

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
June 1, 2020 - 5:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum

Work Session

Consent Agenda

Approval of Minutes – May 18, 2020 and May 21, 2020

Res. #2020-161 Payment of Vouchers \$ 1,083,762.69

Res. #2020-162 Approval of a Professional Service Contract with Marcus Karavan as Special Tax Counsel for the Morell & Hanson Tax Appeal Case Without Public Bidding (\$10,000)

Res. #2020-163 A Resolution Establishing a Five (5) Year Moratorium on the Issuance of Road Opening Permits for the Portions of Roads Resurfaced at Pontaxit Avenue, Pakahake Street, South Kethemeche Street and Mathemek Street Effective the Date of the Completion of the Project

Res. #2020-164 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Operational Safety)

Res. #2020-165 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Cyber Risk Award)

Res. #2020-166 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Safety Incentive)

Res. #2020-167 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (JIF Wellness)

Res. #2020-168 Authorization for the Payout of Accumulated Compensatory Time (M.Nuscis \$8,241.86)

Res. #2020-169 Authorization for the Payout of Accumulated Compensatory Time (S.Flitcroft \$4,452.99)

Res. #2020-170 Approving a Professional Service Contract with DeBlasio & Associates for the 2019 Road Program – Phase 2 – Section 1; Construction Phase Services (\$19,000)

Res. #2020-171 Bid Acceptance and Contract Award of 2019 Road Program Phase 2, Section 1 for Arizona Avenue, Capital Lane, Republic Lane, Union Lane and Federal Lane (South State \$396,300.)

Res. #2020-172 Appointment of a Lower Township Hearing Officer As a Professional Service Contract Without Public Bidding (S.Secare – Not to exceed \$7,500)

Res. #2020-173 A Resolution Relaxing the Procedures Associated with Site Plan Review and Approval for Existing Restaurants in Relation to Current Social Distancing Restrictions Enacted in Connection With the Ongoing Coronavirus Public Health Emergency

Res. #2020-174 Authorization for Refund of Taxes (2 properties)

Res. #2020-175 Capital Budget Amendment

Ordinance #2020-12 Bond Ordinance Providing for Various 2020 Capital Improvements, By and In the Township of Lower, in the County of Cape May, State of New Jersey ("the Township"; Appropriating \$2,055,000 Therefor and Authorizing the Issuance if \$1,950,000 Bonds or Notes of the Township of Lower to Finance Part of the Costs Thereof

Ordinance #2020-13 Bond Ordinance Providing for Various Roadway and Drainage Improvements, By and For the Township of Lower, in the County of Cape May, State of New Jersey; Appropriating \$3,185,000 Therefore (Including a Grant from the New Jersey Department of Transportation in the Amount of \$185,000) and Authorizing the Issuance of \$2,840,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof

Ordinance #2020-14 Bond Ordinance Providing for Various Improvements to the Clem Mulligan Sports Complex, By and In the Township of Lower, in the County of Cape May, State of New Jersey; Appropriating \$1,999,000 Therefore (Including a Small Cities Community Development Block Grant in the Amount of \$400,000) and Authorizing the Issuance of \$1,490,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof. This is the first reading of Ordinances 2020-12; 13 and 14. The second reading and public hearing has been scheduled for June 15, 2020

Regular Agenda

Res. #2020-176 Authorizing the Payment of Vouchers (Rescue \$35,000)

Res. #2020-177 A Resolution Authorizing a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for Wilson Drive

Res. #2020-178 Authorization for 2020 Incentive Award for Insurance Waiver

Manager's Report

Council Comments

Call to the Public

Adjournment

The Lower Township Council Meeting scheduled for June 1, 2020 at 5:00 p.m. will be closed to the public due to Executive Order #104. Anyone wishing to participate in the meeting can do so by dialing 1-646-749-3122. Access Code: 443-021-461#.

COUNCIL MEETING MINUTES – May 18, 2020

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 18, 2020 at 5:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
 Councilmember Kevin Coombs
 Councilmember Roland Roy, Jr.
 Deputy Mayor David Perry
 Mayor Frank Sippel

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

Work Session

Consent Agenda

Approval of Minutes – May 4, 2020

- Res. #2020-145 Payment of Vouchers \$ 810,627.84
- Res. #2020-146 A Resolution Supporting an Open Space/Historic Preservation Grant Application for the Naval Air Station Wildwood Aviation Museum
- Res. #2020-147 A Resolution Supporting a Grant Application to the New Jersey Historic Trust for the Naval Air Station Wildwood Aviation Museum
- Res. #2020-148 Authorizing Payment to Lower Township Board of Education (School Tax July thru Nov)
- Res. #2020-149 Authorizing Payment for 2020 Regional School Taxes (July thru Nov)
- Res. #2020-150 Authorizing the Payout of Terminal Leave (S.Lonergan \$17,865.36)
- Res. #2020-151 Renewal of 2020 Campground License (Cape Island Campground)
- Res. #2020-152 Reappointment to the Zoning Board of Adjustment (M.Kennedy)
- Res. #2020-153 Reappointment to the Zoning Board of Adjustment (J.Hanson)
- Res. #2020-154 Reappointment to the Zoning Board of Adjustment (R.Sweeten)
- Res. #2020-155 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities \$400,000)
- Res. #2020-156 Bulletproof Vests Partnership Program Application
- Res. #2020-157 Approval of Change Order #2 to Mount Construction Company for Roseann Avenue Roadway and Utility Improvements – Phase 3 (\$7,937.08)
- Res. #2020-158 A Resolution Requesting Release of Performance Guarantee for Chewies, LLC, Castaway Cove Restaurant, 301 Bayshore Road; Block 18, Lot 27.01 Escrow #P17-01-03

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS		X	X				
ROY			X				
PERRY			X				
SIPPEL			X				

Regular Agenda

Ordinance #2020-11- An Ordinance Amending Chapter 166, Article XII, Wildlife Feeding, of the Code of the Township of Lower, to Prohibit the Feeding of Wildlife on Private Property Within the Township of Lower - This is the second reading and Public Hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD			X				
COOMBS			X				
ROY		X	X				
PERRY			X				
SIPPEL	X		X				

Manager's Report

Manager Ridgway informed about an upcoming meeting regarding procedures to reopen businesses and thanked all departments for their work during this unusual time.

Administrative Reports

Monthly Reports – Clerk, Construction, Tax, Vital Statistics

Council Comments

Councilmember Conrad thanked employees and residents for their cooperation during this time and reminded that we continue to follow the governor's directive.

Councilmember Coombs agreed with Councilmember Conrad and thanked employees and residents alike.

Councilmember Roy reminded that we're in this together and extended wishes for a safe and happy Memorial Day.

Deputy Mayor Perry echoed the above comments and thanked residents for their donations to the food bank.

Mayor Sippel stressed the importance of patience and cooperation during this difficult time and reminded that safety is priority.

Solicitor Stefankiewicz reiterated the guidelines for public comment.

Call to the Public

Bob Corsi, Diamond Beach, spoke on behalf of the property owners in Diamond Beach with concern about Council's decisions regarding short term rentals.

Mayor Sippel ensured that Council will take their concerns under advisement.

Angelo Samo, Diamond Beach, commented about the inconsistency with neighboring municipalities regarding short term rentals and urged Council to reconsider their decisions.

Sheri Hemmingway asked about the format for the upcoming special meeting to address short term rentals.

She also inquired about the Township's support of a graduation ceremony for LCMR.

Manager Ridgway communicated the Township's initiative regarding this matter.

Adjournment

There being no further business to address, motion to adjourn moved by Mayor Sippel, seconded by Councilmember Roy. Motion to adjourn was unanimous. Meeting adjourned at 5:22 p.m.

Mayor

Township Clerk

Approved:

SPECIAL COUNCIL MEETING MINUTES – May 21, 2020

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on Thursday, May 21, 2020 at 9:00 a.m. via Video Conference from Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
 Councilmember Kevin Coombs
 Councilmember Roland Roy, Jr.
 Deputy Mayor David Perry
 Mayor Frank Sippel

Also present via conference call: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor, Robert Belasco, Township Solicitor and Karen Fournier, Deputy Township Clerk.

Regular Agenda

Resolution #2020-159; A Resolution Modifying the Provisions of Emergency Proclamation 2020-5 in Order to Permit Short-Term, Transient and Seasonal Rentals Within the Township of Lower Effective June 8, 2020

Deputy Mayor Perry asked for clarification on transient rentals.

Solicitor Belasco explained.

Deputy Mayor Perry made a motion to amend Resolution #2020-159 to permit short term rentals effective June 1, 2020.

