

Signed Resolutions - June 3, 2013

- Res. #2013-158 Payment of Vouchers \$ 216,451.82
- Res. #2013-159 Approval of Change Order #1 for Electrical Upgrades and Miscellaneous Changes at Millman Community Center (net increase of \$1,289.01)
- Res. #2013-160 A Resolution Authorizing the Payment of Additional Compensation to the Tax Assessor and Staff for the Performance of Services in Connection with a Township-Wide Reassessment of All Real Property Within the Township of Lower and Acknowledging Approval from the Cape May County Board of Taxation and State of New Jersey Division of Taxation
- Res. # 2013-161 Resolution Accepting Bids & Awarding the Contract to Supply Asphalt for 24 Months (Seashore Asphalt Company)
- Res. #2013-162 Memorandum of Understanding Between the County of Cape May; the Delaware River and Bay Authority; the State of New Jersey, Department of Environmental Protection, Historic Preservation Office; Naval Air Station Wildwood Foundation; Joseph E Salvatore; Joan Berkley; the Township of Lower and the Lower Township Municipal Utilities Authority
- Res. #2013-163 Issuance of 2013 Limousine and Operator Licenses (Ace Sharper Limousine)
- Res. #2013-164 Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey
- Res. #2013-165 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.  
Employment Relationship - William Mastriana / Brian Marker; Personnel Issues



