

Signed Resolution - May 2, 2016

- Res. #2016-138 Payment of Vouchers \$ 655,451.50  
Res. #2016-139 Authorization for Refund of Taxes (1 property \$745.95)  
Res. #2016-140 Resolution Approving Paving Contract Between Township of Lower and Ernest Winfield, LLC (paving contract – developer will pay Township \$30,800)  
Res. #2016-141 Authorization for Waiver of Street Opening Permit Fees for Lower Township Municipal Utilities Authority Villas East Water Main Improvements Phase 1 Project (waiving street opening fees)  
Res. #2016-142 Authorization for Clothing Allowance (DPW - \$17,425)  
Res. #2016-143 Approving a Professional Service Contract with Hatch Mott MacDonald for General Engineering Services (General Engineer Services with Manager's approval not to exceed \$5,000)  
Res. #2016-144 Appointment of Cirkiel Actuarial Consulting, LLC for Actuarial Consulting Services Required by the Local Finance Board Without Public Bidding (state requirement)  
Res. #2016-145 Authorizing the Sale of Township of Lower Surplus no longer needed for Public Use on Govdeals Online Auction Website (office furniture)  
Res. #2016-146 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. **Contract Negotiations UPDATE**



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01269 DISCOUNT HYDRAULICS*	16-00974	04/08/16	FABRICATE NEW BRAKE LINE	Open	157.50	0.00		
01502 PAMELA FELDER	16-00303	01/27/16	CONTRACTUAL REIMBURSEMENT- M	Open	57.80	0.00		B
01603 GENERAL CODE PUBLISHERS*	16-01117	04/26/16	SUPP NO. 26	Open	324.21	0.00		
01641 GALL'S INC*	16-00839	03/23/16	BATTERIES	Open	91.00	0.00		
01643 WILLIAM GALESTOK	16-01042	04/15/16	REIMBURSEMENT FOR SEMINAR	Open	23.00	0.00		
01657 GOPHER SPORT*	16-00870	03/28/16	WIPES & ROPE -WEIGHT ROOM	Open	496.61	0.00		
	16-00902	03/31/16	PING PONG BALLS	Open	93.48	0.00		
	16-00905	04/04/16	BASKETBALLS AND WRIST BANDS	Open	202.17	0.00		
					792.26			
01661 GENERAL SALES ADMINISTRATION*	16-01067	04/22/16	MAINT. CONTRACT FOR ALPR	Open	1,520.00	0.00		
01690 GRANTURK EQUIPMENT CO*	16-00748	03/14/16	PARTS FOR RECYCLING/FEB	Open	706.12	0.00		
01781 HATCH MOTT MACDONALD, LLC*	15-03068	12/09/15	RES#15-356 NJ DEP BEACH ACCESS	Open	4,975.84	0.00		B
	16-00341	02/03/16	RENOVATIONS @ DOUGLASS PARK	Open	5,825.65	0.00		B
	16-00776	03/15/16	OUT OF SCOPE WORK-BEACH ACCESS	Open	3,848.21	0.00		B
	16-01096	04/25/16	PROFESSIONAL ENGINEERING	Open	66.25	0.00		
	16-01097	04/25/16	PROFESSIONAL ENGINEERING	Open	66.25	0.00		
	16-01098	04/25/16	PROFESSIONAL ENGINEERING	Open	2,267.00	0.00		
	16-01099	04/25/16	PROFESSIONAL ENGINEERING	Open	198.75	0.00		
	16-01100	04/25/16	PROFESSIONAL ENGINEERING	Open	115.75	0.00		
	16-01101	04/25/16	PROFESSIONAL ENGINEERING	Open	915.50	0.00		
	16-01102	04/25/16	PROFESSIONAL ENGINEERING	Open	340.25	0.00		
	16-01103	04/25/16	PROFESSIONAL ENGINEERING	Open	558.85	0.00		
	16-01104	04/25/16	PROFESSIONAL ENGINEERING	Open	619.25	0.00		
	16-01105	04/25/16	PROFESSIONAL ENGINEERING	Open	225.25	0.00		
	16-01106	04/25/16	PROFESSIONAL ENGINEERING	Open	1,030.25	0.00		
					21,053.05			
01850 HOFFNAGLE CARPET CLEANERS*	16-00903	03/31/16	ANNEX CARPET CLEANING	Open	550.00	0.00		
02004 KML TECHNOLOGY INC*	16-00996	04/11/16	SMART DMS 911 SYSTEM	Open	7,500.00	0.00		
02108 KEEN COMPRESSED GAS CO*	16-00355	02/05/16	BOTTLED GAS/DPW/FEB	Open	207.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02140 KINDLE FORD LINC/MERC., INC.*	16-00738	03/14/16	PARTS FOR POLICE VEHICLES/MARC	Open	271.50	0.00		
02247 LAWSON PRODUCTS, INC.*	16-00747	03/14/16	SUPPLIES FOR DPW GARGAE	Open	699.95	0.00		
	16-00967	04/08/16	SUPPLIES FOR GARAGE/MAY	Open	699.96	0.00		
					1,399.91			
02334 LOWER TWP CHAMBER OF COMMERCE	16-01040	04/14/16	LUNCHEON MEETING APR 14,2016	Open	60.00	0.00		
02585 WILLIAM MASTRIANA	16-01066	04/22/16	REIMBURSMENTS	Open	40.00	0.00		
03026 NJ STATE HEALTH BENEFITS	16-01093	04/25/16	HEALTH BENEFITS- MAY 2016	Open	309,224.14	0.00		
03109 TRU GREEN CHEMLAWN	16-00720	03/14/16	RES# 16-70 FERTILIZER/SLICE SE	Open	4,650.00	0.00		B
03280 PARAMOUNT SANITARY SUPPLY*	16-00990	04/08/16	MOPS/WAX	Open	296.36	0.00		
03305 PEDRONI FUEL*	16-01094	04/25/16	NO LEAD GAS	Open	176.54	0.00		
03366 AMERI-GAS*	16-01092	04/25/16	PROPANE - BENNETTS CONCESSION	Open	345.61	0.00		
03518 RIGGINS, INC.*	16-01045	04/18/16	OFF HIGHWAY DIESEL	Open	625.15	0.00		
03537 RUTGERS, THE STATE UNIVERSITY*	16-00512	02/25/16	2016 PUBLIC PURCHASING CONF	Open	468.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	16-00741	03/14/16	TIRES/DPS/SANT/RECY/APRIL	Open	5,900.70	0.00		
03692 SOUTH JERSEY GAS CO*	16-01132	04/27/16	APRIL 2016 GAS BILL	Open	4,341.98	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	16-00876	03/29/16	REMAINING BALANCE JAN.	Open	37.86	0.00		
03876 UNITED WATER TREATMENT CO INC*	16-00901	03/31/16	COMPLETE WATER TREATMENT	Open	480.00	0.00		
03914 ULINE INC*	16-00991	04/08/16	BOXES PLANNING/BOCA	Open	333.04	0.00		
03927 PRORIDER INC*	16-00892	03/30/16	HELMETS FOR COMMUNITY DAY	Open	218.00	0.00		

