power to sell and to award the NJIB Bonds (of the same or different series) on behalf of the Authority, to the NJIB, including the power to determine (giving due consideration to the terms and conditions of the preceding paragraph and any applicable rules or restrictions of the NJIB), among other things (1) the aggregate amount of NJIB Bonds to be issued, provided such amount does not to exceed \$6,000,000, (2) the time and the manner of sale of the NJIB Bonds, (3) the denominations and rate or rates of interest to be borne by the NJIB Bonds, and (4) such other terms and conditions as may be necessary or related to the sale of the NJIB Bonds. Such sale, award, terms and conditions of the NJIB Bonds issued to the NJIB shall be determined and evidenced by the Financing Documents, to be executed by the Authorized Officer on behalf of the Authority, subject to the rules, conditions, maturity schedule and interest rate established by the NJIB. Such sale and award provisions of the NJIB Bonds, as set forth herein, may be further evidenced by the Series Certificate, executed as of the date of sale and award of the NJIB Bonds. The Financing Documents and the Series Certificate shall be presented to the Authority by the Executive Director of the Authority at the next regular meeting of the Authority following such sale and award as evidence of the terms and details of the sale of such NJIB Bonds.

(3) **Execution of the Financing Documents.** The Financing Documents are hereby authorized to be executed and delivered in connection with the issuance of the NJIB Bonds. Such Financing Documents may be executed and delivered on behalf of the Authority by an Authorized Officer, in their respective sole discretion, after consultation with counsel and any advisors to the Authority (collectively, the "Authority Consultants"), and after further consultation with the NJIB and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", together with the Authority Consultants, the "Consultants") shall determine, with such determination to be conclusively evidenced by the execution of such

Financing Documents by an Authorized Officer as determined hereunder. The Secretary or Assistant Secretary of the Authority is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Authority as determined hereunder, and to affix the corporate seal of the Authority to such Financing Documents.

(4) Form of NJIB Bonds. The NJIB Bonds shall be in substantially the form described in Section 311 of the Junior Lien General Bond Resolution, with only such changes as are necessary to comply with the NJIB and the Financing Documents.

(5) Further Authorizations. Each Authorized Officer of the Authority is hereby further severally authorized to (1) execute and deliver, and the Secretary or Assistant Secretary of the Authority is hereby further authorized to attest to such execution and to affix the corporate seal of the Authority to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officer, the Secretary or Assistant Secretary of the Authority, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transaction contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (2) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution thereof.

Section 303. Execution of NJIB Bonds. The NJIB Bonds shall be executed in the name and on behalf of the Authority by the manual or facsimile signature of its Chairperson, Executive Director or Vice-Chairperson and its corporate seal (or a facsimile thereof) shall be affixed, imprinted, engraved or otherwise reproduced thereon, and such seal and NJIB Bonds shall be attested by the manual or facsimile signature of its Secretary or Assistant Secretary. In case any officer of the Authority who shall have executed, sealed or attested any of the NJIB Bonds shall cease to be such officer of the Authority before the NJIB Bonds so executed, sealed or attested shall have been authenticated and delivered upon original issuance, such NJIB Bonds may nevertheless be authenticated and delivered as herein provided as if the person who so executed, sealed or attested such NJIB Bonds had not ceased to be such officer.

Section 304. Authentication of NJIB Bonds. The NJIB Bonds shall bear thereon a certificate of authentication, substantially in the form set forth in Section 311 of the Junior Lien General Bond Resolution, duly executed by the Trustee. Only such NJIB Bonds as shall bear thereon such certificate of authentication, duly executed, shall be entitled to any right or benefit under the Junior Lien General Bond Resolution. No NJIB Bond shall be valid or obligatory for any purpose unless such certificate of authentication upon such NJIB Bond shall have been duly executed by the Trustee, and such certificate of authentication by the Trustee upon any NJIB Bond executed on behalf of the Authority shall be conclusive and the only evidence that the NJIB Bond so authenticated has been duly authenticated and delivered under this Supplemental Resolution and that the holder thereof is entitled to the benefits of the Junior Lien General Bond Resolution.

Section 305. Application of Proceeds of NJIB Bonds. The proceeds which are derived from the sale of the NJIB Bonds, including any accrued interest thereon, shall be applied by the Trustee, upon receipt, in the manner set forth in a resolution of the Authority or a

certificate of an Authority Officer adopted or executed, as applicable, prior to delivery of the NJIB Bonds.

Section 306. **Appointment of Trustee, Paying Agent and Registrar.** In accordance with the provisions of Article III of the Junior Lien General Bond Resolution, the appointment of TD Bank, N.A. (the "Bank") as Trustee (the "Trustee"), Paying Agent (the "Paying Agent") and Registrar (the "Registrar") for the NJIB Bonds is hereby confirmed, ratified and approved. The Bank shall accept and shall carry out its duties and obligations as Trustee, Paying Agent and Registrar as provided in and as required by the terms of the Junior Lien General Bond Resolution.

(End of Article III)

ARTICLE IV

Miscellaneous

Section 401. **Supplemental Resolutions; Amendment of Supplemental Resolution.** At any time or from time to time, a Supplemental Resolution of the Authority may be adopted for the purpose of supplementing or amending this Supplemental Resolution.

Section 402. **Signing Powers.** The Authority Officers are hereby severally authorized and, after satisfaction of all conditions precedent thereto and after consultation with the professionals working on behalf of the Authority, are hereby severally directed to execute or acknowledge, as the case may be, or cause to be executed or acknowledged such other certificates, notices, instruments, agreements and other documents in such form as the Executive Director, after consultation with the professionals working on behalf of the Authority, shall determine to be necessary, desirable or convenient in order to effect the issuance of NJIB Bonds or any other transaction contemplated hereby and thereby, which respective forms thereof shall be dispositively evidenced by the Authority Officer's execution or acknowledgment, as the case may be, and delivery thereof or with respect to such documents of a party other than the Authority, shall be evidenced by an Authority Officer's execution thereof.

Section 403. **Effective Date.** This Supplemental Resolution shall take effect in accordance with applicable law.