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE							
	13-01390	05/16/13	LEGAL PUBLICATIONS-5-8-13	Open	60.14	0.00		
	13-01391	05/16/13	LEGAL PUBLICATIONS 5-1-13	Open	97.34	0.00		
					<u>157.48</u>			
00807	CDW-GOVERNMENT INC*							
	13-01140	04/19/13	HARD DRIVE REPLACEMENT	Open	119.24	0.00		
	13-01187	04/29/13	ADOBE ACROBAT XI STANDARD	Open	940.00	0.00		
	13-01195	04/29/13	COMPUTER PARTS	Open	71.63	0.00		
					<u>1,130.87</u>			
00820	COMCAST OF WILDWOOD* DPW							
	13-01499	05/29/13	MONTHLY INTERNET	Open	104.95	0.00		
00825	COMCAST*							
	13-01412	05/20/13	INTERNET SERVICE/CLEM MULLIGAN	Open	94.85	0.00		
	13-01454	05/24/13	MONTHLY INTERNET- FIRE SAFETY	Open	109.90	0.00		
					<u>204.75</u>			
01075	COPIERS PLUS*							
	13-01237	05/02/13	SERVICE DUPLICATOR/MACHINE	Open	142.50	0.00		
01125	MARGARET CROMPTON							
	13-01389	05/16/13	MEDICAL CLAIMS	Open	10.00	0.00		
01219	CONTRACTOR SERVICE*							
	13-01349	05/14/13	JACKETS PER UNION CONTRACT	Open	98.00	0.00		
01502	PAMELA FELDER							
	13-01497	05/29/13	MEDICAL CLAIMS	Open	39.16	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	13-01370	05/14/13	MOVE CABLE CONNECTION/INSTALL	Open	700.00	0.00		
	13-01439	05/23/13	ELECTRICAL REPAIRS	Open	250.00	0.00		
	13-01457	05/24/13	TWO 1/2 HORSEPOWER MOTORS	Open	1,975.00	0.00		
					<u>2,925.00</u>			
01690	GRANTURK EQUIPMENT CO*							
	13-00934	04/04/13	MONTHLY/APRIL	Open	380.65	0.00		
	13-00962	04/08/13	PARTS FOR GRINDER	Open	261.13	0.00		
					<u>641.78</u>			
01781	HATCH MOTT MACDONALD, LLC*							
	13-01392	05/16/13	PROFESSIONAL ENGINEERING	Open	1,055.20	0.00		
	13-01393	05/16/13	PROFESSIONAL ENGINEERING	Open	151.80	0.00		
	13-01405	05/20/13	PROFESSIONAL ENGINEERING	Open	554.50	0.00		
	13-01406	05/20/13	PROFESSIONAL ENGINEERING	Open	82.80	0.00		
	13-01407	05/20/13	PROFESSIONAL ENGINEERING	Open	257.00	0.00		
	13-01408	05/20/13	PROFESSIONAL ENGINEERING	Open	690.00	0.00		
	13-01409	05/20/13	PROFESSIONAL ENGINEERING	Open	576.90	0.00		
	13-01410	05/20/13	PROFESSIONAL ENGINEERING	Open	1,077.00	0.00		
					<u>4,445.20</u>			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01806 ANTHONY J HARVATT, II, ESQ	13-00973	04/08/13	BOARD SOLICITOR SALARY	Open	550.00	0.00		
01859 HESS CORPORATION	13-01469	05/28/13	04/19/13-05/20/13 ELECTRIC	Open	6,017.98	0.00		
02025 HUNTER JERSEY PETERBILT*	13-01264	05/06/13	PARTS FOR TRUCKS/MAY	Open	538.79	0.00		
02045 LIBERTY PARKS AND PLAYGROUNDS*	13-01160	04/22/13	PLAYSAFER RUBBER MULCH	Open	2,125.00	0.00		
02108 KEEN COMPRESSED GAS CO*	13-00937	04/04/13	MONTHLY/APRIL	Open	484.86	0.00		
02175 BRUCE KLAUSING	13-01419	05/21/13	MEDICAL CLAIMS	Open	124.95	0.00		
02294 MARIE A. LOMONACO	13-01388	05/16/13	MEDICAL CLAIMS	Open	5.00	0.00		
02415 STEPHEN FLITCROFT	12-03201	11/26/12	2012 CLOTHING ALLOWANCE	Open	50.84	0.00		
	13-01087	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>120.61</u>	0.00		B
					171.45			
02473 FRANCIS P. MAJANE	13-01496	05/29/13	MEDICAL CLAIMS	Open	391.04	0.00		
02541 ROBERT D. MARTIN, JR	13-01387	05/16/13	MEDICAL CLAIMS	Open	9.45	0.00		
02775 BARBARA MOORE	13-01495	05/29/13	MEDICAL CLAIMS	Open	830.00	0.00		
02800 MURPHY FENCE COMPANY*	13-01192	04/29/13	REPLACE 1 GATE FRAME POST ON	Open	215.31	0.00		
02940 MUNICIPAL RECORD SERVICE*	13-01395	05/16/13	SUBPOENAS	Open	177.50	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALITI*	13-01458	05/24/13	LEAGUE MAGAZINE 10/2013-6/2014	Open	176.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	13-00931	04/04/13	MONTHLY/APRIL	Open	787.56	0.00		
	13-01042	04/15/13	CYLINDER FOR VOLVO EXCAVATOR	Open	<u>2,545.36</u>	0.00		
					3,332.92			
03109 TRU GREEN CHEMLAWN	13-00969	04/08/13	FERTILIZER/SLICE SEED FIELDS	Open	2,495.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03160 OFFICE BASICS, INC*	13-01296	05/08/13	OFFICE SUPPLIES	Open	1,257.28	0.00		
03241 SARGENT OSHEA	13-01436	05/23/13	MEDICAL CLAIMS	Open	1,175.82	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	13-00932	04/04/13	MONTHLY/APRIL	Open	966.20	0.00		
	13-01024	04/11/13	TRUCK PARTS/BRAKES	Open	1,381.46	0.00		
	13-01256	05/06/13	RDS/SANT/REY/DPW/MAY	Open	<u>848.58</u>	0.00		
					3,196.24			
03280 PARAMOUNT SANITARY SUPPLY*	13-01313	05/09/13	TRASH BAGS	Open	435.57	0.00		
	13-01356	05/14/13	CLEANING SUPPLIES	Open	<u>1,080.85</u>	0.00		
					1,516.42			
03293 BLAINE PAYNTER	13-01402	05/16/13	MEDICAL CLAIMS	Open	55.00	0.00		
03305 PEDRONI FUEL*	13-01461	05/24/13	BO LEAD GAS/DPW	Open	450.25	0.00		
03440 QUALITY COMMUNICATIONS*	13-00289	01/28/13	10 MODEMS FOR POLICE CARS	Open	11,103.50	0.00		
	13-01139	04/19/13	MDT SUPPLIES	Open	<u>368.00</u>	0.00		
					11,471.50			
03466 R & R SPECIALTIES	13-00950	04/04/13	PLAQUE FOR SPONSORS/SOCCER LAC	Open	231.00	0.00		
03518 RIGGINS, INC.*	13-01401	05/16/13	HIGHWAY DIESEL	Open	1,301.52	0.00		
03521 LOUIS RUSSO	13-01418	05/21/13	MEDICAL CLAIMS	Open	98.00	0.00		
03541 RODIO TRACTOR SALES INC*	13-01273	05/06/13	50" BOOM MOWER PARTS	Open	390.94	0.00		
03692 SOUTH JERSEY GAS CO*	13-01465	05/28/13	GAS FOR MAY 2013	Open	2,594.46	0.00		
03764 TCTANJ	13-01385	05/15/13	2013 TCTA SPRING CONFERENCE	Open	235.00	0.00		
03867 UNIVERSAL SUPPLY CO.	13-01252	05/06/13	REPAIRS TO ROSEWOOD AVENUE	Open	453.70	0.00		
03899 UPS	13-01319	05/10/13	SHIPPING	Open	8.92	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03904	LOWE'S HOME CENTER INC*							
	13-01028	04/15/13	SUPPLIES FOR CAMERAS CLEM MULL	Open	159.92	0.00		
03914	ULINE INC*							
	13-01124	04/18/13	INVESTIGATIVE SUPPLIES	Open	66.35	0.00		
03969	VERIZON							
	13-01466	05/28/13	MAY 2013 PHONE SERVICE	Open	5,616.16	0.00		
03992	VAL-U AUTO PARTS LLC*							
	13-00943	04/04/13	MONTHLY/APRIL	Open	3,251.95	0.00		
04030	WEST PUBLISHING PAYMENT *							
	13-01386	05/16/13	ANNUAL UPDATES-NJ STAT UPDATES	Open	416.00	0.00		
04272	PROPET DISTRIBUTORS*							
	13-01312	05/09/13	DOGGY LITTER BAGS	Open	236.90	0.00		
04301	SEASHORE ASPHALT CORPORATION*							
	13-00926	04/04/13	MONTHLY/APRIL	Open	433.40	0.00		
	13-01266	05/06/13	ASPHALT/PATCH/RDS/MAY	Open	977.90	0.00		
					<u>1,411.30</u>			
04356	AMERICAN SOLUTIONS BUSINESS*							
	13-01088	04/16/13	Mercantile Notice/Cert Holders	Open	678.25	0.00		
05100	CHARLES W. SANDMAN, III ESQ							
	13-00268	01/23/13	2013 LITIGATION MONTHLY \$50k	Open	4,166.66	0.00		B
06020	JOSEPH PORRETTA BUILDERS*							
	13-00753	03/14/13	MILLMAN CENTER RENO #2013-65	Open	21,518.84	0.00		
06023	NASSAU INN*							
	13-01126	04/18/13	LODGING MASTRIANA 6/9-11 & 13	Open	548.00	0.00		
06025	O'DONNELL PLUMBING/HEAT LLC*							
	13-01170	04/24/13	PLUMBING AT MILLMAN RENOV	Open	11,000.00	0.00		B
06029	CELLULAR ADVANTAGE*							
	13-01432	05/22/13	IPHONE CASE G PLAYFORD	Open	59.99	0.00		
5022	INSTITUTE FOR FORENSIC PSYCHO*							
	13-01314	05/09/13	PSYCHOLOGICAL EXAM	Open	375.00	0.00		
5048	KIM COOLAHAN							
	13-01464	05/28/13	LACROSSE REF FEES-4/20/13	Open	90.00	0.00		
6049	DONALD MUNNO							
	13-01345	05/14/13	REPLACE RECYCLING CAN	Open	21.74	0.00		
6056	PHYLLIS MULDOON							
	13-01400	05/16/13	EMPLOY BACKROUND CHECK	Open	41.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6058 ELAINE MCDERMOTT	13-01437	05/23/13	REIM FOR FINGER PRINTING	Open	41.00	0.00		
6062 HERBERT PAYNE	13-01472	05/29/13	RETURN OF UNUSED ESCROW	Open	2.50	0.00		
BLAUE BLAUER ASSOCIATES INC*	13-00857	03/26/13	DCA#13-00122-00 ADA REC/FISHIN	Open	300.00	0.00		B
	13-01470	05/28/13	VILLAS OUTFALLS PHASE 2	Open	200.00	0.00		
					500.00			
CANCELO DON CANCELOSI	13-01399	05/16/13	BOYS LACROSSE REF FEE'S	Open	45.00	0.00		
Total Purchase Orders: 102					Total P.O. Line Items: 286	Total List Amount: 124,479.18	Total Void Amount: 0.00	

