

# WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

MARCH 18, 2013 - 6:00 P.M.

## Meeting called to order.

Opening Announcement  
Pledge of Allegiance & Moment of Silence  
Roll Call & Determination of Quorum  
Presentation to Jackson Sole and Jackson VonSavage - Eagle Scout  
Proclamation - Supporting Click It or Ticket  
Presentation - Cape May County Dog Obedience Training Club

## Work Session

Presentation - Qualified Purchasing Agent - Margaret Vitelli

## Consent Agenda

Approval of Minutes March 4, 2013  
Res. #2013-87 Payment of Vouchers \$ 2,939,754.77  
Res. #2013-88 Authorizing Payment of 2013 Employer Share of Pension (\$564,646. PERS and \$931,563. PFRS)  
Res. #2013-89 Authorization for Waiver of Fees for Seashore Community Church of the Nazarene  
Res. #2013-90 Authorization for Refund of Taxes ( 1 property paid twice \$602.09)  
Res. #2013-91 Resolution Opposing A2364/A3553 (opposing the senate creating an early voting system)  
Res. #2013-92 Approval of Change Order No. 2 for Delaware Bay Shore Outfall Extensions, Contract M-7 (net decrease of \$4,000.)  
Res. #2013-93 A Resolution Approving An Agreement with S. Vitale Pyrotechnic Industries, Inc. To Provide Fireworks Display (\$40,000. July 3, 2013 - second year option)  
Res. #2013-94 Bid Acceptance and Contract Award for Maintenance of Township Grounds and Parks/Fertilizer/Slice Seed (Tru-Green \$18,009. - second year option)  
Res. #2013-95 Approving Flea Markets - Villas Fire Company (April 6, May 4, July 6 and Aug 3, 2013)  
Res. #2013-96 Approval for Roadside Solicitation by Villas Volunteer Fire Company, Inc. ( May 25, June 29 and Aug 31, 2013)  
Res. #2013-97 Click it or Ticket 2013 Mobilization (May 20 - June 2, 2013)  
Ord. #2013-07 An Ordinance Establishing a Source Separation And Recycling Policy for the Township of Lower (setting forth rules and regulations for single source recycling) - 1<sup>st</sup> reading (2<sup>nd</sup> reading and public hearing April 1st)  
Ord. #2013-08 An Ordinance Amending Chapter 432 of the Mercantile License of the Township of Lower (\$75.00 late fee)- 1<sup>st</sup> reading (2<sup>nd</sup> reading and public hearing April 1st)

## Regular Agenda

Res. # 2013-98 Bid Acceptance And Contract Award for Maintenance Of Township Grounds and Parks (Douglass Landscaping, LLC \$51,925. Second year option)  
Res. #2013-99 Authorizing the Payment of Vouchers (\$57,259.09 KG Marine)

## Administrative Reports

Personnel Actions Report  
Department Monthly Reports: Animal Control, Construction, Dog Register, Fire Safety, Police, Municipal Clerk, Tax Collector and Vital Statistics

## Council Comments

## Call to the Public

## Closed Session

Res. #2013-100 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. (Litigation- Tax Appeals)

## Adjournment

## COUNCIL MINUTES - March 4, 2013

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 4, 2013 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

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

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

### Work Session

Presentation - Department of Public Works - Gary Douglass, Superintendent  
Linda Thomas, Recycling Coordinator

Gary Douglass thanked Council for the opportunity to clear up the misperception that Public Works is simply the "trash" department. The attached power point presentation was used to educate the public on the services provided by the Public Works Department.

Linda Thomas demonstrated single stream recycling and announced that it will be implemented on April 1, 2013.

Councilmember Conrad inquired about stickers to prevent non-residents from dropping off trash at the recycling center. Mr. Douglass implied that there is no fool-proof way to prevent it completely, but assured that they do require proof of residency for drop offs.

Councilmember Neville thanked Gary Douglass and Linda Thomas for their presentation offering public awareness and affirmed that the Public Works Department saves the Township a lot of money.

Councilmember Douglass stated that he has nothing but praises to say about Public Works.

Deputy Mayor Clark stated that he had an opportunity to see the great work that the fleet management team was doing and was impressed with their professionalism and pride in their work. He asked Gary Douglass what one message he would like to impress upon the public.

Mr. Douglass said that he would like to see the message about Public Works services put on the Township website. He would also like people to be more courteous about leaf disposal after scheduled pick-ups.

Mayor Beck expressed his concern about leaves being the root cause of flooding problems. He would like to see citations written for people putting leaves out after scheduled pick-ups. Due to complaints, he asked Mr. Douglass to explain why Public Works trucks are often seen at WaWa.

Mr. Douglass replied that from a supervisory standpoint, it is more efficient to have everyone take their breaks at the same time. He praised his Public Works team and compared them second to none. He added that he offers an open door policy if anyone wishes to make suggestions for improvements.

Mayor Beck commended our Public Works department, stating that they do much more than people realize.

Robert Rizzo of Mickel's Run addressed Mr. Douglass and Council about purchasing 32 gallon containers with lids.

Discussion ensued between Council, Manager Voll, Mr. Douglass and Mayor Beck. Manager Voll suggested we provide the information to the public on the type of containers to purchase if interested.

John Seronski, 607 Arctic Avenue, addressed Council regarding using the global connect system to alert residents of no trash pick-up on holiday Fridays to avoid trash blowing around the Township.

Joe Link of Crest Place thanked Gary and Linda for an informative presentation. He raised questions regarding quality of services on his unpaved road.

Mayor Beck stated that the issue he is referring to is being handled by the Township Solicitor, it is not a Public Works matter.

Joe Will addressed Council to comment on the safety issue involved in 32 gallon trash containers. He also expressed his opinion about black Friday and overtime.

**Consent Agenda**

Mayor Beck announced the attendance of the Township QPA, Margaret Vitelli, at the next Council meeting to discuss awarding of contracts.

- Approval of Minutes February 20, 2013
- Res. #2013- 81 Payment of Vouchers \$447,759.71
- Res. #2013-82 A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan Block 512.14 Lot 17, Escrow #P09-06-06 (releasing \$1,000)
- Res. #2013-83 Authorization for Refund of Taxes ( 2 properties paid twice)
- Res. #2013-84 Appointment of Lindemon, Winckelmann, Deupree, Martin, Russel & Associates PC (LWDMR) Without Public Bidding (\$41,227. Small Cities Public Facilities ADA Improvements project)
- Res. #2013-85 Transfer of 2012 Appropriations (\$11,900. From Dispatch to Police & telephone)
- Res. #2013-86 Resolution Supporting the Annual Greater Cape May Elk's/Tom Beheler Youth Basketball Tournament (contribution to ALS Hope of Cape May and Lower Twp Traveling Team)

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

## **Regular Agenda**

### **Council Comments**

Councilmember Neville commended Gary Douglass and inferred that the Township would not get the same great services from privatized companies that our Public Works Department provides.

Councilmember Douglass expanded on Councilmember Neville's comment about Public Works, stating that we are fortunate to be able to do our work in-house. He has great respect for all the departments throughout the Township.

Deputy Mayor Clark stated that Public Works, like Lower Township, is much more than people realize. He discovered that Sunset Beach was voted one of the top beaches in the country based on a survey from Trip Advisor, but incorrectly identified as a Cape May beach, rather than Lower Township.

Mayor Beck announced the Easter Egg Hunt, Saturday, March 23 and Genesis Health Fair, April 25 from 11:00-4:00.

### **Call to the Public**

John Soranski, 607 Arctic Avenue, addressed Council to inquire about using construction debris for dune protection. After a brief discussion between Gary Douglass and Mayor Beck, it was ascertained that it is not permitted.

Joe Link, Crest Place, addressed Council regarding the hiring process of Township Manager and Solicitor.

Bill Greenfield of Villas, addressed Council to inquire about the Clean Shores area. Mr. Douglass replied that they cleaned from the canal to Miami Avenue.

George Doherty of Erma addressed Council with concerns about the tax increase and recommended a 5% cut across the board for all departments. Gary Douglass stressed that 5% will result in loss of jobs. Deputy Mayor Clark assured Mr. Doherty that Mayor Beck carefully reviews the expenditure lists. Mayor Beck concluded that Council has laid the groundwork for the future but the savings are not going to be in this year's budget. He announced the budget hearing on April 1, 2013.

Johnny Walker, 116 W. Pacific Avenue, addressed Council with concerns about drug activity within the Township.

Mayor Beck replied that he is aware of the situation and that it is not specific to Lower Township, but all of South Jersey. He has a meeting tomorrow in Trenton to address the issue with the Governor's representatives. He assured Mr. Walker that the Township is being extremely proactive. He recognizes that we need to approach it from different angles including education and rehabilitation, not just police enforcement.

Joe Will, Fishing Creek, addressed Council regarding Township expenses including the Millman Center, Township Hall and the North Cape May Pool. Manager Voll invited Mr. Will to stop by his office anytime for a list of expenditures. Mayor Beck reported that the Millman Center improvements were mandated and utilize a combination of grant money and the capital program so they have no impact on the taxes this year.

He recognizes that the 2% contract increase is affecting the budget but it is also laying the groundwork for future savings.

Robert Rizzo, Mickel's Run, addressed Council to express his eagerness in seeing improvements to the Millman Center, stating that they are long overdue. He also pointed out that much of the increase in the tax rate is due to uncollected taxes. Mayor Beck confirmed that 75% of the increase is loss of revenue. Councilmember Conrad commented on the needed improvements at the Millman Center, stating that the facility is utilized by 20 different groups throughout the Township, not just seniors.

Joe Link addressed Council to express his disapproval of the Township's purchase of the beach from Sandman Blvd to Englewood because he feels that it has changed the quality of life in the Township.

George Doherty of Erma addressed Council to suggest they look more closely at the budget, specifically insurance and statutory expenditures such as pensions and social security.

### **Adjournment**

There being no further business to discuss, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Conrad. Meeting adjourned at 7:45 pm by verbal "ayes".

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Mayor

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

Approved:

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2  **WHAT IS PUBLIC WORKS?**

- Because of the ever-changing nature of public works, we may never arrive at a final definition but, for now, the following definition seems appropriate:
- *Public works is the combination of physical assets, management practices, policies, and personnel necessary for government to provide and sustain structures and services essential to the welfare and acceptable quality of life for its citizens.*

3  **PUBLIC WORKS DEPARTMENT**

- Often referred to as the "trash department" or the "road department"

4  **PUBLIC WORKS DEPARTMENT**

- But actually your public works is a lot more than that:
- Most residents don't know all the services that are provided by the township's public works department

5  **WHAT SERVICES ARE PROVIDED**

- Curbside garbage collection
- Curbside recycling collection
- Fleet maintenance services
- Building maintenance services
- Roadway signage maintenance
- Recycling center
- Roadway construction and maintenance
- Storm debris cleanup
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6  **PROVIDED SERVICES CONT.**

- Composting facility
- Snow removal
- Streetlight outage reporting
- Leaf and branch pickup
- Curbside grass collection (May through Oct)
- Roadside mowing
- Storm water management
- Electronics recycling
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7  **CURBSIDE GARBAGE COLLECTION**

- Place garbage curbside before 7 am the morning of your collection day
- Place in plastic bags and place bags in cans

- Trash cans should be no larger than 35 gallons and not weighing more than 50 pounds
- We encourage not to place loose trash in cans
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8  **BULKY ITEMS**

- Bulky items such as (sofas, dressers, box spring & mattresses etc.) will be picked up upon scheduling
- Each residence is allowed two free items per year
- Additional items may be scheduled for pick up for a small fee
- Call public works at 609-884-0898 for details

9  **FLEET MAINTENANCE**

- Responsible for the maintenance and repair of all the township's 100+ vehicle and equipment fleet
- We perform a broad range from oil changes to engine rebuilding and major equipment upgrades
- Shared services agreement with Cape May County to service and repair their heavy truck and equipment

10  **FLEET MAINTENANCE**

11  **FLEET MAINTENANCE**

12  **FLEET MAINTENANCE**

13  **FLEET MAINTENANCE**

14  **FLEET MAINTENANCE**

15  **FLEET MAINTENANCE**

16  **FLEET MAINTENANCE**

17  **FLEET MAINTENANCE**

18  **BUILDING & SIGN MAINTENANCE**

- Responsible for maintaining and repairs of township buildings and structures
- Repairs to township grounds
- Monthly inspections of fire extinguishers
- Roadway signage fabrication and replacement
- Painting of roadway lines, crosswalks, handicap parking areas etc.

