

RESOLUTIONS ADOPTED NOVEMBER 7 2011

- Res. #2011-287 Payment of Vouchers, \$4,440,192.26
- Res. #2011-288 Authorization for Refund of Taxes (1 - granted disabled vet status)
- Res. #2011-289 Certification of Lot Clearing Charges to the Tax Collector (1 property)
- Res. #2011-290 Award of Bid & Acceptance of Contract to Purchase 2012 One (1) 35 Ton Self-lifting Detachable Lowboy (Joint purchase between Twp & MUA - Total cost \$33,895)
- Res. #2011-291 Requesting Cape May County Freeholders Consider Submitting a New Jersey Department of Environmental Protection Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development (Urging the County to apply to the state Green Acres Program to seek funding to match and augment funds currently raised through the County Open Space, Recreation, Farmland and Historic Preservation Trust Fund)
- Res. #2011-292 A Resolution of the Township of Lower Approving a Memorandum of Understanding with New Jersey Natural Lands Trust (Agr. to allow Township to apply for necessary State permits for extension of outfalls pipes at Sandalwood & Springtime Roads located on NJ Natural Lands Trust property)
- Res. #2011-293 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:40-87, Chapter 159 (\$20,000 Energy Efficiency Conservation Block Grant towards energy enhancements for Township Hall, Millman Center, Road Dept, Recreation Center & Annex)
- Res. #2011-294 Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Bayshore Estates Stormwater Investigation, Phase 2 (\$26,000 max. diver would video and inspect drainage pipes and note conditions)
- Res. #2011-295 Transfer of 2011 Appropriations (\$64,000 - From PERS, Electric, Phone & Tipping Fees to Finance, Solicitor, Unemp. Police & Rec. OE's)
- Res. #2011-296 Appointment of Hearing Officer for Police Disciplinary Matter (John Callinan - \$125.00 per hr.)
- Res. #2011-297 A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provision s of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 (Potential Litigation)

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00944	04/12/11	2011 GROUNDS/PARKS MAINT BID	Open	9,290.00	0.00		
00258	BCI BURKE*							
	11-02702	09/30/11	MISC. PARTS FOR PLAYGROUND	Open	41.10	0.00		
00301	BELMONT AND CRYSTAL SPRINGS*							
	11-02835	10/17/11	BOTTLED WATER - COURT	Open	7.17	0.00		
00323	JOHN BEERS							
	11-02967	11/01/11	CONTRACTUAL REIMBURSEMENTS	Open	138.13	0.00		
00370	BLUE CROSS/BLUE SHIELD OF NJ							
	11-02905	10/25/11	NOVEMBER, 2011 MED-D	Open	3,209.02	0.00		
00401	KATHLEEN BROWN							
	11-02895	10/25/11	REIMB MILEAGE - CONFERENCE	Open	187.76	0.00		
00419	RICHARD M BRASLOW, ESQ							
	11-02930	10/26/11	PROFESSIONAL SVCS - FIRESAFETY	Open	15.00	0.00		
00443	BSN*							
	11-02043	07/18/11	MISC. FOOTBALL EQUIPMENT	Open	207.50	0.00		
00480	BURKE CHEVROLET*							
	11-02748	10/06/11	FUEL TANK - COUNTY	Open	1,637.96	0.00		
	11-02779	10/07/11	PARTS FOR COUNTY VEH.	Open	43.10	0.00		

					1,681.06			
00611	COUNTY OF CAPE MAY							
	11-02961	10/31/11	FUEL BILL FOR SEPT. 2011	Open	31,274.37	0.00		
00616	ANIMAL ALLIANCE OF CAPE							
	11-02919	10/25/11	TNR AND SPAY/NEUTER PROGRAM	Open	595.00	0.00		
	11-02920	10/25/11	2010 PETSMAST GRANT	Open	301.00	0.00		
	11-02984	11/02/11	TNR & SPAY/NEUTER PROGRAM	Open	320.00	0.00		
	11-02985	11/02/11	2010 PETSMAST GRANT	Open	86.00	0.00		

					1,302.00			
00654	MUNICIPAL UTILITY AUTHORITY							
	11-02776	10/07/11	(1) 2001 FREIGHTLINER TRACTOR	Open	9,500.00	0.00		
00731	CAPE PORT MARINE*							
	11-02749	10/06/11	PARTS FOR SANT/RECYC/DPW	Open	204.38	0.00		
00784	CAPE MAY STAR & WAVE							
	11-02804	10/12/11	ADVERTISING	Open	12.40	0.00		
	11-02896	10/25/11	LEGALS 10/12/11	Open	71.36	0.00		
	11-02934	10/26/11	LEGALS	Open	24.80	0.00		
	11-02989	11/02/11	NOTICE OF DECISION	Open	27.90	0.00		

					136.46			

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02316	08/17/11	MATERIALS FOR WASH-BAY/DPW	Open	634.45	0.00		
	11-02705	09/30/11	MISC. PARTS FOR SINK	Open	394.38	0.00		

					1,028.83			
01803	HORIZON DENTAL OPTION*							
	11-02908	10/25/11	NOVEMBER, 2011 DENTAL	Open	15,081.64	0.00		
01840	COLLEEN HORWATH							
	11-02968	11/01/11	CONTRATUAL REIMBURSEMENTS	Open	35.00	0.00		
01859	HESS CORPORATION							
	11-02910	10/25/11	ELECTRICITY 9/20/11-10/20/11	Open	6,058.72	0.00		
01895	HERMAN FEHRLE & SONS INC*							
	11-02237	08/08/11	INSTALL CURBING/LONG BROS DEV.	Open	7,000.00	0.00		
01912	GRUCCIO, PEPPER, DESANTO&RUTH PA							
	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
02013	NICKOLAUS CONSTRUCTION CO*							
	11-02464	09/07/11	PREPPING HOCKEY RINK@F.DOUGLAS	Open	4,300.00	0.00		
02025	HUNTER JERSEY PETERBILT*							
	11-02704	09/30/11	BATTERY BOX/TRUCK 39	Open	2,169.99	0.00		
	11-02755	10/06/11	PARTS FOR TRASH TRUCK/DPW	Open	365.08	0.00		