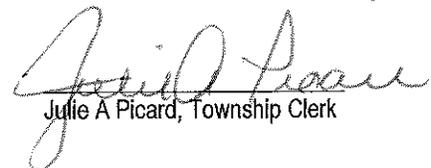
Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03992 VAL-U AUTO PARTS LLC*								
	16-00728	03/14/16	RDS/SANT/RECY/DPW/MARCH	Open	3,225.93	0.00		
04075 BARBER CONSULTING SERVICES LLC								
	16-00921	04/05/16	COMPUTER SERVICES	Open	823.74	0.00		
04097 CINTAS FIRST AID AND SAFETY*								
	16-01084	04/22/16	ICE PACKS FOR REC DEPARTMENT	Open	444.00	0.00		
04300 W B MASON CO INC*								
	16-00443	02/17/16	CALCULATOR	Open	99.99	0.00		
	16-01001	04/11/16	GOJO SOAP DISPENSER	Open	<u>36.12</u>	0.00		
					136.11			
6053 KIM GRUCCIO								
	16-01140	04/27/16	LACROSSE OFFICIAL	Open	300.00	0.00		
6059 USABLE LIFE								
	16-01114	04/25/16	MAY 2016 LIFE INSURANCE	Open	514.90	0.00		
6061 AMERITHEALTH ADMINISTRATORS								
	16-01085	04/22/16	4-18-16 HEALTH INS	Open	2,914.72	0.00		
	16-01120	04/26/16	4/25/2016 HEALTH	Open	<u>4,603.19</u>	0.00		
					7,517.91			
6082 DENNIS COTTER								
	16-01142	04/27/16	LACROSSE OFFICIAL	Open	60.00	0.00		
6083 GENE DOWE								
	16-01145	04/27/16	LACROSSE OFFICIAL	Open	120.00	0.00		
6088 CRAFT OIL CORPORATION*								
	16-00650	03/10/16	BULK AW32 HYDRAULIC OIL	Open	1,203.64	0.00		
7044 A SHORE THING CLEANING*								
	16-00904	03/31/16	ANNEX CONSTRUCTION CLEANING	Open	650.00	0.00		
7098 SHORE VETERINARIAN ANIMAL *								
	16-00064	01/07/16	16-26 FINAL YEAR ANIMAL CONT	Open	4,250.00	0.00		B
7160 MICHAEL NUSCIS								
	15-01032	04/28/15	2015 EQUIP. ALLOWANCE	Open	150.00	0.00		B
	16-00592	03/02/16	2016 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		B
					300.00			
7165 NICOLE PERONE								
	16-01149	04/27/16	LACROSSE OFFICIAL	Open	60.00	0.00		
7168 SEAN COLLINS								
	16-01141	04/27/16	LACROSSE OFFICIAL	Open	60.00	0.00		
7173 BRITTANY MOODY								
	16-01150	04/27/16	LACROSSE OFFICIAL	Open	120.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7196 LAUREN HUGGINS SUIT*	16-00063	01/07/16	RES 2016-30 PIO DNE \$10,400	Open	866.67	0.00		
7354 FLEETPRIDE INC.*	16-00734	03/14/16	RDS/SANT/RECY/DPW/MARCH	Open	1,842.06	0.00		
7376 RYAN DOW	16-01144	04/27/16	LACROSSE OFFICIAL	Open	225.00	0.00		
7378 TONY PROCOPIO	16-01147	04/27/16	LACROSSE OFFICIAL	Open	60.00	0.00		
7475 SUZANNE M SCHEID	16-01044	04/15/16	CONTRACTUAL REIMBURSEMENT- D	Open	528.00	0.00		
7507 STEFANKIEWICZ & BELASCO LLC	16-00059	01/07/16	2016 LEGAL MONTHLY DNE \$28k	Open	2,333.33	0.00		B
7508 BLANEY & KARAVAN PC*	16-00062	01/07/16	2016-33 PROSECUTOR \$23 DNE	Open	1,916.66	0.00		B
7526 J HARRIS ACADEMY OF POLICE LLC	16-00444	02/17/16	TRAINING 4/15/2016	Open	525.00	0.00		
7540 RAY JENNINGS	16-00612	03/07/16	REIMBURSEMENT/CAR MIRROR	Open	110.00	0.00		
7547 SOUTH JERSEY PAINT AND GLASS*	16-00722	03/14/16	HARDWARE FOR DOORS- RECREATION	Open	666.40	0.00		
7558 JEROME INDERWIES	16-01020	04/13/16	TRAVEL EXPENSES 3/14-16 3/23	Open	132.14	0.00		
7560 KEVIN WILSON	16-01038	04/14/16	REIMBURSEMENT - COACH	Open	69.20	0.00		
7563 MARREL HALBRUNER	16-01091	04/25/16	RES #2016-139 REFUND 1ST QRT T	Open	745.95	0.00		
7566 MARK VITANZA	16-01152	04/27/16	LACROSSE OFFICIAL	Open	210.00	0.00		
BOYLEJOE JOSEPH BOYLE	16-01119	04/26/16	CONTRACTUAL REIMBURSEMENT-V	Open	155.00	0.00		
CANCELO DON CANCELOST	16-01154	04/27/16	LACROSSE OFFICIAL	Open	60.00	0.00		
G=JP JP BAINBRIDGE & ASSOC	15-03137	12/21/15	FOSTER HOUSE APPRAISAL	Open	3,900.00	0.00		
G=MUA LTMUA	16-01107	04/25/16	2015 MUA CHARGES COLLECTED	Open	300.26	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
<b>GRIFFI GRIFFIN AUTO-MANUAL SALES, INC*</b>								
	16-00975	04/08/16	UPDATE MANUAL ANNUAL ONLINE	Open	2,300.00	0.00		
<b>MCMAST SANDRA MCMASTER</b>								
	16-00900	03/31/16	LACROSSE ASSIGNOR FEE	Open	95.00	0.00		
	16-01148	04/27/16	LACROSSE OFFICIAL	Open	120.00	0.00		
					215.00			
<b>ROMANOW FRED ROMANOWSKI</b>								
	16-00898	03/31/16	LACROSSE ASSIGNER FEE REFEREE	Open	90.00	0.00		
	16-01146	04/27/16	LACROSSE OFFICIAL	Open	150.00	0.00		
	16-01153	04/27/16	LACROSSE OFFICIAL	Open	195.00	0.00		
					435.00			
<b>TRANSACT TRANSACTION CONFERENCE</b>								
	16-00511	02/25/16	SEMINAR	Open	180.00	0.00		
Total Purchase Orders:		106	Total P.O. Line Items:	0	Total List Amount:	655,451.50	Total Void Amount:	0.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2016-139