19  **BUILDING & SIGN MAINTENANCE**

20  **BUILDING & SIGN MAINTENANCE**

21  **RECYCLING CENTER**

- Located at our public works facility at 771 Seashore Road
- Open to residents from 7 am to 2:45 pm Thursday through Monday
- Closed Tuesday, Wednesday and Holidays

22  **RECYCLING CENTER  
ITEMS ACCEPTED**

- Household trash
- Household recycling

- Leaves, grass and branches
- White goods and light metal
- Electronics (i.e. computers, TV's, stereo's etc.)
- Rigid plastics

23  **RECYCLING CENTER  
ITEMS NOT ACCEPTED**

- Building materials
- Propane cylinders
- Car batteries
- Construction debris
- Bulky items (i.e. Sofas, dressers etc. )

24  **RECYCLING CENTER  
ITEMS NOT ACCEPTED**

- Tires
- These type items can be taken to the Cape May County Landfill or Transfer Station

25  **ROADWAY AND DRAINAGE  
PROGRAM**

- Responsible for approx. 135 miles of roadway
- Includes pothole repair, drainage & reconstruction
- Maintenance & repair of 25 outfall structures along the Delaware Bay front and back watershed areas

26  **ROADWAY AND DRAINAGE**

- Public Works has reconstructed over half of the outfalls in house which is a big savings to the township

27  **ROADWAY AND DRAINAGE**

- Also most road repaving is done with our own work force
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28  **ROADWAY AND DRAINAGE**

- Construction of parking area in front of town hall done with our employees

29  **ROADWAY AND DRAINAGE**

- Over 1200 storm water inlets along with numerous miles of underground storm water pipes that need to be cleaned and flushed yearly
- One storm water pump station
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30  **ROADWAY AND DRAINAGE**

- Roadside mowing

31  **ROADWAY AND DRAINAGE**

- Snow plowing
- Street sweeping
- Inter local agreement with LTMUA to share equipment and manpower if necessary
- Shared equipment purchases with MUA

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32  **STORM DEBRIS CLEANUP**

- Debris cleanup from recent storm Sandy was done entirely in house
- Benefits:
  - Money savings
  - Clean up completed sooner

33  **STORM DEBRIS CLEANUP**

- Damage to township property from Sandy being repaired in house
- Costs for labor, benefits and equipment use reimbursed to the township

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35  **COMPOSTING FACILITY**

- Leaves/grass composted here in the township
- Branches/tree parts collected are chipped at this site
- Finished products available for pickup free of charge to our residents at our recycling center

36  **COMPOSTING FACILITY**

- WITH OUT OUR OWN FACILITY
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- Leaves & grass would have to be transported to the landfill in Woodbine
- Tree parts would be subject to a disposal fee at an outside facility
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37  **STREET LIGHTING**

- Street light request and outage reporting
- Public works has a direct online program with Atlantic City Electric

38  **STREET LIGHTING**

- Residents can report street light outages by calling public works or through the township website at [townshipoflower.org](http://townshipoflower.org) by clicking on contact us
- Very helpful when reporting to give nearest address and pole number

39  **LEAF AND BRANCH PICK UP**

- Scheduled in spring and fall
- Schedules available mid-March & mid-October
- Leaves must be placed curbside (NOT IN ROADWAY) and separate from branches, twigs and debris

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41  **LEAF AND BRANCH PICK UP**

- Once schedule is completed we will come through a second time
- We will make every effort to keep the public informed of our schedule
- Schedules are subject to change due to weather conditions

42  **GRASS CLIPPINGS**

- Picked up curbside May Through October

- Must be in can or bagged
- Stickers available to be placed on bags
- Loose clipping will not be picked up

#### 43 **LIGHT METAL AND WHITE GOODS**

- Picked up curbside once a month
- Must be scheduled by calling public works
- Any metal items including washing machines, stoves, refrigerators, air conditioners etc.

#### 44 **RESIDENTIAL RECYCLING**

- Place curbside by 7am the morning of your collection day
- Place recycling container(s) separate from trash
- Stickers for cans available at public works to help distinguish from trash

#### 45 **STARTING APRIL 1,2013 SINGLESTREAM RECYCLING**

#### 46 **What is Single Stream Recycling?**

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- "Single Stream Recycling is a system that takes two recycling "streams" – Newspaper and commingled containers – and puts them together in one bin.

#### 47 **In Other Words . . . . .**

- All items that are acceptable for recycling can now be put together in one recycling container that you can place at the curb for your regular assigned pickup days

#### 48 **Town To Receive Part of the Profit**

- These commingled materials will then be hauled to a processing plant specifically designed to mechanically separate the mixed materials so they may be sold and re-processed.

#### 49 **SINGLE STREAM**

#### 50 **Important Recycling Tips ps**

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- Empty and lightly rinse all containers
- DO NOT tie up newspapers and cardboard – just throw in the can
- Use a container with a lid to ensure that papers do not blow away
- Containers should not be larger than 32 gallons or over 50 lbs
- DO NOT put recyclables in plastic bags
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#### 51 **2<sup>nd</sup> Reminder: All in One Can Yes, Yes**

- 1 • Cardboard
  - Newspaper
  - Junk Mail
  - Bottles
- 2 • Cans

- Glass Bottles
- Cereal Boxes
- More

\*\* Loose, mixed, and untied

52  **Advantages to  
Single Stream Recycling 1**

- No Tipping Fees. Saves money & encourages more recycling
- Lower Township receives part of the profit on selling recycled materials and for re-processing
- Recycling reduces the emissions of many greenhouse gases and water pollutants