					2,535.07			
02136	TED KINGSTON INC*							
	11-01226	05/05/11	JULY 2011	Open	498.55	0.00		
	11-01227	05/05/11	AUGUST 2011	Open	496.94	0.00		
	11-02479	09/08/11	SEPT 2011	Open	500.00	0.00		

					1,495.49			
02140	KINDLE FORD LINC/MERC., INC.*							
	11-02562	09/14/11	PARTS FOR DPS VEHICLES	Open	1,125.50	0.00		
02175	BRUCE KLAUSING							
	11-02966	11/01/11	CONTRACTUAL REIMBURSEMENTS	Open	21.00	0.00		
02223	LANDSMAN UNIFORMS*							
	11-02465	09/07/11	UNIFORMS	Open	419.00	0.00		
02351	LOWER CAPE MAY REGIONAL							
	11-01281	05/06/11	SCHOOL TAX DUE THE 15TH	Open	1,132,850.76	0.00		
02443	ALLEN MAGNAVITA							
	11-02960	10/31/11	SHOE ALLOWANCE FOR 2011/DPW	Open	44.87	0.00		
02490	MARC PUBLISHING CO*							
	11-02828	10/17/11	CROSS REF. BOOK 2011	Open	157.45	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02609	ANDREW MCGRAW JR	11-02915	10/25/11	SHOE ALLOWANCE FOR 2011/DPW	Open	64.99	0.00		
02629	MATTHEW MASTALSKI	11-02959	10/31/11	SHOE ALLOWANCE FOR 2011/DPW	Open	149.99	0.00		
02968	PATTI'S PARTY WORLD*	11-02888	10/20/11	MISC. SUPPLIES	Open	114.94	0.00		
03026	NJ STATE HEALTH BENEFITS	11-02949	10/27/11	HEALTH BENEFITS NOV 2011	Open	223,630.45	0.00		
03076	NJLM	11-02147	08/01/11	TRAINING	Open	110.00	0.00		
03158	NYSICA*	11-02637	09/26/11	NYSICA CONTINUING EDUCATION	Open	60.00	0.00		
03160	OFFICE BASICS, INC*	11-02692	09/30/11	PRINTER SUPPLIES/DPW	Open	108.75	0.00		
0321	EDUCATION TO GO*	11-02166	08/01/11	LIBRARY REFERENCE	Open	144.15	0.00		
03279	PARDO'S TRUCK PARTS WHSE*	11-02551	09/14/11	PARTS FOR RDS VEHICLE/DPW	Open	726.96	0.00		
		11-02563	09/14/11	PARTS FOR RDS/SANT/RECY/DPW	Open	695.16	0.00		
						1,422.12			
03293	BLAINE PAYNTER	11-02965	11/01/11	CONTRACTUAL REIMBURSEMENTS	Open	31.00	0.00		
03387	POGUE INC. *	11-02845	10/17/11	PRE-EMPLOYMENT TESTING/DPW	Open	208.00	0.00		
03418	PROFESSIONAL PRINTING*	11-02878	10/19/11	SUPPLIES	Open	1,145.00	0.00		
03427	POLAR BEAR*	11-02827	10/17/11	HVAC	Open	1,066.00	0.00		
03449	QC INC*	11-02762	10/06/11	RETENTION POND WATER SAMPLE	Open	35.00	0.00		
03466	R & R SPECIALTIES	11-02570	09/14/11	MEDALS FOR COSTUME PARADE	Open	52.50	0.00		
03478	RED THE UNIFORM TAILOR, INC.*	11-02466	09/07/11	UNIFORMS	Open	167.00	0.00		
		11-02511	09/13/11	UNIFORMS	Open	1,492.90	0.00		

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					1,659.90			
03484 LAUREN M. READ	11-02889	10/20/11	MEDICAL REIMBURSEMENT	Open	25.00	0.00		
03518 RIGGINS, INC.*	11-02900	10/25/11	OFF-HIGHWAY DIESEL/DPW	Open	2,273.55	0.00		
03537 RUTGERS, THE STATE UNIVERSITY*	11-01883	06/29/11	MUNICIPAL CLERK CLASSES	Open	606.00	0.00		
03608 SEAWAVE CORPORATION*	11-02892	10/21/11	NOTICE-FINANCE OFFICE	Open	120.44	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	11-02561	09/14/11	TIRES FOR RDS/TRASH/RECY/DPW	Open	5,345.29	0.00		
	11-02778	10/07/11	TIRES FOR COUNTY VEH.	Open	665.58	0.00		

					6,010.87			
03663 SOUTH JERSEY AUTO SUPPLY*	11-02782	10/07/11	PARTS FOR COUNTY VEH/DPW	Open	115.34	0.00		
	11-02806	10/12/11	MISC. PARTS FOR RC-4 PICK-UP	Open	149.38	0.00		