Motion to Amend:

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD				X			
COOMBS		X	X				
ROY			X				
PERRY	X		X				
SIPPEL			X				

Resolution #2020-159, as amended; A Resolution Modifying the Provisions of Emergency Proclamation 2020-5 in Order to Permit Short-Term, Transient and Seasonal Rentals Within the Township of Lower Effective June 1, 2020

Chris Bezaire, Cape May, addressed Council on behalf of the Cape May County Board of Realtors to thank them for hearing the voices of their residents.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD				X			
COOMBS		X	X				
ROY			X				
PERRY	X		X				
SIPPEL			X				

Resolution #2020-160; A Resolution Rescinding Emergency Proclamation 2020-04 and Reopening All Public Beaches Located Within the Township of Lower with No Restrictions

Councilmember Conrad reminded that Lower Township beaches are "swim at your own risk."

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD			X				
COOMBS			X				
ROY		X	X				
PERRY			X				
SIPPEL	X		X				

Council Comments

Mayor Sippel reminded that Council has tough decisions to make and reassured that the Township's best interest is top priority.

Call to the Public

Jennifer Lacroix, 1207 Franklin, inquired of where to obtain the guidelines for rentals. Mayor Sippel advised Ms. Lacroix to contact the manager's office.

Bart McGinn, Shore Drive, asked for clarification on short-term rentals and thanked Council for the change.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Roy, seconded by Deputy Mayor Perry Motion to adjourn was unanimous. Meeting adjourned at 9:19 a.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784 CAPE MAY STAR & WAVE	20-01256	05/27/20	5/20/20 LEGAL PUBLICATION	Open	11.16	0.00		
8667 CARDIO PARTNERS	20-01149	05/11/20	2 INFRARED THERM IR300	Open	258.00	0.00		PC1
02137 CHARLES MARANDINO, LLC*	20-00562	02/28/20	SCHELLENGERS LANDING RES 20-52	Open	636,426.37	0.00		
8279 CHRIS KELLAWAY	20-01282	05/28/20	REIMBURSEMENT-SOCCER	Open	25.00	0.00		
04085 CHRISTOPHER WINTER (EMPLOYEE)	20-01194	05/19/20	CONTRACTUAL REIMBURSEMENT M	Open	151.85	0.00		
04097 CINTAS FIRST AID AND SAFETY*	20-01226	05/26/20	DPS - MEDICAL CABINET REFILL	Open	21.14	0.00		
00825 COMCAST*	20-01192	05/19/20	MAY 2020 INTERNET	Open	1,195.82	0.00		
8260 CONSTRUCTION GEAR LLC	20-00732	03/16/20	CORVIN TYVEK SUIT/GOGGLES	Open	506.32	0.00		PC1
00611 COUNTY OF CAPE MAY (FUEL)	20-01263	05/27/20	CAPE MAY COUNTY FUEL 4/1-4/30	Open	6,176.39	0.00		
8666 CYNTHIA ULRICH	20-01140	05/08/20	REFUND REG 18 BEVERLY ROAD	Open	125.00	0.00		
8276 DANA WILLIAMS	20-01279	05/28/20	REIMBURSEMENT-LACROSSE	Open	15.00	0.00		
8282 DANIEL & SUSAN DONNELLY	20-01278	05/28/20	5/20/20 REFUND 2ND QTR TAXES	Open	956.97	0.00		
04054 FAMILY DOLLAR	20-00755	03/18/20	COVID-19 SUPPLIES PD	Open	59.50	0.00		PC1
01590 FORD, SCOTT & ASSOCIATES*	20-00436	02/10/20	NTE \$40K PER RES #2020-07	Open	11,000.00	0.00		B
01649 GARDEN STATE HWY PRODUCTS, INC*	20-00999	04/22/20	SIGNS	Open	1,030.00	0.00		
8281 GEORGE PRENTICE	20-01277	05/28/20	5/18/20 REFUND 2ND QTR TAXES	Open	650.53	0.00		
8197 GREAT AMERICAN FINANCIAL SERV	20-01284	05/28/20	MAY 2020 LEASE	Open	560.00	0.00		
01873 HOME DEPOT*	20-00984	04/22/20	SUPPLIES/MAY	Open	81.50	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01974 I.A.C.P. MEMBERSHIP*	20-00365	02/04/20	IACP 2020 RENEWAL	Open	190.00	0.00		
7792 JPMONZO MUNICIPAL CONSULTING	20-01180	05/14/20	ETHICS WEBINAR 5/20/20	Open	50.00	0.00		
02108 KEEN COMPRESSED GAS CO*	20-00805	03/27/20	BOTTLED GAS/DPW/MARCH	Open	464.08	0.00		
8278 KRISTI BROWN	20-01281	05/28/20	REIMBURSEMENT-SOCCER	Open	20.00	0.00		
02223 LANDSMAN UNIFORMS*	19-02932	10/31/19	UNIFORMS	Open	1,484.07	0.00		
	20-00602	03/03/20	UNIFORMS	Open	597.61	0.00		
	20-00695	03/10/20	UNIFORMS	Open	288.74	0.00		
					<u>2,370.42</u>			
7196 LAUREN HUGGINS SUIT*	20-00158	01/10/20	RES 2020-09 PUBLIC INFORMATION	Open	1,075.00	0.00		B
02358 LCMR SCHOOL DISTRICT	20-01177	05/14/20	FOOTBALL AGREEMENT	Open	3,000.00	0.00		
02538 MARSH & MCLENNAN AGENCY, LLC*	20-00625	03/05/20	DNE \$25K INSURANCE BROKER	Open	2,083.33	0.00		B
02411 MENEAR'S TREE SERVICE*	20-01186	05/18/20	REMOVE TWP TREE ON TULIP AVE	Open	500.00	0.00		
02402 MGL PRINTING SOLUTIONS	20-01142	05/08/20	5/5/20 WINDOW ENVELOPES	Open	212.50	0.00		
7636 MOTT MACDONALD LLC*	19-01269	05/02/19	ROSEANN AVE PHASE 3 RES 19-157	Open	737.00	0.00		B
	19-01699	06/07/19	C/O 2 RES 19-205 ROSEANN IMPR	Open	20,575.90	0.00		B
	20-01002	04/22/20	CHANGE ORDER #3 RES 2020-137	Open	1,100.20	0.00		
	20-01195	05/19/20	PROFESSIONAL ENGINEERING	Open	2,261.03	0.00		
	20-01196	05/19/20	PROFESSIONAL ENGINEERING	Open	568.00	0.00		
	20-01197	05/19/20	PROFESSIONAL ENGINEERING	Open	103.88	0.00		
	20-01198	05/19/20	PROFESSIONAL ENGINEERING	Open	114.75	0.00		
	20-01199	05/19/20	PROFESSIONAL ENGINEERING	Open	2,627.35	0.00		
	20-01200	05/19/20	PROFESSIONAL ENGINEERING	Open	85.44	0.00		
					<u>28,173.55</u>			
00651 MUNICIPAL UTIL AUTH DUMP FEES	20-01231	05/26/20	TIPPING FEE	Open	72,910.41	0.00		
8274 NICOLE DEAN	20-01262	05/27/20	REIMBURSEMENT-LACROSSE	Open	15.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	20-01260	05/27/20	APRIL 2020 DOG DAMAGE	Open	29.40	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03086 NJ STATE ASSN CHIEFS OF POL*	20-01048	04/22/20	ACCREDITAI=TION / RE-ACCRED	Open	1,666.00	0.00		
03026 NJ STATE HEALTH BENEFITS	20-01252	05/27/20	JUNE 2020 HEALTH BENEFITS	Open	68,967.81	0.00		
	20-01253	05/27/20	JUNE 2020 ACTIVE	Open	<u>178,640.64</u>	0.00		
					247,608.45			
03072 NJ STATE LEAGUE OF MUNICIPALIT*	20-01202	05/20/20	NJ LEAGUE MAGAZINE 10/20-6/21	Open	300.00	0.00		
03172 OFFICE BUSINESS SYSTEMS INC*	20-01093	04/28/20	DIGIT VOICE RECORD 7/20-7/2021	Open	4,739.00	0.00		
6080 OMAHA STANDARD, LLC*	20-01134	05/08/20	ROLL RITE PIVOT TUBE	Open	807.09	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	20-00834	03/27/20	TRASH BAGS-ALL BUILDINGS	Open	367.02	0.00		
03305 PEDRONI FUEL*	20-01213	05/26/20	NO LEAD GAS	Open	106.63	0.00		
8036 RAGNASOFT INC	20-01092	04/28/20	PLANIT PD SCHEDULE 12/20-11/21	Open	2,500.00	0.00		
03448 REMINGTON,VERNICK & WALBERG*	20-00908	04/08/20	STAR/CAROLINE /GREENWOOD AVENU	Open	5,450.00	0.00		B
8277 RICHARD DICARLO	20-01280	05/28/20	REIMBURSEMENT-LACROSSE	Open	15.00	0.00		
03518 RIGGINS, INC.*	20-01188	05/18/20	OFF HIGHWAY DIESEL	Open	169.53	0.00		
	20-01222	05/26/20	OFF HIGHWAY DIESEL	Open	<u>387.60</u>	0.00		
					557.13			
01785 ROBERT HARTMAN SR	20-01258	05/27/20	CONTRACTUAL REIMBURSEMENT M	Open	433.80	0.00		
SEAGE SEAGEAR MARINE SUPPLY*	20-01117	05/05/20	SUPPLIES	Open	167.10	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	20-00831	03/27/20	TIRES/RDS/SANT/RECY/DPW/APRIL	Open	5,871.44	0.00		
7098 SHORE VETERINARIAN ANIMAL *	20-00159	01/10/20	RES 2020-16 DNE \$56K ANIMAL CO	Open	4,666.67	0.00		B
03692 SOUTH JERSEY GAS CO*	20-01259	05/27/20	4/14-5/13/20 NATURAL GAS	Open	2,971.81	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7199 STAPLES CREDIT PLAN-INSTORE PU	20-01148	05/08/20	PRINTER M VITELLI	Open	335.96	0.00		
7507 STEFANKIEWICZ & BELASCO LLC	20-00154	01/10/20	RES # 2020-01 DNE \$34K	Open	2,833.33	0.00		
7475 SUZANNE M SCHEID	20-01261	05/27/20	CONTRACTUAL REIMBURSEMENT M	Open	45.00	0.00		
8664 TRANSOURCE SERVICES CORP	20-01090	04/28/20	SAMSUNG TABLETS	Open	1,575.00	0.00		
8263 TRIUMPH SYSTEMS INC.	20-00838	03/30/20	CORVIN 19 N95/ GOWNS/MASKS	Open	4,110.22	0.00		PC1
03914 ULINE INC*	20-00603	03/03/20	DOG WASTE SYSTEM DISPENSERS	Open	671.00	0.00		
	20-00726	03/13/20	PAPER TOWELS	Open	49.62	0.00		
					<u>720.62</u>			
6059 USABLE LIFE	20-01255	05/27/20	JUNE 2020 LIFE INSURANCE	Open	613.80	0.00		
03969 VERIZON	20-01193	05/19/20	5/13-6/12/20 LANDLINES	Open	252.55	0.00		
01170 VERIZON WIRELESS* F/S	20-01201	05/19/20	3/24-4/26/20 FS CELL	Open	52.75	0.00		
04041 WEIGHTS & MEASURES FUND	20-00724	03/13/20	WEIGHTS AND MEASURES	Open	300.00	0.00		
Total Purchase Orders: 90				Total P.O. Line Items: 0	Total List Amount: 1,083,762.69	Total Void Amount: 0.00		