53  **Advantages to  
Single Stream Recycling 2**

- Recycling saves energy
- Recycling supplies valuable raw materials to industry
- Recycling creates jobs and stimulates the development of greener technologies
- Recycling generates less solid waste and conserves resources for future generations
- Recycling reduces the need for new landfills and combustors
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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE		Continued					
	13-00610	03/01/13	LEGAL PUBLICATIONS	Open	63.86	0.00		
	13-00654	03/06/13	LEGAL PUBLICATIONS	Open	73.78	0.00		
	13-00689	03/11/13	LEGAL ADVERTISEMENTS	Open	<u>17.98</u>	0.00		
					187.96			
00807	CDW-GOVERNMENT INC*							
	13-00409	02/06/13	COMPUTER SUPPLIES	Open	295.75	0.00		
	13-00438	02/13/13		Open	<u>324.79</u>	0.00		
					620.54			
00825	COMCAST*							
	13-00730	03/12/13	INTERNET-TOWNHALL 03/15-04/14	Open	106.01	0.00		
00925	DONALD PAUL CLARK JR.							
	13-00749	03/13/13	MEDICAL CLAIMS-V	Open	230.00	0.00		
01075	COPIERS PLUS*							
	13-00590	02/27/13	COPIER CONTRACT 2013	Open	2,025.00	0.00		
01162	D.R. MYERS DISTRIBUTING CO*							
	13-00396	02/06/13	US IDENTIFICATION	Open	82.50	0.00		
01170	VERIZON WIRELESS* F/S							
	13-00697	03/11/13	CELL PHONE SERVICE- FIRE SAFET	Open	68.16	0.00		
01171	VERIZON WIRELESS - TOWNHALL							
	13-00683	03/07/13	JAN 24-FEB 23 #622310837-00001	Open	606.51	0.00		
	13-00750	03/13/13	CELL PHONE-IPHONE JAN29-FEB 28	Open	<u>910.71</u>	0.00		
					1,517.22			
01219	CONTRACTOR SERVICE*							
	13-00263	01/23/13	LEAF RAKES	Open	449.28	0.00		
01220	DRAEGER SAFETY DIAGNOSTICS*							
	13-00276	01/25/13	ANNUAL CERT	Open	155.00	0.00		
01239	DIANA L DeNOTE							
	13-00613	03/01/13	MEDICAL CLAIMS	Open	289.00	0.00		
01248	ENVIRONMENTAL SYSTEMS RESEARCH							
	13-00518	02/20/13	ARCGIS	Open	1,350.00	0.00		
01278	EDWARD DOUGHERTY							
	13-00751	03/14/13	MEDICAL CLAIMS	Open	63.00	0.00		
01389	EDDIE'S AUTO BODY*							
	13-00572	02/26/13	ALIGNMENT/F250 SUPERDUTY/06	Open	55.00	0.00		
01502	PAMELA FELDER							
	13-00614	03/01/13	MEDICAL CLAIMS	Open	82.70	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01550 FIRE DISTRICT #3	13-00474	02/19/13	2013 TAX PAYMENTS	Open	151,407.31	0.00		
01590 FORD, SCOTT & ASSOCIATES*	13-00594	02/28/13	PROGRESS BILL 2012 AUDIT/13 BU	Open	3,600.00	0.00		
01598 DEARBORN NATIONAL	13-00612	03/01/13	MARCH 2013 LIFE INSURANCE	Open	557.00	0.00		
01690 GRANTURK EQUIPMENT CO*	13-00519	02/20/13	ELBOW WELDMENT UPPER	Open	355.15	0.00		
01781 HATCH MOTT MACDONALD, LLC*	12-01428	05/30/12	SERVICES/UNDERGROUND TANKS	Open	11,285.00	0.00		B
	12-01983	07/18/12	BEACH DRIVE PEDESTRIAN ACCESS	Open	4,545.00	0.00		B
	12-02197	08/13/12	2011 DEL. BAY SHORE OUTFALL EX	Open	570.00	0.00		B
	13-00301	01/29/13	INSPECTION OF OUTFALL BLANKET	Open	2,927.54	0.00		
	13-00694	03/11/13	PROFESSIONAL ENGINEERING	Open	549.00	0.00		
	13-00695	03/11/13	PROFESSIONAL ENGINEERING	Open	317.40	0.00		
	13-00696	03/11/13	PROFESSIONAL ENGINEERING	Open	552.00	0.00		
					<u>20,745.94</u>			
01803 HORIZON DENTAL OPTION*	13-00659	03/06/13	DENTAL MARCH 2013	Open	15,940.23	0.00		
01806 ANTHONY J HARVATT, II, ESQ	13-00591	02/28/13	BOARD SOLICITOR SALARY	Open	466.66	0.00		
02108 KEEN COMPRESSED GAS CO*	13-00418	02/07/13	BOTTLED GASS/GARAGE/DPW	Open	423.46	0.00		
02136 TED KINGSTON INC*	13-00311	01/30/13	MDT SERVICE AND INSTALL	Open	492.67	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	13-00360	02/04/13	PARTS FOR POLICE VEHICLE	Open	832.00	0.00		
02223 LANDSMAN UNIFORMS*	12-02905	11/02/12	UNIFORMS	Open	795.00	0.00		
02247 LAWSON PRODUCTS, INC.*	13-00362	02/04/13	SUPPLIES FOR DPW	Open	991.69	0.00		
02248 LAWMEN SUPPLY*	12-03272	12/03/12	EQUIP MAINT.	Open	500.40	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN	13-00724	03/11/13	SCHOOL TAXES DUE 04/01/2013	Open	1,495,251.40	0.00		
02334 LOWER TWP CHAMBER OF COMMERCE	13-00742	03/13/13	MEMBERSHIP LUNCHEON	Open	30.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02402 MGL PRINTING SOLUTIONS	13-00531	02/21/13	FORMS- TAX OFFICE	Open	134.50	0.00		
02415 STEPHEN FLITCROFT	13-00677	03/06/13	MEDICAL CLAIMS-V	Open	130.00	0.00		
02473 FRANCIS P. MAJANE	13-00739	03/13/13	MEDICAL CLAIMS	Open	572.70	0.00		
02541 ROBERT D. MARTIN, JR	13-00692	03/11/13	MEDICAL CLAIMS	Open	29.00	0.00		
02647 KATHLEEN MCPHERSON	13-00660	03/06/13	MEDICAL CLAIMS	Open	103.01	0.00		
02719 MITCHELL PLENN	13-00565	02/26/13	PIZZA FOR VOLUNTEER/BASKETBALL	Open	40.00	0.00		
02940 MUNICIPAL RECORD SERVICE*	13-00408	02/06/13	TICKETS	Open	804.75	0.00		
02947 DONALD MURPHY	13-00740	03/13/13	MEDICAL CLAIMS	Open	720.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*	13-00526	02/21/13	TRAINING	Open	120.00	0.00		
03160 OFFICE BASICS, INC*	13-00392	02/05/13	INK FOR/GARGAGE	Open	76.96	0.00		
	13-00468	02/15/13	REC AID POLICY BINDERS	Open	29.60	0.00		
	13-00573	02/26/13	DISP ROLL TOWEL/DPW OFFICE	Open	191.47	0.00		
					<u>298.03</u>			
03280 PARAMOUNT SANITARY SUPPLY*	13-00620	03/04/13	CLOROX WIPES WEIGHT ROOM	Open	109.26	0.00		
03282 STEPHEN H PARKER	13-00648	03/06/13	REF FEE'S FOR BASKETBALL	Open	272.00	0.00		
03366 AMERI-GAS*	13-00624	03/04/13	BENNETTS CROSSING PROPANE	Open	501.25	0.00		
	13-00736	03/13/13	PROPANE FOR BENNETTS	Open	977.15	0.00		
					<u>1,478.40</u>			
03374 SEASHORE SUPPLY*	13-00393	02/05/13	FIX WATER SPIGOT	Open	85.75	0.00		
	13-00550	02/25/13	REPAIRS AT BENNETTES CROSSING	Open	93.72	0.00		
					<u>179.47</u>			
03421 FRED PRYOR SEM/CARRER TRK*	13-00133	01/11/13	TRAINING	Open	149.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03427 POLAR BEAR*	13-00529	02/21/13	HVAC	Open	875.00	0.00		
03466 R & R SPECIALTIES	13-00563	02/26/13	MEDALS FOR BASKETBALL	Open	162.00	0.00		
	13-00564	02/26/13	PLASTIC SIGNS FOR OFFICE DOOR	Open	<u>44.25</u>	0.00		
					206.25			
03619 THOMAS SOLENSKI	13-00741	03/13/13	MEDICAL CLAIMS	Open	245.00	0.00		
03660 SIRCHIE FINGERPRINT LAB. INV.*	13-00424	02/13/13	INVESTIGATIVE SUPPLIES	Open	167.60	0.00		
03723 STAPLES, INC.*	13-00481	02/19/13	LASER PRINTER-MANAGERS OFFICE	Open	199.99	0.00		
	13-00560	02/26/13	OFFICE SUPPLIES- CLERKS OFFICE	Open	60.53	0.00		
	13-00561	02/26/13	OFFICE SUPPLIES- ENGINEER	Open	<u>582.63</u>	0.00		
					843.15			
03783 THIS AND THAT UNIFORMS*	13-00439	02/13/13	UNIFORMS	Open	422.00	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	13-00283	01/28/13	ONE CALL CONCEPTS 2012	Open	284.87	0.00		
	13-00556	02/25/13	ONE CALL REIMBURSEMENT	Open	<u>89.30</u>	0.00		
					374.17			
03876 UNITED WATER TREATMENT CO INC*	13-00403	02/06/13	HOT WATER TREATMENT FOR HEAT	Open	480.00	0.00		
03904 LOWE'S HOME CENTER INC*	13-00351	02/01/13	MONTHLY FEB	Open	421.72	0.00		
	13-00608	03/01/13	BLINDS - CLERK/TREASURER	Open	<u>175.94</u>	0.00		
					597.66			
03969 VERIZON	13-00619	03/04/13	PHONE SERVICE- FIRE SAFETY	Open	135.89	0.00		
03971 VERIZON WIRELESS	13-00370	02/05/13	IPAD WALT FIORE CODE ENF	Open	659.98	0.00		
	13-00653	03/06/13	VERIZON MDT'S	Open	<u>630.99</u>	0.00		
					1,290.97			
03985 VILLAS NAPA AUTO PARTS	13-00359	02/04/13	RDS/SANT/RECY	Open	2,035.16	0.00		
03992 VAL-U AUTO PARTS LLC*	13-00357	02/04/13	MONTHLY	Open	5,334.04	0.00		
04097 CINTAS FIRST AID AND SAFETY*	13-00655	03/06/13	FIRST AID SUPPLIES-TOWNHALL	Open	62.69	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04097 CINTAS FIRST AID AND SAFETY* Continued	13-00719	03/11/13	SUPPLIES FOR DPW FIRST AID	Open	<u>96.28</u> 158.97	0.00		
04103 UHY ADVISORS*	12-02526	09/19/12	ACTUARY SERVICES	Open	4,500.00	0.00		
04123 TAMMY DECKER	13-00622	03/04/13	PILATES INSTRUCTOR	Open	35.00	0.00		
04176 CHRISTOPHER J WINTER SR*CALEA	13-00726	03/11/13	MEDICAL CLAIMS	Open	22.00	0.00		
04221 DLT SOLUTIONS LLC*	13-00422	02/11/13	INFRASTRUCTURE DESIGN SUIT CAD	Open	6,777.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	13-00616	03/04/13	STATE DOG LICENSE FEE-FEB 2013	Open	543.00	0.00		
04300 W B MASON CO INC*	12-03299	12/05/12	OFFICE SUPPLIES	Open	755.31	0.00		
	12-03392	12/17/12	CUSTOMER DUPLICATE FORMS	Open	150.99	0.00		
	12-03439	12/26/12	CHAIR FOR FRONT COUNTER	Open	<u>244.76</u> 1,151.06	0.00		
04301 SEASHORE ASPHALT CORPORATION*	13-00419	02/07/13	HP PATCH	Open	70.40	0.00		
	13-00520	02/20/13	HP PATCH	Open	<u>179.30</u> 249.70	0.00		
04514 WILLIAM BLANEY*	13-00441	02/13/13	DNE \$25k RES 2013-62 CONTRACTS	Open	2,112.50	0.00		B
05100 CHARLES W. SANDMAN, III ESQ	13-00269	01/23/13	2013 LITIGATION EXPENSE PYMT	Open	2,375.00	0.00		B
5004 MICHAEL MATTHEWS	13-00645	03/06/13	REF FEE'S FOR BASKETBALL	Open	398.00	0.00		
6002 CONNELL CONSULTING LLC*	13-00530	02/21/13	OPRA TRAINING	Open	190.00	0.00		
6006 LATOYA MILLER	13-00566	02/26/13	REFUND FOR JUDO- LATOYA MILLER	Open	40.00	0.00		
6009 MARYJANE DESALVO POA	13-00593	02/28/13	RETURN OF UNUSED ESCROW	Open	2.50	0.00		
6010 WILLIAM HENTZ	13-00618	03/04/13	RETURN OF UNUSED ESCROW	Open	64.00	0.00		
6011 5T'S LLC	13-00626	03/04/13	RETURN OF UNUSED ESCROW	Open	169.06	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6013 NJ ENVIRONMENTAL HEALTH ASSOC*	13-00658	03/06/13	REGISTRARS SPRING CONFERENCE	Open	110.00	0.00		
6014 AMILCAR SERRA	13-00678	03/07/13	REFUND WRESTLING	Open	15.00	0.00		
6015 ESTATE OF HESSIE RAFF	13-00680	03/07/13	RETURN OF UNUSED ESCROW	Open	133.75	0.00		
6016 JAMES L CONWELL	13-00681	03/07/13	REFUND OF DOUBLE TAX PAYMENT	Open	602.09	0.00		
6017 JULIE BROWN	13-00735	03/13/13	REFUND- SOCCER	Open	10.00	0.00		
6018 KENNETH BROWN	13-00737	03/13/13	NYS CA COACH CERTIFICATION	Open	5.00	0.00		
6019 CAPE MEADOWS	13-00743	03/13/13	RETURN OF UNUSED ESCROW	Open	2,323.75	0.00		
BARB BARBARAS SEA SHELL FLORIST*	13-00411	02/06/13	WREATH FOR DAVID C. DOUGLASS	Open	49.00	0.00		
BERB BERNADETTE ERB	13-00738	03/13/13	NYS CA COACH CERTIFICATION	Open	20.00	0.00		
BLAUE BLAUER ASSOCIATES INC*	10-02446	09/29/10	SCPF APPLICATION & ADMIN	Open	3,725.00	0.00		B
CAPIZ KATHI CAPIZOLA, CMCA - SECY	13-00272	01/23/13	JUDGE'S DUES	Open	75.00	0.00		
CARTYW WALLACE CARTY	13-00647	03/06/13	REF FEE'S FOR BASKETBALL	Open	186.00	0.00		
LUBBERMA BOB LUBBERMAN	13-00646	03/06/13	REF FEE'S FOR BASKETBALL	Open	666.00	0.00		
MCGAFFNE MATT MCGAFFNEY JR	13-00643	03/06/13	REF BASKETBALL FEE'S	Open	462.00	0.00		
MCPH3 NANCY MCPHERSON	13-00615	03/01/13	RETURN OF UNUSED ESCROW	Open	1,018.75	0.00		
NJEP A NJEP A	13-00473	02/15/13	NJEP A CONFERENCE MAY 6-10,2013	Open	225.00	0.00		
ROSSI JOE ROSSI	13-00639	03/06/13	REF FEES FOR BASKETBALL	Open	86.00	0.00		
TRANSACTION CONFERENCE	13-00469	02/15/13	CONFERENCE	Open	265.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
Total Purchase Orders:		135	Total P.O. Line Items:	296	Total List Amount:	1,823,086.39	Total Void Amount:	0.00

