

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

SEPTEMBER 15, 2014 - 6:00 P.M.

Meeting called to order.

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

Work Session

MUA Presentation - Manager Michael Voll

- Ordinance #2014-08 Bond Ordinance Authorizing the Assumption of Responsibility For and Payments Of the Lower Township Municipal Utilities Authority's Outstanding Debt in A Principal Amount Not to Exceed \$17,873,521 by the Township of Lower, County of Cape May, NJ; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection With The Foregoing - 2nd reading and public hearing. This Ordinance has been published, posted on the bulletin board and made available to the public.
- Ordinance #2014-07 An Ordinance Amending The Code of the Township of Lower To Create A Water and Sewer Utility Division Within the Department of Public Works for the Township of Lower - 2nd reading and public hearing. This Ordinance has been published, posted on the bulletin board and made available to the public.
- Ordinance #2014-06 An Ordinance Dissolving the Lower Township Municipal Utilities Authority Pursuant to N.J.S.A. 40A:5A-20 – 2nd reading and public hearing. This Ordinance has been published, posted on the bulletin board and made available to the public.

Consent Agenda

- Approval of Minutes September 3, 2014
- Res. #2014-253 Payment of Vouchers \$ 911,091.87
- Res. #2014-254 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Drive Sober or Get Pulled Over Year End Holiday \$4,400 re-submitted)
- Res. #2014-255 Authorization for Refund of Taxes (2 properties \$1,996.78 dup. pymt)
- Res. #2014-256 Authorization for Waiver of Fees for Historic Cold Spring Village (waiver of \$1,150 planning/zoning development application fee)
- Res. #2014-257 Resolution Authorizing Indemnification and Defense of lower Township Employees in Accordance with Chapter 25 of the Code of the Township of Lower (indemnifying and holding harmless Manager Voll, Chief Mastriana, Retired Chief Marker & Lt Biersbach in Stango v Township lawsuit)

Regular Agenda

- Res. # 2014-258 Payment of Vouchers – Lower Township Rescue \$10,000
- Res. #2014-259 Resolution of the Lower Township Council Opposing the City of Cape May's Proposal to Modify the Method of Raising Taxes for the Operation of the Lower Cape May Regional School District and Urging Lower Township Voters to Vote "NO" On the Referendum Question on Tuesday, November 4, 2014

Administrative Reports

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

Council Comments

Call to the Public

Adjournment

TOWNSHIP OF LOWER, NEW JERSEY

ORDINANCE # 2014-08

BOND ORDINANCE AUTHORIZING THE ASSUMPTION OF RESPONSIBILITY FOR AND PAYMENT OF THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY'S OUTSTANDING DEBT IN A PRINCIPAL AMOUNT NOT TO EXCEED \$17,873,521 BY THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, NEW JERSEY; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BACKGROUND

WHEREAS, pursuant to the Municipal and County Utilities Authority Law of the State of New Jersey ("State") (*N.J.S.A. 40:14B-1 et seq.*), and the acts amendatory thereof and supplemental thereto, The Lower Township Municipal Utilities Authority ("Authority") was created by virtue of an ordinance of the Township of Lower, County of Cape May, New Jersey ("Township") adopted on July 24, 1968; and

WHEREAS, the Authority has certain series of bonds outstanding consisting of: (i) approximately \$1,791,817 of the originally issued \$1,875,000 Revenue Bond (Junior Lien, Series 2010) ("2010 Outstanding Bonds"); (ii) \$3,580,000 of the originally issued \$3,725,000 Revenue Refunding Bonds, Series 2012 ("2012 Outstanding Bonds"); (iii) approximately \$8,101,704 of the originally issued \$8,167,000 Revenue Bond (Junior Lien, Series 2013) ("2013 Outstanding Bonds"); and (iv) \$4,400,000 of the originally issued \$4,400,000 Revenue Refunding Bonds, Series 2014 ("2014 Outstanding Bonds", and together with the 2010 Outstanding Bonds, the 2012 Outstanding Bonds and the 2013 Outstanding Bonds, the "Outstanding Bonds"), which Outstanding Bonds were issued by the Authority to finance and refinance certain components of the Authority's water and sewer systems, and which Outstanding Bonds were issued under the Authority's Bond Resolution, dated December 4, 1972, as amended and supplemented ("Bond Resolution"); and

WHEREAS, pursuant to the provisions of the Local Authorities Fiscal Control Law, Chapter 313 of the Laws of 1983 of the State, as amended and supplemented (*N.J.S.A. 40A:5A-1 et seq.*) ("Local Authorities Fiscal Control Law"), the governing body of a local unit which has established an authority shall have the power and is authorized by ordinance to dissolve the authority upon approval by the State Department of Community Affairs, Division of Local Government Services ("Local Finance Board"); and

WHEREAS, the Township Council of the Township ("Township Council") has determined that the dissolution of the Authority is in the public interest of, and will better serve the health, welfare and convenience of, the inhabitants of the Township and that dissolution of the Authority will achieve a more efficient means for providing and financing local public facilities; and

WHEREAS, the Township, as part of the dissolution of the Authority and in connection with the provision for the payment of all creditors or obligees of the Authority, desires to assume the responsibility for the payment of all of the Outstanding Bonds of the Authority and the corresponding obligations of the Authority under the Bond Resolution in connection therewith; and

WHEREAS, pursuant to the Local Authorities Fiscal Control Law and the applicable provisions of the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.* ("Local Bond Law"), the Township is authorized and permitted to adopt an ordinance authorizing the assumption of responsibility for, and payment of, the Authority's Outstanding Bonds in furtherance of the dissolution of the Authority; and

WHEREAS, in accordance with the requirements set forth in Local Authorities Fiscal Control Law and the applicable provisions of the Local Bond Law, *N.J.S.A. 40A:2-1 et seq.* ("Local Bond Law"), and in furtherance of the dissolution of the Authority, the Township is desirous of adopting this ordinance to authorize, among other things, the assumption of responsibility for, and payment of, the Authority's Outstanding Bonds in an aggregate principal amount

not to exceed \$17,873,521; and

WHEREAS, the Township, simultaneously with the adoption of this bond ordinance, has adopted an additional ordinance pursuant to which a separate water and sewer utility has been established as part of the Township in order to provide for the undertaking of the services previously provided by the Authority and to provide for separate budgeting of the newly created water and sewer utility, including the provision of payment for all debts and obligations thereof; and

BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law and the Local Authorities Fiscal Control Law, as follows:

Section 1. Pursuant to applicable provisions of the Local Bond Law and the Local Authorities Fiscal Control Law, the Township is hereby authorized to assume the Outstanding Bonds of the Authority referred to herein or otherwise remaining unpaid in the amount of \$17,873,521,. In connection with the assumption of the Outstanding Bonds and the dissolution of the Authority, the Township shall assume and shall perform all obligations of the Authority set forth in the Outstanding Bonds and the Bond Resolution.

Section 2. In accordance with *N.J.S.A. 40A:5A-20, 40A:2-7(d) and 40A:2-45*, the Outstanding Bonds assumed by the Township shall not affect the net debt limitations of the Township and shall be deductible from the gross debt of the Township.

Section 3. The supplemental debt statement provided for in Section 10 of the Local Bond Law, *N.J.S.A. 40A:2-10*, was duly filed in the office of the Clerk prior to the passage of this bond ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, *N.J.S.A. 40A:2-43*, is increased by this bond ordinance by \$17,873,521; provided, however, that, in accordance with *N.J.S.A. 40A:2-46*, the net debt of the Township shall be unaffected by the obligations assumed by this bond ordinance and the Township will be within all debt limitations prescribed by the Local Bond Law resulting from the qualification of the Township's water and sewer utility constituting a self-liquidating utility in accordance with Local Bond Law.

Section 4. This bond ordinance authorizes the assumption of obligations by the Township solely for a purpose described in *N.J.S.A. 40A:2-7(d) and N.J.S.A. 40A:2-46*. This purpose is in the public interest and is for the health, the welfare, the convenience or the betterment of the inhabitants of the Township. The amounts to be expended for this purpose, pursuant to this bond ordinance, are not unreasonable or exorbitant, and the assumption of the obligations authorized by this bond ordinance will not materially impair the credit of the Township of substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 5. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the Outstanding Bonds of the Authority which are assumed by the Township pursuant to this bond ordinance, and, to the extent payment is not otherwise provided, the Township shall levy *ad valorem* taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 6. The assumption of the Outstanding Bonds as provided herein shall become effective upon the effective date of the dissolution of the Authority as set forth in Section 6 of Ordinance 2014-06 entitled, "AN ORDINANCE DISSOLVING THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO *N.J.S.A. 40A:5A-20*" duly and finally adopted by the Township Council.

Section 7. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Section 9 This foregoing bond ordinance shall take effect immediately upon adoption and shall not be subject to referendum, provided that the Local Finance Board has approved this Bond Ordinance in accordance with N.J.S.A. 40A:5A-20.

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael E Beck, Mayor

Adopted: _____

Attest: _____

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

ORDINANCE #2014-07

TITLE: AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER TO CREATE A WATER AND SEWER UTILITY DIVISION WITHIN THE DEPARTMENT OF PUBLIC WORKS FOR THE TOWNSHIP OF LOWER

WHEREAS, the Township Council of the Township of Lower has introduced an Ordinance # 2014-06 entitled: "An Ordinance Dissolving The Lower Township Municipal Utilities Authority pursuant to N.J.S.A. 40A:5A-20", which Ordinance was introduced on June 2, 2014 (the "Dissolution Ordinance #2014-06"); and

WHEREAS, the Township Council has determined that it is in the best interests of the residents of the Township and those residents of the Township receiving services from The Lower Township Municipal Utilities Authority (the "Authority") to dissolve the Authority; and

WHEREAS, pursuant to Section 5 of Dissolution Ordinance #2014-06, the Township desires to create a Division of Water and Sewer Utility within the Department of Public Works for the purpose of operating the facilities previously operated by the Authority and to amend or repeal any ordinances in conflict therewith; and

WHEREAS, the Township desires to operate the facilities of the dissolved Authority as a division of water and sewer utility in accordance with the provisions of the Dissolution Ordinance #2014-06 in order to continue to provide water and sewer services necessary for the health, safety and welfare of the users of the water and sewer systems.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower that the Code of the Township of Lower is hereby amended and supplemented as follows:

Section 1. The effective date of this Ordinance shall be November 30, 2014.

