

Signed Resolutions - October 5, 2015

- Res. #2015-288 Payment of Vouchers \$ 466,902.30
- Res. #2015-289 A Resolution Requesting Release of A Demolition Bond for Block 741.04 Lot 18.02, 619 Jonathan Hoffman Road (\$500)
- Res. #2015-290 Authorizing Cancellation of Remainder of Contract with Engineering Design Associates, PA (\$22,991 for Public Safety Bldg)
- Res. #2015-291 Authorizing Closeout of Reserve for Preliminary Expenses – Public Safety Building (\$35,791)
- Res. #2015-292 A Resolution Rescinding Resolution #2015-234; Requesting Change in Title, Text or Amount of Appropriation N.J.S.A. 40A:4-85 (Chapter 159, P.L. 1948) (returning \$10,600 to Solicitor O/E line)
- Res. #2015-293 Certification of Best Practices Inventory
- Res. #2015-294 Authorizing the Sale of Township of Lower Surplus No Longer Needed For Public Use on Govdeals Online Auction Website
- Res. #2015-295 Capital Budget Amendment (adding new Bond Ordinance)
- Res. #2015-296 Appointment of Class III Member to the Planning Board (Councilman David Perry)
- Res. #2015-297 A Resolution Approving the Memorandum of Understanding Between the County of Cape May and the Township of Lower Regarding the Joint Public Safety and Emergency Operations Center