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

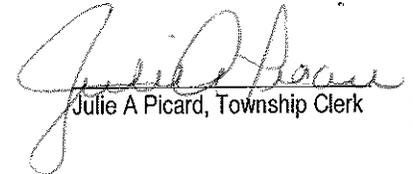
WHEREAS, a refund is due.

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>
427	9	Mariel Halbruner	Paid twice	745.95

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		+	+			
PERRY			+			
SIMONSEN	+		+			
CLARK			+			
BECK			+			

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A Picard, Township Clerk

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

RESOLUTION # 2016-140

TITLE: RESOLUTION APPROVING PAVING CONTRACT BETWEEN THE TOWNSHIP OF LOWER AND ERNEST WINFIELD, LLC

WHEREAS, Ernest Winfield, LLC has requested to enter into an agreement with the Township of Lower for the paving of Ernest Winfield Drive as shown on the attached agreement; and

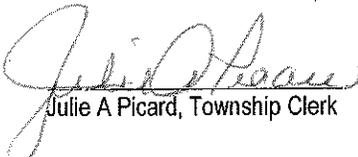
WHEREAS, the Township has reviewed the request of Ernest Winfield, LLC and calculated the amount of funds required to complete the project as described in the Agreement attached hereto; and

WHEREAS, both parties have agreed to the terms and conditions set forth in the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower in the County of Cape May, State of New Jersey, that the Mayor and Clerk are hereby authorized to sign the attached "Agreement" between the Township of Lower and Ernest Winfield, LLC for the paving of Ernest Winfield Drive.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		+	+			
PERRY			+			
SIMONSEN	+		+			
CLARK			+			
BECK			+			

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A. Picard, Township Clerk

AGREEMENT

THIS AGREEMENT made and entered into this 3<sup>rd</sup> day of May, 2016, by and

between:

TOWNSHIP OF LOWER, a New Jersey municipal corporation  
2600 Bayshore Road  
Villas, New Jersey 08251  
(the "Township")

and

Ernest Winfield, LLC  
739 Shunpike Road  
Cape May, New Jersey 08204  
(the "Developer")

WITNESSETH:

WHEREAS, the Developer is the owner of certain real property (the "Property") as described on the site or subdivision plan attached hereto as Exhibit A (the "Plans"); and

WHEREAS, the Developer has received approval from the Lower Township Planning/Zoning Board to construct improvements on the Property in accordance with the Plan (the "Approvals"); and

WHEREAS, in accordance with the Approvals, all streets on the Property will be dedicated to the Township; and

WHEREAS, the Township and the Developer agree that it is in the Township's best interest for the Township to construct all streets on the Property in accordance with the Plans; and

WHEREAS, the Township and the Developer desire to enter an agreement whereby the Developer will pay the Township for all labor and material costs incurred to complete construction of such streets in amounts set forth on Exhibit B attached hereto.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties hereto, intending to be legally bound hereby, covenant and agree as follows:

1. Completion of Work. The Township shall construct the streets which are set forth on and in compliance with all of the specifications set forth on the Plans (the "Paving Works"). The Township shall use reasonable efforts, given its other municipal responsibilities, to complete the Paving Work on or before June 30, 2016, provided, however, that the Township shall not be penalized nor shall the Contract Price be reduced if the Paving Work is not completed by such a date.