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

**RESOLUTION # 2013-87**

**TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
LOWER C.M. REGIONAL	13-00003	SCHOOL TAXES DUE 3/15/13	\$1,116,668.38
<b>Total Manual Checks</b>			<b>\$1,116,668.38</b>
<b>Total Computer Generated</b>			<b>\$1,823,086.39</b>
<b>Total Bill List</b>			<b>\$2,939,754.77</b>

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION #2013- 88**

**Title: AUTHORIZING PAYMENT OF 2013 EMPLOYER SHARE PENSION**

**WHEREAS**, the amounts listed below are owed for the employer's share of pension in the current year 2013 and are due on April 1, 2013 and it is necessary to receive authorization for the payment of bills which affect the budget, and

**WHEREAS**, payment of employer's share of pension to the State is required to be remitted through electronic payment (EFT); and

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

**WHEREAS**, funds for pension payments are available in the 2013 budget appropriations for PERS and PFRS as certified by the Chief Financial Officer \_\_\_\_\_

**NOW, THEREFORE BE IT RESOLVED** by the Township Council that the following pension payments totaling \$1,496,209.00 are hereby authorized:

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)	3-01-36-471-501	\$564,646.00
POLICE AND FIREMEM'S RETIREMENT SYSTEM (PFRS)	3-01-36-475-501	\$931,563.00

I hereby certify the foregoing to be a resolution adopted by the Township Council on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-89

**TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR SEASHORE COMMUNITY CHURCH OF THE NAZARENE**

**WHEREAS**, Seashore Community Church of the Nazarene, located at 446 Seashore Road, has filed for a minor site plan review to be heard at the April 18, 2013 Planning Board Meeting; and

**WHEREAS**, Seashore Community Church of the Nazarene is a charitable non- profit organization and has requested the Township waive any and all application, professional and permit fees associated with their application; and

**WHEREAS**, the Township Council has reviewed their request and deems it appropriate to support local charitable organizations and non-profit organizations that support and enhance the township and its community.

**NOW, THEREFORE, BE IT RESOLVED** that all permissible Township application, professional service & permit fees associated with the Seashore Community Church of the Nazarene's application be waived.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						



Lower Township Council  
2600 Bayshore Road  
Villas, NJ 08251

**Dr. Charles Gates**  
Lead Pastor

**Clinton Jones**  
Associate Pastor

**Timothy Golden**  
Youth Pastor

**Brian Marker Jr.**  
Office Administrator

**Mike Austin**  
Recovery Ministries  
and Small Groups

**David Macomber**  
Worship Arts

**Jim Estill**  
Senior Adult Pastor

**Bill Clark**  
Prayer Coordinator

**Brenda Harrison**  
Seashore Children's  
Learning Center

Dear Lower Township Council Members,

On behalf of the Seashore Community Church of the Nazarene we are filing a minor site plan review to be heard at the April 18th planning board meeting. We are hereby requesting that we be granted relief from any and all fees pertaining to land development ordinance 400-80 and ordinance 2001-02. We will be building within our original square footage (plans submitted in 1989). At that time, we limited completion of those plans because of limited finances in the church. We are a 501c corporation and we are now prepared to move forward with our plans. We respectfully request your consideration of this matter. Thank you.

In Christ's Service

Dr. I. Charles Gates  
Senior Pastor  
Seashore Community Church of the Nazarene  
Cell: 615-483-1756

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

RESOLUTION #2013-90

**TITLE: AUTHORIZATION FOR REFUND OF TAXES**

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

**WHEREAS**, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
36	22	James L Conwell	paid twice	602.09

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

**RESOLUTION # 2013- 91**

**Title: RESOLUTION OPPOSING S2364/A3553**

**WHEREAS**, Senate Bill S-2364 and Assembly Bill A3553 propose to create a system of early voting in the State of New Jersey; and

**WHEREAS**, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; and

**WHEREAS**, these bills would in reality increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

**WHEREAS**, these bills would require for each primary and general election a public facility, except a public school, located in each municipality in an area of a high concentration of population to be open and available to registered voters starting 15 days before an election for early polling, possibly conflicting with if not pushing out other important uses for these buildings, causing inconvenience to residents; and

**WHEREAS**, these bills require retraining of poll workers and dramatically increased hours, as well as chain of custody requirements to protect the voting process, despite the fact that recruiting and training polls workers is already a difficult process; and

**WHEREAS**, these bills would increase costs to municipalities, including overtime pay for workers; and

**WHEREAS**, although these bills allow municipalities to request reimbursement for extra costs and provide an appropriation, the appropriation does not outline a specific amount nor dedicated funding, only that which the State Treasurer and the Director of the Division of Budget and Accounting deem necessary, and they do not outline the procedure for a municipality whose reimbursement request is denied; and

**WHEREAS**, the opportunity for "Early Voting" already exists in the State of New Jersey through the Vote by Mail ballot process.

**NOW, THEREFORE, BE IT RESOLVED** that governing body of the Township of Lower in the County of Cape May does hereby oppose S2364 and A3553; and

**BE IT FURTHER RESOLVED**, the governing body of the Township of Lower does hereby call upon its representatives in the State Legislature to oppose the adoption of this bill; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the Office of the Governor, Senate President Sweeney, Senators Gill and Whelan, sponsors of S2364, Speaker Oliver, Assemblymen Wisniewski, Diegnan, Benson, Conaway, and Coughlin, sponsors of A3553, our State Senator and Assembly representatives, the County Board of Elections, and the New Jersey League of Municipalities.

I hereby certify the foregoing to be a Resolution adopted by Township Council of the Township of Lower on March 18, 2013.

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

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

**RESOLUTION #2013- 92**

**TITLE: APPROVAL OF CHANGE ORDER NO. 2 FOR DELAWARE BAY SHORE  
OUTFALL EXTENSIONS, CONTRACT M-7**

**WHEREAS**, KG Marine Contracting was originally awarded a contract in the amount of \$ 178,261.00 and change order #1 amended the total contract amount to \$213,494.32 for the Delaware Bay Shore Outfall Extensions Contract M-7; and

**WHEREAS**, Change order # 2 requires the Lower Township Public Works Department complete a portion of previously authorized additional work at St John's Avenue which will result in a reduction of \$4,000.00.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that Change Order No. 2 for the Delaware Bay Shore Outfall Extensions, Contract M-7 is hereby approved.

**BE IT FURTHER RESOLVED** the previous total contract amount of \$213,494.32 shall have a net decrease \$4,000.00. The revised contract total will be \$209,494.32.

I hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

# Hatch Mott MacDonald

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

March 1, 2013

Via email: gdouglasslowertownship@comcast.net & 1<sup>st</sup> Class Mail

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

**RE: Change Order No. 2  
Delaware Bay Shore Outfall Extensions, Contract M-7  
Township of Lower, Cape May County  
HMM No. 311948**

Dear Mr. Douglass:

Please find enclosed herewith Change Order No. 2 submitted by KG Marine Contracting, Inc. dated February 8, 2013 for the above referenced project.

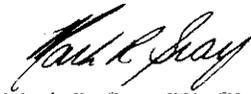
As you are aware the Contractor requested that Township Public Works Department complete a portion of their previously authorized additional work at St. John's Avenue. This work involved the relaying of a portion of the A.D.S., N-12 pipe that was installed by the Contractor at incorrect elevations and slopes. The total cost agreed to by the Contractor and the Township for this work was valued at \$4,000.

This change order results in a reduction in the Contract Price of \$4,000.00 and upon execution of this change order the revised Contract Price will be \$209,494.32.

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

Very truly yours,

Hatch Mott MacDonald



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

cc (via Email): Michael Voll, Township Manager  
Margaret A. Vitelli, RPPS, QPA, Township Purchasing Agent  
Colleen Crippen, Coordinator of Federal and State Aid

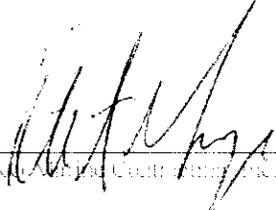
**CONTRACT CHANGE ORDER**

CHANGE ORDER NO. 2  
 DATE: February 8, 2013  
 PROJECT DESCRIPTION: Delaware Bay Shore Outfall Extensions  
 Contract No. M-7 Township of Lower Cape May County, New Jersey

RELEASED FOR CHANGE ORDER. See Below

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	ADDITIONS	DEDUCTIONS
1	For Reduction in Scope of Additional Work at St. Johns Avenue Item COI-1. Township forces completed a portion of the additional work that the Contractor was previously authorized to complete under Change Order No. 1.	1 LS	\$4,000.00		(\$4,000.00)
Sub Total					\$4,000.00
<b>Total Change Order No. 2 Value:</b>					<b>(\$4,000.00)</b>

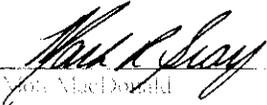
ACCEPTED

 \_\_\_\_\_  
 Michael Christensen, P.E.  
 Date: 2/18/13

ORIGINAL CONTRACT BID PRICE  
 \$178,241.00

CHANGE ORDER NO. 1 + \$55,233.32  
 CHANGE ORDER NO. 2 + \$4,000.00

APPROVAL PROJECT ENGINEER

 \_\_\_\_\_  
 Michael Sney  
 Date: 3/1/13

REVISED CONTRACT PRICE INCLUDING  
 CHANGE ORDER NO. 1 & 2  
 \$289,494.32

ORIGINAL CONTRACT COMPLETION DATE  
 January 15, 2013

CHANGE ORDER NO. 1 - 21 CALENDAR DAYS

APPROVED

 \_\_\_\_\_  
 [Unreadable]  
 Date: 3/7/13

REVISED CONTRACT COMPLETION DATE  
 February 3, 2013

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

RESOLUTION #2013- 93

**TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER APPROVING AN AGREEMENT WITH S. VITALE PYROTECHNIC INDUSTRIES, INC. TO PROVIDE FIREWORKS DISPLAY**

**WHEREAS**, a Request for Proposals for the Fireworks Display including Barge was advertised on October 12, 2011 and proposals were accepted on October 27, 2011 at 11:00 a.m. and awarded on January 4, 2012 with a second year option for 2013; and

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

Current Budget- 01-30-420-299  
Trust Fund - Reserve for Fireworks

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

**WHEREAS**, the Township therefore desires to enter into an Agreement (the "Agreement") with S. Vitale Pyrotechnic Industries, Inc. for the Fireworks Display in accordance with the terms and conditions set forth on EXHIBIT A attached hereto.