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE							
	15-01178	05/12/15	CLASSIFIED AD - ASSESSOR	Open	43.20	0.00		
	15-01920	07/21/15	LEGAL AD FOR BOND SALE 7/22/15	Open	454.77	0.00		
					<u>497.97</u>			
00825	COMCAST*							
	15-02349	09/18/15	INTERNET SERVICE SEPTEMBE 2015	Open	793.29	0.00		
	15-02441	09/30/15	FIRE INTERNET 9/30/15-10/29/15	Open	130.83	0.00		
					<u>924.12</u>			
00991	COLONIAL ELECTRIC SUPPLY*							
	15-00841	04/10/15	PARTS FOR MAINTENANCE /APRIL	Open	457.95	0.00		
01200	DELTA DENTAL PLAN OF NJ							
	15-02419	09/28/15	DELTA ADMIN FEES OCTOBER	Open	1,183.20	0.00		
01657	GOPHER SPORT*							
	15-02262	09/08/15	ITEMS FOR BASKETBALL SEASON	Open	1,020.71	0.00		
01724	GILES & RANSOME INC*							
	15-02192	08/27/15	SWITCH FOR COUNTY ROLLER	Open	146.73	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	15-02360	09/21/15	PROFESSIONAL ENGINEERING	Open	2,158.50	0.00		
	15-02361	09/21/15	PROFESSIONAL ENGINEERING	Open	2,269.32	0.00		
					<u>4,427.82</u>			
01785	ROBERT HARTMAN SR							
	15-00421	02/11/15	2015 CONTRACT REIMB	Open	314.70	0.00		B
01873	HOME DEPOT*							
	15-02313	09/15/15	REPAIR FENCE	Open	478.67	0.00		
	15-02314	09/15/15	DEHUMIDIPHER PUBLIC SFTY LCKR	Open	597.57	0.00		
					<u>1,076.24</u>			
02014	ALL TRAFFIC SOLUTIONS*							
	15-02166	08/25/15	SHIPPING	Open	1,070.00	0.00		
02134	THOMAS KEYWOOD							
	15-02443	09/30/15	CONTRACTUAL REIMBURSEMENT-V	Open	147.97	0.00		
02175	BRUCE KLAUSING							
	15-02359	09/21/15	CONTRACTUAL REIMBURSEMENT-M	Open	12.00	0.00		
02200	KOHLER'S AUTO GLASS*							
	15-02264	09/08/15	GLASS FOR THE WINDOW FOR MOWER	Open	425.00	0.00		
02461	JOHN MAHER							
	15-02413	09/28/15	CONTRACTUAL REIMBURSEMENT- M	Open	2,021.23	0.00		
02715	MODERN HANDLING EQUIP CO*							
	15-01900	07/20/15	EMERGENCY GENERATOR MAINT. CON	Open	1,942.50	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03003	NEW JERSEY DIVISION OF ABC	15-02316	09/15/15	LIQUOR LICENSE FEES 2015-2016	Open	84.00	0.00		
03072	NJ STATE LEAGUE OF MUNICIPALITI*	15-02279	09/10/15	WEBINAR - CPT BIERSBACH	Open	25.00	0.00		
03305	PEDRONI FUEL*	15-02380	09/23/15	NO LEAD GAS	Open	286.51	0.00		
03330	PENNANT SPORTS, INC*	15-02266	09/08/15	SOCCER BALLS & FIRST AID KITS	Open	750.20	0.00		
03427	POLAR BEAR*	15-02251	09/04/15	UNIT 12 DOWN AT POLICE DEPT	Open	147.00	0.00		B
03453	QUILL CORPORATION*	15-02238	09/02/15	HP 305X HP 85A TONER	Open	193.78	0.00		
03484	LAUREN M. READ	15-02379	09/23/15	REIMBURSE CONFERENCE PARKING	Open	48.15	0.00		
03518	RIGGINS, INC.*	15-02381	09/24/15	OFF HIGHWAY DIESEL	Open	529.68	0.00		
03613	SEA ISLE ICE CO. INC.*	15-02254	09/04/15	ICE/DPW	Open	150.00	0.00		
03723	STAPLES, INC.*	15-02274	09/09/15	GIVEAWAYS EMPLOYE HEALTH FAIR	Open	459.95	0.00		
		15-02287	09/11/15	OFFICE SUPPLIES	Open	90.22	0.00		
		15-02377	09/22/15	NAPKINS/ PAPER PLATES	Open	42.97	0.00		
						593.14			
03820	MUNICIPAL UTIL. AUTH ON CALL	15-02130	08/20/15	REIMBURSE HALF BILL	Open	297.06	0.00		
03863	TREASURER, STATE OF NEW JERSEY	15-01714	06/29/15	CODE BOOKS	Open	120.00	0.00		
03904	LOWE'S HOME CENTER INC*	15-01744	06/30/15	SUPPLIES FOR DPW/SEPT.	Open	473.29	0.00		
03969	VERIZON	15-02422	09/28/15	VERIZON PHONE BILL SEPT 2015	Open	4,343.06	0.00		
03996	VINELAND AUTO ELECTRIC, INC.*	15-02283	09/11/15	CALIBRATION PATROL UNITS	Open	200.00	0.00		
04083	JIM WOLFORD	15-02412	09/28/15	SOCCER REGISTRATION REFUND	Open	15.00	0.00		
04097	CINTAS FIRST AID AND SAFETY*	15-02420	09/28/15	FIRST AID SUPPLIES/DPW	Open	120.98	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04176 CHRISTOPHER J WINTER SR*CALEA								
	15-01805	07/08/15	ACCRED. CONSULT - JULY	Open	450.00	0.00		
	15-01806	07/08/15	ACCRED. CONSULT - AUGUST	Open	450.00	0.00		
					<u>900.00</u>			
04280 G.F.O.A. OF NJ								
	15-02099	08/17/15	GFOA SPRING CONFERENCE	Open	325.00	0.00		
04300 W B MASON CO INC*								
	15-02300	09/11/15	2015 DESK/WALL CALENDARS	Open	552.60	0.00		
04327 SHI INTERNATIONAL CORP*								
	15-02189	08/27/15	SERVER PARTS	Open	140.40	0.00		
04514 WILLIAM BLANEY*								
	15-00110	01/09/15	2015 LABOR SOLICITOR DNE 50k	Open	425.00	0.00		
6021 TASER INTERNATIONAL, INC. *								
	15-00912	04/21/15	TRAINING	Open	390.00	0.00		
6059 USABLE LIFE								
	15-02414	09/28/15	OCTOBER 2015 EMPLOYEE LIFE	Open	446.90	0.00		
6061 AMERIHEALTH ADMINISTRATORS								
	15-02365	09/21/15	9/21/2015 HEALTH AND RX	Open	67,058.30	0.00		
	15-02418	09/28/15	OCTOBER ADMIN/STOP LOSS	Open	42,223.62	0.00		
	15-02440	09/30/15	9/28/2015 HEALTH	Open	141,022.68	0.00		
					<u>250,304.60</u>			
6063 CAPE MINING & RECYCLING, LLC*								
	15-02256	09/04/15	ASPHALT PICKE UP	Open	699.70	0.00		
7098 SHORE VETERINARIAN ANIMAL *								
	15-00279	01/27/15	2014-47 ANIMAL CONTROL SERV 15	Open	4,250.00	0.00		B
7119 ENGINEERING DESIGN ASSOC*								
	15-01760	07/06/15	2014-323 COASTAL RESIL GRANT	Open	20,640.00	0.00		B
7196 LAUREN HUGGINS SUIT*								
	15-02005	08/05/15	RES 15-238 8/1-12/31/15DNE 5K	Open	1,000.00	0.00		B
7324 DAVID A. STEFANKIEWICZ								
	15-00113	01/09/15	RES#2015-01 MONTHLY \$28k DNE	Open	2,333.33	0.00		B
7431 MARK I INDUSTRIES, INC*								
	15-01830	07/10/15	REPAIR GATE COX HALL CREEK	Open	645.00	0.00		
7453 QUEEN CITY FOP # 10								
	15-02180	08/26/15	TRAINING	Open	498.00	0.00		
7457 SERVPRO OF CAPE MAY COUNTY*								
	15-02250	09/04/15	PAINT VENTS AT PUBLIC SFTY BLD	Open	1,536.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7458 SCHICK INSURANCE AGENCY	15-02277	09/09/15	OVER PAYMENT REGISTRATION FEE	Open	5.00	0.00		
7459 AAREN SENICO	15-02402	09/24/15	CONTRACTUAL REIMBURSEMENT- V	Open	125.00	0.00		
7460 M.A.S.E. CONCEPTS LLC*	15-02320	09/15/15	RADIO REPAIR & PROGRAMMING	Open	200.00	0.00		
7462 RAQUEEL ARCHIBALD	15-02348	09/18/15	REIMBURSEMENT- FOOTBALL	Open	44.20	0.00		
BLAUE BLAUER ASSOCIATES INC*	15-00280	01/28/15	RES 2015-49 DNE \$16K ADA REC	Open	1,875.00	0.00		B
G-HOUSEP HOUSE OF PRINT*	15-01825	07/09/15	POOL PASS	Open	250.00	0.00		
PRESS PRESS OF ATLANTIC CITY	15-02317	09/15/15	CLASSIFIED - FIRE INSPECTOR	Open	438.00	0.00		
SOURCE SOURCEMEDIA LLC	15-02356	09/21/15	LEGAL AD - BOND SALE	Open	1,764.00	0.00		
Total Purchase Orders:		82	Total P.O. Line Items:	0	Total List Amount:	466,902.30	Total Void Amount:	0.00