2. Developer's Payment. In consideration for the Paving Work performed by the Township hereunder, the Developer shall pay the Township for all of its cost and expense pursuant to the cost schedule attached hereto as Exhibit B and by this reference made a part hereof (the "Contract Price"). In the event the scope of Paving Work needs to be altered, the parties will calculate an adjustment to the Contract Price and if such adjustment will result in a change of more than Twenty Percent (20%), it will require approval of the Township Council. The entire Contract Price plus Twenty Percent (20%) shall be placed on deposit with the Township prior to the commencement of any work (the "Deposit"). The Township shall bill the Developer monthly for the work-in-progress and such amount shall be deducted from the Deposit. Upon completion of the Paving Work, approval by the Township Engineer and acceptance by the Township Council, the balance of the Deposit, if any, shall be returned to Developer. Due to the fact that the Township will be responsible for the Paving Work after completion, there is no need for an additional maintenance guaranty.

3. Insurance.

A. The Developer shall obtain and keep in full force and effect at all times during the term of this Agreement, at its own cost and expense, for the mutual benefit of the Township and Developer: (i) comprehensive general liability insurance, with limit coverage to afford protection in an amount not less than FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS per occurrence/ FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS aggregate for injury or death to any one or more persons, or such greater amount in each case as the Township shall reasonable request from time to time, protecting the Township as an additional insured against any and all claims for personal injury, death or property damage occurring in or upon the Property or any part thereof; and (ii) worker's compensation insurance as required by law. No such policy or policies shall have a deductible greater than TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS.

B. All such insurance shall be written by a good and solvent insurance company or companies of recognized standing, admitted to do business in the State of New Jersey, and reasonably acceptable to the Township. All policies procured by the Developer shall be issued in the names and for the benefit of the Township and the Developer, as their respective interests may appear. The Developer shall provide the Township, upon request, copies of certificates of insurance evidencing the coverage required hereunder. The Developer shall cause to be included in all such insurance policies a provision to the effect that the same will be non-cancelable except upon not less than thirty (30) days' prior written notice to the Township, and that there will be no right of subrogation against the Township. The originals of all such insurance policies shall have been delivered to the Township not later than five (5) days after execution of this Agreement by the Developer and the Township.

4. Indemnification. The developer covenants and agrees that it shall, without notice or demand, and at its own cost and expense, indemnify and save harmless the Township against and from, and the Township shall not be liable to the Developer for, any and all claims by or on behalf of any person arising in any manner whatsoever from, out of or in connection with: (i) the completion of work on the Property by the Developer, its agents, employees and invitees; (ii) any failure by the Developer to perform any of the terms or conditions of this Agreement required to be performed by the Developer, (iii) any failure by the Developer to comply with any applicable laws; (iv) any accident, death, injury, or damage, loss or theft of property on or about Property (whether involving property belonging to the Developer or any other person) resulting from any cause whatsoever, unless such accident, death, injury, damage, loss or theft is caused by the sole negligence of the Township; and (v) any and all costs, attorney fees, expenses and liabilities incurred in or as a result of any such claim of action of proceeding brought against the Township by reason of any such claim. The Developer, upon notice from the Township, covenants to indemnify or defend such action or proceeding by legal counsel reasonably satisfactory to the Township.

5. Default; Remedies Upon Default.

(A) The occurrence of any of the following shall constitute a material default and breach of this Agreement by the Developer (an "Event of Default"):

(i) A failure by the Developer to make any Contract Price payment when due;

(ii) A failure by the Developer to observe and perform any other terms or conditions of this Agreement to be observed or performed by the Developer, where such failure continues for ten (10) days after written notice thereof from the Township to

the Developer, (unless a shorter period of time has been specifically designated elsewhere in this Lease Agreement); or

(iii) The making by the Developer of any misrepresentation or material omission in the execution of this Agreement.

(B) Upon the occurrence of any Event of Default, the Township shall be entitled to all remedies available at law, in equity, or both including, without limitation, the right to terminate this Agreement immediately.

6. Notices. All notices, demands, requests, approvals or other communications which may be or are required to be given, served or sent by either party or their respective counsel to the other shall be in writing and shall be deemed to have been properly given or sent if mailed by registered or certified mail, return receipt requested, postage prepaid, or when sent via overnight delivery addressed as follows:

If intended for the Developer:

Steve Long  
739 Shunpike Road  
Cape May, New Jersey 08204

With a copy to:

NA

If intended for the Township:

Township Clerk  
Township of Lower  
2600 Bayshore Road  
Villas, New Jersey 08251

With a copy to:

Township Solicitor  
Township of Lower  
2600 Bayshore Road  
Villas, New Jersey 08251

Each party may designate by notice in writing a new address to which any notice, demand, request, approval or communication may hereafter be so given, served or sent.

7. Choice of Law; Choice of Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey, excluding choice of law rules thereof. Any and all actions to enforce or to interpret this Agreement shall be brought in the Superior Court of New Jersey, Cape May County.

8. Waiver. The parties hereto waive a trial by jury of any and all issues arising in any action or proceeding between them or their successors or assigns under or connected with this Agreement or any of its provisions or any negotiations in connection therewith.

9. Entire Agreement; Miscellaneous Provisions.

A. This Agreement represents the entire agreement between the parties hereto and there are no other or collateral oral agreements or understandings. No addition, modification or variation from this Agreement shall be enforceable unless the same shall be in writing and signed by the parties hereto.

B. All references in this Agreement to numbered Articles and Sections and to lettered Exhibits are references to the Articles and Sections of this Agreement and the Exhibits annexed to and made a part of this Agreement, unless expressly otherwise designated in context.