					264.72			
03674 ELAINE SLAMB	11-02932	10/26/11	OVER 65 SUPP MED FUND	Open	800.00	0.00		
03687 SOUTH JERSEY WRESTLING ASSOC.*	11-02504	09/12/11	YOUTH WRESTLING LEAGUE FEES	Open	500.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	11-02926	10/26/11	SJNIGP MEETING	Open	40.00	0.00		
03692 SOUTH JERSEY GAS CO*	11-02957	10/31/11	OCTOBER, 2011 GAS	Open	631.70	0.00		
03814 UNIVERSAL COMPUTING SERV., INC*	11-02642	09/26/11	MAILERS	Open	368.84	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	11-02826	10/17/11	ONE-CALL MESSAGES/DPW	Open	18.91	0.00		
03831 TREASURER, COUNTY TAXES	11-02882	10/20/11	4TH QTR - DUE 11/15/2011	Open	2,358,944.30	0.00		
03867 UNIVERSAL SUPPLY CO.	11-02780	10/07/11	WOOD FOR BEACH STEPS/DPW	Open	285.66	0.00		
03893 USHER PUBLISHING COMPANY*	11-01590	06/08/11	2012 DOG TAGS & HOOKS	Open	508.80	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03904	LOWE'S HOME CENTER INC*	11-02823	10/14/11	SUPPLIES FOR HAYRIDE	Open	188.73	0.00		
03921	UNIFORM & ACCESSORIES WHSE*	11-02162	08/01/11	NEW VEHICLE OUTFITTING	Open	899.94	0.00		
03932	REEL FIRE PROTECTION*	11-02753	10/06/11	FIRE EXTINGUISHER/DPW	Open	63.70	0.00		
03935	STAPLES BUSINESS ADVANTAGE*	11-02758	10/06/11	OFFICE SUPPLIES	Open	1,150.99	0.00		
03969	VERIZON	11-02909	10/25/11	PHONE SERVICE - OCTOBER, 2011	Open	3,587.67	0.00		
03971	VERIZON WIRELESS	11-02974	11/01/11	MDT WIRELESS	Open	644.14	0.00		
03978	USPS ACCT#48503619	11-02881	10/20/11	POSTAGE FOR METERS	Open	5,000.00	0.00		
04085	CHRISTOPHER WINTER	11-02836	10/17/11	CONTRACTUAL REIMBURSEMENT	Open	39.00	0.00		
04090	WIRELESS ELECTRONICS, INC*	11-02648	09/26/11	MOTOROLA 128 CHANNEL PORT RADI	Open	706.90	0.00		
04101	SPANKY'S BBQ CATERING*	11-02948	10/27/11	REFUND FARMERS MARKET	Open	125.00	0.00		
04104	PITNEY BOWES SUPPLIES OPERATIO	11-02157	08/01/11	POSTAGE MACHINE RED INK #621-1	Open	392.46	0.00		
04105	PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	451.00	0.00		
04261	STATE OF NEW JERSEY	11-02952	10/28/11	3RD QUARTER UNEMPLOYMENT	Open	35,410.05	0.00		
04266	NJ DEPT OF HEALTH&SENIOR SVCS	11-02983	11/02/11	STATE DOG LICENSE FEES - OCT	Open	128.40	0.00		
04297	PYROTECNICO, INC	11-02803	10/12/11	ESCROW REFUND - POC	Open	75.00	0.00		
04301	SEASHORE ASPHALT CORPORATION*	11-02693	09/30/11	ASPHALT FOR PAVING/DPW	Open	508.20	0.00		
		11-02873	10/19/11	PATCH FOR RDS/DPW	Open	1,469.48	0.00		
						----- 1,977.68			
04327	SHI INTERNATIONAL CORP*	11-02391	08/24/11	SCHEDULE SOFT RENEWAL	Open	1,400.70	0.00		

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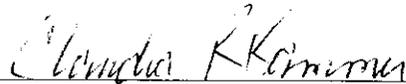
Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04445 TRICOMM SERVICES CORP*	11-00710	03/17/11	IP500 OFFICE TEL SYS TOWNHALL	Open	5,470.00	0.00		
04448 GEN II CONTRACTING CO., INC*	11-01788	06/16/11	ROOF REPLACEMENT ON RECREATION	Open	180,045.18	0.00		B
BOSNA KAREN MANETTE BOSNA	11-02927	10/26/11	INSTRUCTOR - YOGA CLASS	Open	85.00	0.00		
G-ISL ISLAND TROPHIES	11-01540	06/01/11	PLAQUES	Open	200.00	0.00		
	11-02358	08/23/11	PLAQUES	Open	80.00	0.00		
					----- 280.00			
GIANCOLA BRIAN GIANCOLA	11-02988	11/02/11	SOCCER REFUND FOR MARISSA	Open	15.00	0.00		
HOLLANDJ HOWARD & JUDY HOLLAND	11-02894	10/25/11	REF OVERPYMT OF TAX - VETERAN	Open	889.95	0.00		
PISTILLI ANTHONY PISTILLI	11-02891	10/21/11	SPAY/NEUTER PROGRAM	Open	35.00	0.00		
RIDGW JOSEPH RIDGWAY	11-02987	11/02/11	REIMBURSEMENT FOR BACKGROUND	Open	66.25	0.00		
SCARPA MARK SCARPA	11-02956	10/31/11	PAYMENT FOR SOCCER REF	Open	30.00	0.00		
SIMCOX JILL SIMCOX	11-02931	10/26/11	REIMBURSEMENT FOR BACKGROUND	Open	81.25	0.00		

Total Purchase Orders:	159	Total P.O. Line Items:	324	Total List Amount:	4,422,635.82	Total Void Amount:		0.00

**Lower Township
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<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
C Marandino, LLC	11-02051	Station Road Improvements	46092	10/24/11	\$ 17,556.44
Total Manual Checks					\$ 17,556.44
Total brought forward from computer generated bill list					\$ 4,422,635.82
TOTAL BILL LIST					<u>\$ 4,440,192.26</u>

I certify the foregoing to be a Resolution adopted by the Township Council on November 7, 2011.



 Cláudia R. Kammer, RMC, Township Clerk

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

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

RESOLUTION #2011-288

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 has been requested.

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>
451.01	12.02	Howard & Judy Howard	Disabled Veteran	889.95

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on November 7, 2011.



Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-289

TITLE: CERTIFICATION OF LOT CLEARING CHARGES TO THE TAX COLLECTOR

WHEREAS, Ordinance #99-10 establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the Township of Lower, which is also known as the Property Maintenance Code, and

WHEREAS, according to Section 302, Exterior Property Areas of the Property Maintenance Code, all premises and exterior property shall be maintained in a clean, safe and sanitary condition, and

WHEREAS, the properties listed below contained conditions which violated Section 302 of the Property Maintenance Code; and notice was duly sent to the property owners to abate the conditions and such conditions were not abated; and

WHEREAS, the Township of Lower has abated the conditions pursuant to the requirements of the Property Maintenance Code and desires to place a lien on the properties listed below:

BLOCK	LOT	NAME	LOCATION	AMOUNT	ADMIN FEE	LIEN AMT
27	27	Gas Restaurant LLC	401 Bayshore Road	\$344.25	\$500.00	\$844.25

WHEREAS, the Code Enforcement Officer of the Township of Lower has certified the costs incurred to abate such conditions to the Township Council, which has examined the certification and has found it to be correct.