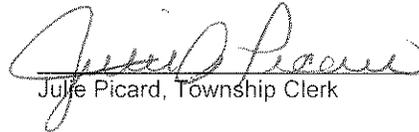
**TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Ameri Health Admin	13-01463	June 2013 Health Benefits	\$90,200.00
Christopher Winter	12-02442	Calea Accreditation Consulting	\$1,320.00
Usable Life	13-01442	June 2013 Life Insurance	\$452.64

Total Manual Checks \$ 91,972.64  
Total Computer Generated \$124,479.18

**Total Bill List \$216,451.82**

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on June 3, 2013.

  
Julie Picard, Township Clerk

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

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**  
**RESOLUTION #2013-159**

**TITLE: APPROVAL OF CHANGE ORDER NO. 1 FOR ELECTRICAL UPGRADES AND MISCELLANEOUS CHANGES AT MILLMAN COMMUNITY CENTER**

**WHEREAS**, Joseph Porretta Builders was originally awarded a contract in the amount of \$ 190,500.00 for the Millman Center Renovations; and

**WHEREAS**, Change order # 1 requires supplemental work which will result in an increase of \$3,899.01 and a reduction in the amount of \$2,610.00, which will result in a net increase of \$1,289.01; and

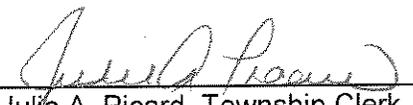
**WHEREAS**, the CFO has determined sufficient funds are available in the budget as follows:

Appropriation C-04-55-410.6662 Signature: 

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that Change Order No. 1 for supplemental electric work at the Millman Community Center is hereby approved.

**BE IT FURTHER RESOLVED** the previous total contract amount of \$190,500.00 shall have an increase of \$1,289.01. The revised contract total will be \$191,789.01.

I hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on June 3, 2013.

  
 Julie A. Picard, Township Clerk

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

**CHANGE ORDER NO. 1**



**TOWNSHIP  
OF LOWER**

**CONTRACTOR:** Joseph Porretta Builders  
551 Anderson Avenue  
Hammonton, NJ 08037

**REASON FOR CHANGE:** Miscellaneous changes & elctrical upgrades

**THE TIME PROVIDED FOR COMPLETION OF THIS PROJECT IS: -**  
**TIME EXTENTION FOR CHANGE ODRDER: - Days**

**UPON EXECUTION THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT**

TYPE OF CHANGE	ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
SUPPLEMENTAL		(2) 1-pole, 20 amp, shunt trip breakers	1	LS	605.00	605.00
		Misc. Electric Work	1	LS	1,739.98	1,739.98
<b>SUBTOTAL:</b>						<b>\$2,344.98</b>
EXTRA		Exist Signs	3			
		Outdoor Remotes	3			
		two-pole, 20 amp 22k AIC Circuit Breaker	1	LS	1,554.03	1,554.03
<b>SUBTOTAL:</b>						<b>\$1,554.03</b>
REDUCTION		Gutter				
		PVC Fascia				
		4" Crown Molding	1	LS		2,610.00
<b>SUBTOTAL:</b>						<b>\$2,610.00</b>