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-162

Title: **APPROVAL OF A PROFESSIONAL SERVICE CONTRACT WITH MARCUS KARAVAN AS SPECIAL TAX COUNSEL FOR THE MORRELL & HANSEN TAX APPEAL CASE WITHOUT PUBLIC BIDDING**

WHEREAS, the Township of Lower has a need to acquire Special Tax Counsel and is satisfied with services rendered by the current vendor and desires to authorize this appointment using a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-1 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Marcus Karavan, Esq. has provided a proposal to serve as Special Tax Counsel for the Morrell & Hansen Tax Appeal Case at a rate of \$125.00 per hour not to exceed \$10,000; and

WHEREAS, the Township Council desires to approve the proposal and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation #: 01-210-155-289 – Tax Appeals

CFO Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Marcus Karavan of Blaney Karavan as Special Tax Counsel for Morrell & Hansen Tax Appeal Case Trial at a fee of \$125.00 per hour with a not to exceed amount of \$10,000.

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

BLANEY KARAVAN

Attorneys at Law - Blaney & Karavan, P.C.

William G. Blaney, Esquire*
bill@blaneykaravan.com

Marcus H. Karavan, Esquire**
marcus@blaneykaravan.com

Kyle D. Weinberg, Esquire
kyle@blaneykaravan.com

Steven A. Morris, Esquire*
steve@blaneykaravan.com

Frank Guaracini, III, Esquire+
frank@blaneykaravan.com

John R. Dominy, Esquire*+
john@blaneykaravan.com

+ Of Counsel
*Also a Member of the Pennsylvania Bar
**Also a Member of the New York Bar

Charles E. Schlager, Jr., Esquire*+
chuck@blaneykaravan.com

May 12, 2020

Julie A. Picard, Borough Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

RE: Special Tax Counsel for Morrell & Hansen Tax Appeal Case Trial

Dear Ms. Picard:

I would like to request that the above referenced line item be added to the budget for Special Tax Counsel.

Enclosed please find an original copy of the law firm of Blaney & Karavan, P.C.'s Proposal to Provide Professional Legal Services for the Township of Lower.

Should you have any questions with regard to our response, please do not hesitate to contact me at the address and telephone number listed below.

Thank you in advance for your consideration in this matter.

Very truly yours,
Blaney & Karavan, P.C.

Marcus H. Karavan, Esquire

MHK/mam
Enclosure

2123 Dune Drive – Suite 11
Avalon, NJ 08202
Ph. 609-435-5368
Fx. 609-435-5473

3311 New Jersey Avenue
P.O. Box 1310
Wildwood, NJ 08260
Ph. 609-729-1700
Fx. 609 729-5372

BlaneyKaravan.com

**AGREEMENT & CONTRACT TO SERVE AS SPECIAL
TAX COUNSEL TO THE TAX ASSESSOR'S OFFICE FOR
TAX APPEAL RELATED TRIAL OF MORREL & HANSEN V. LOWER TOWNSHIP**

The within Agreement by and between MARCUS H. KARAVAN, ESQUIRE, of Blaney & Karavan, P.C. and the TOWNSHIP OF LOWER is as follows:

1. The Township of Lower appointed Marcus H. Karavan, Esquire, of Blaney & Karavan, P.C. to serve as TAX APPEAL COUNSEL, for the Township of Lower.
2. Marcus H. Karavan, Esquire, of Blaney & Karavan, P.C. shall provide the Township of Lower with copies of monthly billings with fees calculate at hourly rates as set forth below:

Professional legal services relative to defending matters before the Tax Board, defending matters before the Tax Court and/or related tax work including, but not limited to:

Office conferences, court appearances, research, litigation, etc.

\$125.00 per hour
Not to exceed \$10,000.00

Additional charges to include postage; courier services; costs of deposition transcripts; cost of any and all court transcripts; cost of filing fees, if applicable.

3. The Township shall be responsible for expert fees, Court costs and filing fees. This agreement shall be effective the ____ day of _____, 2020 and shall terminate December 31, 2020.
4. As this is a litigated matter and actual time required cannot be predicted, in the event cost to represent the Township in this matter do exceed the above figure in paragraph 2, this proposal shall be revisited by our Law Firm & Lower Township Officials for amendment/change order.

In Witness whereof, we sealed the day and year above first written agreement.

Blaney & Karavan, P.C.

Township of Lower

Marcus H. Karavan, Esquire

Dated:

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

RESOLUTION # 2020-163

Title: **A RESOLUTION ESTABLISHING A FIVE (5) YEAR MORATORIUM ON THE ISSUANCE OF ROAD OPENING PERMITS FOR THE PORTIONS OF ROADS RESURFACED AT PONTAXIT AVENUE, PAKAHAKE STREET, SOUTH KETHEMECHE STREET AND MATHEMEK STREET EFFECTIVE THE DATE OF THE COMPLETION OF THE PROJECT**

WHEREAS, there existed the need for the Township of Lower to address the current situation in the area that encompasses Pontaxit Avenue, Pakahake Street, South Kethemeche Street and Mathemek Street; and

WHEREAS, the Township of Lower has gone through great expenses to perform this project including Bond Ordinances, bidding procedures and the grant application process; and

WHEREAS, issuing street opening permits within five (5) years of a resurfacing project adversely affects the viability of these roads, which can shorten their useful life; and

WHEREAS, if an emergency exists, the Superintendent of Public Works, at his sole discretion, will have the ability to declare if a street opening permit is in fact an emergency, and shall have the ability to issue a street opening permit on a case-by-case basis stating the emergency and issuing an emergency permit.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a five (5) year moratorium is hereby established on the issuance of road opening permits for the portion of roads listed above from the date of the completion of the project.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-164

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 Council of the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$2,000.00 for an item of revenue in the budget of the year 2020 as follows:

Miscellaneous Revenues –
 Revenue Offset with Appropriations - Atlantic County JIF Optional Safety Award
 Total with increase to be \$2,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
 Public & Private Programs Offset by Revenues - Atlantic County JIF Optional Safety Award
 State/Federal Share \$ 2,000.00
 Non State Share \$
 Total with increase to be \$ 2,000.00

FURTHER RESOLVED that a certified copy of this Resolution shall be electronically filed with the State of New Jersey, Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-165