Section 2. Chapter 3 "Administration of Government," Article VI "Office of the Township Manager; Departments," Section 3-22, "Departments," of the Code of the Township of Lower is hereby amended and supplemented to add a provision under subparagraph (4) Department of Public Works, creating a Division of Water and Sewer Utility as follows:

(a) Division of Water and Sewer Utility.

Section 3. Chapter 3 "Administration of Government," Article VI "Office of the Township Manager; Departments," Section 3-26, "Department of Public Works," of the Code of the Township of Lower is hereby amended and supplemented to add a provision defining the functions of the Division of Water and Sewer Utility as follows:

3-26. Department of Public Works; Division of Water and Sewer.

C. The Division of Water and Sewer Utility.

- (1) The Division of Water and Sewer Utility shall be a component of the Department of Public Works, the head of which shall be the Superintendent of Water and Sewer Utility under the direction and supervision of the Director of Public Works, who shall be appointed by the Township Manager and be a person qualified by training and experience to perform the duties of the office and shall be the holder of any and all necessary licenses, permits and degrees.
- (2) The Division shall perform all appropriate functions and have such authority as may be prescribed by statute and Township ordinances and as may be assigned by the Township Manager.

Section 4. Chapter 3 “Administration of Government,” Article VII “Offices of Nondepartmental Boards, Authorities and Agencies,” Section 3-34, “Township Municipal Utilities Authority,” of the Code of the Township of Lower is hereby deleted in its entirety.

Section 5. Chapter 67 “Municipal Utilities Authority,” of the Code of the Township of Lower is hereby deleted in its entirety.

Section 6. All references to the Lower Township Municipal Utility Authority, or MUA or any reference thereto where and as they may appear in the ordinances of the Township of Lower shall hereafter mean the Township of Lower or the Division of Water and Sewer Utility as the case may be.

Section 7. A new chapter, Chapter 657, titled “Water and Sewer,” is hereby added to the Code of the Township of Lower which shall read as follows:

ARTICLE I

Water and Sewer Billing

§ 657-1. Water and Sewer billing.

- A. Bills for water service will be rendered quarterly, the first quarter commencing on January 1 and ending March 31, the second quarter commencing April 1, ending June 30, the third quarter commencing July 1 and ending September 30, and the fourth quarter commencing October 1 and ending December 31.
- B. Water meters will be read within two weeks of the end of each quarter and water bills will be mailed by the 10th of the second month of the following quarter. Payment will be due on the 1st of the third month following each quarter.
- C. Sewer bills will be sent out annually and be due quarterly on the first day of each quarter.
- D. All billing will be made to the property owner who will remain responsible regardless of any change in tenants or those in possession. It is the property owner’s responsibility to notify the Township in writing of the correct billing information in the event of a change of address or incorrect billing information.

- E. With respect to charges for properties which are connected for the first time with the water or sewer system, from and after the date thereof, the charge for the first quarterly period shall be a percentage of the quarterly charge hereinabove, equal to the percentage of the quarterly period remaining after such connection.
- F. Any request for review of any bill must be submitted in writing and received by the Authority within thirty (30) days of the billing date. This provision shall apply to request for change of billing classification. There will be no retroactive classification changes.

§ 657-2. Water Sewer Utility Fund.

All revenue and the accounting therefore from the Water and Sewer Utility shall be on a dedicated utility basis. All monies derived from the operation of the Sewer and Water Utility, including connection, user and other fees shall be segregated and kept in a separate fund which shall be known as the "Water and Sewer Utility Fund". All disbursements and appropriations from the Water and Sewer Utility Fund, including usage of utility fund balance, shall be restricted to the operating expenses, capital improvements, debt service and maintenance of the Water and Sewer systems.

§ 657-3. Late fees; termination of service.

- A. In the event that a service charge and/or a connection charge with regard to any parcel of real property shall not be paid within ten (10) days of the due date, interest shall accrue and be due to the Township on the unpaid balance, commencing on the preceding 1st of the month, at eight percent (8%) based on a 365 day year on the first \$1,500.00 of delinquency and eighteen per cent (18%) based on a 365 day year on any amount in excess of \$1,500.00 until such charge and all subsequent charges, and the interest thereon, shall be fully paid to the Township and shall be a lien upon the premises so served.
- B. The Township has the right to terminate services in the event accounts become delinquent. If service is terminated the property owner is responsible for paying the account current plus an interruption of service fee of \$160.00 for residential properties and \$900.00 for commercial properties before service will be restored. The Township is not responsible for any damages caused by termination of service.

§ 657-4. Discontinuance and restoration of service.

- A. Discontinuance of water service, at the property owner's request, shall be the responsibility of the property owner who must arrange to have a licensed plumber turn off the service at the curb and drain the meter and lines within the property that would be susceptible to freezing. The Township shall not be responsible for any damage which may result from water leaks, frozen pipes or meters resulting from failure of the property owner to take the necessary precautions to protect the complete water service, meter and appurtenances within the property.
- B. All requests for discontinuance shall be in writing and effective the date of discontinuance. Discontinuance shall require the line being cut and capped. In the

event of a discontinuance of service at property owner's request, any application for restoration of service shall be considered as a new application for service and shall require all procedural aspects of a new connection, including but not limited to payment of one connection fee then in place. At the time of discontinuance, the property owner may continue to pay the minimum quarterly fee until service is restored to the property and a new or reconnection fee shall be waived if the account balance is paid up to date.

- C. When water is turned "on" or "off" at the request of the property owner, there will be no pro-rations of the minimum quarterly charge. It is the property owner's responsibility to maintain the account up to date.

ARTICLE II

Water Rate and Connection Charges

§ 657-5. Rate schedule of quarterly water service rates and charges.

- A. The following schedule of quarterly water service rates and charges shall apply:

SIZE OF METER	CONSUMPTION OF WATER ALLOWED IN MINIMUM QUARTERLY CHARGE IN GALLONS	MINIMUM QUARTERLY CHARGE
5/8" Residential	10,000	\$62.48
3/4" Residential	10,000	\$66.06
1" Residential	20,000	\$157.36
5/8" Commercial	10,000	\$62.48
3/4" Commercial	10,000	\$66.06
1" Commercial	20,000	\$157.36
1 1/2" Commercial	40,000	\$216.21
2" Commercial	50,000	\$272.69
3" Commercial	80,000	\$430.05
4" Commercial	120,000	\$629.42
6" Commercial	250,000	\$1,236.02
8" Commercial	337,500	\$1,666.06
Meter Checks		\$50.00

Meter Bottom Replacement

\$50.00

B. Consumption in excess of the water allowance for the minimum quarterly charge shall be determined as follows:

- (1) Excess usage, within the quarter, above the minimum, but less than twice the minimum, shall be charged at the rate of \$3.61 per thousand gallons.
- (2) Excess usage, within the quarter, exceeding twice the minimum, shall be charged at the rate of \$3.97 per thousand gallons.

C. Annual charges shall be as follows:

- | | | |
|-----|--|----------|
| (1) | Annual charge per Fire Hydrant Public | \$41.50. |
| (2) | Annual charge per Fire Hydrant Private | \$41.50. |
| (3) | Annual charge per Sprinkler System | \$139.34 |

§ 657-6. Bulk water purchases; emergency bulk water purchases.

A. Bulk water purchases.

- (1) All bulk sales of water to any municipality, Utility Authority, Authority or private water utility shall be through a termed agreement approved by both parties and the New Jersey Department of Environmental Protection (NJDEP). Any necessary infrastructure improvements including but not limited to wells, treatment, storage tanks, pipe lines, booster pumps, or water meters, required to supply, treat or deliver the water purchased shall be at the expense of the purchaser.
- (2) All water meters used to calculate the amount of water supplied to the purchaser shall be in gallons and calibrated annually by actual flow of the meter. The cost of the calibration testing shall be shared equally by the Township and the purchaser.
- (3) Bulk water charges.
 - (a) The cost of bulk water sold to the purchaser during off-peak times (September 16 to May 14) shall be \$6.25 per 1,000 gallons or equal to the current quarterly minimum charge of a 5/8" water meter divided by the quarterly allowed water consumption in gallons.
 - (b) The cost of bulk water sold to the purchaser during peak times (May 15 to September 15) shall be \$7.81 per 1,000 gallons or equal to the current quarterly minimum charge of a 5/8" water meter divided by the quarterly allowed water consumption in gallons times one and one quarter percent (1.25%).

- (c) A delivery charge of \$1.60 per 1,000 gallons shall be applied which is equal to the current connection fee divided by allowable gallons in five years, then divided by five (5) years. Example: $\$1,600/200 = \$8.00/5 = \$1.60$ per 1,000 gallons.
- (d) Bulk water sales by tank truckload. One time bulk sales or tank truck sales shall be at a rate of \$150.00 per truckload to a maximum of 7,000 gallons per truckload. Payment shall be due prior to providing the water.