C. The titles to paragraphs of this Agreement are for convenience of reference only, and are not to be construed as defining, limiting or modifying the scope of intend of any of the terms and conditions of this Agreement.

D. This Agreement shall be binding upon and inure to the benefit of the successors and permitted assignees of the respective parties.

E. In any case where the approval or consent of one party hereto is required, requested or otherwise to be given under this Agreement, such party shall not unreasonably delay or withhold its approval or consent.

F. This Agreement may be executed in duplicate counterparts, each of which shall be deemed an original.

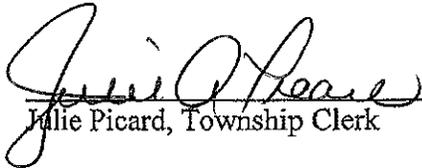
G. The terms and conditions of this Agreement shall survive the termination hereof.

H. If any term or provision of this Agreement or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

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

ATTEST:

TOWNSHIP OF LOWER

  
Julie Picard, Township Clerk

BY:   
Michael Beck, Mayor

ATTEST:

\_\_\_\_\_

BY: \_\_\_\_\_  
Steven Long, Developer

## TOWNSHIP OF LOWER

2600 Bayshore Road  
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

### Exhibit B

April 11, 2016

Steve Long  
739 Shunpike Rd  
Cape May, NJ 08204

Dear Mr. Long,

I have visited and inspected Ernest Winfield Drive. The Township of Lower Public Works department will contract with you for this work at a cost of \$30,800.00. This will include asphalt base repair and asphalt finish topping.

After the agreement is signed by both parties, you will be responsible to forward funds, made payable to the Township of Lower before work will begin. The payment shall include the price mentioned above plus 20% for change orders if necessary which must be mutually agreed upon by both parties as stated in the agreement. Any unused funds will be disbursed back to you at completion of the project.

If you have questions or concerns please feel free to call me at 609-884-0898.

Sincerely,

Gary Douglass  
Superintendent  
Lower Township Public Works



100 State Farm Place  
Ballston Spa, NY 12020-8000

AT2 000459 0001 E-17- 1586-FB27 R F

ERNEST WINFIELD DR, LLC  
739 SHUNPIKE RD  
CAPE MAY NJ 08204-4404



0103-1201

Location: 608 SEASHORE RD  
ERMA NJ  
08204-4616

**Forms, Options, and Endorsements**

Special Form 3	FP-8103.3
Replacement Cost on Contents	OPT RC
Amendatory Endorsement	FE-8231.1
Debris Removal Endorsement	FE-7540
Lead Poisoning Exclusion	FE-6585
Hurricane Duration Deductible	FE-3339
Fungus (Including Mold) Excl	FE-5902
Fungus Limited Cov - \$10,000	FE-5822
Civil Union Endorsement	FE-6854
Mandatory Reporting Endorsement	FE-5801
Rental Dwelling Endorsement	FE-5610

<b>RENEWAL CERTIFICATE</b>	
<b>POLICY NUMBER</b>	909ED-4352-2
Rental Dwelling Pol - Special Form AUG 27 2015 to AUG 27 2016	
<b>DATE DUE</b>	<b>SEE BALANCE DUE NOTICE</b>
AUG 27 2015	\$853.00
<b>Coverages and Limits</b>	
<b>Section I</b>	
A Dwelling	\$141,400
Dwelling Extension	14,140
B Personal Property	21,210
C Loss of Rents	Actual Loss
<b>Deductibles - Section I</b>	
Basic	500
Hurricane Duration 2.00%	2,828
<b>Section II</b>	
L Business Liab (per occurrence)	\$500,000
M Medical Payments to Others (each person)	5,000
<b>Annual Premium</b> \$845.00	
NJ Surcharge 8.00	
<b>Amount Due</b> \$853.00	
<b>Premium Reductions</b>	
Home Alert Discount ✓	14.00
Inflation Coverage Index: 249.3	

Please help us update the data used to determine your premium. Contact your agent with the year each of your home's utilities (heating/cooling, plumbing, or electrical) and roof were last updated.

*Thanks for letting us serve you...*

Agent BOB NOEL  
Telephone (609) 465-2878 or (609) 465-2915

Moving? See your State Farm agent.  
See reverse for important information.

Prepared JUL 15 2015

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

RESOLUTION #2016-141

**TITLE: AUTHORIZATION FOR WAIVER OF STREET OPENING PERMIT FEES FOR LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY - VILLAS EAST WATER MAIN IMPROVEMENTS PHASE 1 PROJECT**

**WHEREAS**, the Lower Township Municipal Utilities Authority, located at 2900 Bayshore Road will be making application for street opening permits in connection with their Villas East Water Main Improvements Phase 1 Project; and

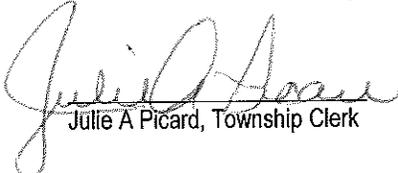
**WHEREAS**, the Lower Township Municipal Utilities Authority has requested the Township waive the street opening permit fees associated with the project; and

**WHEREAS**, the Township Council has reviewed their request and deems it appropriate to support the Municipal Utilities Authority project.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that all permissible Township Street Opening Permit Fees associated with the Villas East Water Main Improvements Phase 1 Project be waived.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		*	+			
PERRY			+			
SIMONSEN	*		+			
CLARK			+			
BECK			+			

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A. Picard, Township Clerk

## Jim Ridgway

---

**From:** Mike Chapman <mchapman@ltmua.org>  
**Sent:** Monday, April 18, 2016 11:48 AM  
**To:** James Ridgway; 'Eileen Kreis'; Gary Douglass  
**Cc:** 'Brian OConnor'; triocdown@comcast.net  
**Subject:** Waiver of Street Opening Permit Fees

Jim:

It is usual and customary for LTMUA to request a waiver of street opening permit fees for our Capital projects. We are nearing the award of the bids for Villas East Water Main Improvements Phase 1. I am therefore requesting a waiver of Street Opening Permit Fees for the work in connection to this project.