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 Council of the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$750.00 for an item of revenue in the budget of the year 2020 as follows:

Miscellaneous Revenues –
 Revenue Offset with Appropriations - Atlantic County JIF Cyber Risk Award
 Total with increase to be \$ 750.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$750.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
 Public & Private Programs Offset by Revenues - Atlantic County JIF Cyber Risk Award
 State/Federal Share \$ 750.00
 Non State Share \$
 Total with increase to be \$ 750.00

FURTHER RESOLVED that a certified copy of this Resolution shall be electronically filed with the State of New Jersey, Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

 Julie A Picard, Township Clerk

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

RESOLUTION #2020-166

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 Council of the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$2,750.00 for an item of revenue in the budget of the year 2020 as follows:

Miscellaneous Revenues –	
Revenue Offset with Appropriations -	Atlantic County JIF Safety Incentive Award
Total with increase to be	\$ 2,750.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$2,750.00 be and the same is hereby appropriated under the caption of:

General Appropriations –	
Public & Private Programs Offset by Revenues -	Atlantic County JIF Safety Incentive Award
State/Federal Share	\$ 2,750.00
Non State Share	\$
Total with increase to be	\$ 2,750.00

FURTHER RESOLVED that a certified copy of this Resolution shall be electronically filed with the State of New Jersey, Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-167

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 \$1,000.00 for an item of revenue in the budget of the year 2020 as follows:

Miscellaneous Revenues –
 Revenue Offset with Appropriations - Atlantic County JIF Wellness Incentive Award
 Total with increase to be \$ 1,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
 Public & Private Programs Offset by Revenues - Atlantic County JIF Wellness Incentive Award
 State/Federal Share \$ 1,000.00
 Non State Share \$
 Total with increase to be \$ 1,000.00

FURTHER RESOLVED that a certified copy of this Resolution shall be electronically filed with the State of New Jersey, Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk



Date: February 21, 2020
Attention: Fund Commissioner and Safety Coordinator
Member: Lower Township
From: Sheila Ortiz, Account Representative
Subject: 2020 OSB, Wellness, and EPL/ Cyber Money

Below, please find your 2020 allocation for the above referenced ACM JIF Reimbursement Programs. In addition to the amount of your allocation, we have also included information pertaining to expenses that meet each Program's criteria, instructions and deadlines for seeking reimbursement, as well as contact information for Fund Professionals that can answer your questions about each Program.

Optional Safety Budget: \$2,000.00

Purpose

The Optional Safety Budget Program is designed to assist members in meeting their own safety objectives by providing financial reimbursement for safety related items or safety training programs purchased by the member municipality.

Safety Item Suggestions

- Safety Signs & Posters
- AEDs, Eyewash Stations, Vaccinations
- Safety Equipment, Crossing Guard Equipment
- Trench Box, Lift Gates, SCBA Equipment, Bullet Proof Vests

Safety Training Suggestions

- Subscriptions for Tool Box Topics
- Monthly Newsletters
- Safety Manuals
- Supplemental Training – not covered by the MSI
- Purchased Safety Videos/DVD's

Inadmissible Reimbursements

Batteries, office supplies, office equipment, or janitorial supplies.

Any questions regarding ideas on how to spend your Optional Safety Budget funds should be directed to Robert Holwitt at rholtwitt@jamontgomery.com or 856-552-4624. Questions regarding what is an allowable expense should be directed to Sheila Ortiz at 856-446-9137 or at Sheila_Ortiz@riskprogramadministrators.com or Tracy Forlenza at 856-446-9143 or Tracy_Forlenza@riskprogramadministrators.com.

Wellness Incentive Program Budget: \$1,000.00

Purpose

The *Wellness Incentive Program* is designed to assist members in meeting their own Wellness objectives by providing financial reimbursement for wellness and health related items or programs purchased by your municipality.

Examples of Wellness related expenses include:

- Fitness Trackers & Exercise Equipment
- Employee Challenge Incentives, Awards, & Door Prizes
- Wellness Promotional Items
- Health Fairs , Flu Clinics, & Biometric Screenings
- Guest Speakers, Nutritionists, & Demonstrations (educational topics, cooking demos, etc.)
- Healthy Food (vegetables, fruit, nuts, etc.)
- Stress Management (chair massages, yoga sessions, quiet rooms, puzzles, etc.)

Inadmissible Reimbursements

Non-healthy foods, microwaves, refrigerators, supermarket & restaurant gift cards.

Any questions regarding what is an allowable expense, or if you are seeking ideas for the use of these funds, should be directed to Jordan Simone at jsimonewellness@gmail.com or 609-435-0708

EPL & Technology Liability Risk Management Budget: \$725.00

Purpose

The *EPL & Technology Liability Risk Management Budget Program* is designed to assist members by reimbursing eligible costs associated with employment related matters and the risk associated with the use of technology by municipalities.

Examples of eligible EPL related expenses include:

- Attorney fees for employment related legal advice
- Attorney fees for the updating of employment policies & procedures
- Employee training not available through the JIF or MSI
- Fees associated with arbitration/mediation and other mitigation processes

Examples of eligible Technology Risk related expenses include:

- Security enhancing software & hardware
- Employee cyber hygiene training not available through the JIF or MSI
- IT training related to network security
- Network security testing
- Development of technology risk related policies & procedures

Inadmissible Reimbursements

- Non-EPL related legal expenses, travel expenses, etc.
- Computers and other non-security related computer hardware & software



April 14, 2020

Kathleen Brown, Safety Coordinator
Lower Township
2600 Bayshore Road
Villas, NJ 08402

RE: Safety Awards

Dear Kathleen:

It is our pleasure to report that Lower Township has earned **\$2,750.00** as a result of your outstanding performance in the 2019 ACM JIF Safety Incentive Program. The incentive program is designed to foster a safety attitude among the ACM JIF members and to promote the safety objectives of the Fund. The awards were announced at the Safety Coordinator's and Claims Coordinator's Regional that was held on March 3, 2020 in conjunction with the Annual Safety Breakfast.

Also, a letter was sent to your Mayor and Council congratulating your town on your achievement.

Claiming Your Award Monies:

The purpose of this award is to recognize your employees for their contribution to your safety efforts. Some ways that these Funds can be used to reward your employees include the purchase of special employee recognition items or to pay for employee morale building events. Employee recognition items that have been purchased in the past include windbreaker jackets or other attire with the JIF Safety Logo. Morale building events include an employee Safety Luncheon, Safety Bar-B-Que or Dinner, Safety Carnivals, etc. The JIF Safety Director's office can help you if you need additional ideas.

In addition, the Executive Safety Committee is also allowing these award monies to be used to offset costs associated with Wellness Programs. Over the past several years, many municipalities have implemented wellness programs with their employees. These programs include walking clubs, health coaches, and weight reduction clubs. Employers recognize that these programs can have a positive impact on employee morale, physical fitness, and health benefit costs. The JIF believes that improved employee morale and physical fitness will have a positive impact on worker compensation claims.

You can elect to claim your awards either by check or through a reimbursement process. If you choose to claim the full amount of your safety awards by check, please complete a voucher and return it to us by May 1, 2020. A check, payable to your municipality, will be mailed to you once it is approved at the next JIF meeting.

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

RESOLUTION # 2020-168

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Michael Nuscis in the amount of \$8,241.86 is authorized and chargeable to the 2020 Budget account 0-01-25-240-124.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held June 1, 2020.

Julie A Picard, Township Clerk

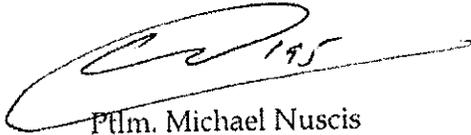
LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief Mastriana
FROM: Ptlm. Michael Nuscis
DATE: May 25, 2020
SUBJECT: Comp Time Sell Back

I am writing this special requesting to sell back 275 hours of comp time that I have accumulated.

Respectfully Submitted,



Ptlm. Michael Nuscis
Patrolman Badge 195

C	File	Date	Officer	Comments
		5/26/20	Chief Mastriana	Approved to forward to Mastriana for approval

100-2
275 X
05/25/20
06:03:00 PM

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

RESOLUTION # 2020-169

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Stephen Flitcroft in the amount of \$4,452.99 is authorized and chargeable to the 2020 Budget account 0-01-25-240-123.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held June 1, 2020.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

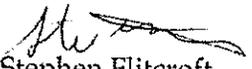
SPECIAL REPORT

TO: Chief Mastriana
FROM: Ptlm. Flitcroft
DATE: 05/26/2020
SUBJECT: Compensation time, cash out.

Sir,

I am respectfully requesting to sell back accrued compensation time, totaling 140 hrs.
Thank you in advance for your consideration in this matter.