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

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

RESOLUTION #2015-289

TITLE: A RESOLUTION REQUESTING RELEASE OF A DEMOLITION BOND FOR BLOCK 741.04, LOT 18.02, 619 JONATHAN HOFFMAN ROAD

WHEREAS, Nicholas M. Fedoroff posted a Demolition Bond with the Township of Lower, in the amount of \$500.00; and

WHEREAS, the Township Building Inspector made a final inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond be and hereby is **released**,

BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$500.00 plus any accrued interest for payment of the above released demolition bond.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A Picard

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

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

FROM: William J. Galestok,PP,AICP
Director of Planning

DATE:September 23, 2015

RE: Release of Demolition Bond
Sandra K. Fedoroff
619 Jonathan Hoffman Road
Block 741.04, Lot 18.02
Resolution #2015-289

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A final inspection was made by the Building Inspector. Thank you.

WJG:las

att.

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

RESOLUTION #2015-290

Title: AUTHORIZING CANCELLATION OF REMAINDER OF CONTRACT WITH ENGINEERING DESIGN ASSOCIATES, PA

WHEREAS, resolution #2014-213 awarded Engineering Design Associates, PA a Professional Service Contract in the amount of \$28,650 for engineering services associated with the Lower Township Police Building to be located at 2600 Bayshore Road; and

WHEREAS, the project is no longer authorized, and the services rendered and paid to date total \$5,659.

