

## RESOLUTIONS ADOPTED AUGUST 1 2011

- Res. #2011-180 Resolution Ratifying the Agreement Between the Township of Lower and Brian Marker, Chief of Police (July 1 2011 through June 30, 2014 - withdrawn from June 20<sup>th</sup> agenda)
- Res. #2011-205 Payment of Vouchers, \$1,846,968.89
- Res. #2011-206 Ratification of Addendum to Contract Between Lower Township Supervisor's Union & the Township of Lower (This resolution adds the title of General Supervisor of Public Works to the list of positions covered by the Supervisor's Union in accordance with the Salary Ord. adopted July 6)
- Res. #2011-207 Purchase of Off- Duty Weapon (Ed Donohue) (Authorizing the retired Chief to purchase his handgun based on the fair market value of \$200 as quoted by Lawman Supply Co.)
- Res. #2011-208 Authorization for Aart's Transportation Services to Transfer Taxi License From 2001 Dodge Caravan to 2001 Grand Dodge Caravan (replacing one vehicle with another vehicle)
- Res. #2011-209 Resolution Rescinding Resolutions #2011-194 and Authorizing Public Facilities Grant Application for \$400,000, Various ADA Improvements (Original resolution was for wrong amount, applying for \$400,000 instead of \$500,000)
- Res. #2011-210 Authorizing Pay Out of Terminal Leave (E. Christensen resigned - pay for unused vacation & personal time prorated to date of resignation)
- Res. #2011-211 Authorizing Pay Out of Terminal Leave (A. Mason retiring from Police - \$38,618.14)
- Res. #2011-212 Cancellation of 2011 Taxes (Applicant approved as 100% totally disabled by Dept of Veteran's Affairs which now exempts them from property taxes)
- Res. #2011-213 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (\$4,400.00 Over the Limit Under Arrest)
- Res. #2011-214 Application for 2012 Drug Enforcement and Demand Reduction (DEDR) Grant Funds (Annual application for Municipal Alliance Committee)
- Res. #2011-215 Authorization for Waiver of Fees for Good Samaritan Baptist Church Associated With Their Use Variance & Minor Site Plan Applications (The church is seeking the variance to allow them to sell a residential dwelling located on their church campus)
- Res. #2011-216 Certification of Lot Clearing Charges to the Tax Collector (resolution authorizing the cost of clearing/cleaning properties and administration fee (\$500 each) not in compliance with the Property Maintenance Code to be placed as a lien against the property - Total for all 21 properties - \$16,793.57)
- Res. #2011-218 Resolution Approving Project Proposal Amendment Between Hatch Mott Macdonald and the Township for Additional Engineering Services Roof Replacement and Related Work at the Recreation Center (Adding up to an additional \$7000 in engineering services fees to be deducted from the final payment to the contractor doing the roof replacement at the Recreation Center.
- Res #2011-219 Approval of Change Order No 2 for Roof Replacement & Related Work at the Recreation Center (Reducing contract amount by \$2,084 for clean up and lost wages due to water damage sustained during project. This is in addition to the reduction for additional engineering costs)
- Res. #2011-220 Authorization for Waiver of Fees for Lower Township Rescue Squad Associated with Minor Site Plan, Use Variance & Hardship Variance (Estimated application fees to be waived \$1200)
- Res. #2011-221 Payment of Voucher, \$60.00 (LT Rescue - CPR Certification Class - S Davis, Police Dispatcher)
- Res. #2011-222 Payment of Voucher, \$1,500.00 (for clean up of 5 properties with cost to be placed as lien on each property)
- Res. #2011-223 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." (Labor Relations - Chief's Contract, Land Acquisition - Report & Personnel - Police)
- Res. #2011-224 Appointment of Special Prosecutor for Police Disciplinary Matters (Steven Secare)

### **The following resolution was tabled and will be reconsidered at future meeting.**

- Res. #2011-217, Resolution Authorizing the Township to Auction Equipment or Supplies No Longer Needed For The Bureau of Fire Safety (Permits the Twp. to auction surplus equipment as necessary for the Fire Bureau as requested for 2011-2012 with proceed to go to Fire Bur. Misc. Revenue line item)

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

RESOLUTION #2011-180

**TITLE: RESOLUTION RATIFYING THE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND POLICE CHIEF BRIAN MARKER**

WHEREAS, THE Chief of Police has requested an employment contract outlining the terms and conditions of his employment including all benefits; and

WHEREAS, the attached agreement has been reviewed and approved by both the Chief of Police, Brian Marker and the Township of Lower.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the attached Agreement between the Township of Lower and the Chief of Police, effective July 1, 2011 through June 30, 2014 be and is hereby ratified.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 1, 2011.

*Claudia R. Kammer*  
Claudia R. Kammer, Township Clerk

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

**AGREEMENT BETWEEN**  
**THE TOWNSHIP OF LOWER**  
**AND**  
**BRIAN MARKER**  
**THE CHIEF OF POLICE**  
**OF THE TOWNSHIP OF LOWER**

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**EMPLOYMENT CONTRACT BY AND BETWEEN  
THE TOWNSHIP OF LOWER AND THE CHIEF OF POLICE OF  
THE TOWNSHIP OF LOWER**

**THIS AGREEMENT** dated \_\_\_\_\_, 2011 is by and between the **Township of Lower**, a municipal corporation of the County of Cape May, State of New Jersey, (herein after referred to as the "**Township**") and **Brian Marker**, of North Cape May, New Jersey 08204, (herein referred to as "**The Chief**").

**RECITALS**

- (a) The current Chief of Police of the Township of Lower has notified the Township of his intent to retire.
- (b) The Township desires to have an orderly and immediate transfer of the responsibility of the Chief of Police to a new Chief.
- (c) The Township has determined to appoint Brian Marker as its new Chief of Police and desires to enter into an agreement with Brian Marker to provide for the terms and conditions of employment as the Chief of Police of the Township of Lower.

**NOW THEREFORE** the parties agree as follows:

**ARTICLE 1**

**EMPLOYMENT:** The Township agrees to appoint and employ Brian Marker as the Chief of Police of the Township of Lower Police Department subject to the terms and conditions of employment set forth in this agreement.

**ARTICLE 2**

**MANAGEMENT RIGHTS:** The Township hereby retains and reserves unto itself all powers, rights, authority, duties, and responsibilities conferred upon and invested in it prior to the signing of this agreement, by the laws and constitution of the State of New Jersey and of the United States, except those limited by the specific and expressed terms of this agreement and then only to the extent that such specific and expressed terms hereof are in conformance with the constitution and laws of New Jersey and of the United States.

### **ARTICLE 3**

**DUTIES AND RESPONSIBILITIES OF THE CHIEF:** The Chief shall perform his duties in a diligent manner in conformance with New Jersey State Statute NJSA 40A:14-118, in compliance with Township ordinances and the regulation and policies established by the New Jersey Attorney General's office. The responsibilities of the Chief shall include, but not be limited to the following:

- A. Conduct and manage the day to day operations of the police department.
- B. Administer and enforce rules, regulations, and special emergency directives regarding the disposition and discipline of the police force, its officers and personnel.
- C. Have exercise and discharge the functions, powers, and duties of the police force.
- D. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision.
- E. Prescribe the duties and assignments of all subordinates and other personnel.
- F. Report at least monthly at the regular meetings of the Township or by any such other forms as the Township shall require as to the operation of the police force during the preceding month.
- G. Report from time to time with the appropriate authority regarding the operations of the Police Department.