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

1. The proposal shall be awarded to S. Vitale Pyrotechnic Industries, Inc. in the amount of \$40,000.00.
2. The Township hereby approves the Agreement with S. Vitale Pyrotechnic Industries, Inc. for the services and upon the terms and conditions set forth on EXHIBIT A attached hereto.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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A Proposal for  
**Township of Lower  
Villas, New Jersey**

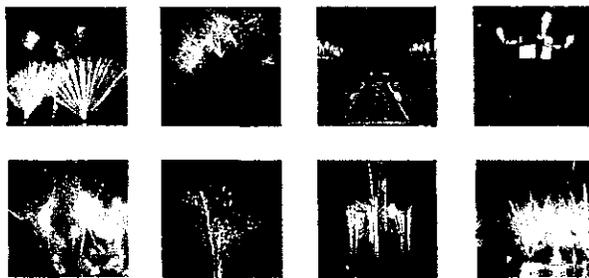
Event Date  
**July 3, 2012**

Prepared for  
**Margaret Vitelli**

To Provide  
**\$40,000 Electrical Aerial Display Presentation**

## **This Presentation Includes**

- Our trained technicians to produce the display.
- All necessary insurance to include: 10 million dollar general liability insurance, 10 million in commercial transportation insurance, and state worker's compensation.
- All transportation and delivery costs. Transportation provided by our commercially licensed drivers.
- All Materials and equipment to fire the display.
- All necessary safety precautions to provide a safe and spectacular display, assistance with local and state firework display permits.
- Highly choreographed display design.
- The widest variety of top quality shell and special effects from around the globe that includes our own American products



---

#### **4-inch Shells**

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50	Multi Color Star Shells
50	Fancy and Color Changing Shells
25	Special Effect Shells
50	Variegated Crackling Shells
25	Pattern Shells
200	Shells Total

#### **5-inch Shells**

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25	Multi Color Star Shells
25	Fancy and Color Changing Shells
25	Special Effect Shells
25	Pattern Shells
100	Shells Total

#### **6-inch Shells**

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15	Multi Color Star Shells
10	Fancy and Color Changing Shells
10	Special Effect Shells
10	Pattern Shells
45	Shells Total

## **Your Opening Presentation**

Your Opening Presentation will start your display off "with a bang." A "mini-finale" will excite the crowd and get them energized for a great show.

- 50 3-inch Assorted Color Changing Star Shells  
and Titanium Salutes
- 6 4-inch Color Peony Shells
- 5 5-inch Multi Color Peony Shells
- 4 6-inch Large Spreading Chrysanthemum Shells
- 1 8-inch Large Multi Color Chrysanthemum Shells

96 Shells Total

## **Body**

The majority of your display will be fired during the Body presentation. It will have a balanced pace with constant action. Radiant color combinations like Violet & Lemon, Aqua & Pink, and the always treasured Red, White, & Blue. Amazing effects such as Crossette, Twitter Glittering, Rings, and Color Changing Chrysanthemums will be mixed in to illuminate your skies!

### **3-inch shells**

- 10 Multi Color Star Shells
- 10 Fancy and Color Changing Shells
- 10 Special Effect Shells
- 10 Variegated Crackling Shells
- 10 Pattern Shells
- 50 Shells Total

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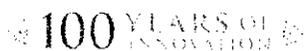
### **8-inch Shells**

5	Multi Color Star Shells
5	Fancy and Color Changing Shells
5	Special Effect Shells
3	Pattern Shells
18	Shells Total

### **Your Grand Finale Presentation**

The Grand Finale Presentation is the ultimate crowd pleaser and most exhilarating part of your display. When the sky erupts with Multi-Color Peonies and Thunderous Salutes, there is no better visual experience. They will end your event in style and leave the audience wanting more!

380	3-inch Assorted Color Star Shells with Titanium Salutes
40	4-inch Color Changing Chrysanthemum Shells
20	5-inch Two Color Peony Shells
18	6-inch Large Spreading Chrysanthemum Shells
2	8-inch Large Multi Color Chrysanthemum Shell
460	Shells Total



The Vitale family has been thrilling audiences for four generations. We produce more than 2,000 shows a year for customers who expect ingenuity and drama. The pride we feel for our work shows in the events we produce and in every customer interaction.

**AGREEMENT FOR PROVISION OF FIREWORKS  
IN ACCORDANCE WITH REQUEST FOR PROPOSALS**

THIS AGREEMENT is entered into on the 18<sup>th</sup> day of March, 2013, by and between TOWNSHIP OF LOWER, a municipal corporation with offices located at 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as "Township") and PYROTECNICO, a New Jersey corporation with offices located at P.O. Box 149, New Castle, Pennsylvania 16103 (hereinafter referred to as "Pyrotecnico").

WHEREAS, the Township requires a fireworks display to be launched in the Delaware Bay on July 3, 2013 (the "Fireworks Display"), which is a highly specialized and qualitative service requiring a certain level of expertise, extensive training and a proven reputation in the field of fireworks display.

WHEREAS, the Township has selected Pyrotecnico to provide the Fireworks Display based upon its response to a Request for Proposals, Pyrotecnico being the only respondent, and on the strong recommendations received from other governmental entities that display of fireworks in the State of New Jersey;

WHEREAS, the Township therefor desires to enter into a contract with Pyrotecnico for the Fireworks Display in accordance with the terms and conditions set forth herein; and

WHEREAS, this Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties hereto, intending to be legally bound hereby covenant and agree as follows:

1. Scope of Services. Pyrotecnico agrees to provide and perform certain specialized services for Township in accordance with the terms and conditions of the Pyrotecnico Contract attached hereto as EXHIBIT A and incorporated herein by this reference as well as in conformance with this agreement and RFP No. 2012-19, the terms of which are also incorporated herein by reference. These items shall constitute the contract by and between the parties (the "Contract"). All terms and conditions of the Pyrotecnico Contract and the RFP shall remain in full force and effect unless in conflict with this Agreement, in which case the terms of this Agreement shall control, or unless specifically modified by this Agreement.

2. Barge Company. Pyrotecnico shall also contract with a fully licensed and qualified Barge Company (the "Barge Company") to provide the barge services necessary for the Fireworks Display. Pyrotecnico shall be responsible for the Barge Company and all services to be provided by the Barge Company in connection with the Fireworks Display. The fireworks necessary for the Fireworks Display shall be loaded within Lower Township at the Dock of Cape Fisheries for display on the evening of July 3, 2013.

3. Scheduling Issues. The scheduled Fireworks Display shall be Wednesday, July 3, 2013, with a window start time of between 9:30 P.M. and 10:45 P.M. It will be determined by 6:00 A.M. on July 3, 2013 as to whether the Fireworks Display can occur due to weather conditions. In the event that the Fireworks Display is cancelled because of weather conditions, which determination shall be made by Pyrotecnico in consultation with the Township Manager, Fire Official and Chief of Police, all in accordance with the terms of the RFP, a rain date will be determined if feasible.

4. Compensation. As a fee for providing the Fireworks Display, the Township shall pay to Pyrotecnico the sum of FORTY THOUSAND (\$40,000.00) DOLLARS, which shall be due and payable on or before **July 15, 2013**. From this amount, Pyrotecnico shall compensate the Barge Company for its fee in providing the transportation services necessary for the Fireworks Display.

5. Assignment. Services provided under this Agreement and the Contract are for the exclusive use of Township. Neither Township nor Pyrotecnico shall assign its interest in this Agreement or the Contract without the written consent of the other.

6. Severability. The terms, conditions, covenants, and provisions of this Agreement and Contract shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

7. Other Agreements. This Agreement, the Pyrotecnico Contract and RFP No 2011-19, represent the entire agreement between the parties hereto and there are no other or collateral oral agreements or understandings. No addition, modification or variation from this Agreement as compiled shall be enforceable unless the same shall be in writing and signed by the parties hereto.

8. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

9. Choice of Law/Venue. This Agreement, the Pyrotecnico Contract and RFP No 2011-19 shall be governed by and construed in accordance with the laws of the State of New Jersey, excluding choice of law rules thereof. Any and all actions to enforce or to interpret This Agreement, the Pyrotecnico Contract and RFP No 2011-19 shall be brought in the Superior Court of New Jersey, Cape May County and any language in any compiled document to the contrary is hereby superseded by this provision and of no force or effect.

10. Waiver. The parties hereto waive a trial by jury of any and all issues arising in any action or proceeding between them under or connected with this Agreement or Contract or any of the provisions or any negotiations in connection therewith.

11. Paragraphs. The titles to paragraphs of this Agreement are for convenience of reference only, and are not to be construed as defining, limiting or modifying the scope or intent of any of the terms and conditions of this Agreement.

12. Political Contribution Disclosure. This Contract has been awarded to Pyrotecnico based on their merits and abilities to provide the goods and services as described herein. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:A-20.5. As such, the undersigned does hereby attest that Pyrotecnico, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year preceding the award of the Agreement that would, pursuant to P.L. 2004, c.19, affect its eligibility to perform this Contract, nor will it make a reportable contribution during the term of the Contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the Contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the Agreement is awarded.

13. Counterparts; Facsimiles. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original. Facsimile copies hereof shall be deemed to be originals.

14. Approval by Township Council. This Agreement is contingent upon approval by the Township Council of the Township of Lower, Cape May County.

15. Compliance with Laws and Regulations. During the performance of this Agreement, Pyrotecnico agrees as follows:

A. Pyrotecnico, 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 or sex. Pyrotecnico 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 or sex. Such action shall include, but not be limited to, the following: (i) employment, upgrading, demotion, or transfer; (ii) recruitment or recruitment advertising; (iii) layoff or termination; (iv) rates of pay or other forms of compensation; and (v) selection for training, including apprenticeship. Pyrotecnico 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 non-discrimination clause.

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

C. Pyrotecnico, or subcontractor, where applicable, will send to each labor union or representative of 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 Pyrotecnico's commitments under applicable law, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. Pyrotecnico, or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer of the State of New Jersey ("Treasurer") pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

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

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

G. Pyrotecnico, or subcontractor, where applicable, 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 or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable federal law and applicable federal court decisions.

H. Pyrotecnico, or subcontractor, where applicable, shall furnish such reports or other documents to the Affirmative Action Office as may be requested from time to time in order to carry out the purposes of the regulations of the Treasurer promulgated under P.L. 1975, c.127, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conduction of a compliance investigation pursuant to Subchapter 10 of N.J.A.C. 17:27.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the date first above written.

ATTEST:

TOWNSHIP OF LOWER

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

BY: \_\_\_\_\_  
Michael E. Beck, Mayor

ATTEST:

PYROTECNICO

\_\_\_\_\_  
, Secretary

BY: \_\_\_\_\_  
, President

**EXHIBIT A**

**2<sup>nd</sup> Year Option with Supporting Bid Documents**

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

RESOLUTION #2013-94

**TITLE: BID ACCEPTANCE AND CONTRACT AWARD FOR MAINTENANCE OF TOWNSHIP GROUNDS AND PARKS/FERTILIZER/SLICE SEED**

**WHEREAS**, the Township advertised bids for the Maintenance of Township Grounds & Parks on December 21, 2011, accepted on January 11, 2012 at 9:00 a.m. and awarded contract on February 22, 2012 with options for years 2013 and 2014 ; but only after approval by a resolution of the governing body in each year of extension.