NOW, THEREFORE BE IT RESOLVED by the Township Council, Township of Lower, State of New Jersey, the unexpended balance of \$22,991 be released and the contract be deemed complete.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

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

RESOLUTION #2015 - 291

Title: AUTHORIZING CLOSEOUT OF RESERVE FOR PRELIMINARY EXPENSES – PUBLIC SAFETY BUILDING

WHEREAS, resolution #2014-213 authorized the utilization of Capital Improvement Funds for the establishment of a Reserve for Preliminary Expenses in the amount of \$50,000; and

WHEREAS, the Reserve for Preliminary Expenses was to fund surveys, architects' fees, engineering fees and other costs associated with the design and construction of a public safety building to be located at 2600 Bayshore Road; and

WHEREAS, it has been determined that these reserves are no longer necessary and, as per resolution #2014-213, any unused moneys in the reserve shall be returned to the Capital Improvement Fund.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey, the unexpended balance of \$35,791 in the Reserve for Preliminary Expenses be returned to the Capital Improvement Fund.

I hereby certify the foregoing to be the original a resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

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

RESOLUTION #2015-292

Title: A RESOLUTION RESCINDING RESOLUTION #2015-234; REQUESTING CHANGE IN TITLE, TEXT OR AMOUNT OF APPROPRIATION N.J.S.A. 40A:4-85 (Chapter 159, P.L. 1948)

WHEREAS, Resolution #2015-234 requested the Director of the Division of Local Government Services to make the following corrections in the budget of the year 2015:

8. General Appropriations
(A) Operations – within "CAPS"

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>FROM</u>	<u>TO</u>
OFFICE OF THE SOLICITOR	OE	5-01-20-155-200	211,000.00	200,400.00
OFFICE OF THE SOLICITOR	S&W	5-01-20-155-100	0	10,600.00
			<u>211,000.00</u>	<u>211,000.00</u>

WHEREAS, the change is no longer necessary as the appointed prosecutor will be paid through the Other Expenses budget line as a vendor.

NOW THEREFORE, BE IT RESOLVED by the Township of Lower Council that Resolution #2015-234 be rescinded in its entirety and the \$10,600 be returned back to the Office of the Solicitor Operating Expense line 5-01-20-155-200.

- General Appropriations
Operations – within "CAPS"

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>FROM</u>	<u>TO</u>
OFFICE OF THE SOLICITOR	OE	5-01-20-155-200	200,400.00	211,000.00
OFFICE OF THE SOLICITOR	S&W	5-01-20-155-100	10,600.00	0
			<u>211,000.00</u>	<u>211,000.00</u>

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 5, 2015.


 Julie A. Picard, Township Clerk

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

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

RESOLUTION #2015-293

TITLE: CERTIFICATION OF BEST PRACTICES INVENTORY

WHEREAS, the New Jersey State Appropriations Act (P.L. 2011, c85) requires the Division of Local Government Services (DLGS) to determine the payment amount for each municipality's final share of State Aid based upon the results of the Best Practices Checklist; and

WHEREAS, the purpose of the Best Practices Checklist is to promote and improve financial accountability and transparency by withholding some or all of the final payment of State Aid unless the municipality certifies a minimum of 41 out of 50 best practices; and

WHEREAS, the attached 2015 Best Practices Inventory for the Township of Lower shows that the Township qualifies to receive 100% of the final payment of State Aid.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the 2015 Best Practices Inventory has been reviewed and can be forwarded to the State of New Jersey Department of Community Affairs.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a public meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

Best Practices Worksheet CY 2015/SFY2016

		Lower Township (Cape May)	
0505		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments	
General Management - GM			
1 Yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement, or actively negotiate or enter into the renewal of at least one existing shared service agreement, in the preceding year?	The Township renewed its shared services agreement with West Cape May for construction, with Cape May County for garage services and with both schools for school resource officers. Currently the Township is in discussions regarding an interlocal with the Lower Township MUA for billing and collection services.	
2 Yes	If a final judgment has been entered against the municipality and there is no further adjudication, or if the municipality reaches a final settlement, has your municipality satisfied its obligations under a final judgment or settlement in a timely fashion pursuant to their terms (e.g. tax appeals, tort claims, contractual disputes)? This question cannot be answered "Yes" if your municipality has satisfied a judgment or settlement but additional interest and/or other penalties have been imposed as a result of noncompliance with the terms thereof. This question does not apply to claims adjudicated or settled by the municipality's JIF or insurance carrier.		
3 Yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles (except for commuting), and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)? Only answer "N/A" if your municipality does not have any municipally-owned vehicles.		
4 Yes	Has the appropriate administrative official reviewed the State Comptroller's June 25, 2013 Report on local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?		