(End of Article IV)

CERTIFICATE

I, the undersigned Secretary of The Township of Lower Municipal Utilities Authority, a body corporate and politic of the State of New Jersey, HEREBY CERTIFY that the foregoing resolution is a true copy of an original resolution which was duly adopted by said Authority at a meeting duly called and held on June 6, 2018 and at which a quorum was present and acted throughout, and that said copy has been compared by me with the original resolution recorded in the records of the Authority and that it is a correct transcript thereof and of the whole of said resolution, and that said original resolution has not been altered, amended or repealed but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of June, 2018.

**THE TOWNSHIP OF LOWER
MUNICIPAL UTILITIES AUTHORITY**

By: _____
Secretary

EXHIBIT A

The Project will consist of the installation of approximately 22,625 linear feet of 8" water main, installation of approximately 2,150 linear feet of 12" water main, installation of approximately 413 water services and 37 fire hydrants, including paving restorations and restorations of non-paved areas in the East Villas Section of Lower Township, and all work and costs ancillary and incidental thereto.

Exhibit B

Supplemental Project Note Resolution

RESOLUTION NO. _____

SUPPLEMENTAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$6,000,000 AGGREGATE PRINCIPAL AMOUNT OF A PROJECT NOTE (SERIES 2018) OF THE TOWNSHIP OF LOWER MUNICIPAL UTILITIES AUTHORITY

WHEREAS, The Township of Lower Municipal Utilities Authority (the "Authority"), was duly created by ordinance of the Township of Lower, New Jersey (the "Township"), duly adopted July 24, 1968, as a public body corporate and politic of the State of New Jersey and has been reorganized and is existing under the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1957 of the State of New Jersey and the acts amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, the Act provides that the Authority shall have the power to borrow money and issue its bonds and other obligations and to provide for the rights of the holders of its bonds and other obligations, as provided in the Act, for the purpose of financing the cost of various projects; and

WHEREAS, on November 2, 2005, the Authority adopted a resolution entitled, "Resolution Authorizing the Issuance of Project Notes of The Township of Lower Municipal Utilities Authority", as amended and supplemented (the "Project Note Resolution"); and

WHEREAS, pursuant to the Project Note Resolution, the Authority is authorized to issue Additional Project Notes (as defined in the Project Note Resolution) to, among other things (i) raise funds to pay the cost of a Project (as defined in the Project Note Resolution); and (ii) refund any Project Notes (as defined in the Project Note Resolution); and

WHEREAS, the Authority has determined to undertake a project within the service area of the Authority (as more particularly described in Exhibit A attached hereto, the "Project"); and

WHEREAS, the Authority has determined to finance the Project with the proceeds of a loan from the New Jersey Infrastructure Bank and the State of New Jersey Department of Environmental Protection (collectively, the "NJIB"), to fund all or a portion of the cost of the Project (the "NJIB Funds"); and

WHEREAS, in order to fund the cost of the Project in anticipation of the NJIB Funds, the Authority has determined to authorize an interim construction loan with the NJIB which will ultimately be paid with NJIB Funds; and

WHEREAS, the Authority now desires to authorize the issuance and delivery of tax-exempt project notes in an amount not to exceed \$6,000,000 to be designated "Project Note (Series 2018)" (the "2018 Project Note") pursuant to this supplemental resolution (the "2018 Supplemental Resolution" and, together with the Project Note Resolution, the "Resolution") for the purpose of (i) funding the Project, and (ii) paying costs and expenses associated with the authorization, sale and issuance of the 2018 Project Note (collectively, the "2018 Project"); and

WHEREAS, the Authority wishes to provide the terms and conditions with respect to such 2018 Project Note, in addition to those which have been previously established under and pursuant to the Resolution and delegate the sale of such 2018 Project Note to the Executive Director of the Authority.

NOW, THEREFORE, BE IT RESOLVED by the members of The Township of Lower Municipal Utilities Authority as follows:

ARTICLE I

General Provisions

Section 101. Short Title. This resolution may hereafter be cited by the Authority and is hereinafter sometimes referred to as the "2018 Supplemental Resolution".

Section 102. Terms Defined in Resolution. Whenever used or referred to in this 2018 Supplemental Resolution, all words and terms which are defined in the Project Note Resolution shall have the same meanings given to such words and terms as determined in said Project Note Resolution, except to the extent words and terms are otherwise defined herein.

Section 103. Other Definitions. The following terms shall have the meaning assigned to such term in the preamble hereof:

"Act"	"NJIB Funds"
"Authority"	"2018 Project Note"
"Township"	"2018 Supplemental Resolution"
"Project"	"2018 Project"
"Project Note Resolution"	
"Resolution"	
"NJIB"	

As used or referenced to, and unless the context clearly indicates a different meaning or use, in this 2018 Supplemental Resolution:

"Bank" shall have the meaning set forth therefore in Section 306 hereof.

"Certificate" shall have the meaning set forth therefore in Section 302 hereof.

"Loan Documents" shall have the meaning set forth therefore in Section 308 hereof.

"Paying Agent" means TD Bank, Cherry Hill, New Jersey, as appointed pursuant to Section 306 hereof.

"Registrar" means TD Bank, Cherry Hill, New Jersey, as appointed pursuant to Section 306 hereof.

"State" means the State of New Jersey.

"Trustee" means TD Bank, Cherry Hill, New Jersey, as appointed pursuant to Section 306 hereof.

"Purchaser" shall have the meaning set forth therefore in Section 307 hereof.

Section 104. Incorporation of Project Note Resolution. This 2018 Supplemental Resolution supplements and amends the Project Note Resolution. The Project Note Resolution, as amended herein, is incorporated herein by reference thereto.

(End of Article I)

ARTICLE II

Determinations By and Obligations of the Authority

Section 201. Authority for 2018 Supplemental Resolution. This 2018 Supplemental Resolution is adopted pursuant to the Act and the Project Note Resolution, and the Authority has ascertained and hereby determines that each and every act, matter, thing or course of conduct as to which provision is made in this 2018 Supplemental Resolution is appropriate in order to carry out and effectuate the purposes of the Authority in accordance with the Act and the Project Note Resolution to further secure the payment of the principal or redemption price of and interest on the 2018 Project Note.