**WHEREAS**, Tru-Green had the lowest base bid and complied with all specifications including all required certifications and bid documents, and

**WHEREAS**, the CFO has certified the availability of funds as evidenced by her signature below:

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

\_\_\_\_\_  
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:

**FERTILIZER/SLICE SEED**

**TERM:** February 1, 2013 – December 31, 2013  
**AWARD TO:** Tru-Green  
**TOTAL:** \$18,009. per year

**FURTHER RESOLVED**, upon approval of the resolution, the fully executed Purchase Order together with the official bid documents shall serve as the Contract for the award of the bids

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

2011-21 PROPOSAL PAGE

2012 Maintenance of Township Grounds and Park

The undersigned proposes to furnish and deliver the above goods/services pursuant to the contract bid specification and made part hereof:

The initial term of this contract shall be from February 1, 2012 and continuing through December 31, 2012. Providing that the performance under this contract is satisfactory and that the contractor complies with the requirements of the specifications, the contract may be extended for two (2) additional years, in one (1) year optional increments beginning in February 1, 2013 and continuing through December 31, 2013 and February 1, 2014 through December 31, 2014. The options to extend the contract shall be at the sole discretion of the Township of Lower and shall be enacted by a resolution of award by the Township Council.

Total BASE Price Proposal for Grounds and Park Bid Maintenance

\$ 11,000.00

*Amount in words*

OPTION #1

PLAYGROUND MULCH PRICE PER CUBIC YARD INSTALLED

\$ 10.00 PER CUBIC YARD

*Amount in words*

OPTION #2

PLAYGROUND MULCH PRICE PER CUBIC YARD DELIVERED

\$ 10.00 PER CUBIC YARD

*Amount in words*

OPTION #3

FERTILIZER/SLICE SEED APPLICATIONS FOR VARIOUS LOCATIONS

\$ 10,000.00

*Amount in words*

XXXXXXXXXX  
Company Name

XXXXXXXXXX  
Federal I.D. # or Social Security #

XXXXXXXXXX  
Address

XXXXXXXXXX  
Signature of Authorized Agent

XXXXXXXXXX  
Type or Print Name

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

**RESOLUTION #2013 -95**

**TITLE: APPROVAL OF VILLAS FIRE COMPANY APPLICATION TO CONDUCT FLEA MARKETS FOR 2013**

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

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

**WHEREAS**, the Township Council has reviewed the application of the Villas Fire Company to conduct flea markets on **April 6, May 4, July 6, and August 3, 2013**; and

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

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

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

villas flea market  
villas fire Company

will be having the Fea Market the  
dates as followed

April 6th

May 4th

~~June 1st~~

July 6th

August 3rd

~~Sept 7th~~

time of the Flea Market is  
7 am to 3pm

359-13  
allows 4 per year.

.  
.....  
.....  
.....

villas Fire Company will be having  
Christmas in July bazaar the date is  
July 27th indoor and outdoor the hours  
as followed 8 am to 5pm

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

**RESOLUTION #2013-96**

**TITLE: APPROVAL FOR ROADSIDE SOLICITATION BY VILLAS VOLUNTEER FIRE COMPANY, INC.**

**WHEREAS**, the Villas Volunteer Fire Company, Inc. has requested permission to solicit contributions from the public on Bayshore Road in front of the Fire Company, between Georgia Avenue and East Wilde Avenue, and

**WHEREAS**, the Lower Township Board of Fire Commissioners have provided the required Certificate of Insurance; and

**WHEREAS**, the Villas Volunteer Fire Company has also submitted the required paperwork to the County of Cape May for approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that the application for the Solicitation of funds on County Roads #603 (Bayshore Road) in front of the fire company be and is hereby approved upon receipt of the resolution of approval by the Cape May County Board of Chosen Freeholders for **May 25, June 29 and August 31, 2013 with rain dates, if necessary, the following day.**

**FURTHER RESOLVED** that pursuant to Public Law 1997, C. 82 which provides that the Township "shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of roadway solicitations for the purpose of soliciting contributions, conducted by charitable organizations...".

I hereby certify the foregoing is the resolution adopted by the Township Council at their meeting on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

February 4, 2013

To: Board of Chosen Freeholder  
4 Moore Rd.  
Cape May Courthouse, NJ 08210

Lower Township Council Member  
2600 Bayshore Rd.  
Villas, NJ 08251

Re: Fundraising Street Drive

Dear Sir or Madam,

The Villas Fire Company is requesting permission to conduct our annual fundraising street drive events on May 25, 2013, June 29, 2013, and August 31, 2013 respectively, on Bayshore Rd. in front of our fire station between Georgia Ave. and East Wilde Ave. In the event of rain, we would like to have rain dates set for the days immediately following the designated dates previously stated.

Thank you,

A handwritten signature in black ink, appearing to read "Bruce Peterson", with a long horizontal flourish extending to the right.

Bruce Peterson  
President V.V.F.C.



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

**RESOLUTION #2013-97**

**TITLE: CLICK IT OR TICKET 2013 MOBILIZATION**

**WHEREAS**, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$4000.00 to carry out a Click It or Ticket Seat Belt Campaign from May 20 – June 2, 2013.

**NOW THEREFORE, BE IT RESOLVED**, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

\_\_\_\_\_  
(Signature)  
Michael E. Beck, Mayor

\_\_\_\_\_  
(Signature)  
Brian Marker, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

**TOWNSHIP OF LOWER, COUNTY OF CAPEMAY, STATE OF NEW JERSEY**

**ORDINANCE #2013-07**

**AN ORDINANCE ESTABLISHING A SOURCE SEPARATION AND RECYCLING POLICY FOR TOWNSHIP OF LOWER**

**WHEREAS**, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of 50% reduction of Municipal Solid Waste and a 60% reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

**WHEREAS**, the Cape May County Solid Waste Management Plan designates the lists of mandatory and recommended recyclables to be source separated for recycling in all sectors of the community; and

**WHEREAS**, recycling will reduce the municipality's expense of solid waste disposal, conserve energy and valuable resources, extend the life of Cape May County's only landfill and has the potential to produce revenues from the sale of such recyclable materials.

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

**SECTION 1-**

Article II, Section 570-8 through 570-17, of Chapter 570 shall be deleted in its entirety and replaced by the following:

**SECTION 2 – SHORT TITLE**

This chapter shall be known and may be cited as the “Township of Lower Recycling Program Ordinance.”

**SECTION 3 – DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Designated Recyclable Materials” - means those materials designated within the Cape May County Solid Waste Management Plan to be Source Separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. The recycling of these materials is **mandatory**; they cannot be disposed of as solid waste. The Source Separated Recyclable Materials that are mandated for recycling are organized into the following two categories, which include but are not limited to:

**Category 1: Designated Recyclable Materials To Be Set Out At Curbside:**

- (a) The following Source Separated Recyclable Materials shall be mixed together and set out at curbside for collection; this set out and collection system shall be known as "Single Stream Collection". The following items are included as "Single Stream Recyclable Materials":

Paper Products – Newspaper with inserts, magazines, office paper, junk mail including shredded paper, telephone and paperback books, corrugated cardboard, brown paper bags, non-foil wrapping paper, and chipboard packaging including but not limited to dry food boxes (cereal, rice, pasta, cookie and cracker), gift, shoe and tissue boxes, powdered detergent boxes, paper towel rolls, clean pizza boxes (no food debris) and cardboard beverage carriers. Remove and throw away all liner bags, food contaminated paper and waxed-coated cardboard boxes. Shredded paper may be placed in a clear plastic bag.

Glass, Food and Beverage Containers – Clear, green and brown food and beverage bottles and jars, excluding however, blue bottles, window glass and light bulbs. All food and liquid residue shall be removed from containers.

Metal Food and Beverage Containers – Aluminum and steel food and beverage containers 5 gallons or less in size, including empty aerosol cans. No paint cans. All food and liquid residue shall be removed from containers.

Plastic Containers – Plastic containers imprinted with a ♻️ (PETE), ♻️ (HDPE), ♻️ (PVC), ♻️ (LDPE), ♻️ (PP), ♻️ (PS) or ♻️ (Other) on the bottom, 5 gallons or less in size, including bottles, jugs, jars and other rigid plastic containers. Plastic containers from food, beverage, health, beauty and cleaning products are included. Examples include, but are not limited to; margarine tubs, microwave trays, yogurt containers, plastic buckets and landscape pots. No Styrofoam packaging. No polystyrene egg cartons. No beverage cups. No PVC pipe. No plastic film. No plastics which contained chemicals or hazardous products, such as motor oil or pesticide containers. All food and liquid residue shall be removed from containers.

**Category 2: Designated Materials to Be Recycled by the Individual Generator or Municipality via Drop-off at Cape May County Municipal Utilities Authority (CMCMUA) or Private NJDEP Approved Recycling Facilities, as applicable:**

- (a) Christmas Trees – Free of decorations, tree stands and plastic bags;
- (b) Leaves – Comprised mainly of tree and plant leaves and not contaminated with brush or other material; and
- (c) Grass - Lawn grass clippings.

- (d) Brush, Tree Branches and Stumps – All parts of vegetative growth from trees, and vegetative materials generated during land clearing;
- (e) Ferrous and Non-Ferrous Scrap – Metals, such as copper, iron, sheet metal, aluminum, radiators, structural steel, metal pipe and “white goods” including, but not limited to, appliances containing “CFC’s” or Freon;
- (f) Computers and Consumer Electronics – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines, cathode ray tubes, cathode ray tube devices, flat panel displays or similar video display devices with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards including, but not limited to, televisions and cell phones. Also includes VCR’s, radios and landline telephones;
- (g) Motor Oil / Kerosene / # 2 Heating Oil - Crank-case oil and similar oils, kerosene fuel and #2 home heating oil which are used to fuel heating equipment;
- (h) Wood Pallets and Crates – Clean untreated, unpainted pallets and crates only;
- (i) Batteries - Lead Acid Batteries – Used SLA (sealed lead acid) batteries generated from motor vehicles, aviation and marine equipment;
- (j) Propane Tanks – Empty 20 to 30 lb. BBQ type tanks;
- (k) Contaminated Soil – If classified as ID27, all fuel contaminated soil, dewatered soil, and stone from septic beds and similar materials which are allowed to be recycled in accordance with the regulations of the New Jersey Department of Environmental Protection;
- (l) Commercial Cooking Grease – Grease and oil generated from food preparation by commercial sources only;
- (m) Asphalt and Concrete – Asphalt and concrete materials from construction and demolition projects;
- (n) Auto and Truck Bodies – All junk automobiles, trucks and parts;
- (o) Tires – Worn truck and passenger car tires;
- (p) Used Oil Filters – Used filters that are generated from changing crankcase oil in automobiles, trucks and other vehicles;
- (q) Anti-freeze – Used antifreeze generated from automobiles, trucks and other vehicles/sources; and

(r) Consumer Rechargeable NiCad (Nickel-Cadmium) and Small Sealed Lead Acid Batteries – Small sealed batteries generated from use of electronic equipment.

“Municipal Recycling Coordinator” - means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded. The New Jersey Mandatory Source Separation and Recycling Act requires that each municipality appoint at least one individual as Municipal Recycling Coordinator who has successfully completed all requirements mandated by the State of New Jersey to be designated as a New Jersey Certified Recycling Professional;

“Municipal Solid Waste (MSW) Stream” - means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the Township of Lower;

“NJDEP” - means the New Jersey Department of Environmental Protection;

“Recommended Recyclable Materials” – means those materials recommended within the Cape May County Solid Waste Management Plan to be Source Separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. The Source Separated Recyclable Materials that are recommended for recycling are:

“Recyclable” or “Recyclable Material” - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

“Source Separation” - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

“Source Separated Recyclable Materials” - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

#### **SECTION 4 - APPLICABILITY OF MANDATORY SOURCE SEPARATION AND RECYCLING REQUIREMENTS**

A. Mandatory Source Separation: It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and non-residential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within Township of Lower, to separate Designated Recyclable Materials from all solid waste.