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0505	Answer	Question
5	Yes	Comments
	Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?
	Yes	Does your municipality require its elected officials to attend on an annual basis at least one instructional course covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology etcetera)? This item may be satisfied either through a course approved for continuing education credit by DLGS, or in-house education provided by a professional, vendor or staff member (provided they have significant expertise in their profession and routinely prepare public presentations).
	Yes	With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term?
	No	A municipality's participation in FEMA's National Flood Insurance Program Community Rating System can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system , and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm . Does your municipality have, or is your municipality in the process of attaining, a Community Rating System ranking of at least Class 9?

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
Answer		
9	<p>N/A</p> <p>If the ratio of assessed values to market values in your municipality is presently less than 65%, is your municipality in the process of conducting a reassessment or revaluation?</p>	
10	<p>Yes</p> <p>The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Forms. Compliance by local elected officials is particularly important. Have all of your local elected officials filed their Financial Disclosure Form in 2015 that covers the 2014 calendar year?</p>	
11	<p>Yes</p> <p>Many municipalities have created one or more authorities (including fire districts, utilities authorities, redevelopment authorities, housing authorities, port authorities, etc.) to provide greater focus and attention on addressing a public need, or to reduce governing body burdens. While creation of an authority is often appropriate, and many authorities successfully fulfill their missions, authorities with weak membership or insufficient local-level monitoring can become wasteful, inefficient and unresponsive to the public they serve. N.J.S.A. 40A:5A-20 allows a local governing body to dissolve an authority subject to certain parameters and with Local Finance Board approval. Municipalities should at least annually assess the authority or authorities they created and publicly discuss their findings and conclusions. Findings and conclusions should address whether the authority's continued existence is appropriate, and whether the authority is appropriately and efficiently serving its residents. Does the governing body meet at least once annually to discuss an assessment of the authority or authorities they have created?</p>	<p>9/21/2015</p>

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0505	Answer	Question
Finance & Audit - FA		
12	Yes	<p>Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. <u>1) Are internal accounting control processes, procedures and authorizations documented and communicated to staff; and 2) Does your Administrator/Manager or CFO, as appropriate, evaluate and discuss risk assessment annually with your governing body or an appropriate subcommittee thereof (such as the Audit or Finance Committee) with a focus on developing and updating accounting control processes, procedures and authorizations? If you selected "yes", please state in the Comment section in the approximate date of the discussion and whether the discussion was with the governing body or, if with a subcommittee thereof, name the subcommittee.</u></p>
		Comments
13	N/A	<p>In Local Finance Notice 2007-5, the Division issued guidance concerning the collection and accounting of fees by mayors for the performance of marriage and civil union ceremonies. If your municipality's mayor collects fees for performing weddings and civil unions, are the guidelines on pages 2 and 3 of LFN 2007-5 being followed?</p>
14	Yes	<p>Does your municipality have a Finance Committee (or equivalent) made up of one or more members of the governing body and other appropriate personnel, as may be needed, that meets at least quarterly and discusses all significant financial issues? If you answer "Yes", phrase state in the Comment section the approximate date of your municipality's most recent Finance Committee meeting.</p>
15	N/A	<p>Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2013 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2014 audit? If the answer is no, please list the repeat findings in the comments section. Only answer "N/A" if there were no audit findings in 2013. If your municipality wishes to appeal the result of this question, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a "no" answer.</p>

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
Answer		
16	<p>The CFO should be capable of preparing the annual financial statement, annual debt statement and budget schedules. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At a minimum, each CFO should prepare balanced and reconciled financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract information necessary to prepare financial and debt statements. This requires that, within acceptable tolerance, all financial transactions (cash and non-cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. <u>A "yes" answer is appropriate if 1) your CFO prepares the annual financial statement, annual debt statement and annual budget, or 2) your CFO presents balanced and reconciled financial records, or 3) you are retaining outside assistance to do so from an individual or entity separate from your municipality's audit firm. Please note that item #2 cannot count as a "yes" answer if the Report of Audit contains comments and recommendations regarding the General Ledger or Cash Account balances not being reconciled.</u></p>	
17	<p>Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues, along with their corresponding appropriations, reviewed at least quarterly to determine that all program expenses have been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?</p>	