B. Emergency bulk water purchases.

- (1) Emergency bulk purchases to any municipality, Utility Authority, Authority, or private water utility that currently has an interconnection with the Township shall be defined as a condition where an immediate emergency or shortage of water is due to a mechanical failure, pipeline failure, or natural disaster and shall be for a period of time not to exceed thirty (30) days so adequate repairs may be made to the purchaser's system. The Township may at its discretion extend the thirty (30) day period.
- (2) Emergency bulk water charges.
 - (a) The cost of emergency bulk water sold to the purchaser during off-peak times, (September 16 to May 14) shall be set at \$3.97 per 1,000 gallons or equal to the current excess usage at twice the minimum.
 - (b) The cost of emergency bulk water sold to the purchaser during peak times, (May 15 to September 15) shall be set at \$6.25 per 1,000 gallons or equal to the current quarterly minimum charge of a 5/8" water meter divided by the quarterly allowed water consumption in gallons.

C. Payment for all bulk water sales shall be made monthly. The Township shall read the bulk meter and issue a monthly invoice to the purchaser. Payment shall be made within thirty (30) days of the invoice date. interest shall accrue and be due to the Township on the unpaid balance, at eight percent (8%) based on a 365 day year on the first \$1,500.00 of delinquency and eighteen per cent (18%) based on a 365 day year on any amount in excess of \$1,500.00 until such charge and all subsequent charges, and the interest thereon, shall be fully paid to the Township. Failure to pay within the thirty (30) day time limit shall result in termination of service and an interruption of service fee applied to the account as per the rate schedule.

D. Miscellaneous charges.

- (1) Charges for all other types of services not included in the above shall be established by contract between the Township and the user.
- (2) Fire Companies shall be permitted to use fire hydrants without special authorization from the Township but shall provide adequate notice prior to such use.

§ 657-7. Water connection charges; connections.

- A. Residential connection fee per dwelling unit, which include, but are not limited to: single family dwellings, condominiums, townhouses, mobile homes, boarding houses, apartment houses, campgrounds, and travel trailers. \$1,600.00
- B. A connection charge per single family dwelling unit or equivalent gallons plus costs equal to the Township's costs of the labor and materials involved with the installation shall be made, and shall be payable in advance to the Township.
- C. Small business and offices per unit under 2,000 square feet. \$1,800.00
- D. Commercial and industrial, including but not limited to: laundromat, motel, fish market, garage, auto repair, restaurant, diner, luncheonette, bar, lounge, marina, car wash, church, school, barber shop, beauty shop, assembly halls, swimming pool, light industrial, seafood processing facility, any store or office over 2,000 square feet. \$2,100.00
- E. Public Housing Authorities and Non-Profit Organizations building affordable housing projects are subject to a 50% reduction in connection fees for new connections to water system.
- F. The water connection charges required herein, plus costs equal to the Township's costs of the labor and materials in connection with the installation shall be payable in advance to the Township. All connections to the system are to be made by the Township only after the connection charges and deposits for installation costs are received. The Township reserves the right to require the applicant to install the connection at the applicant's expense on residential connections and small business, office, commercial and industrial connections. Such installation by the applicant shall not relieve the applicant from paying the connection fee specified in this Chapter. In addition, all connections not falling precisely within the above three (3) categories, as determined by the Superintendent, shall be charged a connection fee determined by the Superintendent in line with the fee classifications set forth herein.
- G. Residential connection fees may be paid in equal annual installments upon connection to the system over a five-year period beginning on the actual connection of such property to the water system or one-year from the date of notice from the Township as provided for in Chapter 660 and with interest at the rate established for unpaid user fees on any unpaid balance beginning at the end of year five. Failure to comply with the payment plan will result in a lien being placed on the property for any balance due with interest.

§ 657-8. Water connection requirements.

- A. Residential water services shall be installed in accordance to the Lower Township Plumbing Sub-Code, the specifications of the Township's Engineer and all plans previously approved by the Township.

- B. Water services shall be twelve (12) inches over and twelve (12) inches up from any sewer lateral or at least thirty six (36) inches apart if the water service and sewer lateral are at the same elevation.

ARTICLE III

Sewer Service Rates and Charges

§ 657-9. Rate schedule of annual sewer service rates and charges.

- A. There is hereby established a Schedule of Annual Sewer Service and Rate Charges per year, payable quarterly in advance to the Township. Such sewer charges are based upon estimated annual operation costs, annual amortization costs, and other costs of the Township's sewage system, and may be amended from time to time as the need generated by such costs may require.

- B. The following Schedule of Annual Sewer Service and Rate Charges shall apply:

RATE SCHEDULE OF ANNUAL SEWER SERVICE RATES AND CHARGES AND CUSTOMER CLASSIFICATION	YEARLY
Single Family Dwelling including but not limited to Condominiums, Townhouses, Mobile Homes.	\$320.00
Boarding House 0 to 4 Rental Rooms	\$400.00
Each Additional Room Thereafter	\$80.00
Apartment House Residential per unit	\$320.00
Apartment House Commercial per unit	320.00
Laundromat First Washer	400.00
Each Additional Washer Thereafter	240.00
Motel First Unit	320.00
Each Additional Unit Thereafter	160.00
Store less than 4,000 square feet	400.00
Store more than 4,000 square feet	2,000.00
Convenience Store more than 4,000 square feet	2,500.00
Supermarket more than 4,000 square feet	4,000.00
Fish Market	1,118.00
Garage Sales of Gasoline and Allied Products (no repairs)	320.00

Garage Sales of Gasoline and Allied Products (including repairs)	640.00
Office Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
Restaurant, Diner, Luncheonette, Bar, Lounge and any other Food Establishment with Public Restrooms (with or without seating capacity) 0-10 Seats	640.00
Each Additional Seat Thereafter	32.00
Marina Fixtures 0 to 2	1280.00
Each Additional Fixture Thereafter	240.00
Car Wash First Bay	960.00
Each Additional Bay Thereafter	240.00
Fire Station Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
Church	320.00
School 0 to 35 Pupils	640.00
Each Additional Pupil Thereafter	16.00
Barber Shop	320.00
Beauty Shop	640.00
Gym / Health Club less than 4 fixtures	1,000.00
Gym / Health Club more than 4 fixtures	1,350.00
Rescue Squad Building Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
Light Industry (Under 20 Employees) Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
Light Industry (Over 20 Employees)	1,280.00
Each Additional Employee	32.00
Assembly Halls, Lodges Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
RV & Travel Trailer sites 0 to 3 sites	640.00
Each Additional RV, Trailer site Thereafter	80.00
Each Additional Fixture in Common Areas	40.00
Coast Guard Base Fixtures 0 to 2	320.00

Each Additional Fixture Thereafter	80.00
Swimming Pool Fixtures 0 to 2	320.00
Each Additional Fixture Thereafter	80.00
Seafood Processing Facility, Per Thousand Gallons	3.69
Airport Industrial Park, Per Thousand Gallons	3.69
DRBA Ferry Terminal, Per Thousand Gallons	3.69
Convalescent Home, Per Thousand Gallons	3.69

- C. The term fixture, as use herein, shall include, but not be limited to the following: toilets; urinals; tubs; showers; kitchen sinks; waste sinks; dishwashers and washing machines.
- D. Service rates and charges for all industries, manufacturing establishments, and types of properties not specifically set forth herein shall be established by contract between the Township and each of such users. Service rates and charges for all residential use not specifically set forth herein shall be billed as a single family dwelling.
- E. The sewer service charges established herein shall become effective and chargeable to the property owner on the date designated by the Township following the issuance of the Certificate of Completion.
- F. Where a property or structure is occupied by more than one commercial or industrial use, or by a combination of both types of uses, the charge will be determined by applying the aforesaid rates to each commercial and industrial use located therein.

§ 657-10. Sewer connection charges.

- A. Residential connection per dwelling unit, including but not limited to single family dwelling, condominium, townhouse, mobile home, boarding house, apartment house, campground, travel trailer. \$1,600.00
- B. The connection charge per residential dwelling unit or equivalent gallons plus costs equal to the Township's costs of the labor and materials involved with the installation shall be made, and shall be payable in advance to the Township.
- C. Small business, office per unit, including but not limited to stores, office under 2,000.00 square feet. \$1,800.00
- D. Commercial and industrial, including but not limited to laundromat, motel, fish market, garage, auto repair, restaurant, diner, luncheonette, bar, lounge, marina, car wash, church, school, barber shop, beauty shop, assembly halls, swimming pool, light industrial, seafood processing facility, any store or office over 2,000 square feet. \$2,100.00

- E. Public Housing Authorities and Non-Profit Organizations building affordable housing projects are subject to a 50% reduction in connection fees for new connections to sewer system.
- F. All sewer connection charges plus costs equal to the Township's costs of the labor and materials involved with the installation shall be made and shall be payable in advance to the Township. All connections to the system are to be made by the Township only after the connection charges and deposits for installation costs are received. The Township reserves the right to require the applicant to install the connection at the applicant's expense on residential connections and small business, office, commercial and industrial connections. Such installation by the applicant shall not relieve the applicant from paying the connection fee specified herein. In addition, all connections not falling precisely within the above three (3) categories, as determined by the Superintendent, shall be charged a connection fee determined by the Superintendent in line with the fee classifications set forth herein.
- G. Residential connection fees may be paid in equal annual installments upon connection to the system over a five-year period beginning on the actual connection of such property to the sewer system or one-year from the date of notice from the Township as provided for in Chapter 660 and with interest at the rate established for unpaid user fees on any unpaid balance beginning at the end of year five. Failure to comply with the payment plan will result in a lien being placed on the property for any balance due with interest.

§ 657-11. Sewer connection requirements.

- A. Residential sewer laterals shall be installed in accordance to the Lower Township Plumbing Sub-Code, the specifications of the Township Engineer and all plans previously approved by the Township.
- B. Water services shall be twelve (12) inches over and twelve (12) inches up from any sewer lateral or at least thirty six (36) inches apart if the water service and sewer lateral are at the same elevation.

ARTICLE IV

Industrial Discharges; Surcharges

§ 657-12. Seafood processing waste surcharges, determination of waste strength, calculation of surcharge.