Section 202. 2018 Project Note to Constitute Project Notes. The 2018 Project Note shall constitute "Additional Project Notes" and are therefore deemed to be "Project Notes", as such terms are defined in the Project Note Resolution. The 2018 Project Note shall be issued pursuant to and in accordance with the Project Note Resolution.

Section 203. Project Note Resolution to Constitute Contract. In consideration of the purchase and acceptance of the 2018 Project Note by those who shall hold the same from time to time, the provisions of the Project Note Resolution shall be deemed to be and shall constitute a contract between the Authority, the Trustee and the holders from time to time of the 2018 Project Note; the pledge made in the Project Note Resolution and the covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be for the equal benefit, protection and security of the holders of any and all of the 2018 Project Note, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the 2018 Project Note over any other thereof except as expressly provided in or pursuant to the Project Note Resolution.

(End of Article II)

ARTICLE III

Authorization, Purpose, Execution and Issuance of 2018 Project Note

Section 301. Authorization, Designation and Purpose of the 2018 Project Note. The 2018 Project Note of the Authority in a principal amount not to exceed \$6,000,000 is hereby authorized to be issued pursuant to Sections 301 and 311 of the Project Note Resolution, such 2018 Project Note to be designated "Project Note, Series 2018". The 2018 Project Note is authorized and will be issued to provide funds for the cost of the 2018 Project.

Section 302. Description of 2018 Project Note; Delegation of Sale of 2018 Project Note.

(1) Terms. The 2018 Project Note shall be dated and shall bear interest, and shall mature and be subject to redemption, as provided by a certificate of the Executive Director executed upon consultation with the Chairperson (the "Certificate") duly executed prior to the authentication and the delivery upon original issuance of the 2018 Project Note. Such Certificate may contain such other terms and provisions with respect to the 2018 Project Note that are not established by the terms of the Project Note Resolution or by the terms hereof and that are not inconsistent with the provisions thereof or hereof.

(2) Denomination and Place of Payment. The 2018 Project Note shall be issued in fully registered form, without coupons, and in the denomination of one note for the maturity thereof. The principal of the 2018 Project Note shall be payable to the registered owner thereof, or registered assigns, at maturity upon presentation and surrender of the 2018 Project Note at the principal corporate trust office of the Paying Agent. Interest on the 2018 Project Note will be paid to the registered owner by check and such payment will be mailed by the Paying Agent to such Registered Owner at the most recent address appearing on the registration books of the Authority. All other terms and conditions with respect to the payment of the principal of and interest on the 2018 Project Note shall be as provided in the Project Note Resolution.

(3) Form of 2018 Project Note. The 2018 Project Note shall be in substantially the form contained in Section 313 of the Project Note Resolution.

Section 303. Application of 2018 Project Note Proceeds. The proceeds of the 2018 Project Note, including accrued interest on such 2018 Project Note, if any, and including any premium payable to the Authority thereon, if any, shall be applied simultaneously with the delivery of such 2018 Project Note as directed by written order of the Chairperson, Vice Chairperson or Treasurer of the Authority.

Section 304. Execution of 2018 Project Note. The 2018 Project Note is hereby authorized to be executed in accordance with the provisions of Section 304 of the Project Note Resolution.

Section 305. Authentication of 2018 Project Note. The 2018 Project Note is hereby authorized to be authenticated in accordance with the provisions of Section 305 of the Project Note Resolution.

Section 306. Appointment of Trustee, Paying Agent and Registrar. In accordance with the provisions of Article VI of the Project Note Resolution, TD Bank, Cherry Hill, New Jersey (the "Bank") is hereby appointed Trustee, Paying Agent and Registrar for the 2018 Project Note. The Bank shall accept and shall carry out its duties and obligations as Trustee, Paying Agent and Registrar as provided in and as required by the terms of the Project Note Resolution.

Section 307. Appointment of Purchaser. The Authority hereby appoints the NJIB as the purchaser of the 2018 Project Note.

Section 308. Approval of Loan Documents. The Chairperson, Executive Director and Secretary of the Authority are, and each of them is hereby, authorized and directed to negotiate, execute and deliver a loan commitment, a loan agreement and/or loan amendment (collectively, the "Loan Documents") with the Purchaser, if applicable. Such Loan Documents, along with the Certificate, shall determine the terms and conditions relating to the sale of the 2018 Project Note, including the rate of interest to be borne by the 2018 Project Note and the fee, if any, which is payable in connection with the sale of the 2018 Project Note. The 2018 Project Note shall be delivered at such time and place as shall be determined by the Authority, subject to the terms and conditions of the Loan Documents. The Chairperson, Executive Director and Secretary of the Authority are, and each of them is, hereby authorized and directed to do and perform all things and execute all papers in the name of the Authority, and to make all payments necessary or in their opinion convenient, to the end that the Authority may carry out its obligations under the terms of said Loan Documents.

Section 309. Authorization of Official Statement. The Auditor and Bond Counsel to the Authority are hereby authorized to prepare a preliminary Official Statement and final Official Statement, if necessary, in order to assist the Authority with the marketing of the 2018 Project Note. The Chairperson, Vice Chairperson and Executive Director of the Authority are, and each of them is, hereby authorized and directed to execute and permit the distribution of a Preliminary Official Statement and a final Official Statement, in the name and on behalf of the Authority. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Authority by the Chairperson, Vice Chairperson or Executive Director. Final Official Statements shall be delivered within the earlier of seven business days following the sale of the 2018 Project Note or to accompany the confirmations that request payment for the 2018 Project Note.

(End of Article III)

ARTICLE IV

Continuing Market Disclosure; Miscellaneous

Section 401. Continuing Market Disclosure. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the 2018 Project Note is not exempt from the Rule and provided that the 2018 Project Note is not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the 2018 Project Note remains outstanding (unless the 2018 Project Note has been wholly defeased), the Authority shall provide for the benefit of the holders of the 2018 Project Note and the beneficial owners thereof, in a timely manner not in excess of ten business days after the occurrence of the event, to the Municipal Securities Rulemaking Board, notice of any of the following events with respect to the 2018 Project Note:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution, or sale of property securing repayment of the securities, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this 2018 Supplemental Resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

The Executive Director and Chairperson are each hereby authorized to enter into additional written contracts or undertakings to implement the Rule and/or to comply with the terms set forth in the Loan Documents, and are each further authorized to amend such contracts or undertakings or the undertakings set forth in this 2018 Supplemental Resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule or would have been in compliance with the Rule if such amended undertaking had been entered into at the time of the issuance of the 2018 Project Note.