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
Answer		
18	<p>Yes</p> <p><u>N.J.S.A. 40A:5-4</u> requires municipalities to complete their annual audit for the preceding fiscal year within 6 months after the close of its fiscal year. Further, <u>N.J.S.A. 40A:5-6</u> requires the municipality's auditor to submit a certified duplicate copy of the audit report and recommendations with the Division within 5 days after filing the original with the municipal clerk. <u>Has your municipality received its completed audit for the preceding fiscal year within the statutory timeframe, and confirmed that your auditor has filed a certified duplicate copy of the audit report with the Division? You may only answer this question "N/A" if the Director expressly granted an extension in response to a governing body resolution petitioning for same.</u></p>	
19	<p>Yes</p> <p>For its most recent audit period completed, has the municipality: 1) <u>not</u> had findings reported in the Schedule of Findings and Questioned Costs related to potential or actual questioned costs; or 2) <u>not</u> accrued a liability or made payment to a grantor for questioned costs or disallowed expenditures; or 3) <u>not</u> been notified of an amount that must be refunded to a grantor as a result of a contract audit or for any other reason?</p>	
20	<p>Yes</p> <p>Pursuant to <u>N.J.S.A. 40A: 2-40</u>, the chief financial officer each municipality shall, before the end of the first month of the fiscal year, file their Annual Debt Statement with the Division of Local Government Services. The annual debt statement must be filed electronically following the procedure described in Local Finance Notice 2013-3. <u>Did your municipality file its electronic Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 (July 31 for SFY municipalities)?</u></p>	

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Answer	Question	Comments
21	Yes	Local Finance Notice 2014-09 contains important information about the need for municipalities that have certain outstanding debt to abide by requirements to annually disclose certain information with respect to financial conditions. The continuing financial disclosure obligations are required by federal law and local agreements executed as part of past issuances of debt. Failure to comply can result in penalties against local governments and individual officers responsible for various filings. Failure to comply can also result in a lack of access to capital markets. Has your CFO done all of the following: (1) reviewed Local Finance Notice 2014-09; and (2) undertaken, or caused to be undertaken, a review of past compliance with such requirements?	
22	Yes	Is your municipality up to date and fully compliant with continuing disclosure obligations as discussed in the previous question?	
Procurement - P			
23	Yes	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	
24	N/A	Pursuant to <u>N.J.S.A. 52:15C-10(a)</u> , municipalities (among other government entities) must notify the State Comptroller within no later than 20 business days of awarding most contracts greater than \$2 million but less than \$10 million. For contracts \$10 million or more, <u>N.J.S.A. 52:15C-10(b)</u> requires written notification to the State Comptroller of any negotiation or solicitation no later than 30 days before advertisement; from which point the State Comptroller has 30 days to approve the procurement moving forward unless said period is waived. Further information on the law and applicable forms is available on the State Comptroller's website. <u>Did your municipality comply with the notice and approval provisions of N.J.S.A. 52:15C-10 in the prior year?</u>	

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
25	<p>The Prompt Payment Law, enacted as P.L. 2006 c.96, establishes timing standards for the payment of obligations under a wide range of construction-related contracts. The law seeks to ensure that contractors submitting bills for completed work are paid on a timely, established schedule, and that the full chain of subcontractors receive timely payment from their hiring contractor. Local Finance Notice 2006-21 discusses the law and its impact on local governments. Have your municipality's claim payment procedures been reviewed by legal counsel and appropriate municipal staff to ensure compliance with the Prompt Payment Law?</p>	
26	<p>Prospective Has your municipality established a chain of command as required by N.J.A.C. 5:34-6.1(b) to ensure appropriate individuals are in place to determine when emergency procurement is necessary, and to ensure that the provisions for emergency purchasing set forth in N.J.S.A. 40A:11-6 are properly implemented?</p>	<p>This will be addressed at the reorganization meeting appointing Emergency Management Council.</p>
27	<p>Yes N.J.S.A. 40A:11-5 (a)(i) states that, if a municipality utilizes the professional services exemption from the Local Public Contracts Law, "The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the [] municipality...". With respect to the award of professional services contracts, is your municipality complying with the above referenced provision of the Local Public Contracts Law?</p>	