### **ARTICLE 4**

**WORK WEEK:** The position of Chief is a salaried position compensated pursuant to the salary paragraph in this contract and under subject to the annual salary ordinance.

This shall mean that the Chief shall dedicate himself to performing his duties without respect to a specific minimum or maximum number of hours worked per day of each week.

However, the Chief shall work an average of 40 hours per week. Time requirements for optimal job performance vary based on specific assignments, seasonal demands or other factors. All parties endorse a policy of flexibility which allows the Chief to adjust normal working hours as conditions require to include all hours which enable the Chief to complete routine duties of his office and to perform special duties as assigned, attend

meetings as assigned, to work hours as required in order to complete critical work tasks or handle emergency conditions as they arise.

#### **ARTICLE 5**

**SICK LEAVE:** The Chief shall be entitled to utilize accumulated sick leave as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

#### **ARTICLE 6**

**INJURY LEAVE:** The Chief shall be entitled to injury leave as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

#### **ARTICLE 7**

**FUNERAL LEAVE:** In the event of the death in the Chief of Police's immediate family, the Chief of Police shall be given five (5) days leave with pay for a family member within the State of New Jersey and seven (7) days leave with pay if not within the State of New Jersey.

Immediate family shall mean spouse, sibling, child or grandchild, parent, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law.

#### **ARTICLE 8**

**VACATION DAYS:** The Chief shall be entitled to the same vacation schedule based on years of service as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

The position of Chief requires an intensive number of hours which could occur during normal days off and in recognition of this fact, the Chief shall be permitted to carry forward accumulated vacation time into the following year which must be used by December 31<sup>st</sup> thereof.

#### **ARTICLE 9**

**HOLIDAY TIME:** The Chief shall be entitled to the same holidays as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

## **ARTICLE 10**

**PERSONAL DAYS:** The Chief shall be entitled to the same number of personal days as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time. (Such personal days shall not accumulate from year to year.)

## **ARTICLE 11**

### **MEDICAL INSURANCE, HEALTH, AND EYE EXAMINATION PLAN:**

1. The Chief shall have the same medical insurance, health, prescription, dental and eye examination coverage as specified in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.
2. Upon retirement and after 25 years of service with the police department, the Township shall provide the following health benefits coverage for the Chief up to sixty-five (65) years of age or age of medicare eligibility. The Chief of Police shall be entitled to receive at no cost to him, health, dental and eye insurance coverage at levels not less than those presently in effect along with the drug prescription plan as provided for in the current Township of Police Superior Officers' Collective Bargaining Contract, as though the Chief of Police was still employed by the Township. Upon his death, his spouse will receive health, dental and eye insurance coverage along with the drug prescription plan as provided for in the current Township of Police Superior Officers' Collective Bargaining Contract, as if the Chief of Police were still living so long as she does not re-marry. This will also be provided at no cost to his spouse.
3. Upon reaching the age of sixty-five (65) years or medicare eligible, the Township shall provide to the Chief health benefits in accordance with the health benefits provided to retirees age sixty-five (65) or medicare eligible and older as provided for in the current Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

## **ARTICLE 12**

### **CLOTHING ALLOWANCE:**

1. The Chief of Police shall not receive a clothing allowance.
2. It shall be left to the professional discretion of the Chief of Police as to when he should wear a formal or informal uniform or plain clothes.

## **ARTICLE 13**

### **PERSONAL CAR:**

1. Due to the nature of the employment conditions of the Chief of Police, the Township agrees to supply the Chief with an unmarked automobile to be used for police work and when necessary, his limited personal use. The make and model of the automobile shall be determined by the Township however, it shall be a full size four door car and shall be equipped with such safety equipment as needed for police work.
2. When necessary, the Chief of Police shall be permitted to use the car for his limited personal use within Cape May County. There shall be no limit on the use of the automobile for police work or anything associated with police work, such as attending meetings, in-service training, conferences, and any other traveling needed to carry out the duties of the Chief.
3. The Township shall pay all expenses for the operation and up keep of the automobile such as car insurance, tires, gas, oil changes, etc.
4. The automobile shall not be used by anyone other than the Chief of Police except that the Chief of Police may designate other members of the police department as appropriate, to use the vehicle for a designated police purpose.

## **ARTICLE 14**

**COLLEGE CREDITS:** The Chief of Police shall be entitled to payment for college credits as specified in the current Lower Township Police Superior Officers' Collective Bargaining Contract as amended from time to time.

**ARTICLE 15**

**COMPENSATION:** During the terms of this Agreement the Chief shall receive the following base wages:

1. During the period that the Chief serves as Acting Chief, the sum of \$127,500 per annum.
2. Upon certification by the New Jersey Department of Personnel as "Chief", the sum of \$130,000 per annum, except as provided in Subsection 3 below. This amount shall remain fixed at \$130,000 per annum throughout the term of this Agreement.
3. The Chief's salary shall be adjusted if the difference between the Chief's salary and the next highest ranked police officer is less than five (5%) percent.

**ARTICLE 16**

**LONGEVITY PAY INCREASES:**

1. Upon the effective date of this contract, the Chief of Police shall no longer be paid Longevity Pay in addition to his annual base salary.

**ARTICLE 17**

**RETIREMENT:**

The Chief shall retain all pension rights under New Jersey Law.

The Chief shall receive a terminal leave benefit based upon the cash value of accumulated unused sick leave to a maximum of 180 days.

The Chief may elect to receive 1/3 of the allotted 180 day accumulated unused sick leave cash value payment each year of this agreement ie: 60 day payment in year 2011, 2012, 2013.

**ARTICLE 18**

**LEGAL DEFENSE:**

1. The Township shall supply the Chief of Police with necessary legal advice and counsel in the defense of charges filed against him in the performance of his duties in accordance with the laws of the State of New Jersey and of the United States. A selection of an attorney may be made by the Chief of Police subject to the approval of the Township and such approval shall not be

unreasonably withheld by the Township. The Township shall similarly be responsible for indemnification and counsel, in connection with all claims including compensatory and punitive damages for actions filed subsequent to the expiration of this agreement.

2. In the event that the Chief of Police utilizes counsel other than that supplied by the Township, the fees and costs shall be agreed upon by the attorney and the Township prior to the attorney performing such services.

## **ARTICLE 19**

### **PROFESSIONAL DEVELOPMENT/LAW ENFORCEMENT CONFERENCES:**

1. The Chief shall be permitted to attend and be compensated for at his regular salary, any school, seminar, or in-service training conducted or sponsored by the International Association of Chiefs' of Police, the New Jersey State Association of Chiefs' of Police, the New Jersey State Police, the Federal Bureau of Investigation, or any other educational program of a management or supervisory nature provided that the total compensated training days for such purposes shall not exceed 20 days in one year which shall not accumulate from year to year. All expenses such as travel, room, food, tuition, special clothing, books, or any other charges connected with these educational programs, shall be paid by the Township.
2. International Association of Chiefs' of Police Annual Training Conference: The Township agrees to grant training time off including travel time for the Chief of Police to attend the annual International Association of Chiefs' of Police Training Conference which is held in various states throughout the United States each year. All costs and expenses associated with attendance shall be the responsibility of the Chief.