Seafood processing waste increases the costs of treatment, operating and maintaining the sanitary sewage system. A surcharge or surcharges which are intended to cover such additional costs shall be imposed upon each entity discharging such waste into the public sanitary sewage system. Such surcharges shall be in addition to regular sewage service charges and shall be payable as herein provided.

- A. Determination of waste strength. The strength of any seafood processing waste discharge shall be determined quarterly, or more frequently as the Township shall determine, from samples taken either at the connection manhole or metering chamber,

or at any other sampling point mutually agreed upon by the Township and the producer of such waste. The frequency and duration of the sampling period shall be such, as in the opinion of the Township, will permit a reasonably reliable determination of the average composition of such waste, exclusive of storm water runoff. Samples shall be collected or their collection supervised by a representative of the Township and will be composite samples that reasonably reflect the characteristics of the waste over a 24 hour period. Except as herein after provided, the strength of waste so found by analysis shall be used for establishing the surcharge or surcharges. The Township may accept the results of routine sampling and analysis by the producer of such wastes in lieu of making its own sampling and analysis.

- B. Calculation of surcharges. In the event seafood processing waste is found by the Township to have pollutants of concentration in excess of 500mg/1 of Biochemical Oxygen Demand (BOD) and 500mg/1 of Total Suspended Solids (TSS) concentration in excess both averaged on a quarterly basis the producer of said Waste shall pay a strength of waste surcharge in addition to the basic sewage service charge, which surcharge shall be computed by using the following formula:

$$S = \frac{(\text{BOD}) + (\text{TSS})}{2}$$

where "S" is the surcharge to be multiplied by the basic Sewage Service Charge, BOD and TSS are the respective concentrations of BOD and TSS of the seafood processing waste expressed in mg/1. Surcharges are only applicable when either the average BOD or TSS concentration is less than 500mg/1, then 500mg/1 should be used in the calculations.

§ 657-13. Additional surcharges; damage to sewer system cost of repair.

- A. Any municipal or industrial waste producer causing or contributing to grease, solids, hydrogen sulfide (H₂S), excessive corrosion, odors or other problems downstream from their discharge point in the sewer system, shall be responsible for a pro-rata share of any cost incurred by the Township to correct the problem, including but not limited to any material replacement, mechanical equipment, labor to install or chemical treatment.
- B. All industrial users requiring an industrial waste discharge permit and all significant waste generators shall be assessed a fee or service charge for each scheduled sampling to be performed by the Township. The fees to the user for each scheduled sampling shall include charges as determined by the Township, for sample collection, analysis and administrative services and shall be in addition to any costs of sample collection and analysis for which the user performs or has performed independently or privately.

ARTICLE V

Inspection and Access to Property

§ 657-14. Access to property; inspection; repairs.

- A. Township employees, contractors and agents shall be permitted to to enter the property of any user of the water or sewer system at reasonable hours for the purpose of inspection, observation, measurement, and sampling and to inspect the water service

and sewer collection system to determine that the requirements of the Township regarding the use of the water and sewer connection are being observed.

- B. Any damage to pipes, lines, meters, manholes, or any other property of the Township caused by carelessness or neglect of a user shall be the responsibility of the user upon presentation of the bill therefore.

ARTICLE VI

Mandatory Sewer Connections

§ 657-15. Sewer connection required.

All properties within the township where a sewer line exists and having reasonable access thereto and when constructed from time to time shall be required to connect to the sewer system of the Township and to pay the appropriate connection fees and annual rate charges for such sewer services. The time required for such connection and the payment of the appropriate connection fees and user fees shall be as follows:

- A For property owners where new lines are constructed by or on behalf of the Township and available for such sewer services, within one year from the date of notice by the Township; if such properties have not connected to the sewer system within the one-year period, the property owner shall pay the annual minimum user fees and a lien shall be placed on the property in the amount of the unpaid connection fee and user fees.
- B For property owners where federal, state or related grants have been provided for the sewer system to service such properties, within one year from the date of notice by the Township; if such properties have not connected to the sewer system within the one-year period, the property owner shall pay the annual minimum user fees and a lien shall be placed on the property in the amount of the unpaid connection fee and user fees.
- C For property owners where sewer services already exist, within one year from the date of notice by the Township or its designee or immediately upon change in property ownership; if such properties have not connected to the sewer system within the one-year period, the property owner shall pay the annual minimum user fees and a lien shall be placed on the property in the amount of the unpaid connection fee and user fees.

§ 657-16. Property owner responsible for connection.

The obligation to comply with the terms of this section shall be the obligation of the record owner of the property, regardless of any lease provision.

§ 657-17. Notice.

All notices required by this section shall be sent first class regular mail and certified mail, return receipt requested, to the last known property address for the owner of the affected property as contained in the then-current Township tax records.

ARTICLE VII

Violations and Penalties

§ 657- 18. Violations and penalties.

- A. In addition to any other penalty provided for in this chapter, any person, business entity, partnership, or association found guilty of a violation of this Chapter shall be subject to one or more of the following: a fine not exceeding \$1,000; a term of imprisonment in the county jail not exceeding 90 days, or a period of community service not exceeding 90 days. Each separate twenty-four-hour period during which a violation occurs or continues to occur shall be deemed to be a separate and distinct violation.
- B. All fines collected under this article shall be payable to the Township of Lower and shall be used for the sole purpose of constructing, operating or maintaining the water and or sewer systems or the retirement of debt incurred for same.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

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

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Adopted: _____

Attest: _____

Michael E Beck, Mayor

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

ORDINANCE #2014-06

TITLE: AN ORDINANCE DISSOLVING THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20

WHEREAS, the governing body of the Township of Lower (the "Township"), pursuant to the Municipal and County Utilities Authorities Law, constituting Chapter 183 of the Laws of the State of New Jersey 1957, as amended and supplemented, created The Lower Township Municipal Utilities Authority (the "Authority") by an ordinance of the Township, Ordinance No. 68-10, duly and finally passed on July 24, 1968; and

WHEREAS, the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1 et seq., permits a municipality that has created a municipal utilities authority to dissolve such authority and sets forth the process whereby same may be accomplished; and

WHEREAS, after a careful examination and analysis, the Township has determined that it is in the best interests of the residents of the Township to assume the water and sewer utility services for residents of the Township; and

WHEREAS, the Township desires to dissolve the Authority in accordance with and in fulfillment of the provisions of N.J.S.A. 40A:5A-20; and

WHEREAS, the Township has determined to assume responsibility for the payment of any and all debts and obligations of the Authority; and

WHEREAS, pursuant to N.J.S.A. 40A:5A-20, the New Jersey Local Finance Board will review this ordinance and approve it prior to its adoption.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower that the Code of the Township of Lower is hereby amended and supplemented as follows:

Section 1. Dissolution. The Lower Township Municipal Utilities Authority, created by the Township by ordinance adopted on or about July 24, 1968, be and the same is hereby dissolved, subject to the terms and conditions hereof.

Section 2. Injunction Against Further Action Without Consent. The Authority is hereby enjoined from taking any further action without the Township's consent. Simultaneously upon the effective date of the dissolution as set forth in Section 6 of this ordinance (the "Effective Date of Dissolution"), the Authority shall cease all operations and activities, which operations and activities shall be transferred to the Township automatically and without further action by either the Township or the Authority.

Section 3. Transfer of Title to All Facilities. Upon the Effective Date of Dissolution, all real and personal property, facilities of the Authority, and all monies and funds held by or for the Authority, shall be deemed transferred to and become the property of the

Township. The existing officers of the Authority are hereby authorized and directed to execute any documents or instruments necessary to effectuate the transfer of legal title to all real property, personal property, facilities, and monies and funds to the Township upon the Effective Date of Dissolution set forth in section 6 herein, notwithstanding the dissolution of the Authority. All documents and records of the Authority shall be delivered to the Township Clerk prior to the effective date of the dissolution.

Section 4. Payment of All Creditors and Obligees. Upon the Effective Date of Dissolution as set forth in Section 6 of this ordinance, the Township shall assume all legal obligations to pay all existing and outstanding creditors and obligees of the Authority. Pursuant to N.J.S.A. 40A:5A-20, and in accordance with N.J.S.A. 40A:2-1 et seq., the Township shall assume responsibility for and payment of the obligations of the authority, including but not limited to existing bonded indebtedness of the dissolved Authority, provided that, prior to this assumption of debt by the Township, the Township Council determines by Resolution setting forth facts that constitute the basis for the determination, that such assumption will be a cost effective means of meeting those obligations as compared with the issuance of Obligations of the Township and transmits a certified copy of said resolution to the Local Finance Board.

Section 5. Assumption of Services Provided by the Authority. Upon the Effective Date of Dissolution, the Township shall own and operate the facilities previously owned by the Authority and the Township shall create a Division of Water and Sewer Utility within the Department of Public Works for the purpose of operating the facilities previously operated by the Authority and shall amend its ordinances to effectuate the operation of said facilities as a water and sewer utility. The Township Manager shall prepare a table of organization for the Township Departments that will be affected by the dissolution of the Authority, which will reflect the placement of personnel needed to perform the functions that will no longer be performed by the Authority. Upon the Effective Date of Dissolution, the Township, by and through the Division of Water and Sewer Utility shall assume the operation of the services previously provided by the Authority, which services are necessary for the health, safety and welfare of the users of the system.

Section 6. Effective Date of Dissolution. The dissolution of the Authority shall take effect at 11:59 p.m., Eastern Standard Time, on November 30, 2014.

Section 7. Authorization of Township and Authority to Take all Necessary Action. The Mayor, members of the Township Council, Township Manager, Chief Financial Officer, Township Clerk, Attorney and appropriate employees and professionals of the Township are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes of this ordinance. The members of the Authority, its officers, employees, attorney and professionals are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes of this ordinance.