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0505	Answer	Comments
Budget Preparation and Presentation - BP		
	Question	
28	Yes	<p>In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?</p>
29	Yes	<p>In preparing your annual budget, it is important that the impact that current budgeting decisions may have on future years' budgets be presented, evaluated and considered before the governing body takes final action. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical to sustaining (or achieving) a solid fiscal condition. Are budget projections 1) factoring in the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two future year's budgets, and 2) are these budget projections discussed with the governing body?</p>
30	Yes	<p>Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in the event a lender calls in the guarantee?</p>
31	Yes	<p>Do elected officials receive a <u>written</u> status report at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?</p>

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0505	Answer	Question
32	Yes	Comments
	Yes	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?
	Yes	<u>N.J.S.A. 40A:4-5</u> requires that calendar year municipalities approve their introduced budgets no later than February 10 (or August 10 for state fiscal year municipalities) unless the Director sets forth a later date pursuant to <u>N.J.S.A. 40A:4-5.1</u> . Did your municipality approve its introduced current year budget no later than the date provided by law or as extended by the Director in Local Finance Notice 2014-21? This question may only be answered N/A if your municipality is under State Supervision.
	Yes	<u>N.J.S.A. 40A:4-10</u> requires that calendar year municipalities adopt their budgets no later than March 20 (or September 20 for state fiscal year municipalities), unless the Director sets forth a later date pursuant to <u>N.J.S.A. 40A:4-5.1</u> . Did your municipality adopt its current year budget no later than the date provided by law or as extended by the Director in Local Finance Notice 2014-21? This question may only be answered "N/A" if your municipality is under State Supervision, or delayed its budget adoption because it awaited a Division determination concerning a grant award or Transitional Aid award.
Health Insurance - HI		
	Yes	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)? Only answer "yes" if no part-time elected or appointed officials receive health benefits. If your municipality has part-time elected or appointed officials who elect to take State Health Benefits Program (SHBP) health benefits (or receive a waiver for not doing so) by virtue of serving in their position continuously since May 21, 2010, you must answer "No". If you answered "No", please list in the Comments section the name and title of each elected or appointed official receiving either health benefits or a waiver payment in lieu of health benefits.

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
36	<p>Yes</p> <p>Does your municipality conduct a monthly review of health benefit covered lives itemized on health insurance invoices to determine that health insurance invoices do not include employees, former employees, spouses or dependents who should no longer be receiving coverage?</p>	
37	<p>Yes</p> <p>Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. <u>If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments set at a flat-fee rather than on a commission basis (so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees)?</u></p>	
38	<p>Yes</p> <p>The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. <u>If your municipality has non-SHBP coverage, as your collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP or another non-SHBP plan of lesser cost?</u></p>	

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Question	Comments
39	<p>No</p> <p>Prior to municipal officers and employees being required to substantially share in the cost of their health benefits, there was no disincentive to officers and employees accepting coverage even though they had alternative coverage. Many municipalities would offer payments in lieu of health benefits to encourage officers and employees to voluntarily drop coverage, provided they had coverage from another source. The policy often saved money by replacing the expensive cost of providing health care with the less expensive payment in lieu of health benefits. The need to pay officers and employees money to not take a health insurance benefit they can receive from another source has lessened, because the cost of premium sharing will cause officers and employees to drop coverage if alternative coverage is available. <u>Has your governing body had a thorough and adequate discussion about its current policy regarding payments in lieu of health benefits, its impact on the municipal budget, and whether said payments are still warranted?</u> "N/A" is only applicable where the municipality has a policy of not making payments in lieu of health benefits.</p>	

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505	Answer	Question	Comments
		Personnel - PE	
40	No	<p>The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA? In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training sessions, and police "off-duty" assignments (a/k/a "Jobs in Blue"). Also, please note that compensated leave time in lieu of cash payments is considered to be a form of overtime pay unless such leave is utilized in the same pay period.</u></p>	<p>See Article XI, paragraph B of the Supervisor's contract.</p>
41	Yes	<p>N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. <u>Has your municipality filed all current contracts with PERC?</u></p>	