The Chief of Police shall also be required to provide a written report to the Township Manager, which details the information presented at the conference, including how such information is valuable and useful to the Lower Township Police Department.

3. Membership Dues: The Township also agrees to pay for the Chief of Police's dues for membership in the Cape May County Police Chiefs' Association, the South Jersey Police Chiefs' Association, the New Jersey State Association of Police, the New Jersey F.B.I. National Academy Associates, and the International Association of

Chiefs' of Police. The amount of membership dues shall not exceed the actual cost.

## **ARTICLE 20**

**NON-PRECEDENT:** This contract shall not be interpreted or used as a guide or benchmark for any other employment contract or terms and conditions of any other employee including Collective Bargaining Agreements, and shall not be deemed an increase in salary given to all other municipal Officers and employees.

## **ARTICLE 21**

### **CONTINUATION OF BENEFITS NOT COVERED BY THIS AGREEMENT:**

1. All employment conditions not covered by this agreement shall continue to be governed, controlled, and interpreted by reference to either the Township Ordinances or the current Township of Police Superior Officers' Collective Bargaining Contract and any present benefits which the Chief Customarily enjoys, but have not been specifically included in this agreement, shall be continued.

## **ARTICLE 22**

**ENTIRE AGREEMENT:** This agreement represents and incorporates the complete and final understanding between the parties on all issues which form the subject matter of this contract.

In the event of any conflict or dispute, it shall be resolved first through non-binding alternative dispute resolution and if not settled, then through binding arbitration in accordance with the rules of the American Arbitration Association, if requested by the Chief or the Township.

## **ARTICLE 23**

### **SEPARABILITY AND SAVINGS AND APPLICATION:**

1. If any provision of the Agreement or any application of this Agreement to said employee or group of employees is held to be invalid by operation of law or by a court or other tribunal of competent jurisdiction, such provision shall be inoperative but all other provisions shall not be affected thereby and shall continue in full force and effect.

2. In the event the invalid provision afforded a direct economic benefit, the parties shall meet and negotiate a new provision reflecting equal benefit.

**ARTICLE 24**

**TERM:** The term of this Agreement shall commence upon the appointment of the Chief to position of Acting Chief or Chief, as the case may be, and shall continue through June 30, 2014 and shall continue thereafter from year to year or shall end at such earlier time as the Chief retires or is otherwise separated from employment. No separation of the Chief shall occur except under the requirements of the State of New Jersey Statutes. The terms of this Agreement may only be modified by the mutual consent of the parties.

**IN WITNESS THEREOF**, the parties hereto have caused these presents to be properly signed and sealed this 2nd day of August, 2011.

BY: Brian Marker  
Brian Marker, Chief of Police

BY: Michael Voll  
Michael Voll, Township Manager

BY: Michael Beck  
Mayor Michael Beck

BY: Claudia Kammer  
Claudia Kammer, Township Clerk



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02064	07/20/11	TIPPING FEES-JUNE 2011	Open	75,688.08	0.00		
00775	CAPRIONI PORTABLE TOILETS, INC*							
	11-01878	06/29/11	Toilets for July 4th	Open	708.00	0.00		
	11-02041	07/18/11	STANDARD TOILET W/WKLY SERVICE	Open	686.00	0.00		
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					1,394.00			
00784	CAPE MAY STAR & WAVE							
	11-01584	06/08/11	MEETING CANCELLATION PUBLICATI	Open	11.78	0.00		
	11-02059	07/20/11	LEGALS - 7/13/11	Open	69.44	0.00		
	11-02110	07/26/11	ordinance 2011-14 7/22/11	Open	137.64	0.00		
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					218.86			
00825	COMCAST*							
	11-02111	07/26/11	INTERNET ACCESS - FIRESAFETY	Open	100.07	0.00		
01130	GAYLE HADLEY							
	11-02106	07/25/11	ZUMBA INSTRUCTOR	Open	75.00	0.00		
01196	H A DEHART & SON*							
	11-01938	07/06/11	PART FOR RDS/DPW	Open	497.49	0.00		
01265	BRIAN DONAHUE							
	11-02075	07/20/11	2011 EQUIP ALLOW	Open	93.15	0.00		
	11-02084	07/21/11	CONTRACT V	Open	220.00	0.00		
					-----			
					313.15			
01279	FALLON ASSOCIATES LLC*							
	11-02046	07/18/11	ADMIN INTERNAL INVESTIGATION	Open	14,999.60	0.00		
01512	J.P. SPORTS INC.*							
	11-01946	07/07/11	MISC. FOOTBALL EQUIPMENT	Open	1,103.00	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	11-02066	07/20/11	LABOR/MATERIALS-WASH BAY/DPW	Open	450.00	0.00		
	11-02067	07/20/11	F.DOUGLASS FIELD IRRIGATION	Open	250.00	0.00		
					-----			
					700.00			
01781	HATCH MOTT MACDONALD, LLC*							
	11-02109	07/25/11	ESCROW BILLING	Open	523.80	0.00		
01803	HORIZON DENTAL OPTION*							
	11-02082	07/21/11	AUGUST 11 DENTAL	Open	15,489.77	0.00		
01820	DARRIN D. HICKOK							
	11-02085	07/21/11	CONTRACT REIMBURSEMENT V	Open	252.60	0.00		
01912	GRUCCIO, PEPPER, DESANTO&RUTH PA							
	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-02139	07/26/11	JULY, 2011	Open	96.60	0.00		
03723 STAPLES, INC.*	11-01825	06/22/11	PROJECTOR - OEM OFFICE	Open	681.95	0.00		
03734 STEWART INDUSTRIES, INC.*	11-02001	07/13/11	PRINTER MAINT 6/23/11-9/23/11	Open	1,113.00	0.00		
03783 THIS AND THAT UNIFORMS*	11-01057	04/27/11	UNIFORMS	Open	433.00	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	11-00982	04/18/11	ONE CALL MESSAGES/DPW	Open	138.75	0.00		
03894 SHERWIN WILLIAMS	11-01963	07/08/11	SEALER FOR POLE BARN FLOORS	Open	749.10	0.00		
03899 UPS	11-00963	04/14/11	POSTAGE	Open	17.85	0.00		
03904 LOWE'S HOME CENTER INC*	11-02096	07/25/11	IRRIGATION PARTS FOR BENNETT'S	Open	37.56	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	11-01973	07/08/11	LABELS TAX OFFICE	Open	149.62	0.00		
03960 VECTOR SECURITY*	11-01880	06/29/11	REPAIR ALARM	Open	56.00	0.00		
03969 VERIZON	11-02136	07/26/11	PHONE SERVICE	Open	1,541.99	0.00		
03992 VAL-U AUTO PARTS LLC*	11-01232	05/05/11	PARTS FOR RDS/SANT/DPS	Open	3,074.13	0.00		
04017 WILDWOOD LINEN SUPPLY*	11-02134	07/26/11	CLEANING OF UNIFORMS	Open	162.25	0.00		
04039 TIMOTHY WHITTINGTON	10-01772	07/06/10	2010 EQUIP ALLOW	Open	140.69	0.00		
	11-01389	05/16/11	2011 EQUIP. ALLOWANCE	Open	113.29	0.00		
					----- 253.98			
04059 THOMAS WILL	11-02083	07/21/11	CONTRACT REIMBURSEMENT	Open	15.00	0.00		
04082 USA MOBILITY WIRELESS INC*	11-02069	07/20/11	PAGER FOR DPW	Open	6.24	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	451.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04111 RYAN DEVINE	11-02107	07/25/11	REIMBURSEMENT FOR DISINFECTANT	Open	12.00	0.00		
04127 SERVICE MASTER OF WILDWOOD	11-02112	07/26/11	CLEAN/DISINFECT WEIGHTROOM	Open	241.00	0.00		
04445 TRICOMM SERVICES CORP*	11-01812	06/20/11	POLICE/COURT TELEPHONE ISSUES	Open	270.00	0.00		
04448 GEN II CONTRACTING CO., INC	11-01788	06/16/11	ROOF REPLACEMENT ON RECREATION	Open	68,602.50	0.00		B
BASMAJ ANN BASMAJIAN	11-02035	07/18/11	MUSICAL ENTERTAINMENT - FARMER	Open	200.00	0.00		
BOSNA KAREN MANETTE BOSNA	11-02108	07/25/11	YOGA INSTRUCTOR	Open	415.00	0.00		
CARROT CARROT-TOP INDUSTRIES, INC*	11-01882	06/29/11	4X6 POLYESTER AMERICAN FLAG	Open	673.34	0.00		
	11-01948	07/08/11	4'X6' AMERICAN FLAG 11335	Open	48.55	0.00		
					721.89			
GRIMES JAMES GRIMES	11-02057	07/20/11	LACROSSE GAME OFFICIAL	Open	120.00	0.00		
LUZN GLORIA LUZNY	11-02138	07/26/11	CONTRACTUAL REIMBURSEMENT - V	Open	206.00	0.00		
MALETT COLETTE MALETTI	11-02094	07/25/11	FOOTBALL REFUND FOR K. KANE	Open	20.00	0.00		
PRESS PRESS OF ATLANTIC CITY	11-01912	07/01/11	THAN YOU AD IN PRESS - DONORS	Open	299.00	0.00		