Please let me know what other documentation you may request in connection to this request.

Thank you for your continued support.

Mike Chapman, Executive Director  
Township of Lower Municipal Utilities Authority  
Office: 609-886-7146 ex 218  
Cell: 609-435-2057

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

RESOLUTION # 2016-142

Title: AUTHORIZATION FOR CLOTHING ALLOWANCE

WHEREAS, the Teamsters Contract Article 18 Section B stipulates that employees shall be entitled to a \$425.00 payment per year as an all-inclusive clothing, shoe, and cleaning allowance; and

WHEREAS, the employees on the attached list are the covered employees; and

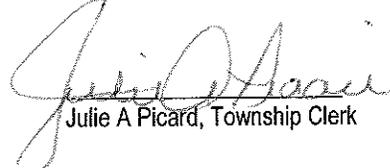
WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to the attached Teamster Union members in the amount of \$17,425.00 is authorized and chargeable to the 2016 Budget account 6-01-26-305-101.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		*	+			
PERRY			+			
SIMONSEN	*		+			
CLARK			+			
BECK			+			

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A Picard, Township Clerk

Last Name, Suffix	First Name, Middle Initial
ALEXANDER	MARK J
ALEXANDER SR	STEPHEN J
BAILEY JR	ROBERT W
BARGER JR.	GEORGE A
BONILLA JR.	DANIEL A
BROWN	JAMES R
CLARK JR	DONALD P
DOUGHERTY	EDWARD J
DOUGLASS	JEFFREY M
DOUGLASS	SCOTT
DUNLEVY JR.	THOMAS W
EAGAN	THOMAS J
FAIRMAN	TIMOTHY T
FINNEGAN	GERALD
GARRISON	RAYMOND E
GIUFFRIDA	MICHAEL J
GRIER	ALAN B
JACKSON	MATTHEW J
LaSERRE	DAVID
LONERGAN SR.	STEPHEN
MACCARTER	JOHN F
MAGNAVITA	ALLEN M
MCCLOSKEY	ANDREW R
McCLOSKEY	FRANK
McCLOSKEY	FRED
McFEETERS	DAVID L
McGRAW SR.	ANDREW F
MICCICHE	STEPHEN J
MONTGOMERY	DONALD R
OLIVER	MICHAEL J
PALEK SR.	KEITH R
PARKER	STEPHEN H
REMENTER JR	JOSEPH G
SMALL JR	RAYMOND J
SOLENSKI SR.	THOMAS J
SZCZUR	MARC C
THOMAS III	ROBERT L
THOMAS JR	ROBERT L
VANDERLINDEN	ALEC A
WEST	ANDREW
YOUNG JR	RONALD C

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

RESOLUTION #2016-143

**TITLE: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH HATCH MOTT MACDONALD FOR GENERAL ENGINEERING SERVICES**

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

**WHEREAS**, Hatch Mott MacDonald has provided a proposal for General Engineering Services in the amount of Not To Exceed \$5,000.00; and

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

Account: 6-01-20-165-200

Signature   
Lauren Read, CFO

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of Not To Exceed \$5,000.00 is hereby approved.

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A Picard, Township Clerk



# Hatch Mott MacDonald

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

April 27, 2016

Via Email at [manager@townshipoflower.org](mailto:manager@townshipoflower.org) & 1<sup>st</sup> Class Mail

Mr. James Ridgway, Township Manager  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

**RE: 2016 General Engineering Services  
Lower Township, Cape May County  
HMM No. 365651**

Dear Mr. Ridgway:

Hatch Mott MacDonald (HMM) would like to request that a not-to-exceed budget of \$5,000 be established for General Engineering Services that, as the need arises, these services may be requested and authorized by the Township Manager. A description of these General Engineering Services is detailed in Exhibit A of our Professional Engineering and Planning Services Agreement with the Township of Lower dated January 4, 2016.

We thank you for your consideration of this request to establish a budget for General Engineering Services for 2016. Should you have any questions regarding the above information or should you wish to discuss this request in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald, LLC

Mark R. Sray, PE, CME  
Senior Associate  
T 609.465.9377 F 609.465.5270  
[mark.sray@hatchmott.com](mailto:mark.sray@hatchmott.com)

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

cc: Eric C. Betz, PE, BCEE, CME, Senior Vice President, HMM

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

RESOLUTION #2016-144

**TITLE: APPOINTMENT OF CIRKIEL ACTUARIAL CONSULTING, LLC FOR ACTUARIAL CONSULTING SERVICES REQUIRED BY THE LOCAL FINANCE BOARD WITHOUT PUBLIC BIDDING**

**WHEREAS**, the Township of Lower ("Township") has a need to acquire an actuarial consultant to prepare the actuarial obligations and accrual expenses of the Township of Lower as required by the Local Finance Board in a manner consistent with NJ LFN 2007-158; as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Township has determined and certified in writing that the value of the acquisition will not exceed \$17,500, and Cirkiel Actuarial Consulting, LLC has submitted the attached proposal indicating that they will provide the goods or services described above for a price not to exceed \$4,500.00; and

**WHEREAS**, the term of this contract is until completion of project; and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation # 6-01-23-220-499

Signature

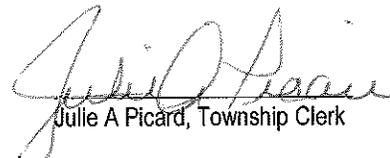


**WHEREAS**, Cirkiel Actuarial Consulting, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Cirkiel Actuarial Consulting, LLC has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit Employee Benefits Consulting Service from making any reportable contributions through the term of the contract.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Lower hereby approves a contract with Cirkiel Actuarial Consulting, LLC for the goods and services herein described and that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and that a notice of Award of Professional Contract for the above appointment shall be published in the Township's Official paper

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.