In the event that the Authority fails to comply with the Rule or the written contracts or undertakings specified in this 2018 Supplemental Resolution or in the Loan Documents, the Authority shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 402. Additional Acts. The Chairperson and any other officer of the Authority, and the staff and consultants of the Authority are hereby authorized and directed to take all actions which are necessary or which are convenient to effectuate the terms of the Project Note Resolution in connection with the issuance, sale and delivery of the 2018 Project Note.

Section 403. Covenant of Authority as to Compliance with Federal Tax Matters. The Authority hereby covenants that it will take all actions within its control that are necessary to assure that interest on the 2018 Project Note is excludable from gross income under the Code and the Authority will refrain from taking any action that would adversely affect the exclusion of interest on the 2018 Project Note from gross income under the provisions of the Code.

Section 404. Miscellaneous. A copy of this 2018 Supplemental Resolution shall be available for public inspection at the offices of the Authority. The Secretary of the Authority is hereby directed to publish a notice of adoption of this 2018 Supplemental Resolution in accordance with the provisions of N.J.S.A. 40:14B-28. The Secretary of the Authority is hereby further directed to file a copy of this 2018 Supplemental Resolution in the office of the Clerk of the Township of Lower, New Jersey.

Section 405. Effective Date. This 2018 Supplemental Resolution shall take effect immediately.

(End of Article IV)

EXHIBIT A

The Project will consist of the installation of approximately 22,625 linear feet of 8" water main, installation of approximately 2,150 linear feet of 12" water main, installation of approximately 413 water services and 37 fire hydrants, including paving restorations and restorations of non-paved areas in the East Villas Section of Lower Township, and all work and costs ancillary and incidental thereto.

Moved by:

Seconded by:

RECORDED VOTE:

	O'CONNOR	LAMBERT	BITTING	SHEFTZ	HENDERSON
MOTION					
SECOND					
AYES					
NAY					
ABSENT					
ABSTAIN					

The foregoing resolution is a true and complete copy of a resolution of the Authority adopted at a meeting thereof duly called and held on June 6, 2018.

SHARON OTTO, SECRETARY

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

RESOLUTION #2018-203

Title: **A RESOLUTION REQUESTING REDUCITON OF MAINTENANCE GUARANTEE FOR
CAPE REGIONAL HOLDINGS, LLC BLOCK 629, LOTS 130-159 & BLOCK 630, LOTS168.01-173;
ESCROW Z14-09-05**

WHEREAS, Cape Regional Holdings, LLC posted a Maintenance Guarantee with the Township of Lower, in the amount of \$76,218.49 for the Major Site Plan referenced above; and

WHEREAS, the Township Engineer has recommended a reduction to \$11,981.25 to comply with the Senate Bill 3233 is acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Maintenance Guarantee of \$76,218.49 by and hereby is reduced leaving a remaining balance of \$11,981.25.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
PERRY						
ROY						
SIPPEL						
SIMONSEN						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 4, 2018.

Julie A Picard, Township Clerk

MEMORANDUM

TO: Township Council

FROM: William J. Galestok, PP,AICP

DATE: June 1, 2018

RE: Cape Regional Holdings, LLC
Bayshore Road,
North Cape May, NJ 08204
Block 629 & 630, Lots various
Resolution #2018-203

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

Pursuant to the above referenced Subsection 400-81E, Resolution #2018-203 is required to **reduce** the Maintenance Guarantee held in trust by the Township of Lower for Cape Regional Holdings, LLC.

The Township Engineer recommends the **reduction** of the retained \$76,218.49.

The new Maintenance Guarantee amount shall be \$11,981.25.

WJG:las

att.

cc: financial file, w/att.



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

Via E-Mail

Your Reference
 Z14-09-05

Our Reference
 351299CM14

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

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

Medical Office Building Cape Regional Holdings, LLC
Block 629, Lots 130-159 & Block 630, Lots 168.01-173
Township of Lower, Cape May County, New Jersey

May 30, 2018

Dear Mr. Galestok:

The applicant has requested the Maintenance Guarantee for the above referenced site be released. A maintenance guarantee in the amount of \$76,218.49 has already been posted with the Township, however this amount includes all of the site improvements. In accordance with the adoption of Senate Bill 3233, a maintenance guarantee shall be posted with the Township for a period of two years and shall only include the site improvements as follows: stormwater management basins, inflow and water quality structures, and outflow pipes and structures of the stormwater management system. The maintenance guarantee shall be reduced to only include the stormwater management items listed here-in.

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
1	Headwall Outlet	1	LS	\$1,000.00	\$1,000.00
2	Basin Excavation	285	CY	\$35.00	\$9,975.00
3	Conduit Outlet Protection	4	EA	\$700.00	\$2,800.00
4	Porous Pavement w/ Stone Reservoir	661	SY	\$100.00	\$66,100.00
Estimated Improvement Total					\$79,875.00
Maintenance Guarantee Estimate (15% of Estimated Improvement Total)					\$11,981.25



The maintenance guarantee shall be reduced from \$76,218.49 to \$11,981.25 for the remainder of the two-year maintenance period.

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

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink, appearing to read 'Shawn A. Carr', with a stylized flourish at the end.

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

SAC

cc: Lisa Schubert, Board Secretary (via e-mail)
Mark R. Sray, PE, CME, Mott MacDonald (via e-mail)

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

ORDINANCE #2018-08

Title: **AMENDING CHAPTER 583 – STREETS AND SIDEWALKS – OF THE CODE OF THE TOWNSHIP OF LOWER; ARTICLE I, SUBSECTION 583-4 EXCAVATION; RESTORATION AND REFILLING OF ROADS, STREETS AND ALLEYS; PARAGRAPH (8) STREET RESTORATION; ADDING NEW SECTIONS (g) (h) & (i) - FIVE (5) YEAR MORATORIUM**

WHEREAS, Chapter 583; Streets and Sidewalks of the Code of the Township of Lower governs the general provisions regarding the Streets and sidewalks located within the Township; and

WHEREAS, Lower Township Council wishes to amend the Code adding a section (g) regulating Moratoriums on repaved/re-constructed roads within the Township.