CHANGE ORDER SUMMARY

PREVIOUS CHANGE ORDERS			CURRENT CHANGE ORDER	
NO.	AMOUNT	REASON FOR CHANGE	TYPE OF CHANGE	TOTAL
1		Miscellaneous changes & electrical upgrades		
2			+ SUPPLEMENTAL	\$2,344.98
3				
4			+ EXTRA	\$1,554.03
5				
6			- REDUCTIONS	\$2,610.00
7				
8			NET CONTRACT CHANGE	
9			THIS CHANGE ORDER	\$1,289.01
10				

ORIGINAL CONTRACT AMOUNT	\$190,500.00
AMENDED CONTRACT AMOUNT	\$191,789.01
TOTAL CONTRACT CHANGE (AMOUNT)	\$1,289.01
TOTAL CONTRACT CHANGE (PERCENT)	0.68%

ACCEPTED BY: \_\_\_\_\_  
 Joseph Porretta Builders DATE

RECOMMENDED BY: \_\_\_\_\_  
 George Curvan, P.E. DATE  
 Lower Township Engineer

APPROVED BY: \_\_\_\_\_  
 Mitch Plenn DATE  
 Lower Township Superintendent of Recreations

RESOLUTION #2013-160

**TITLE: A RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL COMPENSATION TO THE TAX ASSESSOR AND STAFF FOR THE PERFORMANCE OF SERVICES IN CONNECTION WITH A TOWNSHIP-WIDE REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWNSHIP OF LOWER AND ACKNOWLEDGING APPROVAL FROM THE CAPE MAY COUNTY BOARD OF TAXATION AND STATE OF NEW JERSEY, DIVISION OF TAXATION**

**WHEREAS,** the Cape May County Board of Taxation mandates that municipalities be revalued if assessments of all taxable real property in the Township fall below 85% of market value or above 115%; or if there are changes to the zoning ordinance which have the potential to affect market value; and

**WHEREAS,** the Cape May County Board of Taxation encourages reassessments by municipalities in order to equalize existing assessments in order to avoid the need for another revaluation; and

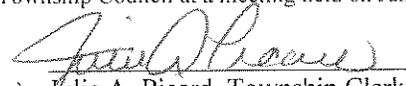
**WHEREAS,** the Cape May County Board of Taxation ordered the Township of Lower to implement a municipal wide reassessment to be effective for the 2014 tax year and in accordance with N.J.S.A. 54:1-35.36 the State of New Jersey, Division of Taxation approved such order for a Township-wide Reassessment of all real property within the Township of Lower; and

**WHEREAS,** the Lower Township Tax Assessor has submitted information to establish that he and the staff of the Tax Assessor's Office have the requisite training, skills, resources, and experience to complete a Township-wide reassessment.

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

1. The allegations of the preamble are incorporated by this reference.
2. Authorization from the Cape May County Board of Taxation and State of New Jersey, Division of Taxation for the Township Tax Assessor to complete a Township-wide reassessment of all real property within the Township of Lower be and hereby is acknowledged.
3. The compensation to be paid to the Township Tax Assessor shall be \$ \$125.00 per hour to complete a reassessment of all real property in the Township of Lower in consideration of the additional services to be provided by the Tax Assessor in the completion of the reassessment and the preparation for and defense of tax appeals arising as a result of such reassessment.
4. The compensation to be paid to temporary employees hired to inspect Township properties shall be \$ 7.50 per house for services to assist the Township Assessor in the completion of the reassessment.
5. The proper officials be and hereby are authorized to do all things necessary to carry out the intent of this Resolution.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on June 6, 2013.

  
Julie A. Picard, Township Clerk

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

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

RESOLUTION #2013-161

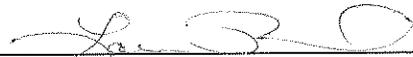
**TITLE: RESOLUTION ACCEPTING BIDS & AWARDING THE CONTRACT TO SUPPLY ASPHALT FOR 24 MONTHS**

**WHEREAS**, bids were advertised on May 8, 2013 and due on May 24, 2013 at 11:00 a.m. to Supply Asphalt for 24 Months; and

**WHEREAS**, three (3) proposals were submitted and reviewed by the QPA and Gary Douglass, CPWM, and the bidder complied with the specifications and supplied all required certifications and bid documents, and

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

Ord # 12-19 C 04 55.413.110  
Appropriation #

  
Lauren Read, CFO

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

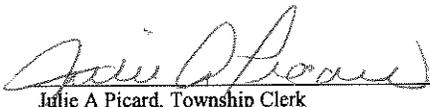
**AWARD TO: SEASHORE ASPHALT COMPANY**

**AMOUNT: ITEMIZED BELOW**

Hot Mix Asphalt Base Course, Mix I-2 Furnished at Plant	\$39.50 per ton
Hot Mix Asphalt Base Course, Mix I-4 Furnished at Plant	\$48.00 per ton
Hot Mix Asphalt Base Course, Mix I-5 Furnished at Plant	\$49.00 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-2	\$46.50 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-4	\$55.00 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-5	\$56.00 per ton

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

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on June 3, 2013.