Respectfully Submitted,

 189
Stephen Flitcroft
Patrolman Badge 189

C	File	Date	Officer	Comments
		5/26/20	CJR 184	
		5/26/20	D. LEWIS 181	FORWARDED TO CH/ISS
		5/27/20	CPT. 46 189	AND TO Twp Hall

100 X
3 11 71
6 22 191 88

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

RESOLUTION #2020-170

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH DeBLASIO & ASSOCIATES FOR THE 2019 ROAD PROGRAM – PHASE 2- SECTION 1 CONSTRUCTION PHASE SERVICES

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

WHEREAS, DeBlasio & Associates have provided a proposal for the 2019 Road Program – Phase 2 – Section 1 – Construction Phase Services at the fee of \$19,000 including Arizona Avenue, Capital Lane, Republic Lane, Union Lane and Federal Lane Contract Administration, Shop Drawing and Submittal Review and Periodic Construction Observation; and

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

Appropriation: C-04-55-418-910

Signature: _____
Lauren Read, CFO

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

- 1. The Proposal between DeBlasio & Associates and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of \$19,000.00 is hereby approved.

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

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT and 5 rows: CONRAD, COOMBS, ROY, PERRY, SIPPEL

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

May 13, 2020

VIA EMAIL & REGULAR MAIL

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

Re: **Township of Lower, Cape May County, NJ**
2019 Road Program-Phase 2-Section 1: Construction Phase Services
D&A File #: LT-C-012

Dear Mr. Douglass:

DeBlasio & Associates, P.C. is pleased to provide this proposal to provide our professional services for the **2019 Road Program-Phase 2-Section 1: Construction Phase Services**. As a follow up to our conversations and meetings, it is our understanding that the **2019 Road Program-Phase 2-Section 1** shall consist of the following roadways:

A. Phase 2

1. Arizona Avenue – Union Lane to end
2. Capital Lane– Arizona Avenue to end
3. Republic Lane – Arizona Avenue to end
4. Union Lane – Arizona Avenue to end
5. Federal Lane – Arizona Avenue to end

➤ Construction Phase Cost:	\$19,000.00
• Contract Administration	
• Shop Drawing and Submittal Review	
• Periodic Construction Observation	

Total Professional Service Fee \$19,000.00

Enclosed please find one (1) copy of the project location map for your reference.

Upon your authorization, we are prepared to begin work immediately on the Township's **2019 Road Program-Phase 2-Section 1: Construction Phase Services**. Should you have any questions or require any additional information, please do not hesitate to contact me at our office. Thank you for the opportunity to submit this proposal.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Jim Ridgway, Manager (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)

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

RESOLUTION #2020-171

Title: **BID ACCEPTANCE AND CONTRACT AWARD OF 2019 ROAD PROGRAM PHASE 2 - SECTION 1 FOR ARIZONA AVENUE, CAPITAL LANE, REPUBLIC LANE, UNION LANE AND FEDERAL LANE**

WHEREAS, the Notice to Bidders for the 2019 Road Program Phase 2, Section 1 for Arizona Avenue, Capital Lane, Republic Lane, Union Lane and Federal Lane was advertised on May 13, 2020 and accepted on May 27, 2020 at 11:00 a.m. prevailing time; and

WHEREAS, Two (2) sealed bids were submitted and reviewed by the Township Engineer, QPA and Superintendent of Public Works Gary Douglass; and

WHEREAS, South State Inc. was the lowest qualified bidder, complied with the specifications, supplied all required bid documents and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: C-04-55-413-1000 \$ 194,465.76 Ord #2012-19
C-04-55-424-100 \$ 201,834.24 Ord #2019-05

Signature _____
Lauren Read, CFO

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

AWARD TO: SOUTH STATE INC.
TOTAL: \$396,300.00

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

May 27, 2020

VIA EMAIL

Julie Picard, Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
2019 Road Program-Phase 2-Section 1
D&A File #: LT-C-012**

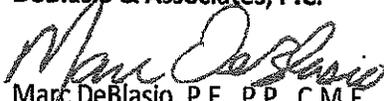
Dear Ms. Picard:

We have tabulated the two (2) bids received on May 27, 2020 for the above referenced project. As such, we have determined that the lowest responsible bidder appears to be South State, Inc., P.O. Box 68, Bridgeton, NJ 08302 in the amount of \$396,300.00. Enclosed please find one (1) copy of the bid tabulation for your files.

In accordance with N.J.S.A. 40A:11-1 et seq., the award should be made to the lowest responsible bidder which appears to be South State, Inc., P.O. Box 68, Bridgeton, NJ 08302 in the amount of \$274,580.00. The contractual award should be made contingent upon approval from the Township Purchasing Agent, Chief Financial Officer and Solicitor.

Should you have any questions or require any additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.


Marc DeBlasio, P.E., P.P., C.M.E.
President

T: 609-854-3311

Marc@deblasioassoc.com

cc: Jim Ridgway, Manager (via email w/encl.)
Margaret Vitelli, Qualified Purchasing Agent (via email w/encl.)
Gary Douglass, Public Works Superintendent (via email w/encl.)
David Stefankiewicz, Solicitor (via email w/encl.)

BID TABULATION

Project Name: 2019 Road Program Phase 2 Section 1
D&A Project #: LT-C-012
Client: Township of Lower
Bid Opening Date: 05/27/2020

Item #	DESCRIPTION	QUANTITY & UNITS		UNIT PRICE	AMOUNT	South State, Inc. P.O. Box 68 Bridgeton, NJ 08302		Landberg Construction, LLC 82 Tuckahoe Road Dorothy, NJ 08317	
		LUMP SUM	LUMP SUM			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	TRAFFIC CONTROL	LUMP SUM	LUMP SUM	\$20,000.00	\$20,000.00	\$3,500.00	\$3,500.00		
2	CLEARING SITE	LUMP SUM	LUMP SUM	\$15,000.00	\$15,000.00	\$20,000.00	\$20,000.00		
3	FUEL PRICE ADJUSTMENTS	700	DOLLAR	\$1.00	\$700.00	\$1.00	\$700.00		
4	ASPHALT PRICE ADJUSTMENTS	2,000	DOLLAR	\$1.00	\$2,000.00	\$1.00	\$2,000.00		
5	HOT MIX ASPHALT BASE COURSE, MIX 19M64, 2" THICK	120	S.Y.	\$150.00	\$18,000.00	\$150.00	\$18,000.00		
6	HMA PROFILE MILLING, 0-3" DEPTH	2,100	TON	\$9.00	\$18,900.00	\$18.00	\$37,800.00		
7	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M64, 3" THICK	1,850	#REFI	\$85.00	\$157,250.00	\$86.00	\$159,100.00		
8	INLET FILTERS, TYPE 1	270	S.F.	\$1.00	\$270.00	\$0.01	\$2.70		
9	TRAFFIC MARKINGS, LINES, LONG-LIFE, THERMOPLASTIC - 12" WIDE	90	L.F.	\$17.00	\$1,530.00	\$23.50	\$2,115.00		
10	TURF REPAIR STRIP	4,000	L.F.	\$0.20	\$800.00	\$4.00	\$16,000.00		
11	HOT MIX ASPHALT DRIVEWAY, 2" THICK	50	S.Y.	\$40.00	\$2,000.00	\$30.00	\$1,500.00		
12	CONCRETE DRIVEWAY, 6" THICK	160	S.Y.	\$120.00	\$19,200.00	\$105.00	\$16,800.00		
13	RESET EXISTING STONE	50	S.Y.	\$10.00	\$500.00	\$15.88	\$794.00		
14	NO ITEM	0	UNIT	\$0.00	\$0.00	\$0.00	\$0.00		
15	RESET EXISTING MANHOLE CASTINGS	10	UNIT	\$450.00	\$4,500.00	\$400.00	\$4,000.00		
16	RESET WATER VALVE BOXES	12	UNIT	\$20.00	\$240.00	\$0.01	\$0.12		
17	INLET, TYPE "A"	18	UNIT	\$4,500.00	\$81,000.00	\$3,000.00	\$54,000.00		
18	SELECT FILL	1,000	0	\$0.01	\$10.00	\$17.00	\$17,000.00		
19	HMA MILLING, 5" DEPTH	425	0	\$8.00	\$3,400.00	\$9.00	\$3,825.00		
20	12" HIGH DENSITY POLYETHYLENE CULVERT PIPE	450	0	\$90.00	\$40,500.00	\$140.00	\$63,000.00		
21	TEST PITS	12	0	\$400.00	\$4,800.00	\$250.00	\$3,000.00		
22	DENSE AGGREGATE BASE COURSE, 6" THICK	600	0	\$0.50	\$300.00	\$5.00	\$3,000.00		
23	8" DUCTILE IRON CULVERT PIPE, CLASS 52 (IF AND WHERE DIRECTED)	60	0	\$90.00	\$5,400.00	\$100.00	\$6,000.00		
TOTAL AMOUNT BID BASED ON ESTIMATED QUANTITIES FOR BID ITEMS 1 - 23					\$396,300.00		\$432,136.82		

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

RESOLUTION #2020-172

Title: APPOINTMENT OF LOWER TOWNSHIP HEARING OFFICER AS A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower has a need to acquire a conflict Hearing Officer and desires to authorize this appointment using a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-1 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Steven Secare, Esq. of the Secare & Hensel Law Firm has provided a proposal to serve as a Hearing Officer for the Township of Lower at a rate of \$140.00 per hour not to exceed \$7,500; and

WHEREAS, the Township Council desires to approve the proposal and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation #:

CFO Signature:

Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Steven Secare, Esq. to serve as Lower Township Hearing Officer on an as-needed basis at a fee of \$150.00 per hour with a not to exceed amount of \$7,500.