Section 8. Approval of Local Finance Board; Filing. This ordinance shall be submitted to and approved by the Local Finance Board in the Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board") prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 for review and approval. Final adoption of this ordinance shall be subject to the Local Finance

Board's approval and a copy of the ordinance as adopted shall be filed with the Local Finance Board and with the Secretary of State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.

Section 9. Repeal of All Inconsistent Ordinances. All other ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 11. Effective Date. This ordinance shall take effect immediately upon the final passage and publication, according to law adoption and shall not be subject to referendum.

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael E Beck, Mayor

Adopted: _____

Attest: _____

COUNCIL MEETING MINUTES – SEPTEMBER 3, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on September 3, 2014 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember James Neville
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzun, Township Solicitor and Karen Fournier, Clerk's Office

Work Session - Kevin Maloney – Update on Life Saving Station Reconstruction Project

Kevin Maloney, president of the Cape May Maritime Museum organization, thanked Mayor, Council and Manager Voll for their support with his endeavor to reconstruct a historically accurate replica of the former 1876 Life Saving Station on the site of the old Magnesite factory here in Lower Township. He acknowledged the many people involved in the project, including Bob Stuarck for his donation and creation of the 1/2" scale model of the Life Saving Station, which he had on display. He talked about his vision for the Life Saving Station as a community gathering place to celebrate our history and tradition. He is seeking private funding and corporate sponsors to help complete the project. A Crabapalooza fund raiser will be held on October 4 at the C-View Inn.

Consent Agenda

Ed Butler, Villas, inquired about Resolution #2014-243 and Resolution #2014-244. Mayor Beck informed that the resolutions are for ADA accessibility at the Recreation Center. Manager Voll confirmed.

Approval of NJ State Fireman's Membership Application – Raymond C. Letts, Villas Fire Company

Approval of Minutes August 18, 2014

Res. #2014-239 Payment of Vouchers \$ 371,769.81

Res. #2014-240 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Bulletproof Vests \$8,558.65)

Res. #2014-241 Authorization for Refund of Taxes (4 properties \$2,849.95 dup. pymt)

Res. #2014-242 Identifying Small Cities Fair Housing Officer (C.Crippen)

Res. #2014-243 Adoption of State Model Citizen Participation Plan for DCA Small Cities Program (requirement of State to receive Small Cities funds – Lower Twp. applied for approx. \$274,000)

Res. #2014-244 Approval of Public Facilities Grant Management Plan Removal of Architectural Barriers (required by the state to remove architectural barriers which restrict accessibility of the elderly and handicapped at the Twp Rec complex)

Res. #2014-245 Approval of a Precious Metals License (North End Thrift, LLC P.Wilson)

Res. #2014-246 Authorizing AARTS Transportation Services Corp to Transfer Two (2) Taxi Vehicle Licenses (transfer of license from 2 vehicles that are broken down to 2 replacement vehicles)

Res. #2014-247 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Body Armor \$3,725.00)

Res. #2014-248 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Alcohol Education Rehabilitation \$1,063.44)

Res. #2014-249 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on Govdeals Online Auction Website (Public Works equip - box insert for pickup/recycling body30 yrd packer/F250 pickup)

Res. #2014-250 Authorizing Payout of Terminal Leave (E.Umscheid \$2,310.85)

Resolution Authorizing the Issuance by the Township of Lower, in the County of Cape May, New Jersey, of a Replacement Bond (requested by bond counsel for a bond lost during super storm Sandy at the New York Office of the Depository Trust Company)

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

Regular Agenda

Ordinance #2014-10

Bond Ordinance Providing for Various Capital Improvements in and by the Township of Lower in the County of Cape May, New Jersey, Appropriating \$1,312,000 Therefor and Authorizing the Issuance of \$1,235,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof - This is the 2nd reading and Public Hearing on this Ordinance. This Ordinance has been published, posted on the Township bulletin board and made available to the Public.

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

Mayor Beck requested that the solicitor give an update on the school funding issue. Solicitor Gelzunas informed that the LCMR School Board passed a resolution approving the ballot question pertaining to changing the funding formula. The referendum question will be on the November 4th, 2014 General Election ballot. The vote to pass will require a majority from each municipality. Additionally, the NJDEA has set the date for the Special Election for December 9, 2014, which will include the question regarding the City of Cape May's dissolution or withdrawal from the Lower Cape May Regional School District. The solicitor clearly expressed that the Township can spend money to present the facts, but cannot spend money advocating one side or the other. Councilmember Simonsen inquired about funds being used to purchase signs in the past. Discussion ensued. It was established that any previously purchased signs would not be used. Mayor Beck discussed various ways to inform the public without expenditure of funds or violating ethics laws, including a resolution from Council encouraging a "NO" vote from residents. He strongly encouraged residents to educate themselves on this issue.

Solicitor Gelzunas gave a general overview of the LTMUA dissolution process. He reviewed the three ordinances required to accomplish the dissolution. Upon their passing, he and Special Counsel, along with several Township officials and members of the governing body, appeared before the state's Local Finance Board on July 16, 2014 to present their case for approval of the dissolution. He discussed details from the hearing and informed that the minutes have been released and are available on the Local Finance Board's website. At the following meeting on August 13th, The Local Finance Board unanimously approved the dissolution. They determined that the Township had met all the statutory requirements, specifically the assumption of debt and assumption of services. The Local Finance Board added a condition that the LTMUA surplus will remain in a dedicated fund to be used solely for water and sewer services. Solicitor Gelzunas offered his assistance with any legal questions that remain unanswered. Mayor Beck reinforced the solicitor's summation and encouraged residents to read the minutes from the Local Finance Board meeting.

Deputy Mayor Clark expressed his disapproval with the LTMUA spending ratepayer's money to fight the dissolution process. He questioned their final statement to the Local Finance Board and their willingness to give the Township part of the LTMUA surplus. He reinforced Mayor Beck's intention to protect the surplus for rate stabilization. Mayor Beck protected his position on the surplus and reminded that three years ago Councilmember Conrad and Councilmember Simonsen were willing to take a portion of that surplus. Conversation ensued with Councilmember Conrad about circulating misinformation and half-truths. Mayor Beck reminded that the next meeting will include a

public hearing on the LTMUA dissolution and cautioned all members of Council to get the facts and ask their questions now.

Council Comments

Councilmember Conrad expressed his discontent with the actions of a few who are badmouthing the Villas, giving the township a bad name. He announced that his position on the public safety building has not changed; his final decision will come in October, based on the information from the architect.

Councilmember Neville announced that the Clubhouse Road project started yesterday. He gave a project update and informed that the completion date is set for November 3, 2014. He also spoke briefly about another restoration project on a 1952 Rollover boat. He brought attention to the Recreation Advisory Board's five year Master Plan, specifically the Beach Drive Access Plan, and asked Councilmember Conrad and Councilmember Simonsen what their positions are. Councilmember Conrad replied in favor of the residents wishes. Councilmember Simonsen replied in favor of safety. He pointed out potential problems with the plan and expressed his desire to see it removed.

Councilmember Simonsen gave an update on the Commissioners meeting at the Erma Fire Department concerning fire safety and emergency services in the Diamond Beach area. He informed about a new mentor program at the LMCR school district called "changing a life over lunch", and reminded that school is back in session; please follow the rules of the road.

Deputy Mayor Clark commented on Kevin Maloney's restoration project, reflecting on our ancient landmarks. He gave an update on the restorations at the Fishing Creek School, talked about its past and expressed excitement for potential programs in the future. He announced the grand opening for Sunday, October 12, 2014. He acknowledged Mayor Beck for turning a dream into reality. Mayor Beck gave credit to Council for supporting it.

Mayor Beck announced the following: September 11th ceremony at Sunset Beach and Brews by the Bay on September 6th.

Call to Public

Janet Pitts, Villas, inquired about the legality of the MUA using public funds to hire a Public Relations firm. Solicitor Gelzunas legitimized her concern, making reference to the NJ Supreme Court law that declares it unlawful to use public funds to advocate one side only.

Janet Pitts also inquired about the verbiage of the ballot question on the November Election. Mayor Beck explained that the question pertains to changing the funding formula, switching from property value to cost per pupil. It has not been determined who is paying for the Special Election in December.

Peter Wilson, resident and business owner, expressed his appreciation for this great Township and thanked Mayor Beck and Council and Manager Voll for their service. He also inquired about reporting merchandise under the new second hand merchant policy. He hopes to get together with Township officials to ascertain the details. Mayor Beck advised Mr. Wilson to contact the manager.

Jack Sparks, North Cape May, newest board member of the LTMUA, expressed his concern about the LTMUA being in violation of the law. Mayor Beck suggested Mr. Sparks contact the DCA or the County Prosecutor. Manager Voll pointed out that the LTMUA has an attorney that advises the commissioners on what is legal or not.

Glenn Douglass, North Cape May, also observed a violation at the LTMUA meeting. He addressed Councilmember Simonsen and Councilmember Conrad to ascertain if they have additional questions about dissolving the LTMUA, since the Local Finance Board unanimously approved it. Councilmember Conrad stated that he has issues that he will address with Manager Voll. Mr. Douglass reiterated the advantages to dissolution and urged Council to move forward with it. He also thanked Kevin Maloney and his group for their progress.

Ed Butler, Villas, addressed Council regarding current violations with the LTMUA board members. He advised Council to consider removing them from the board.

Fred Long, Cold Spring, addressed Council to inquire about Program 1033, in which municipalities can receive surplus army materials. Manager Voll informed that the County Office of Emergency Management has received army

surplus vehicles that are stored at the Township Public Works Yard, but assured that the Township does not advocate a military type police force.

Closed Session

Res. #2014-252

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A 10:4-12. Litigation – Cape May School Litigation Update and Stango v. Township

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

Council adjourned to Closed Session at 7:22 p.m.