  
Julie A Picard, Township Clerk

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

**PROPOSAL FORM**

**2013-09**

**24 Month Contract to Supply Asphalt for Lower Township**

Pursuant to and in compliance with your Advertisement for Bids dated May 8, 2013, and the Information for Bidders relating thereto, the undersigned hereby offers to furnish all plant, labor, materials, supplies, equipment and other facilitates and things necessary for, or proper for, or incidental to the Township of Lower for 2013 and 2014 (24 Month) Supply Asphalt to the Township of Lower as required by, and in strict accordance with the applicable provisions of plans and specifications and all addenda issued by the Township of Lower in accordance with the law whether received by the undersigned or not for the amount bid based on the following unit and/or lump sum prices.

**Contracts will be awarded based on a primary vendor and secondary vendor for use if the primary vendor cannot supply the required material. Delivery must be made within twenty four (24) hours of order placement or sooner.**

NOTE: Extension of Unit Prices must be exact

**Contract time:** 2013 and 2014 (24 Month) Contract

Schedule of Liquidated Damages: \$500.00 per calendar day  
One (1) to fifteen (15) Days: \$1,00.00 per calendar day  
Sixteen (16) to Thirty (30) Days: \$2,00.00 per calendar day  
Greater than Thirty (30) Days:

Item	Description	Unit Price Per Ton
1.	Hot Mix Asphalt Base Course, Mix I-2, Furnished at Plant	39.50
2.	Hot Mix Asphalt Base Course, Mix I-4, Furnished at Plant	48.00
3.	Hot Mix Asphalt Base Course, Mix I-5, Furnished at Plant	49.00
4.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-2	46.50
5.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-4	85.00
6.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-5	50.00

TOTAL Amount of Bid Based on Items #1-6 Inclusive \$ 294.00

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

Seashore Asphalt Corp.

26-4281879

Company Name

Federal I.D. # or Social Security

2451 Route 610, Woodbine, NJ 08270

Address

*Mary Lou Ottinger*  
Signature of Authorized Agent

Mary Lou Ottinger, President

Type or Print Name

609-861-2100

May 24, 2013

Date

Telephone Number

609-861-0465

Fax Number

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

RESOLUTION # 2013-162

**Title: MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF CAPE MAY; THE DELAWARE RIVER AND BAY AUTHORITY; THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, HISTORIC PRESERVATION OFFICE; NAVAL AIR STATION WILDWOOD FOUNDATION; JOSEPH E SALVATORE; JOAN BERKEY; THE TOWNSHIP OF LOWER AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, On or about June 2, 2010 a registration form was submitted to the State Historical Preservation Office seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately 1/3 of the entire airport and including property owned by the Township of Lower, as well as, property leased by the LTMUA.

**WHEREAS**, upon notice of said registration form written objections were filed by the various parties involved. Due to said objections extensive discussions, meetings and negotiations ensued in an effort to modify said submission in a Memorandum of Understanding whereby the concerns of all parties might be addressed; and

**WHEREAS**, all parties have come to an agreement on the form and content of said Memorandum of Understanding, most particular, it has been agreed that all property owned or leased by the Township of Lower is no longer part of said Historic District or any buffers thereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Lower Council is hereby in agreement with the terms set forth in said Memorandum of Understanding and hereby authorizes the Mayor to execute same on behalf of the Township of Lower

I hereby certify the foregoing to be a Resolution adopted at a Council meeting held on June 3, 2013..

  
Julie A Picard, Township Clerk

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

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "MOU") is entered into as of the date this MOU is fully executed, by and between the County of Cape May; The Delaware River and Bay Authority; the State of New Jersey, Department of Environmental Protection, Historic Preservation Office; Naval Air Station Wildwood Foundation; Joseph E. Salvatore; Joan Berkey; the Township of Lower; and the Lower Township Municipal Utilities Authority.

- A. The Cape May County Airport (hereinafter "Airport"), located in the Township of Lower (hereinafter "Township"), County of Cape May (hereinafter "County"), and State of New Jersey, is owned by the County.
- B. The Delaware River and Bay Authority (hereinafter "Authority") was duly created pursuant to the Delaware-New Jersey Compact, 17 Del. C. § 1701 and N.J.S.A. 32:11E-1, et seq. Among the purposes of the Authority is the undertaking of projects which advance the economic growth and development within the counties of Delaware and New Jersey which border the Delaware River and Bay by providing for, planning and engaging in projects which will enhance the future economic growth and development of those areas.
- C. Pursuant to an Acquisition Agreement dated December 15, 1998, by and between the Authority and the County, the Authority agreed to assume operation and control of certain parcels of land and improvements at the Airport and further agreed to operate and manage the Airport and related facilities and to administer various leases relating to tenants at the Airport.
- D. The County and Authority entered into a Ground Lease dated June 8, 1999, a memorandum of which was recorded on June 9, 1999 in the Office of the Clerk of Cape May County in Book 2809, Page 0584, under which the County leased to the Authority certain parcels of land and improvements located at the Airport described therein as the

"Demised Premises." This Ground Lease is for a thirty year term with two automatic thirty year renewals subject to certain rights to elect non-renewal as set forth therein and is expressly incorporated herein as if set forth at length. The Acquisition Agreement and Ground Lease predate the nomination of a historic district at the Airport.