NOW, THEREFORE, Be It Resolved by the Township Council of the Township of Lower, County of Cape May and State of New Jersey that the costs and fees set forth on Schedule A, incurred by the Township of Lower to abate the unlawful conditions on the properties listed below are charges as a lien against such properties, to be added to and become part of the taxes next to be assessed and levied upon such properties, to bear interest at the same rate as taxes, and to be collected and enforced in the same manner as taxes.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on November 7, 2011.

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-290

**TITLE: AWARD OF BID & ACCEPTANCE OF CONTRACT TO PURCHASE 2012
ONE (1) 35 TON SELF-LIFTING DETACHABLE LOWBOY**

WHEREAS, pursuant to Resolution #2010-232 the Township of Lower and the Lower Township MUA entered into an Interlocal Agreement for various shared services, which included in equipment purchases, and

WHEREAS, the Township of Lower and the LTMUA have agreed to joint acquisition of One (1) 2012 35 Ton Self-Lifting Detachable Lowboy, and

WHEREAS, the Township's QPA solicited proposals through the Township's website posting of September 30, 2011 for One (1) 2012 35 ton Self-lifting Detachable Lowboy Trailer with proposals due by October 12, 2011 at 9:00 a.m., and

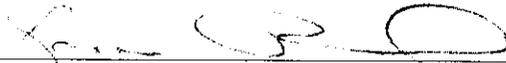
WHEREAS, two (2) sealed proposals were received and reviewed by the QPA and the Public Works Superintendent, and

WHEREAS, Lower Township MUA Resolution #123-2011 adopted October 5, 2011 has approved a joint purchase with the Township for a cost not to exceed \$17,500, and

WHEREAS, the CFO has certified by her signature that sufficient funds are available in the Budget as follows:

Budget & Account: Ordinance #07-14 Account: C-04-55-391-250

Signature _____

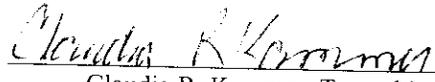


NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: MIKE ZYNDORF, LLC.
TOTAL AMOUNT: \$33,895.00 *
(*\$16,947.50 due from MUA)

BE IT FURTHER RESOLVED, that a properly executed Purchase Order will serve as the contract for the item.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on November 7, 2011.



Claudia R. Kammer, Township Clerk

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

2011-18 PROPOSAL PAGE

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

One (1) 2012-35 Ton Self-Lifting Detachable Lowboy

Total Bid: \$ 33,895.00
In Numbers
Thirty Three Thousand, Eight Hundred and
Ninety Five Dollars. 00 Cents **Dollars**
In Words

Signature	Printed Name
President	Mike Zyndorf LLC
Title	Name of Firm
6481 Harding Highway	Mays Landing, NJ 08330
Address	Address
Mike Zyndorf	609-625-8660
Contact Person	Telephone
22-3668302	mike@mzequipment.com
Tax ID#	E-mail

Exceptions: None (see attached specification sheet)

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

RESOLUTION #2011-291

TITLE: REQUESTING CAPE MAY COUNTY FREEHOLDERS CONSIDER SUBMITTING A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES PROGRAM LOCAL GOVERNMENT ASSISTANCE APPLICATION FOR LAND ACQUISITION AND PARK DEVELOPMENT

WHEREAS, Cape May County is eligible to receive up to 900,000 for land acquisition and park development for the County Open Space and Farmland Preservation Program by applying for a matching grant offered through NJDEP Green Acres Program; and

WHEREAS, Green Acres matching grant funding can be used to acquire land for recreation and conservation purposes including ocean, bay and/or river waterfront, or a lake, pond, beach or stream that provides opportunity for physical and visual public access, swimming, water sports, fishing and/or boating; a natural area such as a wildlife preserve, forest and/or wetland that provides opportunity for conservation, nature observation, water quality and water supply protection, camping and/or hiking; an historic property; or land suitable for playgrounds, athletic fields, and other types of active and passive outdoor recreation facilities or opportunities; and

WHEREAS, Green Acres matching grant funds may be used to assist in efforts to complete the Cape May National Wildlife Refuge, which has only acquired 11,800 acres of the 21,820 acres that congress envisioned necessary to protect wetlands and wildlife resources of international importance; and

WHEREAS, Green Acres loan funding can be used for the development of land for outdoor recreation and conservation purposes, which must be accessible to the public; and

WHEREAS, nineteen other counties in the state regularly apply for and receive matching funds from the State Green Acres Program; and

WHEREAS, on November 9, 1989, Cape May County voters approved, by a two to one margin, a ballot question endorsing the establishment of a trust fund to preserve open space and agricultural lands; and

WHEREAS, the Trust is funded by a county property tax of one cent per \$100 of assessed valuation and raised \$5.5 million toward land preservation last year; and

WHEREAS, the 2007 Cape May County Open Space and Recreation Plan recognizes that open space is of special importance to the County's future

WHEREAS, the 2007 Cape May County Open Space and Recreation Plan recognizes that the County has an open space deficit of 4,001 acres and is in need of additional public recreational land and open space and therefore, recommends the maintenance and expansion of the existing County Park System, and the continuation of the County's Open Space Preservation Program in conjunction and coordination with other public and private open space preservation programs; and

WHEREAS, the County Comprehensive Plan states that the County Open Space and Farmland Preservation Program, in conjunction with State Green Acres and other programs and land trusts, is expected to reduce the County open space deficit; and

WHEREAS, two goals of the Open Space and Recreation Plan are to encourage coordinated open space and recreation planning, acquisition and development initiatives of state, county, and local governments and conservation organizations; and to effectively use funds from the Cape May County Open Space and Farmland Preservation Program, and other sources of funding that may become available; and

WHEREAS, Cape May County residents voted 52% in favor of the 2009 Statewide Open Space Bond Referendum and therefore urge the County to leverage dedicated tax dollars with voter-approved Garden State Preservation Trust dollars to support open space projects; and

WHEREAS, County Trust fund monies should be equally allocated towards farmland preservation and open space projects; and

WHEREAS, ecotourism in Cape May County generates over \$522 million annually; and

WHEREAS, over \$260 million was approved through the last funding round of the "2009 Green Acres Bond Act" for local government open space acquisition and park development projects; and

NOW THEREFORE, BE IT RESOLVED the Township Council of the Township of Lower, as follows request the Cape May County Freeholders to consider submitting an NJDEP Green Acres Program Local Government Assistance Application for Land Acquisition and Park Development.