- 1) **Category 1** Designated Recyclable Materials shall be placed at the curb in a manner and on such days and times as may be hereinafter established by the Township of Lower Public Works Department.
- 2) When municipal curbside collection is not provided for Designated Recyclable Materials, as is the case for those recyclables included in **Category 2**, it shall be the obligation of the generator to deliver or arrange for the delivery of such materials to the Cape May County Municipal Utilities Authority (CMCMUA) recycling facilities located at the Sanitary Landfill and/or Transfer Station as applicable, or to a private sector market for recycling. Category 2 [(a),(b),(c),(d),(e),(f)] materials may be delivered to Township of Lower Public Works Department 771 Seashore road Colds Springs.

## **SECTION 5 - COLLECTION OF RECYCLABLE MATERIALS**

The collection of Source Separated Recyclable Materials shall be in the manner prescribed as follows:

- A. It is the responsibility of the property owner to provide adequate size and number of containers for the placement of recyclables for curbside collection as follows: Single Stream Recyclable Materials as defined in **Category 1(a)** shall be mixed together in one container. More than one container may be used for Single Stream Recyclable Materials; however, each container used should be marked or labeled to identify its contents as Single Stream Recyclable Materials. All set out containers which contain Single Stream Recyclable Materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be recycled shall be placed as noted above any time after 5:00 PM of the day immediately preceding the day of collection, but no later than 7:00 AM of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 PM of the day of collection.
- B. Container to be used for Single Stream Recyclable Materials shall have a capacity not to exceed 32 gallons and 50 pounds in weight.
- C. All receptacles or dumpsters shall be maintained in a clean and safe manner.
- D. The following materials must be Source Separated and recycled through the municipal recycling program in the following manner:
  - 1) Leaves and Grass – Leaves collected loose and curbside in accordance with the schedule adopted yearly. Grass in receptacle marked with material collected in accordance with the adopted yearly schedule. Leaves and grass are not to block rain flow to storm inlets. Recyclables may be delivered to the Township's Recycling Center.

- 2) Christmas Trees – Collection accordance to adopted yearly schedule.
  - 3) Brush, Tree Branches and Tree Stumps – Branches no longer than 7 feet and 6 inches in diameter free of debris will be collected curb side in accordance with the schedule adopted yearly. Branches are not to block rain flow to storm inlet. Branches may be delivered to the Township’s recycling Center during regular scheduled business hours. Stumps are not accepted at the Township’s Center but may be delivered to private sector NJDEP Permitted Class B facilities or the CMCMUA.
  - 4) White Goods – collected by appointment accordance to adopted yearly schedule. Doors are to be removed.
  - 5) Ferrous and Non-Ferrous Scrap – collected by appointment in accordance with adopted yearly schedule. Metal may also be delivered to the Township’s Recycling Center during regular working hours.
  - 6) Rigid Plastics - May be taken to the Township’s Recycling Center during regular business hours.
  - 7) Electronics, Computers, TV’s- Generator may take to the Township’s Recycling Center during regular business hours or take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- E. The following materials must be Source Separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center:
- 1) Wood Pallets and Crates – Generator may take to the CMCMUA recycling facilities or any NJDEP approved recycling center:
  - 2) Propane Tanks – Generator may take to the CMCMUA recycling facilities or any NJDEP approved recycling center:
  - 3) Tires – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
  - 4) Antifreeze – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
  - 5) Lead Acid Batteries – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
  - 6) Used Motor Oil – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
  - 7) Kerosene / #2 Heating Oil – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.

- 8) Used Oil Filters — Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- 9) Asphalt and Concrete – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- 10) Auto and Truck Bodies – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- 11) Contaminated Soil – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- 12) Commercial Cooking Grease – Generator may take to CMCMUA recycling facilities or any NJDEP approved recycling center.
- 13) Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries – Generator may take to the Township’s recycling Center or CMCMUA recycling facilities, or any NJDEP approved recycling center.

#### **Subsection 5.1 - Residential Dwelling Compliance Requirements**

The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guest houses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Designated Recyclable Materials, except for those Designated Recyclable Materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every 6 months during their occupancy.

#### **Subsection 5.2 - Commercial Establishment Compliance Requirements**

- A. All commercial, business or industrial facilities shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of all categories of Designated Recyclable Materials hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific Designated Recyclable Materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.
- C. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the

premises by a hauler, recycler or paper shredder, the quantity and final disposition of the material is to be reported on the form.

- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle Commercial Cooking Grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**Subsection 5.3 - New Developments of Multi-Family Residential Units or Commercial, Institutional or Industrial Properties**

- A. Any application to the planning board of the Township of Lower, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of three or more units or any commercial, institutional or industrial development of 1,000 square feet or more, must include a recycling plan. This plan shall contain, at a minimum, the following:
  - 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
  - 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the Township of Lower, the owner of any new multi-family housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of Source Separated Designated Recyclable Materials for those locations or properties where the municipality does not otherwise provide this service.

**SECTION 6 - PROHIBITION OF THE COLLECTION OF WASTE MIXED WITH RECYCLABLE MATERIALS**

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, Designated Recyclable Materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the container of solid waste contains Designated Recyclable Materials.
- B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this ordinance and the local sanitary code.

- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality. It shall be a violation of this ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

## **SECTION 7 - CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS RECOVERY PLAN**

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials plan shall be filed along with all other required permit conditions. The plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

### **Subsection 7.1 - Compliance with Diversion Requirement**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

## **SECTION 8 - ENFORCEMENT**

The Municipal Recycling Coordinator and the following designees Members of the Lower Township Police Department, the Code Enforcement Officer, and members of the county Health Department are hereby individually and severally empowered to enforce the provisions of this Ordinance. The enforcers of the ordinance may conduct inspections at the site of the generator, which consists of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any Designated Recyclable Material.

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

**SECTION 9 – SEVERABILITY AND EFFECTIVE DATE**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon final passage and publication according to law.

**SECTION 10 – RULES AND REGULATIONS**

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

**SECTION 11 – PENALTY**

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

\_\_\_\_\_  
Thomas Conrad, Councilmember

\_\_\_\_\_  
James Neville, Councilmember

\_\_\_\_\_  
Glenn Douglass, Councilmember

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

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

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

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

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

Ordinance # 2013-08

**TITLE: AN ORDINANCE AMENDING CHAPTER 432 OF THE MERCANTILE LICENSE OF THE TOWNSHIP OF LOWER**

**WHEREAS**, Section 432-4 of the Mercantile Licenses Ordinances of the Township of Lower governs the annual fees to be paid to the Township Clerk for conducting the business of selling goods, services or a combination thereof; and

**WHEREAS**, there is a need to enforce the payment of fees and provide incentive for the timely payment of same, by imposing a late fee charge on all mercantile licenses which are paid untimely.

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

**Section 1:** Chapter §432 Section 4 of the Township of Lower Municipal Ordinance is hereby enacted as follows:

**432-4 N. Late Fees.** All annual fees for mercantile licenses are to be paid on or before, July 15<sup>th</sup>, of the year of intended operation or conduction of business. Any business owner or operator who conducts any business governed by Chapter 432 of the Lower Township Ordinances, who has not paid the required annual fee set forth herein by the August 15<sup>th</sup> deadline will be subject to a \$75.00 late fee in addition to that fee which is normally required.

**Section 2.** All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such 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 provisions of this Ordinance are hereby declared to be severable.

**Section 4.** This Ordinance shall take effect twenty (20) days after final passage and Publication as provided by law.

\_\_\_\_\_  
Thomas Conrad, Councilmember

\_\_\_\_\_  
James Neville, Councilmember

\_\_\_\_\_  
Glenn Douglass, Councilmember

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

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

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

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

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

RESOLUTION #2013 - 98

**TITLE: BID ACCEPTANCE AND CONTRACT AWARD FOR MAINTENANCE OF TOWNSHIP GROUNDS AND PARKS**

**WHEREAS**, the Township advertised bids for the Maintenance of Township Grounds & Parks on December 21, 2011, accepted on January 11, 2012 at 9:00 a.m. and awarded contract on February 22, 2012 Resolution #2012-77 with options for years 2013 and 2014 ; but only after approval by a resolution of the governing body in each year of extension.

**WHEREAS**, Douglass Landscaping Services, LLC had the lowest base bid and complied with all specifications including all required certifications and bid documents, and

**WHEREAS**, the CFO has certified the availability of funds as evidenced by her signature below:

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

\_\_\_\_\_  
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:

**LANDSCAPING/MAINTENANCE**

**TERM:** February 1, 2013 – December 31, 2013  
**AWARD TO:** Douglass Landscaping, LLC  
**TOTAL:** \$51,925 per year

**FURTHER RESOLVED**, upon approval of the resolution, the fully executed Purchase Order together with the official bid documents shall serve as the Contract for the award of the bids

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

2011-21 PROPOSAL PAGE

2012 Maintenance of Township Grounds and Park

The undersigned proposes to furnish and deliver the above goods/services pursuant to the contract bid specification and made part hereof:

The initial term of this contract shall be from February 1, 2012 and continuing through December 31, 2012. Providing that the performance under this contract is satisfactory and that the contractor complies with the requirements of the specifications, the contract may be extended for two (2) additional years, in one (1) year optional increments beginning in February 1, 2013 and continuing through December 31, 2013 and February 1, 2014 through December 31, 2014. The options to extend the contract shall be at the sole discretion of the Township of Lower and shall be enacted by a resolution of award by the Township Council.

Total BASE Price Proposal for Grounds and Park Bid Maintenance

\$ 51,925.<sup>00</sup>

Fifty one thousand nine hundred and twenty five dollars even  
Amount in words

OPTION #1  
PLAYGROUND MULCH PRICE PER CUBIC YARD INSTALLED

\$ 63.50 PER CUBIC YARD

Sixty three dollars and fifty cents per yard  
Amount in words

OPTION #2  
PLAYGROUND MULCH PRICE PER CUBIC YARD DELIVERED

\$ 38.75 PER CUBIC YARD

Thirty eight dollars and seventy five cents per yard  
Amount in words

OPTION #3  
FERTILIZER/SLICE SEED APPLICATIONS FOR VARIOUS LOCATIONS

\$ 24,521.<sup>00</sup>

Twenty four thousand five hundred and twenty one dollars even  
Amount in words

Douglas Landscaping Services, LLC  
Company Name

270239497  
Federal I.D. # or Social Security #

1213 EMERSON AVE  
Address N. Cape May, NJ 08204

[Signature]  
Signature of Authorized Agent

RYAN DOUGLASS  
Type or Print Name

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

RESOLUTION # 2013-99

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
KG MARINE	12-02673	RES 2012-236 OUTFALL PIPES	\$26,025.77
KG MARINE	12-03288	CHANGEORDER 2012-268	\$31,233.32

Total Manual Checks \$ 57,259.09

Total Bill List \$57,259.09

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

# PERSONNEL ACTIONS

## Report for Council Meeting of 03/18/2013

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<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
DPW	Szczur, Marc	3/4/2013		New Hire	Temp Laborer	Yes

Date of report 3/14/2013

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

# ANIMAL CONTROL MONTHLY REPORT

MONTH OF February 2013

ACO steve parker DATE 2/28/2013

	<b>DOGS</b>	<b>CATS</b>	<b>WILDLIFE</b>
<b>TOTAL CALLS</b>	7	2	5
<b>TO SHELTER</b>	5	0	
<b>RETURNED</b>	1	0	
<b>TO VET</b>	1		seagull-1
<b>DOA</b>	0	0	
<b>WARNINGS</b>	0	0	
<b>TICKETS</b>	0	0	
<b>BITES</b>	0	0	
<b>QUARANTINES</b>	0	0	
<b>OTHER</b>	0	0	

\*OTHER includes complaints of barking dogs ,dogs left outside too long ,other disturbances and reports of animal abuse or neglect.