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, dated the _____ day of _____, 2020

BETWEEN: Lower Township,
401 Breakwater Rd
Cape May, NJ 08204
(hereinafter referred to as LT);

AND: STEVEN SECARE, ESQ.
Secare & Hensel
16 Madison Avenue
Toms River, NJ 08753
(hereinafter referred to as ATTORNEY).

WHEREAS, pursuant to law, the parties hereto wish to enter into an agreement for professional services.

NOW, THEREFORE, the parties hereunder do agree as follows:

1. The Attorney is hereby retained to serve in the capacity as Hearing Officer for such term as is provided for by this contract and statute.
2. The Attorney shall provide all general legal services required as Hearing Officer.
3. The Attorney shall be paid at a rate of \$140.00 per hour not to exceed \$7,500.00
4. The Attorney shall perform all normal legal services as determined and authorized by LT or other authorized officials in accordance with the terms of this Agreement which shall be provided for by separate agreements with such Attorney, as may

be determined.

5. The Attorney shall bill the LT for all services rendered. This includes telephone calls (minimum charge of .2 of an hour), dictating letters (minimum charge of .3 of an hour) and reviewing letters (minimum charge of .2 of an hour).

6. The Attorney shall execute the Affirmative Action Agreement, Exhibit A attached hereto, which shall be incorporated herein by reference.

7. Political Contribution Disclosure. This contract has been awarded in a non-open and fair process as a professional service contract.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

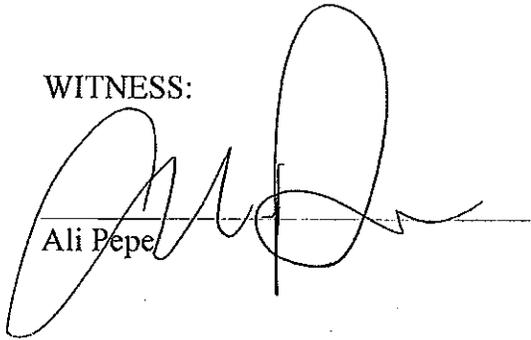
ATTEST:

LOWER TOWNSHIP

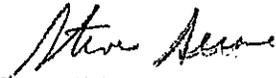
By: _____

WITNESS:

SECARE & HENSEL



Ali Pepe

By: 

Steven Secare, Esq.

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

RESOLUTION #2020-173

Title: A RESOLUTION RELAXING THE PROCEDURES ASSOCIATED WITH SITE PLAN REVIEW AND APPROVAL FOR EXISTING RESTAURANTS IN RELATION TO CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING CORONAVIRUS PUBLIC HEALTH EMERGENCY

WHEREAS, in or about December of 2019, the emergence of the novel Coronavirus (Covid-19) was first discovered in the City of Wuhan, Hubei Province, People's Republic of China, and it was recognized to be a severe, potentially fatal, highly infectious respiratory illness that was suspected of human-to-human transmission; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel Coronavirus (Covid-19) to be a Public Health Emergency of International Concern as human-to-human transmission of the Coronavirus was confirmed, and outbreaks of the Coronavirus began to spread to numerous other countries throughout the world; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency; and

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601, et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurant/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey residents to remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or county parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulates the continued operation of Bars/Restaurants and provides, in part, that "All restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

WHEREAS, in the anticipation that the regulations, prohibitions, and social distancing requirements within the Governor's Executive Orders may be relaxed and/or modified in the coming weeks or months, potentially permitting these establishments to operate at reduced capacities, the Township Council of the Township of Lower finds it to be appropriate to temporarily relax the procedures associated with site plan review and approval in order to permit said establishments to locate tables out-of-doors, in the Township right-of-way and/or in other locations on site, subject to the requirements and restrictions set forth herein, until the State of New Jersey rescinds Executive Order 107 and/or eliminates social distancing requirements;

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. All of the statements of the Preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, pending further resolution, and contingent upon the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of restaurants and bars in relation to social distancing requirements, the Zoning Officer of the Township of Lower is hereby granted the authority and discretion to waive the requirements of sections §400-77 and §400-78 of the Township Code, in order to approve temporary site plan applications pertaining to existing restaurants and bars, subject to the review and approval of the Chief of Police, to permit the temporary relocation of existing tables/seating to the Township right-of-way and/or other locations on site, subject to the following requirements, conditions, and restrictions:
 - a. Application. A restaurant and/or bar owner or operator, with consent of the property owner, seeking approval to relocate existing tables/seating to the Township right-of-way and/or other locations on site, shall be required to submit a site plan application, which shall include but not be limited to:
 - i. A site drawing depicting the existing and proposed layout and locations of tables/seating and any other furnishings to be utilized in said locations. The site drawing shall also include but not be limited to a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area and the curbline.
 - ii. An illustration, rendering, and/or photograph of all proposed furniture, umbrellas, and trash receptacles. Proposed tables/chairs, furniture, umbrellas, trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site.
 - iii. Applicants must submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas.
 - iv. Applicants must submit a Litter Control Plan, which shall include a general description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
 - v. Any other information/documentation deemed necessary and/or required by the Zoning Officer, and/or other appropriate Township official.
 - vi. Application packets will be initially distributed to the Township Manager, the Lower Township Chief of Police, and the Township Construction Official in order to conduct a preliminary review of the submitted documents to ensure receipt of completed application packets, to conduct an initial site safety inspection, and to ensure that the site complies with applicable ADA requirements. Thereafter, a report will be issued to the Township Zoning Official, and the Township Zoning Official will review the submitted application packets and approve or deny the submitted temporary site plan application.

- b. Conditions and Restrictions. The approval of any temporary site plan in relation to this Resolution shall be subject to the following conditions and restrictions:
- i. All applications are subject to the review and approval of the Township's Zoning Officer.
 - ii. No increase in the total number of tables/seats will be permitted. Any newly approved exterior tables/seats, when added to existing table/seats, cannot exceed the total number of tables/seats approved prior to the issuance of any temporary site plan approval pursuant to this Resolution.
 - iii. Tables/seats shall be permitted to be located in the Township right-of-way and/or on the Applicant's property provided a minimum 5ft. pedestrian walkway is maintained and provided for the general public, subject to applicable ADA requirements.
 - iv. Any approved exterior tables/seats shall be permitted to be utilized between the hours of 7am and 11pm.
 - a) Tables/seats approved to be located within the Township right-of-way must be removed from the right-of-way and stored on site on a daily basis by 11pm.
 - v. No tables/seats and/or other temporary structures shall hinder any sight triangles or otherwise cause unsafe driving conditions for vehicles or pedestrians within the public rights-of-way.
 - vi. Outside cooking of food and food preparation of any kind is prohibited. Food services shall be provided from inside the dining establishment.
 - vii. Applicants requesting to utilize areas of the Township right-of-way shall enter into a temporary license agreement with the Township, in a form to be determined by the Township, in the Township's sole discretion. Any license agreement extended in connection with this Resolution shall be temporary, and shall automatically terminate upon the repeal of this Resolution.
 - viii. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to an extension of premises application, and subject to the review and approval of the Township Clerk and Chief of Police. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the State of New Jersey rescinding Executive Order 107 and/or the elimination of all social distancing regulations.
 - ix. Applicants proposing to relocate existing tables/seats to the Township right-of-way shall indemnify and hold harmless the Township of Lower, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Township of Lower as an additional insured under the Applicant's General Liability including Products & Completed Operations Insurance with a minimum combined single limit of liability per occurrence for bodily injury and property damage of *one million (\$1,000,000) dollars*, with a minimum annual aggregate of *two million (\$2,000,000) dollars*, Liquor Liability with a minimum limit of liability per occurrence of *one million (\$1,000,000.00) dollars*, with a minimum annual aggregate of *two million (\$2,000,000.00) dollars* (if applicable). The Applicant must provide the Township with an endorsement to the policy evidencing the foregoing.
3. The Township of Lower reserves the right to amend, terminate, or repeal this resolution, and accordingly no property rights are granted to any person(s) or entities by virtue of this resolution. All person(s)

and/or entities electing to pursue temporary relief in accordance with the provisions of this resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon the provisions of this resolution shall be at their sole and exclusive expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility.