FURTHER RESOLVED a certified copy of this resolution be forwarded to the Cape may County Board of Chosen Freeholders.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on November 7, 2011.

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-292

TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER APPROVING A MEMORANDUM OF UNDERSTANDING WITH NEW JERSEY NATURAL LANDS TRUST

WHEREAS, the Township of Lower is in the process of obtaining all necessary approvals for the extension of outfall pipes at various street ends along the Delaware Bay;

WHEREAS, the two of the Township's outfall pipes which require extension are on Springtime Road & Sandalwood Road on land that is now owned by the New Jersey Natural Lands Trust;

WHEREAS, in order to obtain the riparian license from the New Jersey Bureau of Tidelands Management to extend the outfall pipe beyond the high tide, a continuing right of access to the beach area landward of the high tide line must be established;

WHEREAS, the Township and the State Deputy Attorneys assigned to the New Jersey Natural Lands Trust and the New Jersey Bureau of Tidelands Management have negotiated a Memorandum of Understanding in the form attached hereto as Exhibit A ("MOU"), which will permit the access needed to complete the permitting process;

WHEREAS, the MOU also requires a fee in the amount of Four Thousand (\$4,000.00) Dollars to offset the cost to the New Jersey Natural Lands Trust in relation to this matter; and

WHEREAS, because of the urgency in completing the extension of the outfall pipes, especially at the street ends of Springtime & Sandalwood Roads where the flooding is causing a severe hardship to the property owners in the vicinity, the Township Council desires to approve the MOU subject to the terms and conditions set forth therein.

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

1. That the MOU, in the form and content attached hereto as Exhibit A, is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the MOU, and that the Township officials are authorized and directed to take any and all actions necessary to effectuate the terms and conditions set forth therein.

I hereby certify the foregoing to be an original Resolution adopted by the Township Council at a meeting held on November 7, 2011.


 Claudia R. Kammer, Township Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, in consideration of these mutual promises and pursuant to the authority of N.J.S.A. 13:1B-15.122 and 13.1B-15,123, it is understood by and between the parties hereto as follows:

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

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

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

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

14. **INSURANCE.**

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

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

(a) Broad Form Comprehensive General Liability; and

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

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

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

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

- b. All insurance coverage required to be maintained in accordance with this MOU shall be issued by an insurance company authorized and approved to conduct business in the State of New Jersey and, except for worker's compensation and employer's liability insurance, shall name the New Jersey Natural Lands Trust as an additional insured.
- c. Prior to entering the Property under this MOU and prior to the initiation of any work to be performed by the Township and/or any of the Township's contractors and/or subcontractors, the Township shall provide to the Trust in form satisfactory to the Trust a certificate of insurance evidencing that insurance coverage required under this MOU is in effect. The certificate of insurance shall provide for thirty (30) days notice, in writing, to the Trust prior to any cancellations, expiration, or non-renewal during the term the insurance is required to be maintained in accordance with this MOU.
- d. The Township also agrees to provide the Trust with valid certificates of renewal of the insurance upon the expiration of the policies so that the Trust is in continuous possession of documentation that the Township has at all times obtained and maintained all insurance coverage required under this MOU. The Township shall, upon request, provide the Trust with copies of each policy required under this MOU, certified by the agent or underwriter to be true copies of the policies provided to the Township. The Township shall deliver all certificates to the Trust's address set forth below. The Township expressly understands and agrees that any insurance protection required by this MOU shall in no way limit the Township's obligations assumed in this MOU, and shall not be construed to relieve the Township from liability in excess of such coverage, nor shall it preclude the Trust from taking such other actions as are available to it under any provision of this MOU or otherwise at law.
- e. Provided the requirements at a. through d. above are met, the Township may satisfy these insurance requirements through the issuance and maintenance of such insurance coverage by the contractor or contractors with whom the township contracts for the stormwater pipe extension.

15. **MODIFICATION.** No provision of this MOU shall be modified without the express written approval thereof by the Trust and the Township.

16. **SEVERABILITY/WAIVER.** All agreements and covenants contained

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

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

To The Trust:

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

To the Township:

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

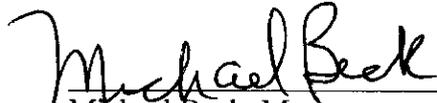
20. **NOT A CONVEYANCE.** The Trust permits the Township to apply for and receive a on fee license from the Sate of New Jersey, through the Tidelands Resource Council and the Commissioner of Environmental Protection, pursuant to N.J.S.A. 12:3-9 and N.J.S.A. 12:3-23. Based on the Township's implied easement,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

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

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

Dated:

Michael Catania, Chairperson
New Jersey Natural Lands Trust



Michael Beck, Mayor
The Township of Lower

Reviewed and Approved as to Form:

Maurice Griffin, Deputy Attorney General
State of New Jersey

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

RESOLUTION #2011-293

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$20,000.00 for an item of revenue in the budget of the year 2011 as follows:

Miscellaneous Revenues –

Revenue Offset with Appropriations - Energy Efficiency and Conservation Block Grant

Total with increase to be \$20,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$20,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –

Public & Private Programs Offset by Revenues - Energy Efficiency and Conservation Block Grant

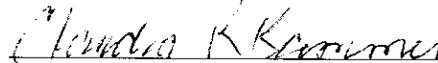
State/Federal Share \$ 20,000.00

Non State Share \$

Total with increase to be \$ 20,000.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on November 7, 2011.