Council returned to Open Session at 7:41 p.m.

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:41 p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00991 COLONIAL ELECTRIC SUPPLY*								
	14-02117	08/08/14	EMERGENCY LIGHTS- TOWNHALL	Open	189.84	0.00		
	14-02183	08/18/14	LIGHTS FOR DISPATCH	Open	<u>30.00</u>	0.00		
					219.84			
01075 COPIERS PLUS*								
	14-02259	08/25/14	COPIERS 05/20/14-08/19/14	Open	445.54	0.00		
01170 VERIZON WIRELESS* F/S								
	14-02374	09/09/14	07/27/14-08/26/14 CELL FIRE SA	Open	67.47	0.00		
01171 VERIZON WIRELESS - TOWNHALL								
	14-02345	09/05/14	CELL SERVICE 08/24/14-09/23/14	Open	499.86	0.00		
	14-02351	09/08/14	I PHONE BILL AUG 29-SEPT 28	Open	<u>834.35</u>	0.00		
					1,334.21			
01196 H A DEHART & SON*								
	14-01690	06/16/14	PARTS FOR VEHICLES/JULY	Open	527.14	0.00		
01200 DELTA DENTAL PLAN OF NJ								
	14-02321	09/05/14	DENTAL SEPTEMBER 2014	Open	13,207.60	0.00		
01365 GARY DOUGLASS								
	14-02357	09/08/14	REIMBURSMENT/TITLE//DPW	Open	85.00	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*								
	14-02315	09/03/14	REPLACE PUMP LONG BROS. POND	Open	425.00	0.00		
01530 FIRE DISTRICT #1								
	14-00429	02/14/14	2014 FIRE DISTRICT TAXES	Open	127,284.50	0.00		
01540 FIRE DISTRICT #2								
	14-00787	03/27/14	2014 FIRE TAXES DUE	Open	272,607.00	0.00		
01550 FIRE DISTRICT #3								
	14-00614	03/11/14	2014 FIRE DISTRICT TAXES	Open	185,286.00	0.00		
01590 FORD, SCOTT & ASSOCIATES*								
	14-00835	04/02/14	PROFESSIONAL SERVICES MUA	Open	15,000.00	0.00		
01690 GRANTURK EQUIPMENT CO*								
	14-01689	06/16/14	PARTS FOR RECYCLING/AUGUST	Open	327.78	0.00		
	14-01970	07/21/14	TUB GRINDER REBUILD KIT	Open	<u>2,438.09</u>	0.00		
					2,765.87			
01781 HATCH MOTT MACDONALD, LLC*								
	14-01343	05/15/14	CONFLICT ENGINEER	Open	1,570.59	0.00		B
01806 ANTHONY J HARVATT, II, ESQ								
	14-01204	05/01/14	BOARD SOLICITOR SALARY	Open	625.00	0.00		
	14-02325	09/05/14	RESOLUTIONS	Open	<u>600.00</u>	0.00		
					1,225.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01820 DARRIN D. HICKOK	14-01075	04/25/14	2014 EQUIP. ALLOWANCE	Open	50.00	0.00		B
02025 HUNTER JERSEY PETERBILT*	14-01693	06/16/14	PARTS FOR TRUCKS/AUG	Open	780.02	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	14-01696	06/16/14	PARTS FOR POLICE VEHICLE/AUG	Open	605.20	0.00		
02183 KLENSWITE POOL SPA SUP.CO INC*	14-02158	08/12/14	PUMP REPLACEMENT MOTOR	Open	425.00	0.00		
02223 LANDSMAN UNIFORMS*	14-02020	07/24/14	BADGES	Open	110.00	0.00		
02247 LAWSON PRODUCTS, INC.*	14-01697	06/16/14	SUPPLIES FOR DPW/JULY	Open	696.45	0.00		
02248 LAWMEN SUPPLY*	14-02182	08/18/14	BALLISTIC VEST OUTER CARRIER	Open	143.55	0.00		
02334 LOWER TWP CHAMBER OF COMMERCE	14-02111	08/06/14	MEMBERSHIP DUES 10/2014-9/2015	Open	125.00	0.00		
02411 MENEAR'S TREE SERVICE*	14-02196	08/18/14	REMOVAL OF TREES IN 2 PARKS	Open	1,200.00	0.00		
02800 MURPHY FENCE COMPANY*	14-01821	06/30/14	FENCE FOR MITNICK PARK-VOLLEYB	Open	1,367.77	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALI*	14-02359	09/08/14	LEGISLATIVE BULLETIN 2014-2015	Open	28.00	0.00		
03109 TRU GREEN CHEMLAWN	14-01164	04/29/14	FERTILIZER/SLICE SEED FOR L.T.	Open	196.00	0.00		B
03158 NYSCA*	14-02121	08/08/14	NYSCA COACHING CERTIFICATIONS	Open	80.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	14-02188	08/18/14	TRASH BAGS- RECREATION CENTER	Open	374.84	0.00		
03305 PEDRONI FUEL*	14-02314	09/03/14	NO LEAD GASOLINE	Open	453.41	0.00		
03427 POLAR BEAR*	14-01803	06/26/14	TWP. HALL/REC/DPW/DPS	Open	701.17	0.00		
03466 R & R SPECIALTIES	14-02136	08/11/14	7 x 9 SPONSOR PLAQUE FAA TECH	Open	18.50	0.00		
	14-02151	08/12/14	BASKETBALL TROPHY	Open	55.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03466 R & R SPECIALTIES								
	14-02203	08/19/14	DESK WEDGE- ANN WILUSZ	Open	28.00	0.00		
					101.50			
03518 RIGGINS, INC.*								
	14-02343	09/05/14	OFF HIGHWAY DIESEL	Open	1,107.93	0.00		
03537 RUTGERS, THE STATE UNIVERSITY*								
	14-01840	07/02/14	LOCAL ELECTIONS ADMIN CLASS	Open	649.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*								
	14-01701	06/16/14	PARTS/RDS/SANT/RECY/AUG	Open	2,782.29	0.00		
03660 SIRCHIE FINGERPRINT LAB. INV.*								
	14-02260	08/25/14	INVESTIGATIVE SUPPLIES	Open	568.53	0.00		
03723 STAPLES, INC.*								
	14-02199	08/18/14	LANYARDS,HOLDERS,BINDERS	Open	175.91	0.00		
	14-02313	09/03/14	OFFICE SUPPLIES	Open	125.69	0.00		
					301.60			
03834 CAPE MAY COUNTY TREASURER/HAVE								
	14-02141	08/12/14	HAVEN HOUSE IN LIEU-DUE COUNTY	Open	521.73	0.00		
03904 LOWE'S HOME CENTER INC*								
	14-01426	05/28/14	SUPPLIES/RDS/DPW/JULY	Open	127.52	0.00		
03915 TURF EQUIPMENT & SUPPLY CO*								
	14-01152	04/28/14	SUPPLIES/JUNE	Open	121.20	0.00		
03971 VERIZON WIRELESS MDT POLICE								
	14-02337	09/05/14	MDT WIRELESS	Open	539.35	0.00		
03978 USPS ACCT#48503619								
	14-02370	09/09/14	POSTAGE	Open	15,000.00	0.00		
03985 VILLAS NAPA AUTO PARTS								
	14-01705	07/08/14	RDS/SANT/RECY/AUG	Open	1,993.01	0.00		
04077 RONALD J. GELZUNAS*								
	14-00018	01/07/14	2014 LEGAL SERVICES DNE \$90	Open	4,059.50	0.00		
04083 JIM WOLFORD								
	14-02376	09/09/14	REIMBURSEMENT- SOCCER COACH	Open	30.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*								
	14-02284	08/28/14	FIRST AID SUPPLIES- TOWNHALL	Open	114.45	0.00		
	14-02298	09/02/14	FIRST AID SUPPLIES	Open	81.31	0.00		
					195.76			
04104 PITNEY BOWES SUPPLIES OPERATIO								
	14-00895	04/03/14	POSTAGE SUPPLIES	Open	178.77	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04115 WHITE & WILLIAMS, LLP	14-02317	09/03/14	TWP B BALDINI 04/14/14-06/27/	Open	1,664.44	0.00		
04176 CHRISTOPHER J WINTER SR*CALEA	14-01400	05/23/14	CALEA- ACCRED. CONSULT SERVICE	Open	450.00	0.00		
04216 PRIVATE ISLAND EMBROIDERY*	14-02114	08/06/14	20 ADDITIONAL BAYRUN SHIRTS	Open	120.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	14-02323	09/05/14	STATE DOG LICENSE FEES-AUGUST	Open	64.80	0.00		
04300 W B MASON CO INC*	14-01972	07/21/14	OFFICE SUPPLIES-TAX OFFICE	Open	222.00	0.00		
	14-02238	08/21/14	OFFICE SUPPLIES	Open	446.33	0.00		
					<u>668.33</u>			
04514 WILLIAM BLANEY*	14-00398	02/10/14	DNE 25K RES 2014-23 CONTRACTS	Open	1,337.50	0.00		B
05101 VITELLI ELECTRIC*	13-02730	09/18/13	BENNETT'S NEW DISPLAY SIGN	Open	1,200.00	0.00		
4104 DOUGLASS LANDSCAPING LLC*	14-00833	04/01/14	LANDSCAPING CONTRACT PAYMENTS	Open	5,547.50	0.00		B
6061 AMERIHEALTH ADMINISTRATORS	14-02283	08/27/14	SEPTEMBER 2014 ADMIN	Open	39,884.00	0.00		
	14-02322	09/05/14	AUGUST 31 HEALTH & RX	Open	50,897.57	0.00		
	14-02363	09/08/14	SEPTEMBER 8 HEALTH & RX	Open	113,496.20	0.00		
					<u>204,277.77</u>			
6071 UNITED UNIFORMS LIMITED LIAB*	14-01458	05/30/14	UNIFORMS	Open	1,961.90	0.00		
	14-01837	07/02/14	UNIFORMS	Open	208.00	0.00		
					<u>2,169.90</u>			
6074 CAPE ATLANTIC JUNIOR FOOTBALL	14-01861	07/08/14	FOOTBALL LEAGUE & OFFICAL FEES	Open	2,970.00	0.00		
7044 A SHORE THING CLEANING*	14-02267	08/26/14	CLEANING OF MILLMAN CENTER	Open	175.00	0.00		
7119 ENGINEERING DESIGN ASSOC*	14-02371	09/09/14	ENGINEERING SERVICES AT PARK	Open	600.00	0.00		
7131 DAN WAGNER	14-02294	09/02/14	REFUND- SOCCER REGISTRATION	Open	15.00	0.00		
7142 LINDSAY BECHTLER	14-02297	09/02/14	ZUMBA INSTRUCTOR AUG 2014	Open	30.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7143 VERONICA LUGO	14-02334	09/05/14	REFUND-SOCCER REGISTRATION	Open	15.00	0.00		
7199 STAPLES CREDIT PLAN-INSTORE PU	14-02290	09/02/14	SHEET PROTECTORS FOR FOOTBALL	Open	50.32	0.00		
7214 ANN WILUSZ	14-02335	09/05/14	MEDICAL REIM- DENTAL	Open	124.10	0.00		
7231 MIRSHA GUETA-SERRA	14-02296	09/02/14	AQUA ZUMBA INSTRUCTOR AUG '14	Open	115.00	0.00		
7246 DANIELLE LOSASSO	14-02291	09/02/14	REFUND-FOOTBALL REGISTRATION	Open	20.00	0.00		
	14-02292	09/02/14	REFUND- FOOTBALL REGISTRATION	Open	20.00	0.00		
					40.00			
7249 PHILLIPP WEIDLICH	14-02326	09/05/14	RES 2014-255 REFUND 3RD QRT TA	Open	548.12	0.00		
7250 GREGORY STRETCH & CATHERINE	14-02327	09/05/14	RES 2014-255 REFUND 3RD QRT TA	Open	1,448.66	0.00		
7254 LISA HICKEY	14-02366	09/09/14	REIMBURSEMENT FOR FOOTBALL	Open	15.00	0.00		
7255 JENNIFER ANDERSON	14-02379	09/09/14	REIMBURSEMENT- FOOTBALL	Open	30.00	0.00		
8201 DIRECT ENERGY BUSINESS	14-02287	08/28/14	07/16/14-08/14/14 ELECTRIC	Open	207.08	0.00		
	14-02346	09/05/14	ELECTRIC 7/18/14-08/18/14	Open	85.18	0.00		
					292.26			
ALLIANO A. ALLIANO MASONRY	14-02209	08/20/14	INSTALLATION OF SIDEWALK	Open	1,780.00	0.00		
BOSNA KAREN MANETTE BOSNA	14-02295	09/02/14	AQUA YOGA INSTRUCTOR AUG 2014	Open	155.00	0.00		
JAMES MICHAEL JAMES	14-01076	04/25/14	2014 EQUIP. ALLOWANCE	Open	78.49	0.00		B
PRINCE STEPHEN PRINCE	14-02293	09/02/14	REFUND- FOOTBALL REGISTRATION	Open	20.00	0.00		
Total Purchase Orders: 112 Total P.O. Line Items: 256 Total List Amount:					911,091.87	Total Void Amount:	0.00	