4. With the exception of the temporary relief set forth herein, Applicant's must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants
5. In the event the Zoning Officer determines that an Applicant is in violation of the conditions of any temporary site plan approved in relation to this Resolution, the Zoning Officer is hereby authorized to immediately revoke the temporary site plan approval received in relation to this Resolution.
6. In order to avoid injustice, the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant who's temporary site plan application is denied by the Zoning Officer has the right to appeal to the governing body by filing a notice of appeal with the Township Clerk within thirty (30) days of the denial of said application. Upon receipt of any such notice of appeal, the governing body will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the governing body will consider the matter, determine whether to uphold or overturn the Zoning Officer's decision, and thereafter notify the owner of its decision.
7. This Resolution shall take effect immediately, subject to the State of New Jersey relaxing the provisions of Executive Order 107, specifically the provisions pertaining to the operation of restaurants and bars in relation to social distancing requirements. In the event Executive Order 107 or this Resolution are rescinded, or should social distancing requirements be eliminated, any temporary approval afforded by the Zoning Officer in accordance with the terms and conditions of this resolution shall be deemed void, and Applicants shall be required to immediately return tables/seats to their previously approved locations.
8. Upon adoption of this Resolution the Township Clerk shall forward copies, electronically or otherwise, to the following officials: New Jersey Governor, New Jersey Lieutenant Governor, New Jersey Attorney General, New Jersey Senate and Assembly Majority and Minority Leaders, Cape May County Board of Chosen Freeholders, Cape May County Clerk and the Municipal Clerks of each Cape May County Municipality.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-174

Title: **AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
494.07	1	George T Prentice 101 Bayridge Road	Home Owner Paid Erroneously	\$ 650.53
141	6	Daniel & Susan Donnelly 143 Pennsylvania Avenue	Home Owner Paid Erroneously	\$ 956.97

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2020-175

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2020 was adopted on the 6th day of April, 2020, and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the following amendments to the adopted capital budget section be made:

<u>RECORDED VOTE</u>	<u>AYES</u>	<u>NAYS</u>
Frank Sippel		ABSTAIN
David Perry		
Roland Roy		
Thomas Conrad		ABSENT
Kevin Coombs		

FROM
CAPITAL BUDGET (Current Year Action)
 2020

Planned Funding Services for
 Current Year 2020

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved in Prior Years</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded in Future Years</u>
Equipment	5,854,500.00		28,225.00			536,275.00	5,290,000.00
Recreation Facilities	15,950,000.00		80,000.00			1,520,000.00	14,350,000.00
Police Equipment	309,000.00		2,450.00			46,550.00	260,000.00
Municipal Buildings	859,400.00		42,970.00			816,430.00	0.00
Vehicles	855,000.00		17,750.00			337,250.00	500,000.00
Road Program/Infrastructure	900,000.00		0.00			0.00	900,000.00
Total All Projects	24,727,900.00	0.00	171,395.00	0.00	0.00	3,256,505.00	21,300,000.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2020-175

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2020 - 2025
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2020	2021	2022	2023	2024	2025
Equipment	5,854,500.00	564,500.00	2,580,200.00	1,420,200.00	216,200.00	782,200.00	291,200.00
Recreation Facilities	15,950,000.00	1,600,000.00	0.00	14,350,000.00	0.00	0.00	0.00
Police Equipment	309,000.00	49,000.00	55,000.00	55,000.00	55,000.00	55,000.00	40,000.00
Municipal Buildings	859,400.00	859,400.00	0.00	0.00	0.00	0.00	0.00
Vehicles	855,000.00	355,000.00	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
Road Program/Infrastructure	900,000.00	0.00	300,000.00	0.00	300,000.00	0.00	300,000.00
Total All Projects	24,727,900.00	3,427,900.00	3,035,200.00	15,925,200.00	671,200.00	937,200.00	731,200.00

6 YEAR CAPITAL PROGRAM 2020 - 2025
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	General Debt Authorized
Equipment	5,854,500.00	295,894.38			5,558,605.62
Recreation Facilities	15,950,000.00	890,805.49			15,059,194.51
Police Equipment	309,000.00	16,106.10			292,893.90
Municipal Buildings	859,400.00	16,106.10			843,293.90
Vehicles	855,000.00	46,939.28			808,060.72
Road Program/Infrastructure	900,000.00	31,223.47			868,776.53
Total All Projects	24,727,900.00	1,297,074.82	0.00	0.00	23,430,825.18

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2020-175

CAPITAL BUDGET AMENDMENT

TO

CAPITAL BUDGET (Current Year Action)
2020

Planned Funding Services for
Current Year 2020

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	6,022,790.26		37,441.84			695,348.42	5,290,000.00
Recreation Facilities	16,340,000.00		100,000.00		400,000.00	1,490,000.00	14,350,000.00
Police Equipment	313,971.60		2,757.67			51,213.93	260,000.00
Municipal Buildings	948,329.25		48,454.78			899,874.47	0.00
Vehicles	819,908.89		16,345.71			303,563.18	500,000.00
Road Program/Infrastructure	4,085,000.00		160,000.00		185,000.00	2,840,000.00	900,000.00
Total All Projects	28,530,000.00	0.00	365,000.00	0.00	585,000.00	6,280,000.00	21,300,000.00

6 YEAR CAPITAL PROGRAM 2020 - 2025
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2020	2021	2022	2023	2024	2025
Equipment	6,022,790.26	732,790.26	2,580,200.00	1,420,200.00	216,200.00	782,200.00	291,200.00
Recreation Facilities	16,340,000.00	1,990,000.00	0.00	14,350,000.00	0.00	0.00	0.00
Police Equipment	313,971.60	53,971.60	55,000.00	55,000.00	55,000.00	55,000.00	40,000.00
Municipal Buildings	948,329.25	948,329.25	0.00	0.00	0.00	0.00	0.00
Vehicles	819,908.89	319,908.89	100,000.00	100,000.00	100,000.00	100,000.00	100,000.00
Road Program/Infrastructure	4,085,000.00	3,185,000.00	300,000.00	0.00	300,000.00	0.00	300,000.00
Total All Projects	28,530,000.00	7,230,000.00	3,035,200.00	15,925,200.00	671,200.00	937,200.00	731,200.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2020-175

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2020 - 2025
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital Improvement		Capital Surplus	Grants and Other Funds	General Debt Authorized
		Fund	Fund			
Equipment	6,022,790.26	301,941.84			400,000.00	5,720,848.42
Recreation Facilities	16,340,000.00	817,500.00				15,122,500.00
Police Equipment	313,971.60	15,757.67				298,213.93
Municipal Buildings	948,329.25	48,454.78				899,874.47
Vehicles	819,908.89	41,345.70				778,563.19
Road Program/Infrastructure	4,085,000.00	205,000.00			185,000.00	3,695,000.00
Total All Projects	28,530,000.00	1,430,000.00	0.00	585,000.00		26,515,000.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 6th day of April, 2020.

Certified by me:

_____ Date _____ Township Clerk

Trenton, New Jersey

Approved _____ 2020 _____ Director of Local Government Services

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

RESOLUTION #2020-176

Title: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
Lower Township Rescue Squad	EMS Contribution	\$ 35,000

TOTAL Bill List \$ 35,000

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-177

Title: A RESOLUTION AUTHORIZING A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR WILSON DRIVE

WHEREAS, the Council of the Township of Lower has determined that Wilson Drive is in need of reconstruction for roadway preservation; and

WHEREAS, funds for such reconstruction may be available to the Township of Lower under the New Jersey Transportation Trust Fund Authority Act; and

WHEREAS, an application must be filed with the Department of Transportation to apply for such funds.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021-Lower Township-00184 to the New Jersey Department of Transportation on behalf of Lower Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lower Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION # 2020-178

Title: AUTHORIZATION FOR 2020 INCENTIVE AWARD FOR INSURANCE WAIVER

WHEREAS, the employees listed on the attached schedule have waived health insurance and are due an incentive amount per Superior Officers Union and PBA Union Contract, Article 12, Section F, AFSCME Union Contract, Article VII, Section F and Supervisors Contract, Article VI, Section F; and

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by her signature _____ that adequate funding is available for such payment in the current year's budget for Health Insurance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to the attached schedule of employees in the amount of \$47,083.33 is authorized and chargeable to the 2020 Budget account 0-01-23-220-412.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on June 1, 2020.