Claudia R. Kammer, Township Clerk

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



01-21-2011

Colleen Crippen
Lower, Township of
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen Crippen,

Thank you for applying to participate in the Energy Efficiency and Conservation Block Grant Rebate Program (EECBG), a New Jersey Board of Public Utilities (NJBP) initiative, managed by TRC Energy Services (TRC). The project described below has been approved and EECBG funding has been committed based on information supplied in the application. This incentive commitment will be valid as long as the project is completed and supporting documentation is received by TRC prior to the expiration date.

Application # SJ02016EECBG	Associated Program: Direct Install	Expiration Date: 8/1/2012
Estimated EECBG Amount: \$6,900.00	Account # 012763099996	
Project Location: 2600 Bayshore Road Villas, NJ 08251		

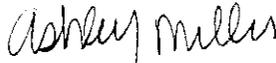
The EECBG amount listed in the table above represents the level of funding allocated for the proposed project. The final amount will be determined based on 1) actual equipment installed, which may be verified by a site inspection and 2) program terms and conditions, which limit the combination of the EECBG, NJ Clean Energy Program (NJCEP) incentives, and/or utility incentives to an amount not greater than the total project cost. In addition, certain utility programs may not fund 100% of the project cost.

As the customer, you are responsible for the contractor's work and any costs not covered by the EECBG and/or NJCEP or utility program incentives. You are also responsible for ensuring that all American Recovery and Reinvestment Act (ARRA) requirements are met. TRC, as the Commercial and Industrial Market Manager, may assign any or all of its rights and obligations under this Application, without the Applicant's consent, to any entity assuming responsibility for the New Jersey Office of Clean Energy's ARRA Program management duties.

The following supporting documentation is required at project completion:

1. Equipment invoices, **including a description of the equipment installed, quantity, and unit price (e.g. material price per fixture, motor, etc.) and separate indications for labor and materials.** Please include your EECBG application number on all invoices.
2. Copies of weekly certified payroll
3. Copies of jobs report identifying hours worked by labor title
4. Certification related to compliance with Buy American provisions
5. All other required Energy Efficiency and Conservation Block Grant forms

For questions or assistance in completing your EECBG application, please contact TRC at the number below.

Very truly yours,

Ashley Miller
Program Coordinator

Commercial & Industrial Market Manager
New Jersey's **Clean Energy** Program
c/o TRC Energy Services
900 Route 9 North, Suite 404, Woodbridge, NJ 07095
Toll Free - 866-433-4479 • Phone - 732-855-0033 • Fax - 732-855-0422

04-08-2011

Colleen Crippen
Lower, Township of
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen Crippen,

Thank you for applying to participate in the Energy Efficiency and Conservation Block Grant Rebate Program (EECBG), a New Jersey Board of Public Utilities (NJBPUB) initiative, managed by TRC Energy Services (TRC). This program is funded by the United States Department of Energy through the American Recovery and Reinvestment Act (ARRA). The project described below has been approved and EECBG funding has been committed based on information supplied in the application. This incentive commitment will be valid as long as the project is completed and supporting documentation is received by TRC prior to the expiration date.

Application # SJ02014EECBG	Associated Program: Direct Install	Expiration Date: 8/1/2012
Estimated EECBG Amount: \$6,900.00	Account # 023719099998	
Project Location: 209 Bayshore Road Villas, NJ 08251		

The EECBG amount listed in the table above represents the level of funding allocated for the proposed project. The final amount will be determined based on 1) actual equipment installed, which may be verified by a site inspection and 2) program terms and conditions, which limit the combination of the EECBG, NJ Clean Energy Program (NJCEP) incentives, and/or utility incentives to an amount not greater than the total project cost. In addition, certain utility programs may not fund 100% of the project cost.

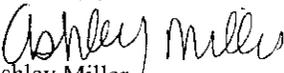
As the customer, you are responsible for the contractor's work and any costs not covered by the EECBG and/or NJCEP or utility program incentives. You are also responsible for ensuring that all American Recovery and Reinvestment Act (ARRA) requirements are met including but not limited to, the wage requirements of the Davis Bacon Act (DBA) (40, USC 3141 et seq; 29 CFR 5.2(j)(1)(i)) and all Buy American provisions. Note that to the extent that the prevailing wage rates set forth in New Jersey's Prevailing Wage Act (N.J.S.A. 34:11-56.25) meet or exceed the federal DBA wage rates, the New Jersey rates must be paid. TRC, as the Commercial and Industrial Market Manager, may assign any or all of its rights and obligations under this Application, without the Applicant's consent, to any entity assuming responsibility for the New Jersey Office of Clean Energy's ARRA Program management duties.

The following supporting documentation is required at project completion:

1. Equipment invoices, including a description of the equipment installed, quantity, and unit price (e.g. material price per fixture, motor, etc.) and separate indications for labor and materials. Please include your EECBG application number on all invoices.
2. Copies of weekly certified payroll
3. Copies of jobs report identifying hours worked by labor title
4. Certification related to compliance with Buy American provisions
5. All other required Energy Efficiency and Conservation Block Grant forms

For questions or assistance in completing your EECBG application, please contact TRC at the number below.

Very truly yours,


Ashley Miller
Program Coordinator



03-30-2011

Colleen Crippen
Lower, Township of
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen Crippen,

Thank you for applying to participate in the Energy Efficiency and Conservation Block Grant Rebate Program (EECBG), a New Jersey Board of Public Utilities (NJBP) initiative, managed by TRC Energy Services (TRC). This program is funded by the United States Department of Energy through the American Recovery and Reinvestment Act (ARRA). The project described below has been approved and EECBG funding has been committed based on information supplied in the application. This incentive commitment will be valid as long as the project is completed and supporting documentation is received by TRC prior to the expiration date.