Julie A Picard, Township Clerk

**CIRKIEL ACTUARIAL CONSULTING LLC  
3 HIGHLAND TERRACE UPPER MONTCLAIR NJ 07043**

April 27, 2016

Lauren Read  
Chief Finance Officer  
c/o Margaret Vitelli  
Purchasing Agent  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

(Via email) [myvitelli@townshipoflower.org](mailto:myvitelli@townshipoflower.org)

***Re: Post Retirement Benefits Plan - Valuation and Other Services – December 31, 2015***

Dear Ms. Read:

Thank you very much for allowing Cirkiel Actuarial Consulting LLC ("CAC") to propose our actuarial consulting services for the Township of Lower ("Lower"). The purpose of this letter is to describe the services we are prepared to perform, and the associated fees. If this proposal is acceptable to you, we will be happy to furnish any additional information you would like.

**Background**

Lower provides certain post retirement benefits to its municipal workers and their families that extend into retirement. Included in these are health and welfare medical benefits. Government accounting standards require Lower to measure and recognize the long term actuarial value of the financial obligations associated with these offerings. GASB Statement Number 45 requires measurement of not only the long term obligations, but also requires the calculation of annual cost on an accrual basis. The GASB position on accrual accounting is that the benefits are a form of deferred compensation that should be recognized when earned.

In practical terms, this means that the "cost" associated with promising future benefits to today's worker will be "borne" by today's Lower resident rather than deferring it to future residents. The bad news is that these new measurements typically are very large in relation to today's cash outlays. But, the good news is that the measurements do not change what the program ultimately costs and in fact are quite useful in that they present a clear picture of just how much deferred compensation has been promised.

In reaction to GASB 45, and in recognition that most entities do not report under "Generally Accepted Accounting Principles" ("GAAP") the State of New Jersey set its own reporting standards in LFN 2007-15. The reporting is less comprehensive than GASB 45 as it recognizes that most NJ public entities account on a simplified basis. That said, the long term obligation measurements are just as large in relation to cash costs. Entities may be able to report obligations using the simplified NJ standards only, at least for awhile. However, those that need to satisfy the major rating agencies for their credit rating, issuance of debt, etc. and/or have SEC reporting requirements may find themselves subjected to the GASB requirements soonest.

### **Scope of Work**

Unless instructed otherwise, CAC will calculate the actuarial obligations and accrual expense in a manner consistent with NJ LFN 2007-15. We will do so by gathering the demographic, plan design, and plan cost information that we will request under separate cover.

### **Fees, Timing**

CAC provides professional consulting services on a fee basis, based on hours spent and the level of expertise of each consultant. Out of pocket expenses, if any such as distant travel costs, special printing costs, etc. are billed in addition, at cost.

For the calculation of actuarial obligations under NJ LFN 2007-15 and if requested, a meeting to present the findings, we will charge a flat fee of \$4,500 for each year we are asked to measure. If instead we are asked to prepare the additional measurements required under GASB 45 we would charge an additional \$3,000, totaling \$7,500 for each year we are asked to measure.

For additional work, if any, such as participating in strategy and bargaining sessions, we will apply our discounted government billing rates to this engagement of \$225 per hour.

We will present our measurements within 4 to 6 weeks of the receipt of complete and accurate data.

Respectfully submitted,



Robert Cirkiel, FCA, ASA, MAAA, EA

01/07/16

Taxpayer Identification# 810-995-601/000

Dear Business Representative:

Congratulations! You are now registered with the New Jersey Division of Revenue.

Use the Taxpayer Identification Number listed above on all correspondence with the Divisions of Revenue and Taxation, as well as with the Department of Labor (if the business is subject to unemployment withholdings). Your tax returns and payments will be filed under this number, and you will be able to access information about your account by referencing it.

Additionally, please note that State law requires all contractors and subcontractors with Public agencies to provide proof of their registration with the Division of Revenue. The law also amended Section 92 of the Casino Control Act, which deals with the casino service industry.

We have attached a Proof of Registration Certificate for your use. To comply with the law, if you are currently under contract or entering into a contract with a State agency, you must provide a copy of the certificate to the contracting agency.

If you have any questions or require more information, feel free to call our Registration Hotline at (609)292-9292.

I wish you continued success in your business endeavors.

Sincerely,

James J. Fruscione  
Director  
New Jersey Division of Revenue

STATE OF NEW JERSEY  
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/  
DIVISION OF REVENUE  
PO BOX 252  
TRENTON, N. J. 08646-0252

TAXPAYER NAME:  
CIRKIEL ACTUARIAL CONSULTING LLC

TRADE NAME:

ADDRESS:  
3 HIGHLAND TERRACE  
UPPER MONTCLAIR NJ 07043

SEQUENCE NUMBER:  
2005765

EFFECTIVE DATE:

ISSUANCE DATE:

01/07/16

01/07/16

Director  
New Jersey Division of Revenue

FORM-BRC

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

(04-00), D203046V

**CIRKIEL ACTUARIAL CONSULTING LLC  
3 HIGHLAND TERRACE UPPER MONTCLAIR NJ 07043**

April 27, 2016

Lauren Read  
Chief Finance Officer  
c/o Margaret Vitelli  
Purchasing Agent  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

(Via email) [mvitelli@townshipoflower.org](mailto:mvitelli@townshipoflower.org)

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#### **Scope of Work**

Unless instructed otherwise, CAC will calculate the actuarial obligations and accrual expense in a manner consistent with NJ LFN 2007-15. We will do so by gathering the demographic, plan design, and plan cost information that we will request under separate cover.