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

Section 1. Chapter 583, Subsection 583-4 (8) entitled Street Restoration shall have the following sections added:

- 583-4(8)(g) Any Capital Improvement/Re-Paving/Reconstruction on any Street or Roadway within The Township of Lower shall be the subject of a five (5) year road/street opening MORATORIUM after the completion of said construction, reconstruction, resurfacing, repaving or overlay has lapsed, except in the event of an emergency or hardship as described below. It is understood the five-year period as described herein shall commence on December 31st of the year in which said road was constructed, reconstructed, resurfaced, repaved or overlaid and run for a period of five (5) years thereafter.
- 583-4(8)(h) **EMERGENCY OPENING**
- (A) In emergency situations during normal business hours, the applicant shall notify the Director of Public Works and the Police Department of the emergency prior to the opening of the street. Application must be made as soon as possible thereafter with the payment of the required fees. During nonbusiness hours, weekends and holidays, the applicant shall notify the Police Department of the emergency prior to excavating the street. On the next business day the applicant shall make application for the emergency street opening, explaining the reason for the emergency, and pay the appropriate fees.
- (B) In the event that an entity shall be required to open a street as a result of an emergency, said emergency opening shall be reviewed by the Director of Public Works and if the Director shall determine that no such emergency existed, then the entity so opening the street shall have a fine imposed upon such entity in the amount of \$2,500 for the first nonemergency opening, a \$5,000 fine for a second nonemergency opening, and a \$10,000 fine for a third nonemergency opening.
- (C) A full width curb-to-curb restoration will be required on all streets constructed, reconstructed, resurfaced, repaved or overlaid by the Township within the previous five years of an opening necessitated by emergency or moratorium waiver opening. The restoration shall consist of six-inch thick dense graded aggregate base course and a six-inch thick bituminous stabilized base course, Mix 1-2, or equivalent as determined by the Director, brought flush with existing grade, within the excavated area. A full width, curb-to-curb, milling two inches in depth to extend 50 feet beyond the limit of excavations shall be performed after proper settlement in the trench area. The allowable time for trench settlement shall be 45 days unless directed otherwise by the Director. The final surface course shall be a two-inch thick bituminous concrete surface course, Mix 1-5, or equivalent as determined by the Director of Public Works.
- (D) Trench restoration may be permitted under extraordinary circumstances and at the sole discretion of the Township of Lower and the Director of Public Works for openings having minimum impact on the integrity, longevity and serviceability of the street in question.
- 583-4(8)(i) **MORATORIUM WAIVER**
- In the event a property owner experiences a hardship condition which requires a street opening permit to be issued contrary to the sections contained in this article, the Township of Lower may grant relief if and only if the following conditions are satisfied:

A. The property owner shall submit a letter to the Township Clerk detailing the hardship necessity to open the street in lieu of waiting the prescribed period of time.

B. Upon receipt of the letter, a public meeting date will be set for the Township Council to review the situation and justification presented for formal action.

C. The letter detailing the pertinent information necessary to review the request, such as property street address, block and lot, reason for the request, and type and size of street opening proposed.

D. The Township shall consider the request at a public meeting and review all objections, if any. Approval or denial of the request shall be through formal adoption of a resolution.

E. If Council grants a moratorium waiver request authorizing excavation of a roadway under moratorium necessitated by utility main improvements, final restoration will require a minimum of full cart-way width extending intersection to intersection. The applicant will be required to mill the existing roadway to a depth of two inches extending from intersection to intersection for the full width of the roadway (curb-line to curb-line) and install a two-inch thick lift of bituminous concrete surface course, Mix 1-5, for the entire length. All edges shall be coated with an asphalt tack coat prior to a two-inch lift of bituminous concrete surface course being placed on the roadway.

F. Authorized street excavations for utility main improvements on any roadway deemed to be in good condition, as determined by the Director of Public Works, may require resurfacing the entire roadway as described in this section and as directed by the Director.

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

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

First Reading: June 4, 2018

David Perry, Councilmember

Adopted:

Roland Roy, Jr., Councilmember

Attest: _____
Julie A Picard, Township Clerk

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

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

ORDINANCE #2018-10

AN ORDINANCE AMENDING CHAPTER 7 ENTITLED "TRAFFIC" OF
THE GENERAL ORDINANCES OF THE TOWNSHIP OF LOWER; ADDING SECTION 7-3.5 (a)
NO PARKING / NO STOPPING / NO STANDING

BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 7; Traffic; of the General Ordinances of the Township of Lower is hereby amended and supplemented as follows:

SECTION 1. Add a new section 7-3.5 (a) - NO PARKING/NO STOPPING/NO STANDING

Parking, Stopping, Standing of a vehicle is prohibited at all times on certain streets. No person shall park/stop or stand a vehicle at any time upon any street or parts of streets described in Section III(a) attached hereto and made part of this chapter.

Location

West side of Beach Drive and Shore Drive – Lincoln Boulevard to Pinewood Road

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

SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

SECTION 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

First Reading: June 4, 2018

David Perry, Councilmember

Adopted:

Roland Roy, Councilmember

Attest: _____
Julie A Picard, Township Clerk

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

Schedule III (a)

NO PARKING / NO STOPPING / NO STANDING

In accordance with the provisions of Subsection 7-3.5(a), no person shall park, stop or stand a vehicle upon any of the following described streets or parts thereof

Name of Street	Side	Hours	Location
Beach Dr and Shore Dr	West	All	Lincoln Blvd to Pinewood Rd

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

ORDINANCE #2018-11

Title: **AMENDING CHAPTER 7 – TRAFFIC – OF THE CODE OF THE TOWNSHIP OF LOWER; ADDING ARTICLE II, REGULATING THE USE AND OPERATION OF BICYCLES WITHIN THE TOWNSHIP OF LOWER**

WHEREAS, Chapter 7, Traffic, of the Code of the Township of Lower outlines the regulations relating to Traffic throughout the Township of Lower; and

WHEREAS, Lower Township Council wishes to amend Chapter 7 of the Township Code in order to add Article II, Bicycle Regulations, in order to regulate the use and operation of bicycles on repaved/re-constructed roads and sidewalks/curbs located within the Township.