Total Purchase Orders: 83 Total P.O. Line Items: 201 Total List Amount: 1,846,968.89 Total Void Amount: 0.00

I hereby certify the foregoing resolution was passed at the August 1, 2011 Council Meeting.

*Claudia R. Kammer*  
Claudia R. Kammer, 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 #2011-206

**TITLE: RATIFICATION OF ADDENDUM TO CONTRACT BETWEEN LOWER TOWNSHIP SUPERVISOR'S UNION & THE TOWNSHIP OF LOWER**

**WHEREAS**, Lower Township and the Lower Township Supervisor's Union met and agreed to the addition of a title and salary in Schedule B of the contract between the parties for the year 2009 - 2011, and

**WHEREAS**, the Salary and Benefit Ordinance #2011-01 was amended by Ordinance #2011-12 to include the additional title of General Supervisor of Public Works.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council that the attached Addendum is hereby ratified and made a part of the original contract between the parties.

I hereby certify the foregoing to be a resolution adopted by the Township Council on August 1, 2011.

  
Claudia R. Kammer, Township Clerk

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

**ADDENDUM TO CONTRACT BETWEEN  
TOWNSHIP OF LOWER & LOWER TOWNSHIP  
SUPERVISOR'S UNION**

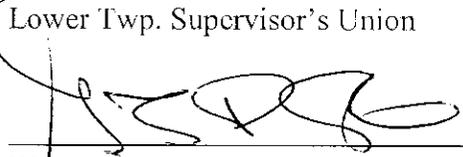
**JANUARY 1, 2009 THROUGH DECEMBER 31, 2011**

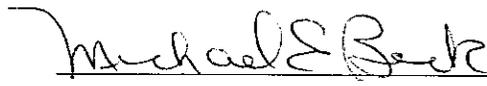
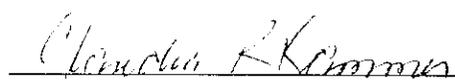
Pursuant to the agreement between the Township of Lower and the Lower Township Supervisor's Union the following changes/additions are hereby ratified and agreed upon to be added to the contract, retroactive to January 1, 2011.

**Schedule B** - is hereby amended to include the addition of the following title:

<b><u>TITLE</u></b>	<b><u>2011</u></b>
General Supervisor of Public Works	\$67,000.00

Signed this 27 day of July, 2011.

  
\_\_\_\_\_  
Lower Twp. Supervisor's Union  
  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Township of Lower  
  
\_\_\_\_\_  
Witness

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

RESOLUTION #2011-207

**TITLE: AUTHORIZING SALE OF PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE BY PRIVATE SALE**

WHEREAS, the Township has deemed the service weapon, a Glock, Model 26, 9MM with 10 round magazine assigned to Edward Donohue who retired June 30, 2011, is no longer needed for public use, and

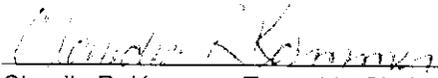
WHEREAS, the Township has obtained a quote from Lawmen Supply Company of New Jersey, Inc. as to the fair market value of the weapon, and

WHEREAS, N.J.S.A. 40A:11-36 permits a municipality to sell by private sale personal property no longer needed for public use, when the fair value of the property to be sold does not exceed the applicable bid threshold.

NOW, THEREFORE, BE IT RESOLVED the private sale to Edward Donohue of the above mentioned weapon for the amount of Two Hundred (\$200) Dollars is hereby authorized.

BE IT FURTHER RESOLVED that said weapon will be removed from the Lower Township Fixed Asset Inventory.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township at a meeting held August 1, 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 #2011-208

**TITLE: AUTHORIZATION FOR AART'S TRANSPORTATION SERVICES TO TRANSFER TAXI LICENSE FROM 2001 DODGE CARAVAN TO 2001 GRAND DODGE CARAVAN**

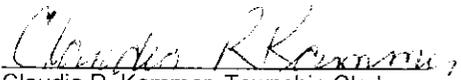
WHEREAS, AART'S Transportation service applied for and received a taxi license for a 2001 Dodge Grand Caravan, Vin #2B8GP44G91R106832, and

WHEREAS, AART'S has replaced the above vehicle with a 2001 Dodge Grand Caravan, VIN #2B8GP44391R206491 and has requested the license be transferred to the new vehicle, and

WHEREAS, AART'S Transportation has paid the required Twenty Five Dollar (\$25) transfer fee and provided the required insurance certificate showing the new vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the license transfer is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 1, 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 #2011-209

**TITLE: RESOLUTION RESCINDING RESOLUTIONS #2011-194 AND AUTHORIZING PUBLIC FACILITIES GRANT APPLICATION FOR \$400,000, VARIOUS ADA IMPROVEMENTS**

WHEREAS, on July 6, 2011, Resolution #2011-194 was adopted to apply for a Public Facilities Grant Application, and

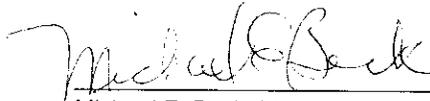
WHEREAS, it was determined the resolution incorrectly listed the amount of the application, and

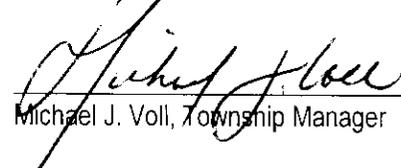
WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Small Cities CDGB Public Facilities Program for approximately \$400,000 to carry out a project to improve community facilities to comply with ADA; and

BE IT THEREFORE RESOLVED, as follows:

1. Resolution #2011-94 adopted on July 6, 2011 is hereby rescinded in its entirety.
2. 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 Community Affairs, does further authorize the execution of the 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 Community Affairs.