- E. The State of New Jersey, Department of Environmental Protection, Historic Preservation Office (hereinafter "SHPO") is dedicated to the preservation of the State's historic, architectural, archaeological, engineering and cultural heritage through the implementation of the State's historic preservation program.
- F. Naval Air Station Wildwood Foundation (hereinafter "NASW"), operated by Joseph E. Salvatore (hereinafter "Salvatore"), brings key pieces of a community's history back to life to raise public awareness of the historical importance of America's contribution on the homefront and preserves military aviation and artifacts that commemorate significant events in our nation's history. On or about October 21, 2003, NASW nominated and subsequently registered Hanger 1 located at the Airport on the New Jersey Register of Historic Places (hereinafter "New Jersey Register") and on the National Register of Historic Places (hereinafter "National Register"). The New Jersey Register and National Register shall hereinafter collectively be referred to as "Registers". Hanger 1 has continuously maintained this nomination status on the New Jersey Register since June 18, 2004 and on the National Register since October 4, 2004 and, as such, is subject to the regulations and review statutes and codes applicable to properties placed on the Registers.
- G. On or about June 2, 2010, Joan Berkey (hereinafter "Berkey") submitted a Registration Form to SHPO seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately one third of the entire Airport and included property owned by the Township as well as property leased by the Lower

Township Municipal Utilities Authority (hereinafter "LTMUA") (hereinafter "Original Nominated District"), which Registration Form is incorporated herein as if fully set forth at length.

- H. In February and July 2011, the County and Authority each submitted written objections to the nomination of the Original Nominated District based on various grounds, which submissions are incorporated herein as if fully set forth at length.
- I. Subsequently, the County, Authority, SHPO, NASW, Salvatore, Berkey, Township and LTMUA (hereinafter individually referred to as "Party" and collectively referred to as "Parties") engaged in extensive cooperative communications in an attempt to resolve the objections to the nomination of the Original Nominated District.
- J. In an attempt to resolve this issue, the Parties discussed and agreed to the submission of a revised nomination by Berkey to SHPO on October 18, 2012 for registration of a proposed historic district limited to Hangar Number 1 (previously listed), Hangar Number 2, the Terminal Building (also known as the "Operations Building") and a "Boiler Room" (sometimes referred to as the "Sewage Pump House") as depicted in the "Proposed Naval Air Station Wildwood Historic District Plan" dated September 20, 2012 and updated by the County Engineer's Office on April 12, 2013 by William C. Burkett and Description of Lands to be Designated as Naval Air Station Wildwood Historic District at the Cape May County Airport in Lower Township dated April 17, 2013 prepared by the County (i.e., the legal description) attached hereto as Exhibits "A" and "B", respectively, and incorporated herein as if fully set forth at length (hereinafter "Proposed Historic District"). This Proposed Historic District may allow for increased funding for Federal, State and Local grants for NASW.

- K. The reduced footprint reflected in the Proposed Historic District will provide a balance of preservation of historic components of the Airport, with the goal of use of the Airport for economic development in the County.
- L. The New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq. ("Act"), requires prior authorization for actions of the State, county or municipality, or any agency thereof, which has the potential to affect New Jersey Register listed properties. Those effects may be direct or indirect. Direct effects are caused by the undertaking and occur at the same place and time. Indirect effects include those caused by the undertaking that are farther removed in distance or later in time, but are still reasonably foreseeable. Such indirect effects may include changes in the pattern of land use, population density or growth rate that may affect the quality of the historical, architectural, archaeological, or cultural characteristics that qualified a historic property to be listed in the New Jersey Register.
- M. The Act's attendant regulations N.J.A.C. 7:4-1.1 et seq. ("Rules"), state that public projects or actions for which acquisition or construction contracts have been let prior to listing on the New Jersey Register shall not require review and approval.
- N. The County and DRBA have expressed a desire for certainty about which projects at the Airport may be found to have an indirect effect on the Proposed Historic District. In order to address that concern, the Parties agree that projects outside of the Proposed Historic District designated as a buffer zone, as depicted in the attached Exhibit "A" (hereinafter "Buffer Zone"), will not have an indirect effect on the Airport and will not require submission of an application for authorization pursuant to the Act. The Proposed Historic District and Buffer Zone shall hereinafter collectively be referred to as "Combined Historic District and Buffer Zone".