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

Section 1. Chapter 7, shall have the following Article and sections added:

ARTICLE II – BICYCLE REGULATIONS

7-16 SCOPE

The provisions of this section shall apply whenever a bicycle is operated upon any street or upon any public right of way within the Township of Lower, subject only to those exceptions set forth herein.

7-17 DEFINITIONS

All words and phrases set forth herein shall be afforded their ordinary meaning as defined and outlined within N.J.S.A. 39:1-1.

7-18 MOTOR VEHICLE TRAFFIC REGULATIONS

Any person operating, using and/or riding a bicycle upon a street, roadway or highway located within the Township of Lower shall be granted all rights and shall be subject to all laws and regulations as outlined within N.J.S.A. 39:4-1 et. seq. and Chapter 7 of the Township Code regulating traffic.

7-19 OPERATION/USE OF BICYCLES

Any person operating and/or riding a bicycle shall:

- A. Comply with any and all traffic regulations, traffic signals, traffic control signs and any other device, mechanism and/or sign which applies to vehicles operated within the Township of Lower, unless otherwise directed by a police officer or unless specifically exempted herein.
- B. Obey all rules and regulations applicable to the operators/drivers of motor vehicles unless specifically exempted or inappropriate.
- C. Travel in the same direction, and on the same side of the roadway as motor vehicle traffic.
- D. Ride in single file when two (2) or more bicycles are being operated by two (2) or more individuals within a group.

- E. Stop for all pedestrians in crosswalks.
- F. Utilize marked bicycled lanes whenever and wherever said lanes have been established, and shall ride in the same direction as the normal flow of motor vehicle traffic.
- G. Not operate and/or ride said bicycle on the sidewalks located within the Township of Lower in the following locations:
 - a. Beach Drive and Shore Drive – Lincoln Boulevard to Pinewood Road.

7-20 PENALTIES

Any individual who violates the terms and provisions of this Article shall be subject to a fine of \$100 for a first offense and a fine of \$200 for a second and/or subsequent violation.

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

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective immediately after final passage and publication according to law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

First Reading: June 4, 2018

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2018-09

Title: **AN ORDINANCE REVISING AND RESTATING CHAPTER 400 – LAND DEVELOPMENT;
ARTICLE X, SUB-SECTION 400-81; GUARANTEES AND INSPECTIONS; OF THE
CODE OF THE TOWNSHIP OF LOWER**

WHEREAS, the Township Council of the Township of Lower desires to amend and restate Article X subsection 400-81 of Chapter 400 of the Code of the Township of Lower concerning Guarantees and Inspections of on-tract improvements in light of the adoption of New Jersey Senate Bill S3233 which modified performance and maintenance guarantee requirements under the "Municipal Land Use Law" (N.J.S.A.40:55D et seq).

NOW, THEREFORE, BE IT ORDAINED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby determines and declares as follows:

Section 1. Chapter 400, Article X subsection 400-81 entitled Guarantees and Inspections is hereby stricken and replaced with the following:

400-81. Guarantees and Inspections

Installation Requirements; on-tract improvements

- A. Before recording final subdivision plats, the approving authority shall require that the applicant shall have installed or shall have furnished performance guarantees for the installation of on-tract improvements in accordance with the Township's specifications as follows:
1. Streets.
 2. Pavement.
 3. Gutters.
 4. Curbs.
 5. Sidewalks.
 6. Street lighting.
 7. Street trees.
 8. Surveyor's monuments, as shown on the final map and required by "the map filing law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.; repealed by Section 2 of P.L. 2011, C. 217) or N.J.S.A. 46:268-1 through N.J.S.A. 46:268-8.
 9. Water mains.
 10. Sanitary sewers.
 11. Community septic systems.
 12. Drainage structures.
 13. Public improvements of open space; and
 14. Any grading necessitated by the preceding improvements.
- B. All such required improvements shall be certified by the Township Engineer unless the applicant shall have filed a performance guarantee sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the Township Engineer, consistent with this Article.

Performance and Maintenance Guarantees

- A. Before filing of final subdivision plats or recording of minor subdivision deeds or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L. 1975, c. 291 (C. 40:55D-65), or as a condition of approval of a permit update under the State Uniform Construction Code for the purpose of updating the name and address of the owner of property on a construction permit, the Township shall require and shall accept in accordance with the standards set forth hereinbelow and regulations adopted pursuant to section 1 of P.L. 1999, c. 68 (C. 40:55D-53a) for the purpose of assuring the installation and maintenance of certain on-tract improvements, the furnishing of a performance guarantee, and provision for a maintenance guarantee as set forth in this Section.
- 1) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the cost of installation of only those improvements required by an approval or developer's agreement, ordinance, or regulation to be dedicated to a public entity, and that have not yet been installed, which cost shall be determined by the Township Engineer, according to the method of calculation set forth in section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4), for the following improvements as shown on the approved plans or plat:
 - a) Streets.
 - b) Pavement.
 - c) Gutters.
 - d) Curbs.
 - e) Sidewalks.
 - f) Street lighting.
 - g) Street trees.
 - h) Surveyor's monuments, as shown on the final map and required by "the map filing law," P.L. 1960, c. 141 (C. 46:23-9.9 et seq.; repealed by Section 2 of P.L. 2011, C. 217) or N.J.S.A. 46:268-1 through N.J.S.A. 46:268-8.
 - i) Water mains.
 - j) Sanitary sewers.
 - k) Community septic systems.
 - l) Drainage structures.
 - m) Public improvements of open space; and
 - n) Any grading necessitated by the preceding improvements.
 - 2) The developer shall also furnish a performance guarantee to include, within an approved phase or section of a development, privately-owned perimeter buffer landscaping, as required by the Township Code or imposed as a condition of approval. At a developer's option, a separate performance guarantee may be posted for the privately-held perimeter buffer landscaping.
 - 3) The Township Engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