**Additional Comments**

Township of Lower  
 2600 Bayshore Road  
 Villas, NJ 08251  
 609-886-1455

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 02/01/2013 To 02/28/2013

March 05, 2013 3:26:34PM

**SUMMARY**

**CONSTRUCTION COSTS**

**COUNT**

Cost Of Construction:	\$422,725.00	Cubic Footage:	84591 Cu.ft	Permit Issued:	101
Cost Of Alteration:	\$365,748.00	Square Footage:	8088 Sq.ft	Updates Issued:	3
Cost Of Demolition:	\$10,638.00			All Fees Waived:	0
Total Cost:	\$799,111.00			Municipal Fees Waived:	0

**PERMIT FEES**

**ADMIN FEES**

**WAIVED FEES**

**TOTAL FEES**

Building:	\$9,393.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$9,393.00
Electrical:	\$4,658.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$4,658.00
Fire:	\$2,326.00	Fire:	\$0.00	Fire:	\$0.00	Fire Fees:	\$2,326.00
Plumbing:	\$5,020.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$5,020.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$21,397.00

**DCA**

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$283.00	\$0.00	\$283.00
Alteration Training Fee:	\$601.00	\$0.00	\$601.00
DCA Minimum Fee:	\$6.00	\$0.00	\$6.00
Sub total Training Fee:	\$890.00	\$0.00	\$890.00

**TECHNICAL ISSUES**

Building Technical:	37
Electrical Technical:	73
Fire Protection Technical:	27
Plumbing Technical:	68
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$889.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$889.00

**CERTIFICATE ISSUES**

Certificate of Occupancy:	8
Certificate of Approval:	35
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$21,397.00
DCA FEES:	\$890.00
CERTIFICATE FEES:	\$889.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$23,176.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$23,176.00

# OFFICE OF THE CONSTRUCTION OFFICIAL

## Account Summation-Summary

Report Run from 02/01/2013 To 02/28/2013

March 5, 2013 3:27:24PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$2,479.00	\$20,697.00	\$0.00	\$23,176.00
LICENSE FEES	Sub Totals:	\$0.00	\$750.00	\$0.00	\$750.00
<b>GRAND TOTALS:</b>		\$2,479.00	\$21,447.00	\$0.00	\$23,926.00

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 02/01/2013 To 02/28/2013

March 05 , 2013 3:28:05PM

**SUMMARY**

**CONSTRUCTION COSTS**

**COUNT**

Cost Of Construction:	\$277,300.00	Cubic Footage:	40248 Cu.ft	Permit Issued:	7
Cost Of Alteration:	\$59,285.00	Square Footage:	3565 Sq.ft	Updates Issued:	1
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$336,585.00			Municipal Fees Waived:	0

**PERMIT FEES**

**ADMIN FEES**

**WAIVED FEES**

**TOTAL FEES**

Building:	\$2,339.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$2,339.00
Electrical:	\$814.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$814.00
Fire :	\$758.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$758.00
Plumbing:	\$1,053.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$1,053.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$4,964.00

**DCA**

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$135.00	\$0.00	\$135.00
Alteration Training Fee:	\$101.00	\$0.00	\$101.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$236.00	\$0.00	\$236.00

**TECHNICAL ISSUES**

Building Technical:	6
Electrical Technical:	6
Fire Protection Technical:	4
Plumbing Technical:	4
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$337.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$337.00

**CERTIFICATE ISSUES**

Certificate of Occupancy:	0
Certificate of Approval:	3
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$4,964.00
FEES:	\$236.00
CERTIFICATE FEES:	\$337.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$5,537.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$5,537.00

**OFFICE OF THE CONSTRUCTION OFFICIAL**

**Account Summation-Summary**

Report Run from 02/01/2013 To 02/28/2013

March 5, 2013 3:28:58PM

<b>ACCOUNT:</b>	<b>Cash Amount</b>	<b>Check Amount</b>	<b>Credit Card Amount</b>	<b>Total Fee</b>
PERMIT FEES                      Sub Totals:	\$222.00	\$5,315.00	\$0.00	\$5,537.00
<b>GRAND TOTALS:</b>	\$222.00	\$5,315.00	\$0.00	\$5,537.00





## BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Public Safety Building  
1389 Langley Road  
Cape May County Airport  
Phone: (609) 889-0404  
Fax: (609) 889-8876

Mailing Address:  
407 Breakwater Road  
Erma, NJ 08204

**For the month of February 2013, the Lower Township  
Bureau of Fire Safety made deposits of \$16,570.00 in the  
Lower Township Tax office.**

**Sincerely,**

**David P. Perry  
Fire Official**

**cc: file  
Board Members  
Lauren Read  
Mike Voll**



**Lower Township Police Department  
Monthly Activity Report**

2013

	February	Total:
General Complaints and Service Calls	3,277	6520
Emergency Medical Calls with L. T. Rescue	154	325
Fire Alarm Call Outs (Total)	35	72
Villas Fire Company	9	22
Town Bank Fire Company	16	32
Erma Fire Company	10	18
Assaults	4	8
Robbery	0	0
Domestic Violence Complaints	29	63
Domestic Violence with Assaults	4	10
Motor Vehicle Accidents	26	53
Traffic Warnings	36	51
Traffic Summons	100	198
Motor Vehicle Stops	475	826
Local Ordinance Warnings	0	1
Local Ordinance Complaints	0	4
Assaults on Police Officers (UCR Report Return "A")	1	1
Residential and Commercial Alarm Calls	32	89
Property Checks	1255	2549
Death Investigations	3	9
Burglaries	6	14
Thefts	31	59
Criminal Mischief Complaints	30	57
Disorderly Conduct Complaints	42	99
Animal Control Complaints	109	229
Adult Arrests (UCR Report Return "A")	39	74
Juvenile Arrests (UCR Report Return "A")	1	6
D.W.I. Arrests (UCR Report JV & Adult Arrests Combined)	3	9
Drug Possession Arrests (UCR Report JV & Adult Arrests Combined)	3	7
Investigation Reports Completed	88	187
Supplemental Investigation Reports Completed	38	81
Total Value Property Stolen (UCR Report Return "A")	\$48,363.00	\$68,935.00
Total Value Property Recovered (UCR Report Return "A")	\$4,114.00	\$9,787.00



**Lower Township Police Department  
Monthly Activity Report**

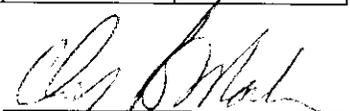
2013

	February	Total:
<b>Man Power Loss in Hours</b>		
<b>Union</b>	0	0
<b>Suspended</b>	240	516
<b>Vacation</b>	654	1378
<b>Personal</b>	56	110
<b>Comp Hours</b>	2	5
<b>Sick Hours</b>	205	757
<b>Injury Hours</b>	0	0
<b>Training Hours</b>	348	608
<b>Military Training</b>	60	156
<b>Police Department Overtime in Hours</b>		
<b>Operations Overtime</b>	113.5	252
<b>Operations Comp Time</b>	45	80.5
<b>Investigation Division Overtime</b>	9	32
<b>Investigation Division Comp Time</b>	1.5	5.5
<b>Court Overtime</b>	45	48
<b>Court Comp Time</b>	3	3
<b>Holiday Overtime</b>	173.25	314.75
<b>Holiday Comp Time</b>	37	73.5
<b>Government/Grant Funding Overtime in Hours</b>		0
<b>Click It or Ticket</b>	0	0
<b>Cops n Shops</b>	0	0
<b>JV Curfew</b>	0	0
<b>DWI Patrol</b>	0	0
<b>Other</b>	0	4
<b>Private Funding Overtime in Hours</b>		
<b>Special Detail</b>	0	0

Prepared by:

Chief Brian Q. Marker

Date:

  
3/8/2013

*Clark's*

Register Report

2/1/2013 Through 2/28/2013

3/1/2013

Page 1

Account	Description	Memo	Category	Amount
<b>INCOME</b>				
	TOTAL Business Mercantile 2012-2013			500.00
	TOTAL Campgrounds & Trailers			3,337.00
	TOTAL Liquor Licenses			200.00
	TOTAL Rental Merc 2012-2013			1,575.00
	TOTAL Street Openings			420.00
	TOTAL Towing			200.00
	TOTAL Yard Sales			10.00
	TOTAL INCOME			6,242.00
<b>TRANSFERS</b>				
	TOTAL Council Checking			
	TOTAL TRANSFERS			
			OVERALL TOTAL	0.00

**2013 CASH RECEIPTS  
FEBRUARY**

Township of Lower  
Office of the Tax Collector

	<b>MONTH TO DATE</b>	<b>YEAR TO DATE</b>
<b>Receipts</b>		
Current year taxes (2013)	6,929,990.79	12,216,174.91
Prior year taxes (2012)	244,726.75	470,207.71
Arrears		4,956.96
Bankruptcy		2,675.91
State Audit Payback	2,750.00	3,100.00
6% Penalty	3,249.94	3,249.94
Tax Search Fees	10.00	80.00
Interest	20,544.02	33,788.23
Lot clearing		0.00
Returned Check Fees	20.00	20.00
Duplicate Bills	140.00	225.00
Trash	1,220.88	6,869.88
Cost of Sale	1,070.36	1,070.36
<b>TOTAL DEPOSITS</b>	<b>7,203,722.74</b>	<b>12,742,418.90</b>
<b>DEPOSITED TO COUNCIL CHECK</b>	<b>7,048,032.98</b>	<b>12,465,899.71</b>
<b>DEPOSITED TO WIPP ACCOUNT</b>	155,689.76	276,519.19
<b>TOTAL DEPOSITS</b>	<b>7,203,722.74</b>	<b>12,742,418.90</b>
NSF Reversals	(922.71)	-1,799.53
<b>TOTAL</b>	<b>7,202,800.03</b>	<b>12,740,619.37</b>

Prepared by Susan Jackson

## 2013 February Vital Statistics

Marriages	7
Certified copies	199
Burial Permit	0

Marriage/CU State	\$175.00
Marriage/CU Twp.	\$21.00
Certified copies	\$1,990.00
Burial Permit	\$0.00
<b>TOTAL</b>	<b>\$2,186.00</b>

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

**RESOLUTION # 2013-100**

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township council of the Township of Lower, assembled in public session on \_\_\_\_\_, 2013 that an Executive Session closed to the public shall be held on this date at approximately \_\_\_\_\_ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on March 18, 2013.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						