Resolution #2014-253

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on September 15, 2014.

Julie A Picard

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2014-254

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

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

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

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$4,400.00 for an item of revenue in the budget of the year 2014 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Drive Sober or Get Pulled Over Year End Holiday
Total with increase to be \$4,400.00

SECTION 2.

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

General Appropriations –
Public & Private Programs Offset by Revenues - Drive Sober or Get Pulled Over Year End Holiday
State/Federal Share \$ 4,400.00
Non State Share \$
Total with increase to be \$ 4,400.00

BE IT FURTHER RESOLVED that a certified copy of this resolution with a copy of the appropriate documentation be filed with the Division of Local Government Services.

I hereby the foregoing to be the original resolution adopted by the Township Council at a meeting held on September 15, 2014

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2014-255

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>
396	19	Philipp Weldlich	paid by mortgage co.	548.12
823.01	3 C0203	Gregory Stretch & Catherine Wisda	paid by mortgage co	1,448.66

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on September 15, 2014.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2014-256

TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR HISTORIC COLD SPRING VILLAGE

WHEREAS, Historic Cold Spring Village, a New Jersey non-profit corporation, is applying for a site plan review on the Village property to construct a micro/nano brewery, which requires a development application and escrow fees; and

WHEREAS, Historic Cold Spring Village has requested the Township waive the application fee associated with their application; and

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

NOW, THEREFORE, BE IT RESOLVED that the \$1,150.00 Township application fee associated with Historic Cold Spring Village's micro/nano brewery application be waived.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on September 15, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

**Historic Cold Spring Village
720 Route 9
Cape May, New Jersey 08204**

Telephone (609) 898-2300
Fax (609) 884-5926
Website: www.hcsv.org
salvatop@hcsv.org

September 5, 2014

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

Dear Mayor Michael Beck and Councilmen Clark, Conrad, Neville and Simonsen:

Historic Cold Spring Village, a New Jersey non-profit corporation, is applying for a site plan review on the Village property to construct a micro/nano brewery. The museum has purchased an early 1800s three-bay Cape May County English barn from Upper Township in the hopes that permission will be received to develop a small brewery in the barn. Its purpose is to provide stabilized revenue for the continued operation of the Village as funding has been decreasing on a yearly basis. In preparation for the application to the Zoning Board, we are in the process of having 24 sets of the architect's rendering and plans printed in addition the site plan maps.

On behalf of the Board of Trustees, I am writing to you in the hopes that you would waive the \$1,150.00 application fee; it is my understanding that the escrow fee of \$450 is definitely required and will be with the application. Your consideration of the Village's request is greatly appreciated.

With kindest regards,

Anne Salvatore
Executive Director/President

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

RESOLUTION # 2014-257

TITLE: RESOLUTION AUTHORIZING INDEMNIFICATION AND DEFENSE OF LOWER TOWNSHIP EMPLOYEES IN ACCORDANCE WITH CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, a civil action has been commenced in the United States District Court, District of New Jersey captioned Samuel Stango v. Township of Lower, et al., Docket Number 1:14-CV01973_RBK_AMD naming the Township of Lower (the "Township") and certain individuals employed by the Township as defendants (the "Litigation"); and

WHEREAS, the individuals named in the Litigation as defendants in their individual and official capacities are the Township Manager Michael Voll, Chief of Police William Mastriana, Retired Chief of Police Brian Marker, and Lieutenant Martin Biersbach (the "Individual Defendants"); and

WHEREAS, Chapter 25 of the Code of the Township of Lower, titled Defense and Indemnification, (the "Township Code") requires the Township to indemnify and hold harmless its present and former employees from any liability arising out of acts performed by them during the ordinary course of their duties and within the scope of their employment or authority; and

WHEREAS, the Township Council of the Township of Lower determines that it is in the best interests of the Township to indemnify and hold harmless the Individual Defendants in accordance with the terms and provisions of the Township Code against all claims and damages, including punitive damages as the alleged acts do not constitute actual fraud, actual malice, willful misconduct or an intentional wrong doing as provided for in the New Jersey Tort Claims Act, N.J.S.A. 59:10-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, as follows:

1. That the Individual Defendants shall be indemnified and held harmless in accordance with the Township Code and above recital paragraphs which are incorporated herein.
2. The Township Solicitor and special appointed counsel are hereby authorized to defend the Individual Defendants in connection with the Litigation.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on September 15, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>CK</u>	<u>Amount</u>
LOWER TWP RESCUE	14-01013	EXPENSES		\$10,000.00

Total Bill List \$ 10,000.00

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 15, 2014.

Julie Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2014 - 259

TITLE: Resolution of the Lower Township Council Opposing the City of Cape May's Proposal to Modify the Method of Raising Taxes for the Operation of the Lower Cape May Regional School District and Urging Lower Township Voters to Vote "NO" On the Referendum Question on Tuesday, November 4, 2014

WHEREAS, the Township Council of the Township of Lower represents the taxpayers, the residents, and the resident students of the Lower Cape May Regional School District; and

WHEREAS, the Lower Township Council firmly believes that the system of taxation for the support of regional school districts established by the State Legislature and the Governor of New Jersey in July 1976 is a fair and equitable system that is used for distributing the tax burden to support the Lower Cape May Regional School District; and

WHEREAS, the Lower Township Council strongly agrees that the current statutory method now in use in the Lower Cape May Regional School District set forth in N.J.S.A. 18A:13-23(a) is the fairest method of raising taxes to support the Lower Cape May Regional School District because it equalizes the tax effort required of the taxpayers in each of the three participating municipalities in the Lower Cape May Regional School District by assessing all taxable real property within the Lower Cape May Regional School District at the same region-wide tax rate; and

WHEREAS, the Lower Township Council disagrees with the efforts of the representatives of the City of Cape May to change the fair and equitable method currently in place for distributing the tax burden for the support of the Lower Cape Regional School District, and strongly opposes the efforts of the City of Cape May to change the distribution of the tax burden among the three participating municipalities in the Lower Cape May Regional School, which effort is motivated only by the City of Cape May's desire to avoid paying its fair share of taxes to support the operation of the Lower Cape May Regional School District; and

WHEREAS, the Township Council agrees with the Commissioner of Education's most recent decision relating to the methods of funding regional school districts, issued on June 2, 2014, where the Commissioner stated in his decision involving the River Dell Regional School District, "that property valuation, not per-capita counts, has been regarded by the Supreme Court [of New Jersey] as the most equitable basis for school funding"; and

WHEREAS, the Township Council further agrees with the statement of Interim Executive Regional Superintendent, Robert L. Bumpus, in his Report, dated March 2014, wherein he stated that "New Jersey's practice of basing a municipality's contribution on the equalized valuation of property is exactly that...equalized. It creates a level playing field so that all students, no matter what their zip code, or amount of their family's income, have equal access to a quality education"; and

WHEREAS, if the City of Cape May prevails in passage of its proposal to modify the method of taxation for the Lower Cape May Regional School District, school district taxes on the average value home in Lower Township would increase by an estimated \$427 a year.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that the Township Council strongly opposes the proposal of the City of Cape May to change the method of taxation and therefore opposes passage of the referendum question to be decided by the voters on the date of the annual school election on November 4, 2014,

BE IT FURTHER RESOLVED by the Township Council of the Township of Lower, that the Township Council urgently solicits the voters of the Township of Lower and the voters throughout the Lower Cape May Regional School District to cast their votes against the proposal made to modify the method of taxation used for distributing the tax burden to support the Lower Cape May Regional School District, by **VOTING NO** on that referendum question, on Tuesday, November 4, 2014.