- B. The developer shall also furnish to the Township a "safety and stabilization guarantee" in favor of the Township. At the developer's option, a "safety and stabilization guarantee" may be furnished either as a separate guarantee or as a line item of the performance guarantee. A "safety and stabilization guarantee" shall be available to the Township solely for the purpose of returning property that has been disturbed to a safe and stable condition or otherwise implementing measures to protect the public from access to an unsafe or unstable condition, only in the circumstance that:
- 1) Site disturbance has commenced and, thereafter, all work on the development has ceased for a period of at least 60 consecutive days following such commencement for reasons other than force majeure, and
 - 2) Work has not recommenced within 30 days following the provision of written notice by the Township to the developer of the Township's intent to claim payment under the guarantee.
 - 3) The Township shall not provide notice of its intent to claim payment under a "safety and stabilization guarantee" until a period of at least 60 days has elapsed during which all work on the development has ceased for reasons other than force majeure. The Township shall provide written notice to the developer by certified mail or other form of delivery providing evidence of receipt.
 - 4) The amount of a "safety and stabilization guarantee" for a development with bonded improvements in an amount not exceeding \$100,000 shall be \$5,000.
 - 5) The amount of a "safety and stabilization bond guarantee" for a development with bonded improvements exceeding \$100,000 shall be calculated as a percentage of the bonded improvement costs of the development or phase of development as follows:
 1. \$5,000 for the first \$100,000 of bonded improvement costs, plus
 2. Two and a half percent of bonded improvement costs in excess of \$100,000 up to \$1,000,000, plus
 3. One percent of bonded improvement costs in excess of \$1,000,000.
 - 6) The Township shall release a separate "safety and stabilization guarantee" to a developer upon the developer's furnishing of a performance guarantee which includes a line item for safety and stabilization in the amount required under this paragraph.
 - 7) The Township shall release a "safety and stabilization guarantee" upon the Township Engineer's determination that the development of the project site has reached a point that the improvements installed are adequate to avoid any potential threat to public safety.
- C. Prior to the release of a performance guarantee required pursuant to this Section, the developer shall post with the Township a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the improvements which are being released.
- 1) The developer shall post with the Township, upon the inspection and issuance of final approval of the following private site improvements by the Township Engineer, a maintenance guarantee in an amount not to exceed 15% of the cost of the installation of the following-private site improvements, which cost shall be determined according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4):
 - a) Stormwater management basins.
 - b) In-flow and water quality structures within the basins; and
 - c) The out-flow pipes and structures of the stormwater management system, if any.
 - 2) The term of the maintenance guarantee shall be for a period not to exceed two years and shall automatically expire at the end of the established term.

D. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the Township for such utilities or improvements.

E. Regulations concerning performance guarantees.

- 1) The time allowed for installation of the bonded improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the Township Engineer according to the method of calculation set forth in section 15 of P.L. 1991, c. 256 (C. 40:55D-53.4) as of the time of the passage of the resolution.
- 2) If the required bonded improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L. 1971, c. 198 (C. 40A:11-1 et seq.).
- 3) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the Township Clerk, that the Township Engineer prepare, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Section, a list of all uncompleted or unsatisfactory completed bonded improvements. If such a request is made, the obligor shall send a copy of the request to the Township Engineer. The request shall indicate which bonded improvements have been completed and which bonded improvements remain uncompleted in the judgment of the obligor. Thereupon the Township Engineer shall inspect all bonded improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.
 - a) The list prepared by the Township Engineer shall state, in detail, with respect to each bonded improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed bonded improvement determined to be unsatisfactory. The report prepared by the Township Engineer shall identify each bonded improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory bonded improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section.
 - b) The governing body, by resolution, shall either approve the bonded improvements determined to be complete and satisfactory by the Township Engineer, or reject any or all of these bonded improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the Township Engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee with respect to those approved bonded improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the total performance guarantee and "safety and stabilization guarantee" posted may be retained to ensure completion and acceptability of all improvements. The "safety and

stabilization guarantee" shall be reduced by the same percentage as the performance guarantee is being reduced at the time of each performance guarantee reduction.

- c) For the purpose of releasing the obligor from liability pursuant to its performance guarantee, the amount of the performance guarantee attributable to each approved bond improvement shall be reduced by the total amount for each such improvement, in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to subsection a. of this section, including any contingency factor applied to the cost of installation. If the sum of the approved bonded improvements would exceed 70 percent of the total amount of the performance guarantee, then the Township may retain 30 percent of the amount of the total performance guarantee and "safety and stabilization guarantee" to ensure completion and acceptability of all bonded improvements, as provided above, except that any amount of the performance guarantee attributable to bonded improvements for which a "temporary certificate of occupancy guarantee" has been posted shall be released from the performance guarantee even if such release would reduce the amount held by the Township below 30 percent.
 - d) If the Township Engineer fails to send or provide the list and report as requested by the obligor pursuant to this Section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the Township Engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 - e) If the governing body fails to approve or reject the bonded improvements determined by the Township Engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the Township Engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the Township Engineer and appended to the performance guarantee pursuant to this Section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.
 - f) In the event that the obligor has made a cash deposit with the Township or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee, provided that if the developer has furnished a "safety and stabilization guarantee," the Township may retain cash equal to the amount of the remaining "safety and stabilization guarantee."
- 4) If any portion of the required bonded improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this Section shall be followed.
 - 5) Nothing herein shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the Township Engineer.

F. Regulations concerning inspection fees.

- 1) The obligor shall reimburse the Township for reasonable inspection fees paid to the Township Engineer for the foregoing inspection of improvements; which fees shall not exceed the sum of the amounts set forth hereinbelow. The Township shall require the developer to post the inspection fees in escrow in an amount:
 - a) not to exceed, except for extraordinary circumstances, the greater of \$500 or, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of bonded improvements that are subject to a performance guarantee under this Section; and

b) not to exceed 5% of the cost of private site improvements that are not subject to a performance guarantee under this Section, which cost shall be determined pursuant to section 15 of P.L. 1991, c. 256 (C. 40:55D53.4).