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

  
Michael E. Beck, Mayor

  
Michael J. Voll, Township Manager

I hereby certify the foregoing resolution was adopted by the governing body at a meeting held on August 1, 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 # 2011-210

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has resigned from the Township and is entitled to payment for accumulated vacation and personal time, and

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature [Signature] that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Edward Christensen in the amount of \$ 668.06 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on August 1, 2011.

[Signature]  
 Claudia R. Kammer, Township Clerk

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

TOWNSHIP OF LOWER  
 RESIGNATION PAYOUT ANALYSIS  
 DATE: 7/20/2011

EMPLOYEE: Christensen, Edward  
 DATE OF RETIREMENT: 6/28/2011  
 DATE OF PAYMENT: 2011

Hourly Rate:	\$15.34
Longevity	
	\$15.34

As an hourly employee  
 --- gets paid only for  
 the hours she/he works or  
 for which she/he uses  
 accumulated P, V, or S

<b>SALARY:</b>	
Salary due to	
Salary paid through	
<b>Balance due</b>	<b>\$0.00</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	15.34	0.00
Personal	11.85	15.34	181.78
Sick	0.00	15.34	0.00
Vacation	31.70	15.34	486.28
<b>Terminal Leave Payout</b>			<b>\$668.06</b>
<b>Final pay</b>			<b>\$668.06</b>

	(A)	(B)	(C)	(B * C)	(E)	A + D - E
	Carryover	Annual	26 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp				0.00		0.00
Personal	4.50	19.20	0.50	9.60	2.25	11.85
Sick	9.75	90.00	0.50	45.00		0.00
Vacation	0.50	62.40	0.50	31.20		31.70
<b>Total</b>	<b>14.75</b>	<b>171.60</b>		<b>85.80</b>	<b>2.25</b>	<b>43.55</b>

Accrual and time used are current to \_\_\_ subject to change if time is used or not currently reported.

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

Date: \_\_\_\_\_

Treasurer's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

RESOLUTION # 2011-211

Title: AUTHORIZING PAY OUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature *[Signature]* that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Arthur Mason in the amount of \$ 38,618.14 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on August 1, 2011.

*Claudia R. Kammer*  
 Claudia R. Kammer, Township Clerk

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

TOWNSHIP OF LOWER  
 RETIREMENT PAYOUT ANALYSIS  
 DATE: 7/22/2010

EMPLOYEE: Arthur Mason  
 DATE OF RETIREMENT: 7/31/2011  
 DATE OF PAYMENT:  
 RESOLUTION #: 2011

Due

Annual Salary:	\$85,522.26
Longevity 8%	\$6,841.78
Hourly Rate:	\$42.29
College Credits (7 mo.):	

<b>SALARY:</b>	
Salary due to 7/31/2011	\$53,286.95
Salary paid through	\$53,286.90
CC due	\$0.00
<b>Balance due</b>	<b>\$0.05</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	5.75	42.29	243.17
Personal	11.69	42.29	494.47
Sick	844.35	42.29	35,707.40
Vacation	(4.62)	42.29	(195.18)
Holidays	56.00	42.29	2,368.24
<b>Terminal Leave Payout</b>			<b>\$38,618.09</b>
<b>Salary Due</b>			<b>\$0.05</b>
<b>Total</b>			<b>38,618.14</b>

	(A)	(B)	(C)	(B * C)	(E)	A + D - E	
	Carryover	Annual	30 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp	53.75			0.00	48.00	5.75	
Personal		48.00	0.58	27.69	16.00	11.69	
Sick	786.50	128.00	0.58	73.85	16.00	844.35	1440 Max
Vacation	320.00	200.00	0.58	115.38	440.00	(4.62)	
Holidays (8)		7.00	8.00	56.00		56.00	birthday 11/6
<b>Total</b>	<b>1,160.25</b>	<b>383.00</b>	<b>1.73</b>	<b>216.92</b>	<b>520.00</b>	<b>913.17</b>	

Accrual and time used are current to July 19, 2011 subject to change if time is used or not currently reported.

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

Date: \_\_\_\_\_

Treasurer's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

RESOLUTION #2011-212

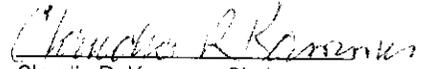
TITLE: CANCELLATION OF 2011 PROPERTY TAX

WHEREAS, Block 411 lot 46, assessed to David P Robinson was changed to property class 15F as of January 1, 2011 due to being a 100% disabled veteran: and

WHEREAS, Corelogic paid the first and second quarter taxes.

NOW, THEREFORE, BE IT RESOLVED that the 2011 taxes be canceled and \$1,430.87 be refunded to the mortgage company.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on August 1, 2011.

  
Claudia R. Kammer, 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 #2011-213

**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 \$4,400.00 for an item of revenue in the budget of the year 2011 as follows:

Miscellaneous Revenues –  
 Revenue Offset with Appropriations - Over the Limit Under Arrest  
 Total with increase to be \$4,400.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$4,400.00 be and the same is hereby appropriated under the caption of:

General Appropriations –  
 Public & Private Programs Offset by Revenues - Over the Limit Under Arrest  
 State/Federal Share \$ 4,400.00  
 Non State Share \$  
 Total with increase to be \$ 4,400.00

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 August 1, 2011

  
 Claudia R. Kammer, Township Clerk

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

OVER THE LIMIT UNDER ARREST 2011 MOBILIZATION  
 NATIONAL HIGHWAY TRAFFIC SAFETY (NHTSA) SECTION 410  
 ALCOHOL TRAFFIC SAFETY AND DRUNK DRIVING PREVENTION INCENTIVE GRANTS  
 CFDA # 20.601  
 8/19/11-9/5/11  
 (REVISED 7/21/11) PARTIAL LIST