I hereby certify the foregoing to be the original resolution adopted by the Lower Township Council at a meeting held on September 15, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

Clerks
Register Report
8/1/2014 Through 8/31/2014

9/2/2014

Page 1

Account	Description	Memo	Category	Amount
INCOME				
	TOTAL Business Mercantile 2014-2015			400.00
	TOTAL Campgrounds & Trailers			107.00
	TOTAL Copies & Postage			7.45
	TOTAL Licenses & Permits			170.00
	TOTAL Rental Merc 2014-2015			18,880.00
	TOTAL Scrapper			10.00
	TOTAL Street Openings			500.00
	TOTAL Taxi & Limo			50.00
	TOTAL Yard Sales			485.00
	TOTAL INCOME			20,609.45
TRANSFERS				
	TOTAL Council Checking			-20,609.45
	TOTAL TRANSFERS			-20,609.45
			OVERALL TOTAL	0.00

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

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 08/01/2014 To 08/31/2014

September 11, 2014 11:59:14AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$1,014,926.00	Cubic Footage:	202406 Cu.ft	Permit Issued:	175
Cost Of Alteration:	\$782,787.00	Square Footage:	17017 Sq.ft	Updates Issued:	2
Cost Of Demolition:	\$0.00			All Fees Waived:	3
Total Cost:	\$1,797,713.00			Municipal Fees Waived:	1

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$16,898.00	Building:	\$0.00	Building:	\$900.00	Building Fees:	\$15,998.00
Electrical:	\$6,201.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$6,201.00
Fire :	\$3,575.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$3,575.00
Plumbing:	\$10,734.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$10,734.00
Elevator:	\$306.00	Elevator:	\$0.00	Elevator:	\$306.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$1,206.00	Technical Fees:	\$36,508.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$675.00	\$0.00	\$675.00
Alteration Training Fee:	\$1,325.00	\$86.00	\$1,239.00
DCA Minimum Fee:	\$18.00	\$0.00	\$18.00
Sub total Training Fee:	\$2,018.00	\$86.00	\$1,932.00

TECHNICAL ISSUES

Building Technical:	80
Electrical Technical:	67
Fire Protection Technical:	32
Plumbing Technical:	106
Elevator Technical:	1
Mechanical Technical:	

Certificate of Occupancy Fee:	\$1,611.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$1,611.00

CERTIFICATE ISSUES

Certificate of Occupancy:	4
Certificate of Approval:	9
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$36,508.00
DCA FEES:	\$1,932.00
CERTIFICATE FEES:	\$1,611.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$40,051.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$40,051.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 08/01/2014 To 08/31/2014

September 11, 2014 12:02:59PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$195.00	\$7,765.00	\$0.00	\$7,960.00
	GRAND TOTALS:	\$195.00	\$7,765.00	\$0.00	\$7,960.00

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 08/01/2014 To 08/31/2014

September 11 , 2014 12:02:22PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$460,060.00	Cubic Footage:	90124 Cu.ft	Permit Issued:	11
Cost Of Alteration:	\$50,200.00	Square Footage:	8740 Sq.ft	Updates Issued:	0
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$510,260.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$4,284.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$4,284.00
Electrical:	\$775.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$775.00
Fire :	\$718.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$718.00
Plumbing:	\$1,247.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$1,247.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$7,024.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$301.00	\$0.00	\$301.00
Alteration Training Fee:	\$86.00	\$0.00	\$86.00
DCA Minimum Fee:	\$1.00	\$0.00	\$1.00
Sub total Training Fee:	\$388.00	\$0.00	\$388.00

TECHNICAL ISSUES

Building Technical:	6
Electrical Technical:	7
Fire Protection Technical:	3
Plumbing Technical:	6
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$548.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$548.00

CERTIFICATE ISSUES

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

PERMIT FEES:	\$7,024.00
FEES:	\$388.00
CERTIFICATE FEES:	\$548.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$7,960.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$7,960.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 08/01/2014 To 08/31/2014

September 11, 2014 11:59:40AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$863.00	\$39,188.00	\$0.00	\$40,051.00
Copies	Sub Totals:	\$20.00	\$0.00	\$0.00	\$20.00
LICENSE FEES	Sub Totals:	\$0.00	\$1,050.00	\$0.00	\$1,050.00
GRAND TOTALS:		\$883.00	\$40,238.00	\$0.00	\$41,121.00



**Lower Township Police Department
Monthly Activity Report**

2014

	August	Total:
General Complaints and Service Calls	2116	24728
Emergency Medical Calls with L. T. Rescue	197	1443
Fire Alarm Call Outs (Total)	48	344
Villas Fire Company	13	101
Town Bank Fire Company	15	127
Erma Fire Company	20	116
Assaults	7	57
Robbery	0	8
Domestic Violence Complaints	46	326
Domestic Violence with Assaults	9	71
Motor Vehicle Accidents	64	328
Traffic Warnings	23	225
Traffic Summons	137	1151
Motor Vehicle Stops	432	3487
Local Ordinance Warnings	0	4
Local Ordinance Complaints	2	27
Assaults on Police Officers (UCR Report Return "A")	0	2
Residential and Commercial Alarm Calls	52	477
Property Checks	1066	9744
Death Investigations	5	30
Burglaries	21	108
Thefts	55	264
Criminal Mischief Complaints	34	197
Disorderly Conduct Complaints	86	499
Animal Control Complaints	51	626
Adult Arrests (UCR Report Return "A")	57	383
Juvenile Arrests (UCR Report Return "A")	6	44
D.W.I. Arrests (UCR Report JV & Adult Arrests Combined)	6	39
Drug Possession Arrests (UCR Report JV & Adult Arrests Combined)	12	44
Investigation Reports Completed	139	832
Supplemental Investigation Reports Completed	45	472
Total Value Property Stolen (UCR Report Return "A")	\$47,935.00	\$382,861.00
Total Value Property Recovered (UCR Report Return "A")	\$21,400.00	\$126,334.00



**Lower Township Police Department
Monthly Activity Report**

2014

	August	Total:
Man Power Loss in Hours		
Union	0	0
Suspended	0	0
Vacation	987	6526.5
Personal	132	773
(C) align="right">Used Comp Hours	130	534.5
Sick Hours	358	1837.5
Injury Hours	90	248
Training Hours	320	4396
Military Training	372	2208
Police Department Overtime in Hours		
(K= Patrol) align="right">Operations Overtime	284.5	1565.75
(CE = Patrol) align="right">Operations Comp Time	21	271.25
(K = Detective) align="right">Investigation Division Overtime	38	397.5
(CE= Detective) align="right">Investigation Division Comp Time	13.5	265.5
Court Overtime	20	190
Court Comp Time	0	18
Holiday Overtime	12	2235.5
Holiday Comp Time	10	175.5
Government/Grant Funding Overtime in Hours		0
Click It or Ticket	0	76
Cops n Shops	8	16
JV Curfew	0	0
DWI Grants	82	136
Other	0	88
Private Funding Overtime in Hours		
Special Detail	16.5	214.5

Prepared by:

Chief William Mastriana

Chief William Mastriana

Date: 9/8/2014

**2014 CASH RECEIPTS
AUGUST**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Preliminary Tax 2015	106,911.66	537,573.81
Current year taxes (2014)	8,725,218.03	41,785,360.66
Prior year taxes (2013)	1,486.70	811,277.38
Arrears (2012)		2,266.91
Municipal lien		3,173.19
Recording		76.00
Bankruptcy		123.12
MUA CHARGES		191,928.27
Municipal service Fees	420.00	46,266.67
Tax Search Fees		20.00
Interest	9,675.08	112,586.46
Tax Sale Cost		20,785.85
Lot clearing		12,520.00
Returned Check Fees	80.00	400.00
Duplicate Bills	125.00	645.00
Trash	2,247.00	29,880.25
Premium		425,800.00
TOTAL DEPOSITS	8,846,163.47	43,980,683.57
DEPOSITED TO COUNCIL CHECK	8,607,737.22	42,395,613.94
DEPOSITED TO WIPP ACCOUNT	238,426.25	1,159,269.63
PREMIUM ACCOUNT		425,800.00
TOTAL DEPOSITS	8,846,163.47	43,980,683.57
NSF Reversals	12,052.22	28,036.63
TOTAL	8,834,111.25	43,952,646.94

Prepared by Susan Jackson

2014 AUGUST VITAL STATISTICS

Marriages,Civil Unions	12
Domestic Partners	0
Ceritified Copies	228
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	\$300.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$36.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,280.00
Certified Copies EDRS	\$0.00
Burial Permits	\$0.00

TOTAL	\$2,616.00
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