Application # SJ02015EECBG	Associated Program: Direct Install	Expiration Date: 8/1/2012
Estimated EECBG Amount: \$3,500.00	Account # 012830399999	
Project Location: 2600 Bayshore Road Villas, NJ 08251		

The EECBG amount listed in the table above represents the level of funding allocated for the proposed project. The final amount will be determined based on 1) actual equipment installed, which may be verified by a site inspection and 2) program terms and conditions, which limit the combination of the EECBG, NJ Clean Energy Program (NJCEP) incentives, and/or utility incentives to an amount not greater than the total project cost. In addition, certain utility programs may not fund 100% of the project cost.

As the customer, you are responsible for the contractor's work and any costs not covered by the EECBG and/or NJCEP or utility program incentives. You are also responsible for ensuring that all American Recovery and Reinvestment Act (ARRA) requirements are met including but not limited to, the wage requirements of the Davis Bacon Act (DBA) (40, USC 3141 et seq; 29 CFR 5.2(j)(1)(i)) and all Buy American provisions. Note that to the extent that the prevailing wage rates set forth in New Jersey's Prevailing Wage Act (N.J.S.A. 34:11-56.25) meet or exceed the federal DBA wage rates, the New Jersey rates must be paid. TRC, as the Commercial and Industrial Market Manager, may assign any or all of its rights and obligations under this Application, without the Applicant's consent, to any entity assuming responsibility for the New Jersey Office of Clean Energy's ARRA Program management duties.

The following supporting documentation is required at project completion:

1. Equipment invoices, **including a description of the equipment installed, quantity, and unit price (e.g. material price per fixture, motor, etc.) and separate indications for labor and materials.** Please include your EECBG application number on all invoices.
2. Copies of weekly certified payroll
3. Copies of jobs report identifying hours worked by labor title
4. Certification related to compliance with Buy American provisions
5. All other required Energy Efficiency and Conservation Block Grant forms

For questions or assistance in completing your EECBG application, please contact TRC at the number below.

Very truly yours,

Ashley Miller
Ashley Miller
Program Coordinator

Commercial & Industrial Market Manager
New Jersey's **Clean Energy** Program
c/o TRC Energy Services
900 Route 9 North, Suite 404, Woodbridge, NJ 07095
Toll Free - 866-433-4479 • Phone - 732-855-0033 • Fax - 732-855-0422



01-21-2011

Colleen Crippen
Lower, Township of
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen Crippen,

Thank you for applying to participate in the Energy Efficiency and Conservation Block Grant Rebate Program (EECBG), a New Jersey Board of Public Utilities (NJBP) initiative, managed by TRC Energy Services (TRC). The project described below has been approved and EECBG funding has been committed based on information supplied in the application. This incentive commitment will be valid as long as the project is completed and supporting documentation is received by TRC prior to the expiration date.

Application # SJ02017EECBG	Associated Program: Direct Install	Expiration Date: 8/1/2012
Estimated EECBG Amount: \$1,200.00	Account # 010511899998	
Project Location: 771 Seashore Road Cold Spring, NJ 08204		

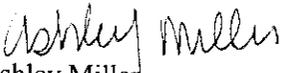
The EECBG amount listed in the table above represents the level of funding allocated for the proposed project. The final amount will be determined based on 1) actual equipment installed, which may be verified by a site inspection and 2) program terms and conditions, which limit the combination of the EECBG, NJ Clean Energy Program (NJCEP) incentives, and/or utility incentives to an amount not greater than the total project cost. In addition, certain utility programs may not fund 100% of the project cost.

As the customer, you are responsible for the contractor's work and any costs not covered by the EECBG and/or NJCEP or utility program incentives. You are also responsible for ensuring that all American Recovery and Reinvestment Act (ARRA) requirements are met. TRC, as the Commercial and Industrial Market Manager, may assign any or all of its rights and obligations under this Application, without the Applicant's consent, to any entity assuming responsibility for the New Jersey Office of Clean Energy's ARRA Program management duties.

The following supporting documentation is required at project completion:

1. Equipment invoices, **including a description of the equipment installed, quantity, and unit price (e.g. material price per fixture, motor, etc.) and separate indications for labor and materials.** Please include your EECBG application number on all invoices.
2. Copies of weekly certified payroll
3. Copies of jobs report identifying hours worked by labor title
4. Certification related to compliance with Buy American provisions
5. All other required Energy Efficiency and Conservation Block Grant forms

For questions or assistance in completing your EECBG application, please contact TRC at the number below.

Very truly yours,

Ashley Miller
Program Coordinator

Commercial & Industrial Market Manager
New Jersey's **Clean Energy** Program
c/o TRC Energy Services
900 Route 9 North, Suite 404, Woodbridge, NJ 07095
Toll Free - 866-433-4479 • Phone - 732-855-0033 • Fax - 732-855-0422



01-21-2011

Colleen Crippen
Lower, Township of
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen Crippen,

Thank you for applying to participate in the Energy Efficiency and Conservation Block Grant Rebate Program (EECBG), a New Jersey Board of Public Utilities (NJBP) initiative, managed by TRC Energy Services (TRC). The project described below has been approved and EECBG funding has been committed based on information supplied in the application. This incentive commitment will be valid as long as the project is completed and supporting documentation is received by TRC prior to the expiration date.

Application # SJ02013EECBG	Associated Program: Direct Install	Expiration Date: 8/1/2012
Estimated EECBG Amount: \$1,500.00	Account # 012830499997	
Project Location: 2600 Bayshore Road Villas, NJ 08251		

The EECBG amount listed in the table above represents the level of funding allocated for the proposed project. The final amount will be determined based on 1) actual equipment installed, which may be verified by a site inspection and 2) program terms and conditions, which limit the combination of the EECBG, NJ Clean Energy Program (NJCEP) incentives, and/or utility incentives to an amount not greater than the total project cost. In addition, certain utility programs may not fund 100% of the project cost.

As the customer, you are responsible for the contractor's work and any costs not covered by the EECBG and/or NJCEP or utility program incentives. You are also responsible for ensuring that all American Recovery and Reinvestment Act (ARRA) requirements are met. TRC, as the Commercial and Industrial Market Manager, may assign any or all of its rights and obligations under this Application, without the Applicant's consent, to any entity assuming responsibility for the New Jersey Office of Clean Energy's ARRA Program management duties.