#### **Fees, Timing**

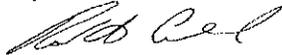
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Respectfully submitted,



Robert Cirkiel, FCA, ASA, MAAA, EA

01/07/16

Taxpayer Identification# 810-995-601/000

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Use the Taxpayer Identification Number listed above on all correspondence with the Divisions of Revenue and Taxation, as well as with the Department of Labor (if the business is subject to unemployment withholdings). Your tax returns and payments will be filed under this number, and you will be able to access information about your account by referencing it.

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We have attached a Proof of Registration Certificate for your use. To comply with the law, if you are currently under contract or entering into a contract with a State agency, you must provide a copy of the certificate to the contracting agency.

If you have any questions or require more information, feel free to call our Registration Hotline at (800)292-9292.

I wish you continued success in your business endeavors.

Sincerely,

James J. Fruscione  
Director  
New Jersey Division of Revenue

STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE		DEPARTMENT OF TREASURY/ DIVISION OF REVENUE PO BOX 252 TRENTON, N.J. 08646-0252
TAXPAYER NAME: CIRKIEL ACTUARIAL CONSULTING LLC	TRADE NAME:	
ADDRESS: 3 HIGHLAND TERRACE UPPER MONTCLAIR NJ 07043	SEQUENCE NUMBER: 2005765	
EFFECTIVE DATE: 01/07/16	ISSUANCE DATE: 01/07/16	
		 Director New Jersey Division of Revenue
FORM BRC (04-08) B20-848V		

**BUSINESS ENTITY DISCLOSURE CERTIFICATION**  
**FOR NON-FAIR AND OPEN CONTRACTS**  
 Required Pursuant To N.J.S.A. 19:44A-20.8  
 TOWNSHIP OF LOWER

**Part I B Contractor Affirmation**

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name Cirkiel Actuarial Consulting LLC has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Michael E. Beck	Any present or future candidate committee or joint candidate committee or local political party committee formed for the election of members of the Lower Township governing body.
Norris Clark	
Erik Simonsen	
Thomas Conrad	
David Perry	

**Part II B Ownership Disclosure Certification**

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership    
  Corporation    
  Sole Proprietorship    
  Subchapter S Corporation  
 Limited Partnership    
 Limited Liability Corporation    
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Robert Cirkiel	3 Highland Terrace Upper Montclair NJ 07043

**Part 3 B Signature and Attestation:**

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Cirkiel Actuarial Consulting LLC

Signed: [Signature] Title: President

Print Name: Robert Cirkiel Date: 4/29/2016

Subscribed and sworn before me this ___ day of _____, 20____.	_____ (Affiant)
My Commission expires:	_____ (Print name & title of affiant) (Corporate Seal)

LOWER TOWNSHIP  
2600 BAYSHORE ROAD  
VILLAS, NJ 08251  
(609) 886-2005

**AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE**

The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

Date	Name of Organization	Amount
	None	

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.

Sworn and Subscribed to before me  
this 29<sup>th</sup> day of April, 2016.

Notary Public

Christopher S. Newkirk  
Notary Public Of New Jersey  
Commission Expires 4/12/2018

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

RESOLUTION # 2016-145

**TITLE: AUTHORIZING THE SALE OF TOWNSHIP OF LOWER SURPLUS NO LONGER NEEDED FOR PUBLIC USE ON GOVDEALS ONLINE AUCTION WEBSITE**

**WHEREAS**, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

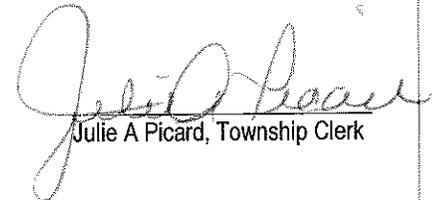
**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and;

**WHEREAS**, the Township of Lower intends to utilize the online auction services of GovDeals located at [www.govdeals.com](http://www.govdeals.com); and sell the Township surplus property.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower in the County of Cape May, State of New Jersey, that the Township of Lower is hereby authorized to utilize the online auction services of GovDeals located at [www.govdeals.com](http://www.govdeals.com); and sell the surplus property as indicated on Schedule A on an online auction website.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A. Picard, Township Clerk

(3) METAL DESKS- POLICE DEPARTMENT  
2032 HUTCH -BOCA  
HUTCH-BOCA  
HUTCH-BOCA  
MISC OFFICE FURNITURE PIECES-BOCA  
0529 MAIL BINS- RECREATION DEPT

BROKEN NEEDS TO BE TRASHED  
411 4 DRAWER FILING CABINET

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

RESOLUTION # 2016-146

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.

  X   (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. **CONTRACT NEGOTIATIONS**

\_\_\_\_\_ (5) Matters Relating to the Purchase, Lease or 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.

\_\_\_\_\_ (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.

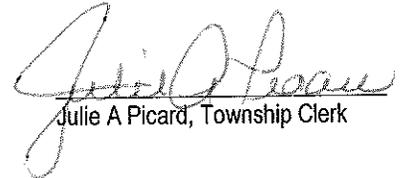
\_\_\_\_\_ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding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

**NOW, THEREFORE, BE IT RESOLVED** by the Township council of the Township of Lower, assembled in public session on May 2, 2016 that an Executive Session closed to the public shall be held on this date at approximately \_\_\_\_\_ 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.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			x			
PERRY	x		x			
SIMONSEN			x			
CLARK		x	x			
BECK			x			

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on May 2, 2016.

  
Julie A Picard, Township Clerk