Date	Name of County	Project Number	Grantee		Project Total
7/20/11	ATLANTIC	AL11-10-04-219	GALLOWAY TWP PD	\$	4,400.00
7/14/11	ATLANTIC	AL11-10-04-211	HAMMONTON TWP PD	\$	4,400.00
7/8/11	ATLANTIC	AL11-10-04-172	MULLICA TWP PD	\$	4,400.00
7/7/11	ATLANTIC	AL11-10-04-169	NORTHFIELD PD	\$	4,400.00
7/14/11	ATLANTIC	AL11-10-04-210	PLEASANTVILLE PD	\$	4,400.00
7/14/11	ATLANTIC	AL11-10-04-208	SOMERS POINT PD	\$	4,400.00
7/6/11	BERGEN	AL11-10-04-144	ELMWOOD PARK PD	\$	4,400.00
7/8/11	BERGEN	AL11-10-04-183	FAIR LAWN PD	\$	4,400.00
7/12/11	BERGEN	AL11-10-04-188	FORT LEE PD	\$	4,400.00
7/12/11	BERGEN	AL11-10-04-187	GARFIELD PD	\$	4,400.00
7/6/11	BERGEN	AL11-10-04-146	MAHWAH PD	\$	4,400.00
7/13/11	BERGEN	AL11-10-04-203	NORTH ARLINGTON PD	\$	4,400.00
7/7/11	BERGEN	AL11-10-04-155	RIDGEFIELD PARK PD	\$	4,400.00
7/6/11	BERGEN	AL11-10-04-143	RIDGEFIELD PD	\$	4,400.00
7/13/11	BERGEN	AL11-10-04-205	RIVER EDGE PD	\$	4,400.00
7/21/11	BERGEN	AL11-10-04-225	WOODCLIFF LAKE PD	\$	4,400.00
7/13/11	BERGEN	AL11-10-04-202	WYCKOFF PD	\$	4,400.00
7/8/11	BURLINGTON	AL11-10-04-175	MOUNT LAUREL TWP PD	\$	4,400.00
7/8/11	BURLINGTON	AL11-10-04-174	WESTAMPTON TWP PD	\$	4,400.00
7/20/11	BURLINGTON	AL11-10-04-221	WILLINGBORO PD	\$	4,400.00
7/14/11	CAMDEN	AL11-10-04-209	BERLIN TWP PD	\$	4,400.00
7/8/11	CAMDEN	AL11-10-04-179	GLOUCESTER TWP PD	\$	4,400.00
7/8/11	CAMDEN	AL11-10-04-180	MERCHANTVILLE PD	\$	4,400.00
7/13/11	CAMDEN	AL11-10-04-200	PENNSAUKEN PD	\$	4,400.00
7/21/11	CAMDEN	AL11-10-04-230	WINSLOW TWP PD	\$	4,400.00
7/8/11	CAPE MAY	AL11-10-04-171	LOWER TWP PD	\$	4,400.00
7/13/11	CAPE MAY	AL11-10-04-201	MIDDLE TWP PD	\$	4,400.00
7/6/11	ESSEX	AL11-10-04-145	BLOOMFIELD PD	\$	4,400.00
7/6/11	ESSEX	AL11-10-04-149	CALDWELL PD	\$	4,400.00
7/6/11	ESSEX	AL11-10-04-134	CEDAR GROVE PD	\$	4,400.00
7/20/11	GLOUCESTER	AL11-10-04-220	GLASSBORO PD	\$	4,400.00
7/13/11	GLOUCESTER	AL11-10-04-197	MANTUA TWP PD	\$	4,400.00
7/13/11	GLOUCESTER	AL11-10-04-196	MONROE TWP PD (GLOUCESTER)	\$	4,400.00
7/7/11	HUDSON	AL11-10-04-161	HOBOKEN PD	\$	4,400.00
7/8/11	HUDSON	AL11-10-04-184	KEARNY PD	\$	4,400.00
7/8/11	HUDSON	AL11-10-04-182	NORTH BERGEN PD	\$	4,400.00
7/21/11	HUNTERDON	AL11-10-04-227	FRANKLIN TWP PD (HUNTERDON)	\$	4,400.00
7/6/11	HUNTERDON	AL11-10-04-139	HOLLAND TWP PD	\$	4,400.00
7/7/11	HUNTERDON	AL11-10-04-152	READINGTON TWP PD	\$	4,400.00
7/14/11	MERCER	AL11-10-04-213	EAST WINDSOR TWP PD	\$	4,400.00
7/20/11	MERCER	AL11-10-04-215	EWING PD	\$	4,400.00
7/21/11	MERCER	AL11-10-04-233	HAMILTON TWP PD (MERCER)	\$	4,400.00
7/8/11	MERCER	AL11-10-04-177	PRINCETON BORO PD	\$	4,400.00
7/13/11	MERCER	AL11-10-04-193	PRINCETON TWP PD	\$	4,400.00
7/13/11	MERCER	AL11-10-04-194	ROBBINSVILLE TWP PD	\$	4,400.00
7/13/11	MERCER	AL11-10-04-195	WEST WINDSOR TWP PD	\$	4,400.00
7/7/11	MIDDLESEX	AL11-10-04-165	CRANBURY TWP PD	\$	4,400.00
7/6/11	MIDDLESEX	AL11-10-04-148	EAST BRUNSWICK PD	\$	4,400.00
7/7/11	MIDDLESEX	AL11-10-04-153	NORTH BRUNSWICK PD	\$	4,400.00
7/7/11	MIDDLESEX	AL11-10-04-154	PISCATAWAY TWP PD	\$	4,400.00
7/12/11	MIDDLESEX	AL11-10-04-191	PLAINSBORO TWP PD	\$	4,400.00
7/12/11	MIDDLESEX	AL11-10-04-189	WOODBRIIDGE TWP PD	\$	4,400.00
7/20/11	MONMOUTH	AL11-10-04-218	ASBURY PARK PD	\$	4,400.00
7/12/11	MONMOUTH	AL11-10-04-192	FREEHOLD TWP PD	\$	4,400.00

CERTIFICATION: THE ABOVE LISTED GRANTS WILL RECEIVE FUNDING FOR THIS MOBILIZATION

ACTING DIRECTOR

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

**RESOLUTION #2011-214**

**TITLE: APPLICATION FOR 2012 DRUG ENFORCEMENT AND DEMAND  
REDUCTION (DEDR) GRANT FUNDS**

WHEREAS, the State of New Jersey has established a Governor's Council on Alcoholism and Drug Abuse to coordinate the State's efforts in regard to the planning and provision of treatment, prevention, research, evaluation, and education services for, and public awareness of alcoholism and drug abuse; and

WHEREAS, an Alliance to Prevent alcoholism and Drug Abuse has been created in the Governor's Council to set up a network comprised of all communities in New Jersey, which is dedicated to a comprehensive and coordinated effort against alcoholism and drug abuse; and

WHEREAS, a Local Advisory Committee on Alcoholism and Drug Abuse (LACADA) has been established in Cape May County, along with a County Alliance Steering Subcommittee to submit a plan for the expenditure of Drug Enforcement and Demand Reduction Funds through distribution to eligible municipalities; and

WHEREAS, the Township of Lower has appointed a Municipal Alliance Committee conjointly with the municipalities of Cape May City, West Cape May and Cape May Point, which Committee will identify local needs, and recommend actions designed to deal with Alcoholism and Drug Abuse; and

WHEREAS, the consortium under Lower Township, lead municipality, has received and is administering "DEDR" grants under a subcontract with the County.

NOW THEREFORE, BE IT RESOLVED, that the Township of Lower does hereby authorize the Township to continue in a Consortium of Municipalities, namely, Lower Township, Cape May City, West Cape May and Cape May Point, for the purpose of applying for 2012 DEDR Grant Funds to serve as the applicant municipality on behalf of the Consortium; to file an application for such grant funds; to execute any contracts or agreements necessary to obtain the funds; contracts/agreements.