The following supporting documentation is required at project completion:

1. Equipment invoices, **including a description of the equipment installed, quantity, and unit price (e.g. material price per fixture, motor, etc.) and separate indications for labor and materials.** Please include your EECBG application number on all invoices.
2. Copies of weekly certified payroll
3. Copies of jobs report identifying hours worked by labor title
4. Certification related to compliance with Buy American provisions
5. All other required Energy Efficiency and Conservation Block Grant forms

For questions or assistance in completing your EECBG application, please contact TRC at the number below.

Very truly yours,
Ashley Miller
Ashley Miller
Program Coordinator

Commercial & Industrial Market Manager
New Jersey's **Clean Energy** Program
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900 Route 9 North, Suite 404, Woodbridge, NJ 07095
Toll Free - 866-433-4479 • Phone - 732-855-0033 • Fax - 732-855-0422

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

RESOLUTION #2011-294

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO BAYSHORE ESTATES STORMWATER INVESTIGATION, PHASE 2

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

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to Bayshore Estates Stormwater Investigation, Phase 2 which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

WHEREAS, the Township Council desires to approve the Project Proposal, and

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


 Lauren Read, CFO C0453-379-710
 Account

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$26,000, is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on November 7, 2011.


 Claudia R. Kammer, Township Clerk

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



Hatch Mott
MacDonald

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

November 1, 2011

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

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

**RE: Bayshore Estates Stormwater Investigation
Phase 2 - Roseann Avenue Trunk Line Evaluation
Township of Lower, Cape May County**

Dear Mr. Douglass:

Please find enclosed herewith our proposal for professional engineering services for Phase 2 (Roseann Avenue Trunk Line) of the Bayshore Estates Stormwater Investigation Project. HMM proposes the following scope of work:

Task 1 Underwater Investigation
--

Utilizing a diving firm subcontractor and firm resources HMM will perform the following work under Task 1:

- Perform an underwater investigation/evaluation of the gravity stormwater main in Roseann Avenue from the manhole in Bayshore Drive to the outfall end of the stormwater main northwest of Clearwater Drive (approx. 3,050 feet) by accessing the outfall pipe discharge point and nine existing manhole chambers;
- Each manhole will be entered and inspected visually with existing dimensions recorded. The entire length of stormwater main will be evaluated by the diver and recorded by underwater video;
- Accurate lengths between manholes, condition of the pipe, size and pipe material and location of problematic areas will all be recorded by the diver; and
- The underwater diving team will provide all personnel, equipment and safety gear to perform the required work.

We propose to perform the work under Task 1 based upon a **reimbursable not-to-exceed method of compensation for the actual time required** and at the actual hourly rates for the individual(s) employed in accordance with our current rate schedule.

For budgeting purposes, we estimate that field work associated with the underwater investigation and evaluation of the stormwater trunk line will not exceed **\$22,500**.

Access to existing manholes and any required traffic control will be provided by the Township Public Works Department and has not been included within the budget provided above.



Hatch Mott
MacDonald

Task 2 Report and Recommendations

The following outlines our proposed scope of services for work included under Task 2 for the project:

- Review video footage and recorded findings;
- Prepare a plan and report detailing the existing stormwater trunk line condition; and
- Provide recommendations regarding the next phase of the project.

We propose to complete the scope of work outlined above **Task 2** for the lump sum amount of **\$3,500**.

FEE SUMMARY			
<u>Scope Of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget</u>
Task 1	Underwater Investigation	Reimbursable (Budget)	\$22,500
Task 2	Report and Recommendations	Lump Sum	\$3,500
TOTAL			\$26,000

We thank you for the opportunity to provide this Scope of Work for Phase 2 of the Bayshore Estates Stormwater Investigation Project. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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

Steven C. Morey, CEP
Associate
T 609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

encl.

cc (via e-mail): Michael Voll, Township Manager
Claudia R. Kammer, Township Clerk

<http://pims02/pims/llisapi.dll/Open/9383985>

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

RESOLUTION #2011-295

Title: Transfer of 2011 Appropriations

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers totaling \$64,000.00 be made between the 2011 budget appropriations.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
FINANCE	OE	1-01-20-130-299	4,000.00	
SOLICITOR	OE	1-01-20-155-299	10,000.00	
UNEMPLOYMENT	OE	1-01-23-225-500	25,000.00	
POLICE	OE	1-01-25-240-299	20,000.00	
RECREATION	OE	1-01-28-370-299	5,000.00	
PERS	OE	1-01-36-471-599		15,000.00
ELECTRIC	OE	1-01-31-430-299		10,000.00
TELEPHONE	OE	1-01-31-440-270		10,000.00
TIPPING FEES	OE	1-01-32-465-611		29,000.00
			<u>64,000.00</u>	<u>64,000.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on

Jan 7, 2011.

Claudia R. Kammer

 Claudia R. Kammer, RMC, Township Clerk

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

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

RESOLUTION #2011-296

TITLE: APPOINTMENT OF HEARING OFFICER FOR POLICE DISCIPLINARY MATTERS

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

WHEREAS, the anticipated term of this contract is 90 days; and

WHEREAS, John Callinan has submitted a proposal indicating he will provide the goods or services described hereinabove at a rate of \$125.00 per hour for a total price not to exceed \$3,000.00, and

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

Appropriation # 1-01-25-240-299 (Police OE Misc.) Signature *Colleen Cooper*

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby appoints John Callinan as Special Haring Officer and approves the contract for the goods and services described above.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and that a notice of Award of Professional Contract for the above appointment shall be published in the official Township paper.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on November 7, 2011.

Claudia R. Kammer
Claudia R. Kammer, Township Clerk

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

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

RESOLUTION # 2011-297

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.
- X (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. (Potential Litigation)

_____ (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 November 7, 2011 that an Executive Session closed to the public shall be held on this date at approximately 7.44 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 November 7, 2011.



Claudia R. Kammer, Township Clerk

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