- O. The Township operates its Public Safety Building within the confines of the Airport outside of the Combined Historic District and Buffer Zone. As the Public Safety Building is outside the Combined Historic District and Buffer Zone, projects at that building will not require authorization pursuant to the Act.
- P. The LTMUA operates a sewer pump station, water tower/tank, two (2) wells, sewer mains, sewer force mains, water mains and various equipment, machinery, parts, apparatus, devices, gear and infrastructure (hereinafter collectively "LTMUA Equipment") within the confines of the Airport most of which is outside the Combined Historic District and Buffer Zone. The LTMUA projects outside the Combined Historic District and Buffer Zone will not require authorization pursuant to the Act.
- Q. To ensure that the Airport functions safely, repairs to paved areas must be made on a routine and timely basis. Consequently, in kind repairs (matching design, color, texture, and, where possible, materials) to paved areas (including the use of asphalt for temporary repairs) at the Airport shall be treated as "routine maintenance" as used in the Rules which implement the Act and therefore will not require authorization pursuant to the Act.
- R. For projects that do not require authorization under the Act, the County and Authority agree to consider, in their sole and absolute discretion, use of the Secretary of the Interior's Standards for the Treatment of Historic Properties in connection with projects in the Combined Historic District and Buffer Zone.
- S. All Parties wish to advance all the purposes in this MOU cooperatively and in harmony with each Party recognizing the objectives of the other and wish to avoid the time, expense, and uncertainty of continuing to dispute this issue.
- T. In order to allow for the objectives of all Parties to advance consistent with the provisions of the Act and Rules, all Parties agree to the provisions within this MOU and recognize that these provisions are binding on all Parties and their successors, heirs and assigns.

NOW, THEREFORE, in consideration of the following promises and covenants and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. The Recitals set forth above (excluding Recital R) are incorporated in the body of this MOU as if fully set forth at length.
2. Projects within the Proposed Historic District will require the application procedure for encroachment authorization for direct effects pursuant to the Rules. The area outside of the Proposed Historic District, but within the Buffer Zone, is the area where projects may have an indirect effect on the Proposed Historic District and will require consultation with SHPO on whether authorization is required pursuant to the Act. All projects in areas outside of the Combined Historic District and Buffer Zone will not require authorization pursuant to the Act. Notwithstanding the Parties' agreement to this Section 2, they acknowledge that review pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, et seq. ("Federal Section 106") may be required.
3. Projects that are undertaken, operated, maintained or leased by the Authority are governed by the Acquisition Agreement between the County and Authority dated December 15, 1998 and the Ground Lease dated June 8, 1999, which provide that the Authority is responsible for all maintenance and repair of the premises governed by the Acquisition Agreement and Ground Lease and the Airport Layout Plan dated July 2001, and last revised on March 27, 2012 (prepared by C&S Engineers, Inc.) and the Conceptual Design Plan dated November 2004, and last revised on May 14, 2008 (prepared by C&S Engineers, Inc.) (hereinafter collectively "Plans"). Since the Acquisition Agreement, Ground Lease and Plans predate the nomination of the Proposed Historic District and/or the date of this MOU, actions allowed by the Acquisition Agreement, Ground Lease and Plans will not require authorization pursuant to the Act.

4. In kind activities, including, minor or temporary roof repairs, sidewalk and walkway repairs/replacements, ramp repairs/replacements, apron repairs/replacements, concrete repairs/replacements and paving are routine maintenance and will not require authorization pursuant to the Act.
5. Renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance of any and all current or proposed modern technology products outside the Combined Historic District and Buffer Zone, albeit visible from the exterior of structures within the Proposed Historic District including, but not limited to, satellite dishes, solar panels, antennae, telecommunications equipment, HVAC compressors, window air-conditioning units or any existing or proposed LTMUA Equipment, will not require authorization pursuant to the Act. The Parties, however, acknowledge that review pursuant to Federal Section 106 may be required.
6. SHPO's review and authorization of any renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance on, to or adjacent to any and all current or proposed structures within the Combined Historic District and Buffer Zone, do not supersede the requirements of any other governmental agency including, but not limited to, the Federal Aviation Administration. Any authorization issued by SHPO for a project within the Combined Historic District and Buffer Zone will be in accord with any applicable Federal, State and Local laws, while taking advantage of any flexibility established by applicable laws, rules, and procedures to facilitate the preservation of historic properties.
7. Renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance on, to or adjacent to any and all current or proposed structures or LTMUA Equipment outside the Combined Historic District and Buffer Zone shall not

have an indirect effect on the Proposed Historic District and will not require authorization pursuant to the Act.

8. Repair of existing LTMUA underground infrastructure within the Combined Historic District and Buffer Zone, which includes in kind repair of ground/paving disturbed by the repairs will be routine maintenance, and therefore not require authorization pursuant to the Act.
9. Notwithstanding anything to the contrary in this MOU, nothing in this MOU shall affect the rights and obligations of the tenants at the Airport or the rights and obligations of any party to any agreement regarding any existing lease or current contract or current master plan of any property at the Airport.
10. It is agreed to and understood that the County and Authority are obligated solely to SHPO for performance of any of their respective obligations under this MOU. It is agreed and understood that the County and the Authority shall not be responsible for a breach of this MOU or a failure of another Party to perform with respect to such other Party's obligations under this MOU.
11. NASW, Salvatore and Berkey, for themselves and all persons and entities claiming by, through or under them, shall not, directly or indirectly, individually or in combination with any other person or entity, (a) seek to nominate, or (b) cause, encourage, entice, suggest to or solicit any other person or entity to nominate, any other portion of the Airport (i.e., outside the Proposed Historic District) as a historic place on the New Jersey Register or National Register, and forever waive, for themselves and all persons and entities claiming by, through or under them, any and all rights to do so. In the event that another individual and/or entity attempt(s) to increase the scope of the agreed upon Proposed Historic District, NASW, Salvatore and Berkey shall object to any such attempt to SHPO and agree with the County and Authority that the criteria for placement on the

New Jersey Register and National Register cannot be satisfied. The Parties expressly acknowledge that SHPO is legally obligated to review and process any and all nominations submitted pursuant to the Rules.