BE IT FURTHER RESOLVED, that the Lower Cape Municipal Alliance Committee is hereby designated to continue to serve as the Committee required by Section C.26:2BB-9 of the legislation; that the Township of Lower, as lead municipality, is authorized to execute a new service agreement with said Committee on behalf of the Consortium; and that said

Agreement will evidence Consortium approval and acceptance of the Committee's Membership and By-Laws.

BE IT FURTHER RESOLVED, that the total amount of the Contract shall be \$66,994, that the total amount of the County Grant shall be \$33,497, that the amount of local in-kind match shall be \$25,123 and that the amount of local cash match shall be \$8,374. Lower Township's cash match shall be \$5,946.

BE IT FURTHER RESOLVED, that the Mayor of Lower Township, is authorized to sign the Application for 2012 grant funds, and to execute all contracts and agreements necessary to accept the funds and carry out the program in accordance with the State requirements.

I hereby certify this is the original resolution adopted by the Township Council on August 1, 2011

Claudia R. Kammer  
 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED			X		
SECONDED	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					

GERALD M. THORNTON  
Freeholder Director of Health  
and Human Services

PATRICIA DEVANEY  
Director

CAPE MAY COUNTY  
DEPARTMENT of HUMAN SERVICES

4 Moore Road, DN 907  
Cape May Court House, NJ 08210-1654  
(609) 465-1055 || Fax: 465-4639



June 3, 2011

Honorable Michael E. Beck  
Township of Lower  
2600 Bayshore Road  
Villas, New Jersey 08251

Re: 2012 Municipal Alliance Grant

Dear Mayor Beck:

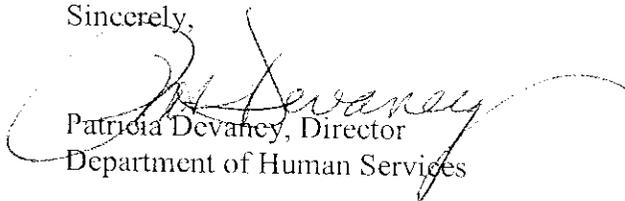
This letter serves to notify you that the Lower Cape Municipal Alliance is eligible to apply for the 2012 Municipal Alliance grant funds in the amount of: \$33,497 DEDR, \$8,374 Cash Match, and \$25,123 In-Kind Match for a total grant of \$66,994. This amount could change if Cape May County's award from the Governor's Council on Alcoholism and Drug Abuse (GCADA) is reduced.

The due date for the completed grant application is August 5, 2011 and a resolution from your municipality should accompany the application.

Please also note that this award is contingent upon Cape May County's receipt of the anticipated grant funds from GCADA. Please call my office if you have any questions at 465-1055.

Thank you for your continued interest in the prevention of substance abuse in our communities.

Sincerely,

  
Patricia Devaney, Director  
Department of Human Services

Cc: Mayor Edward J. Mahaney  
Mayor Pamela M. Kaithern  
Mayor Carl F. Schupp  
M. Voll, Administrator  
L. Read, CFO  
C. Crippen, Municipal Alliance Coordinator

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

RESOLUTION #2011-215

**TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR GOOD SAMARITAN BAPTIST CHURCH ASSOCIATED WITH THEIR USE VARIANCE & MINOR SITE PLAN APPLICATIONS**

WHEREAS, Good Samaritan Baptist Church, located at 305 Town Bank, North Cape May is applying for a minor site plan and Use Variance to sell a residential dwelling located on their church campus, and

WHEREAS, Good Samaritan Baptist Church is a charitable non-profit organization and the Pastor, Dr. Milt Wilson, has requested the Township waive any and all application, professional and permit fees, 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 use variance and minor site plan be waived for the Good Samaritan Baptist Church.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 1, 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 #2011-216

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:

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 August 1, 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					

SCHEDULE "A"  
Resolution #2011-216

Block	Lot	Name (As Assessed)	Property Location	Amount	Admin Fee	Lien Amount
		Moran, William T & Tina M.				
34	25		625 E. Jacksonville Avenue	\$320.00	\$500.00	\$820.00
39	7	McKinight, Elizabeth	112 E. Jacksonville Avenue	\$290.00	\$500.00	\$790.00
44	18	Hardesty, Marynell	609 E. St. Johns Avenue	\$145.00	\$500.00	\$645.00
		Murtha, Patricia & Marco,				
80	40	Patricia	65 E. Hudson Avenue	\$230.00	\$500.00	\$730.00
169	45	Weimar, Christina	45 E. Weber Avenue	\$985.00	\$500.00	\$1,485.00
		Harvatt, Stephanie &				
178	15	Kuintzel, Ryan	103 E. Virginia Avenue	\$285.00	\$500.00	\$785.00
199	15.02	Roth, Megan L	205 Matthews Avenue	\$525.00	\$500.00	\$1,025.00
249	1	Rusin, John & Helen	200 Glenwood Avenue	\$232.00	\$500.00	\$732.00
289	37	Svendesen, Kristina	120 W. Greenwood Avenue	\$125.00	\$500.00	\$625.00
289	53	Hawthorne, David P.	150 W. Greenwood Avenue	\$125.00	\$500.00	\$625.00
334.06	3.02	Stecher, Eleanor Marie	6 Federal Lane	\$226.00	\$500.00	\$726.00
382	43	Rogers, Deborah A.	302 Oakdale Avenue	\$300.00	\$500.00	\$800.00
404	11	Bernhart, Richard A	129 Edna Avenue	\$275.00	\$500.00	\$775.00
		Steelman, Joseph & Debra				
485	46		365 Corson Lane	\$275.00	\$500.00	\$775.00
494.10	19	Ocean, Terri A.	212 Amhurst Road	\$375.00	\$500.00	\$875.00
		Vanderhoof, Richard &				
496.02	6	Meghan	111 Fire Lane	\$300.00	\$500.00	\$800.00
		Edmunds, Clive D & Kell				
499.02	5	Ann	12 Fieldview Drive	\$232.00	\$500.00	\$732.00
507.03	4	Tsepenyuk, Simon	962 Lenape Drive	\$320.00	\$500.00	\$820.00
584.01	5	Twombly, Virginia	408 Town Bank Road	\$285.00	\$500.00	\$785.00
		Dills, Ralph Jr. & Elizabeth				
611	2	L.	403 Scott Avenue	\$203.30	\$500.00	\$703.30
		Adams, Mark D. & Search,				
755	6	Janice L	811 Mayflower Avenue	\$240.27	\$500.00	\$740.27
<b>TOTAL</b>				<b>\$6,293.57</b>	<b>\$10,500.00</b>	<b>\$16,793.57</b>

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

RESOLUTION #2011-218

**TITLE: RESOLUTION APPROVING PROJECT PROPOSAL AMENDMENT BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP FOR ADDITIONAL ENGINEERING SERVICES ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER**

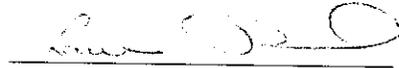
WHEREAS, Hatch Mott MacDonald is currently serving as the Municipal Engineer (the "Engineer") based upon a Contract For Services which sets forth their standard hourly rates as approved by the Township Council and executed by the Mayor and Clerk (the "Engineer's Contract");