- 2) For those developments for which the inspection fees total less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited in escrow by a developer shall be 50% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspections, the developer shall deposit the remaining 50% of the inspection fees.
- 3) For those developments for which the inspection fees are total \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited in escrow by a developer shall be 25% of the inspection fees. When the balance on deposit drops to 10% of the inspection fees because the amount deposited by the developer has been reduced by the amount paid to the Township Engineer for inspection, the developer shall make additional deposits of 25% of the inspection fees.
- 4) If the Township determines that the amount in escrow for the payment of inspection fees, as calculated hereinabove, is insufficient to cover the cost of additional required inspections, the developer shall deposit additional funds in escrow. In such instance, the Township shall deliver to the developer a written inspection escrow deposit request, signed by the Township Engineer, which informs the developer of the need for additional inspections, details the items or undertakings that require inspection, estimates the time required for those inspections, and estimates the cost of performing those inspections.

G. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this Section shall be applied by stage or section.

H. To the extent that any of the improvements have been dedicated to the Township on the subdivision plat or site plan, the governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the Township Engineer.

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 4. This Ordinance shall take effect 20 days after final passage and publication as provided by law.

Thomas Conrad, Councilmember

First Reading: May 21, 2018

David Perry, Councilmember

Adopted:

Rolland Roy, Jr., Councilmember

Attest: _____
Julie A. Picard, Township Clerk

Frank Sippel, Deputy Mayor

Erik Simonsen, Mayor

CASH RECONCILIATION APRIL 30, 2018

	Cash		Less Checks Outstanding	Cash Book Balance
	*On Hand	On Deposit		
Current	886,360.33	11,060,405.45	1,799,527.17	10,147,238.61
Trust - Assessment				
Trust - Dog License	50.00	9,880.10	185.40	9,744.70
Trust - Other	30.00	2,682,595.54	12,787.42	2,669,838.12
Capital - General	0.00	7,012,478.14	0.00	7,012,478.14
Water - Operating				0.00
Water - Capital				0.00
Assessment Utility Trust				0.00
Public Assistance**				0.00
Garbage District				0.00
Grant Fund				0.00
Total	886,440.33	20,765,359.23	1,812,499.99	19,839,299.57

*Include Deposits In Transit (and change funds)

**Be sure to include a Public Assistance Account reconciliation and trial balance if the municipality maintains such a bank account.

REQUIRED CERTIFICATION

I hereby certify that all amounts shown in the "Cash on Deposit" column on Sheet 9 and 9(a) have been verified with the applicable bank statements, certificates, agreements or passbooks at 30-Apr-18

I also certify that all amounts, if any, shown for Investments in Savings and Loan Association on any trial balance have been verified with the applicable passbook at 30-Apr-18

All "Certificates of Deposits," "Repurchase Agreements," and other investments must be reported as cash and included in this certification.

(THIS MUST BE SIGNED BY THE REGISTERED MUNICIPAL ACCOUNTANT (STATUTORY AUDITOR) OR CHIEF FINANCIAL OFFICER) depending on who prepared this Annual Financial Statement as certified to on Sheet 1 or 1(a).

Signature:

Lauren Road

Title: CFO, Township of Lower

	Total	Jan	Feb	Mar	Apr
BEG. BAL. JAN. 1, 2018	12,051,931.00	12,051,931.00	15,309,506.05	13,657,465.47	7,847,669.82
RECEIPTS:					
Per Revenue Status	23,774,759.90	8,182,142.22	5,762,854.53	1,427,253.54	8,402,509.61
less: post cash surplus	0.00				
Interest due from Capital	(6,911.72)	(1,783.94)	(1,612.83)	(1,786.07)	(1,728.88)
Interest due from Escrow	(498.78)	(127.50)	(113.78)	(128.37)	(129.13)
	23,767,349.40	8,180,230.78	5,761,127.92	1,425,339.10	8,400,661.60
Grants Received:					
Recycling Tonnage \$ Recd	0.00				
FEMA	75,000.00	75,000.00			
Coastal Resiliency \$ Recd	27,762.55	7,262.50	15,442.50		5,057.55
JIF \$ Recd	1,225.77	1,225.77			
EMAA \$ RECD	9,400.00		9,400.00		
BODY ARMOR \$ RECD	156.00			156.00	
NJDOT BEACH DRIVE \$ REC	133,500.00		133,500.00		
247,044.32					
TOTAL RECEIPTS:	24,014,393.72	8,263,719.05	5,919,470.42	1,425,495.10	8,405,709.15
DISBURSEMENTS:					
2017 Reserves	629,116.81	367,125.19	152,167.12	70,442.47	39,382.03
2018 Current	24,750,600.51	4,538,948.79	7,308,747.66	7,224,157.79	5,678,746.27
2018 Capital	1,036,703.45	160,350.19	142,197.58	273,886.34	460,269.34
less: Due capital	(250,000.00)			(250,000.00)	
Appropriation Refunds:	(213,617.24)	(60,280.17)	(31,601.36)	(83,195.85)	(38,539.86)
	0.00				
TOTAL DISBURSEMENTS	26,952,803.53	5,006,144.00	7,571,511.00	7,235,290.75	6,139,867.78
END. BAL. DEC. 31, 2018	10,113,521.19	15,309,506.05	13,657,465.47	7,847,669.82	10,113,521.19
Total Appropriation Refunds	(213,617.24)	(60,280.17)	(31,601.36)	(83,195.85)	(38,539.86)
Bank Balance					
Checking	14,665,185.44	13,063,776.60	8,219,038.22	10,794,710.71	
Online Payment Acct	221,875.14	632,945.51	242,273.88	203,820.07	
Total Bank Balance	14,887,060.58	13,696,722.11	8,461,312.10	10,998,530.78	
ADD: Deposits in Transit	490,609.54	44,884.82	96,793.61	681,940.26	
LESS: Outstanding Checks	(68,164.07)	(84,141.46)	(710,435.89)	(1,566,949.85)	
Adjusted Bank Balance	15,309,506.05	13,657,465.47	7,847,669.82	10,113,521.19	
	0.00	0.00	0.00	0.00	
Monthly Interest Received-Current Fund	19,190.86	4,967.86	5,575.79	4,933.57	3,713.64
Interest Rate		0.30%	0.30%	0.30%	0.30%