12. This MOU reflects a compromise reached between the Parties and nothing in this MOU shall constitute an admission by any Party to this MOU. Nothing in this MOU shall affect any other properties which the County, Authority, Township or LTMUA own, lease, occupy, use, operate or otherwise have any interest in.
13. This MOU shall remain in effect for so long as the Proposed Historic District is on the New Jersey Register and/or National Register. Due to the unique nature of this MOU, the Parties will be irreparably harmed in the event this MOU is not specifically enforced and all Parties waive any claim or defense that an adequate remedy at law exists. In the event any Party breaches this MOU, an injunction may be issued and any and all rights or obligations shall be enforceable in a court of equity by a decree of specific performance. This remedy is cumulative and not exclusive, and shall not preclude the pursuit of any other remedies at law or in equity including, but not limited to, the right to maintain an action for any monetary damages caused by any breach.
14. This MOU may be executed in any number of original or telecopied counterparts, each of which shall be deemed to be an original as against any Party whose signature appears thereon, and all of which shall constitute one and the same instrument.

ATTEST:  _____ Elizabeth Boswell Clerk Date: _____	COUNTY OF CAPE MAY  By: _____ Gerald M. Thornton Freeholder Director Date: _____
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<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>THE DELAWARE RIVER AND BAY AUTHORITY</p> <p>By: _____ James N. Hogan Chairperson</p> <p>Date: _____</p> <p>By: _____ William E. Lowe, III Vice Chairperson</p> <p>Date: _____</p> <p>By: _____ Scott A. Green Executive Director</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, HISTORIC PRESERVATION OFFICE</p> <p>By: _____ Daniel D. Saunders Administrator</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>NAVAL AIR STATION WILDWOOD FOUNDATION</p> <p>By: _____ Joseph E. Salvatore Executive Director</p> <p>Date: _____</p>

<p>WITNESS:</p> <p>_____</p> <p>Print Name: _____</p> <p>Date: _____</p>	<p>Joseph E. Salvatore</p> <p>_____</p> <p>Joseph E. Salvatore</p> <p>Date: _____</p>
<p>WITNESS:</p> <p>_____</p> <p>Print Name: _____</p> <p>Date: _____</p>	<p>_____</p> <p>Joan Berkey</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>TOWNSHIP OF LOWER</p> <p>By: _____</p> <p>Michael Beck</p> <p>Mayor</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY</p> <p>By: _____</p> <p>Matthew V. Ecker</p> <p>Executive Director</p> <p>Date: _____</p>

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

RESOLUTION #2013-163

**TITLE: ISSUANCE OF 2013 LIMOUSINE AND OPERATOR LICENSES**

**WHEREAS**, an application has been submitted by Ace Sharper Limousine to Ord. #2000-4 for a Limo License, and

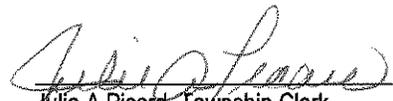
**WHEREAS**, the applicant submitted the appropriate fees, provided the required documentation, and the Police have reviewed and approved the application packet.

**NOW, THEREFORE BE IT RESOLVED**, the Clerk is hereby authorized to issue the following:

**ACE SHARPER LIMOUSINE**

<u>License Type</u>	<u>Description</u>
Limo	2001 Lincoln Vin # 1LNHM82WX1Y636723 2004 Lincoln Vin # 1L1FM81W04Y655151 2002 Ford Vin #1FMNU40S12EB96857 1999 Lincoln Vin # 1L1FM81W1XY645037
Operator	Ernest L. Harper

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on June 3, 2013.

  
Julie A Picard, Township Clerk

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

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

**RESOLUTION #2013-164**

**TITLE: SUPPORTING SUSTAINABLE STATE FUNDING FOR PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND HISTORIC SITES IN NEW JERSEY**

**WHEREAS**, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

**WHEREAS**, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

**WHEREAS**, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

**WHEREAS**, Lower Township has been a direct beneficiary of, and partner to, these critical state preservation programs; and

**WHEREAS**, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

**WHEREAS**, it is imperative that a long-term, dedicated source of funding be established in order to:

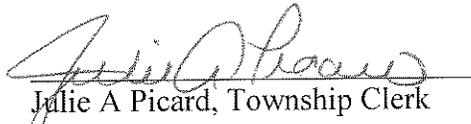
- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage local, county, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns
- protect our quality of life and economic prosperity.

**NOW, THEREFORE, BE IT RESOLVED** on this 3rd day of June, 2013, by the Township of Lower in Cape May County, State of New Jersey, that:

1. Lower Township supports establishment of a long-term, dedicated source of state funding for these purposes.

2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Jeff Van Drew, Assemblyman Nelson Albano, and
3. Assemblyman Robert Andrzejczak, Freeholders County of Cape May, NJ Keep It Green, and the New Jersey State League of Municipalities.

I certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on June 3, 2013.

  
 Julie A Picard, Township Clerk

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

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

RESOLUTION # 2013-165

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township council of the Township of Lower, assembled in public session on June 3, 2013 that an Executive Session closed to the public shall be held on this date at approximately 7:19 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on June 3, 2013.

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

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