Julie A Picard, Township Clerk

Employee	Jun-20
Bailey, Howard III	\$ 416.67
Barcas, William	\$ 2,500.00
Boyle, Kevin Jr.	\$ 2,500.00
Brewster, Maria	\$ 2,500.00
Crippen, Colleen	\$ 2,500.00
Douglass, Gary	\$ 2,500.00
Douglass, Scott	\$ 2,500.00
Greto, Anthony	\$ 2,500.00
Hansberry, Ryan	\$ 2,500.00
Kelleher, William	\$ 2,500.00
Lepor, David	\$ 2,500.00
Lewis, Kevin	\$ 2,500.00
Nuscis, Michael	\$ 2,500.00
Omrod, William	\$ 2,500.00
Perry, Michael	\$ 2,500.00
Plenn, Mitchell	\$ 2,500.00
Rementer, Joseph	\$ 2,500.00
Ryan, Charles	\$ 2,500.00
Vanaman, Donald	\$ 2,500.00
Walker, Kenneth	\$ 1,666.67
	\$ 47,083.33

**TOWNSHIP OF LOWER
ORDINANCE NUMBER 2020-12**

**BOND ORDINANCE PROVIDING FOR VARIOUS
2020 CAPITAL IMPROVEMENTS, BY AND IN THE
TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE
MAY, STATE OF NEW JERSEY (THE "TOWNSHIP");
APPROPRIATING \$2,055,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,950,000
BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE PART OF THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF
NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively
concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$2,055,000, said sum being inclusive of a down payment in the aggregate amount of \$105,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,055,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal

amount not exceeding \$1,950,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$1,950,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Police Department</u> - Acquisition And Installation, As Applicable, Of Various Equipment and Information Technology Improvements, Including, But Not Limited To, An Intercom System; Radar Units; And Mobile Data Computers; Network Equipment Including, But Not Limited To, A 48-Port Switch; And Acquisition Of Two Non-Passenger Vehicles;	\$312,815	\$297,065	\$15,750	6.30 years
(ii) <u>Public Works (DPW)</u> - Acquisition And Installation, As Applicable, Of Various Equipment And Non-Passenger Vehicles Including, But Not Limited To, A Mini Excavator, A Welder, A Rear Load Refuse Truck And A Fleet Maintenance/Service Vehicle; And Various Improvements To Public Works Facilities Including, But Not Limited To, The Recycling Center And Department Of Public Works Office Building;	\$926,445	\$879,195	\$47,250	11.87 years
(iii) <u>Recreation</u> - Various Improvements To Recreation And Park Facilities Including, But Not Limited To, Improvements To The Heating, Ventilation, And Air Conditioning (HVAC) System At The Recreation Gymnasium; The Acquisition And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, A Wrestling Mat; And The Acquisition Of Three Non-Passenger Vehicles; And	\$531,946	\$504,646	\$27,300	12.26 years
(iv) <u>Administration</u> - General Capital Improvements, And/Or Acquisition And Installation Of Equipment And Non-Passenger Vehicles, As Applicable, For Various Township Facilities Including, But Not Limited To,	\$283,794	\$269,094	\$14,700	5.33 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Computer Hardware And Software And Office Equipment And Furniture For The Municipal Building, Land Use Office And Assessor's Office; Computer Hardware And Software For The Collector's Office and Planning Department; And Emergency Equipment For The Office Of Emergency Management; Improvements To The Public Safety Building And Court Offices Including, But Not Limited To, Improvements To Courtrooms; Improvements To Facilities For The Building Officials and Code Administrators Office; And Two Non-Passenger Vehicles For The Township.				
TOTALS	<u>\$2,055,000</u>	<u>\$1,950,000</u>	<u>\$105,000</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,950,000.

(c) The aggregate estimated cost of said improvements or purposes is \$2,055,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate down payment available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Township and available for public inspection and hereby approved.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Cape May make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Cape May. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Cape May shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of

the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.22 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a

complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,950,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$192,100 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 1, 2020**

**Julie Picard,
Clerk of the Township of Lower**

**ADOPTED ON SECOND READING
DATED: June 15, 2020**

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

**Julie Picard,
Clerk of the Township of Lower**

Roland Roy, Councilmember

David Perry, Deputy Mayor

APPROVAL BY THE MAYOR ON THIS 15th DAY OF JUNE, 2020.

**FRANK SIPPEL,
Mayor of the Township of Lower**

**TOWNSHIP OF LOWER
BOND ORDINANCE NUMBER 2020-13**

**BOND ORDINANCE PROVIDING FOR VARIOUS
ROADWAY AND DRAINAGE IMPROVEMENTS, BY
AND IN THE TOWNSHIP OF LOWER, IN THE
COUNTY OF CAPE MAY, STATE OF NEW JERSEY;
APPROPRIATING \$3,185,000 THEREFOR
(INCLUDING A GRANT FROM THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION IN THE
AMOUNT OF \$185,000) AND AUTHORIZING THE
ISSUANCE OF \$2,840,000 BONDS OR NOTES OF
THE TOWNSHIP TO FINANCE PART OF THE COST
THEREOF**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF
NEW JERSEY (not less than two-thirds of all members thereof affirmatively
concurring), AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$3,185,000, which sum includes a \$185,000 Grant received or expected to be received from the New Jersey Department of Transportation (the "Grant") and \$160,000 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement proposes or by monies actually held by the Township.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,185,000 appropriation not provided for by application hereunder of the Grant and down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$2,840,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$2,840,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for the financing of which said bonds or notes are to be issued are various roadway and drainage improvements throughout the Township including, but not limited to, reconstruction and/or improvements to the drainage systems at Star Avenue and Croydon Drive; improvements to the 100 Blocks of Miami, Florida, Jacksonville and Tampa Avenues; reconstruction and/or improvements to the drainage systems at Schellinger's Landing (consisting of Wilson Drive, 1st Avenue, 2nd Avenue and 3rd Avenue); and various improvements to Arizona Avenue, Republic Lane and Federal Lane; which improvements shall include, but not be limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, resetting of utility castings, drainage work, and associated sidewalk, driveway and curb ramp improvements and aesthetic improvements, and shall also include, but not be limited to, as applicable, preparation of plans and specifications, permits, bid documents, contract

administration, and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,840,000.

(c) The estimated cost of said improvements or purposes is \$3,185,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$185,000 and the down payment for said purposes in the amount of \$160,000.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity make a contribution or grant in aid to the Township, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of

Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,840,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included

in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues

to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 1, 2020**

Thomas Conrad, Councilmember

**Julie Picard,
Clerk of the Township of Lower**

Kevin Coombs, Councilmember

**ADOPTED ON SECOND READING
DATED: June 15, 2020**

Roland Roy, Jr. Councilmember

David Perry, Deputy Mayor

**Julie Picard,
Clerk of the Township of Lower**

APPROVAL BY THE MAYOR ON THIS 15th DAY OF June, 2020

**FRANK SIPPEL,
Mayor**

**TOWNSHIP OF LOWER
BOND ORDINANCE NUMBER 2020-14**

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE CLEM MULLIGAN SPORTS COMPLEX, BY AND IN THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$1,990,000 THEREFOR (INCLUDING A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$400,000) AND AUTHORIZING THE ISSUANCE OF \$1,490,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,990,000, said sum being inclusive of a Small Cities Community Development Block Grant received or expected to be received from the New Jersey Department of Community Affairs in the amount of \$400,000 (the "Grant") and a down payment in the amount of \$100,000 now available for said improvements or purposes as required by the Local Bond Law, as amended and supplemented (N.J.S.A. 40A:2-1 et seq.) (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions

in a previously adopted budget or budgets of the Township for down payment or for capital improvements purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,990,000 appropriation not provided for by application hereunder of the Grant and down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,490,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in a principal amount not exceeding \$1,490,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various capital improvements to the Clem Mulligan Sports Complex in the Township including, but not limited to, the construction of a concession stand; acquisition and installation, as applicable, of benches, fencing, playground equipment and a shade structure; the construction or improvements to, as applicable, various playing surfaces at the complex, including, but not limited to, various athletic fields and the hockey rink including, but not limited to, the removal and recycling of existing playing surfaces and the acquisition and installation, as applicable, of new playing surfaces; asphalt and concrete paving improvements; and landscaping improvements to include, but not be limited to, irrigation system improvements; electrical improvements to include, but not be limited to, site lighting improvements; and also including all site-work, demolition, engineering and design work, surveying, construction planning,

preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,490,000.

(c) The estimated cost of said improvements or purposes is \$1,990,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$500,000, is comprised of the Grant in the amount of \$400,000, and the down payment in the amount of \$100,000 for said improvements or purposes.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Cape May make a contribution or grant in aid to the Township, for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Cape May. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Cape May, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of

Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,490,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included

in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues

to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING
DATED: June 1, 2020**

Julie Picard,
Clerk of the Township of Lower

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

**ADOPTED ON SECOND READING
DATED: June 15, 2020**

Julie Picard,
Clerk of the Township of Lower

Roland Roy, Councilmember

David Perry, Deputy Mayor

APPROVAL BY THE MAYOR ON THIS 15th DAY OF JUNE, 2020

FRANK SIPPEL,
Mayor