WHEREAS, the Engineer will be providing additional engineering services due to the damage caused rain entering the Recreation Center during the course of the work being done by Gen II Contractor's, Inc. for Roof Replacement and Related Work at the Recreation Center, and

WHEREAS, the additional work, review and inspections related to the damage will be charged against the contract with Gen II Contractors, Inc. and is estimated not to exceed \$7000.00, and

WHEREAS, the Township and Gen II Contractor's are in agreement to reduce the payment to Gen II Contractors, Inc. by the final amount necessary to pay Hatch Mott for the additional services required, and

WHEREAS, the CFO has certified the availability of funds by her signature in the budget as follows:

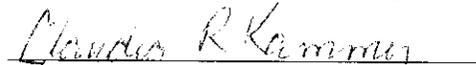
  
 Lauren Read, CFO

C04-55-391-910 Ord. #2007-14  
 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 for the original amount of \$62,400, is hereby revised to be increased by an amount not to exceed \$7,000 for engineering and inspection services required by the Engineer for the remediation of the damage caused by the water leakage during the course of the work by Gen II Contractors, Inc.
2. The fees for the additional inspections will be deducted from the final payment to Gen II Contractors, Inc.

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 August 1, 2011.

  
 Claudia R. Kammer, Township Clerk

	Conrad	Simonsen	Douglass	Lare	Beck
Motion			X		
Second	X				
Aye	X	X	X	X	Y
Nay					
Abstain					
Absent					

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

RESOLUTION #2011-219

**TITLE: APPROVAL OF CHANGE ORDER NO. 2 FOR ROOF REPLACEMENT & RELATED WORK AT THE RECREATION CENTER**

**WHEREAS**, Gen II Construction, Inc. was previously awarded a contract in the amount of \$426,520.00 for the Roof Replacement & Related Work at the Recreation Center, and Change Order #1 adopted on July 6, 2011 increased the contract by \$1,185.00 bringing the total contract amount to \$427,805, and

**WHEREAS**, on July 8, 2011 there was rain storm and the Recreation Center roof had multiple leaks throughout the building resulting in water damage, additional costs to the Township for clean up, lost wages to employees while the building was closed, and additional engineering services and inspections, and

**WHEREAS**, Gen II Construction, Inc. has agreed to pay for all costs associated with and attributed to the damage cause by the water leaks, including the additional engineering charges pursuant to Resolution #2011-218, and

**WHEREAS**, Change Order #2 for the cost of the clean up and lost wages totaling \$2,084.00 shall reduce the revised contract amount to \$425,721:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that Change Order No. 2 for the Roof Replacement & Related Work at the Recreation Center is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 1, 2011.

  
Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND	X				
AYE					
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

July 13, 2011  
Via Email at [gen2cont@yahoo.com](mailto:gen2cont@yahoo.com) & 1<sup>st</sup> Class Mail

Ms. Jaimie-Lyn Knight, President  
Gen II Contracting Co., Inc.  
395A Millstone Road  
Clarksburg, NJ 08510-1520

**RE: Roof Replacement and Related Work at the Recreation Center  
Contract M-5  
Township of Lower, Cape May County  
HMM No. 287096**

Dear Ms. Knight:

As agreed to by Frank Knight at our meeting on July 11, 2011 at Lower Township Hall, Gen II Contracting Co., Inc. will be responsible for the additional construction administration and inspection services that are performed by Hatch Mott MacDonald on behalf of the Township in response to roof leaks following storm events on July 3, 2011 and July 8, 2011. These services include site inspections, reports, communication and coordination with the Township and Gen II Contracting, Inc. as they relate to the cleanup and repair of the building interior and leak remediation. Gen II Contracting, Inc. shall be responsible for compensating the Engineer through the duration of this contract for any similar services that may be required by the Engineer in responding to future leaks.

These monies will be deducted on the Final Payment Application from the amount otherwise due Gen II Contracting Co., Inc. for completion of the work. A breakdown of the additional services performed by our office will be provided to you.

Should you have any questions or require additional information, please feel free to contact our 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](mailto:mark.sray@hatchmott.com)

Steven C. Morey, CEP  
Associate  
T 609.465.9377 F 609.465.5270  
[steven.morey@hatchmott.com](mailto:steven.morey@hatchmott.com)

cc (via Email): Michael J. Voll, Township Manager  
Margaret A. Vitelli, RPPS, QPA, Township Purchasing Agent  
Michael J. Donohue, Township Solicitor  
Robert K. Fritz, RRC, RWC, AIA  
Christopher Klammer

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

RESOLUTION #2011-220

**TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR LOWER TOWNSHIP RESCUE SQUAD ASSOCIATED WITH THEIR MINOR SITE PLAN, USE VARIANCE & HARDSHIP VARIANCE APPLICATIONS**

WHEREAS, the Lower Township Rescue Squad is applying for a Minor Site Plan, Use Variance and Hardship Variance for Block 228, Lots 1- 3, known as 6 & 9 Cardinal Avenue, to shift the existing parking lot slightly to the north & west, to fence in the property, restone the lot and reseed all the cleared areas, and

WHEREAS, the Lower Township Rescue Squad is a charitable non-profit organization and has requested the Township waive any and all application, professional and permit fees, 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 Minor Site Plan, Use Variance & Hardship Variance be waived.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on August 1, 2011.

  
Claudia R. Kammer, Township Clerk

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

**Lower Township  
Bill List  
08/01/2011**

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<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Lower Twp. Rescue Squad	11-01877	CPR Certification	60.00
TOTAL BILL LIST			<u>\$ 60.00</u>

I certify the foregoing to be a Resolution adopted by the Township Council on August 1, 2011.

*Claudia R. Kammer*  
 \_\_\_\_\_  
 Claudia R. Kammer, RMC, Township Clerk

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

**Lower Township  
Bill List  
08/01/2011**

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<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Douglass Landscaping	11-01518	Lot Clearing	1,500.00
TOTAL BILL LIST			<u>\$ 1,500.00</u>

I certify the foregoing to be a Resolution adopted by the Township Council on August 1, 2011.

  
 \_\_\_\_\_  
 Claudia R. Kammer, RMC, Township Clerk

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

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

RESOLUTION # 2011-224

**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.(Chief's contract)
- (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. (Potential purchase of property)
- (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. (Personnel - Police Department)

\_\_\_\_\_ (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 August 1, 2011 that an Executive Session closed to the public shall be held on this date at approximately 8:05 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 August 1, 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 #2011-224

**TITLE: APPOINTMENT OF SPECIAL PROSECUTOR FOR POLICE DISCIPLINARY MATTERS**

WHEREAS, the Township of Lower ("Township") has a need to acquire a Special Prosecutor 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 one year; and

WHEREAS, Steven Secare, of Secare, Ryan & Hensel 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 \$8,000.00, and

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

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

WHEREAS, Steven Secare has completed and submitted a Business Entity Disclosure Certification which certifies that they have 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 Steven Secare as Special Prosecutor 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 August 1, 2011.

  
Claudia R. Kammer, Township Clerk

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