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers		
0505	Answer	Question
		Comments
42	Yes	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel?
43	Yes	Accurate records of employee time are critical not only for financial accountability, but also effective management of your workforce. Is your municipality ensuring that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?
44	No	Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?
45	Yes	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?
46	No	The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. <u>Does your municipality limit benefits for work-related injuries to the above statutory benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
0505	Answer	Question
		Comments
47	Yes	<p>The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$604 for disabilities beginning on or after 1/1/15. <u>Does your municipality refrain from supplementing the Temporary Disability benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining. Only answer "N/A" if your municipality does not participate in the State Temporary Disability Program.</p>
48	Yes	<p>Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?</p> <p>For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.</p>
49	Yes	<p>Employee personnel manuals or handbooks serve as a valuable tool to convey a municipality's policies, procedures and benefits. Many insurance carriers encourage the adoption of such a document and offer discounted rates for their use. These publications should review employees' rights and obligations in areas ranging from discrimination, safety, violence, and harassment to vacation and sick days, holidays, use of township vehicles, smoking and political activity, among others. <u>Has your municipality adopted or updated an employee personnel manual/handbook by resolution or ordinance within the last five years?</u> If yes, please provide in the Comments section the date of the meeting during which the personnel manual was adopted.</p>
50	Yes	<p>Resolution #2012-109</p>

Best Practices Worksheet CY 2015/SFY2016

Lower Township (Cape May)

Please see Color Key at bottom of sheet for limits on answers

0505

Answer

Question

Comments

Red = Repeat Question; Prospective answers not permitted

Blue = Questions where neither "not applicable" nor "N/A" answers are permitted

Green = Repeat questions where neither "Prospective" nor "Not Applicable" are permitted

No Color = "Yes", "No", "Prospective" and "Not Applicable" are all permissible answers

# of Questions scored yes, prospective, or "not applicable"	Amount of Aid Disbursed	Impact on final 5% aid payment/impact on total aid
41-50	100%	No penalty
33-40	80%	Lose 20% which equals 1% of total aid
25-32	60%	Lose 40% which equals 2% of total aid
17-24	40%	Lose 60% which equals 3% of total aid
9-16	20%	Lose 80% which equals 4% of total aid
0-8	0%	Lose 100% which equals 5% of total aid

Question Table of Weblinks

4	http://nj.gov/comptroller/news/docs/press_local_government_legal_fees.pdf
8	http://www.fema.gov/national-flood-insurance-program-community-rating-system
8	http://www.nj.gov/dep/floodcontrol/about.htm
13	http://www.nj.gov/dca/divisions/dlgs/ffns/07/2007-5.doc
20	http://www.nj.gov/dca/divisions/dlgs/ffns/13/2013-3.pdf
21	http://www.nj.gov/dca/divisions/dlgs/ffns/14/2014-09.pdf
23	http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc
24	http://www.nj.gov/comptroller/compliance/index.html
25	http://www.nj.gov/dca/divisions/dlgs/ffns/06/2006-21.doc
33 & 34	http://www.nj.gov/dca/divisions/dlgs/ffns/14/2014-21.pdf

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

RESOLUTION # 2015-294

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

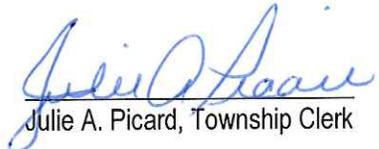
WHEREAS, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

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; and sell the Township surplus property; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of 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; and sell the surplus property as indicated on Schedule A on an online auction website.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

Resolution #2015-294

Council Meeting 10-5-2015

Fixed Asset #	Description	Department	Serial #
494	MORPHO TRACK FINGERPRINT STATION	POLICE	
1555	GESTETNER 3502 COPIER	POLICE	
1557	GESTETNER 3502 COPIER FINISHER	POLICE	
2005	GESTETNERPSM622 COPIER	POLICE	
	(9) APC BATTERY BACKUPS	POLICE	
	DELL 1600 HY INK	POLICE	
	HP LASERJET 15A INK	POLICE	
	(2) HP CB401 CYAN INK	POLICE	
	HP CB400A BLACK INK	POLICE	
	UNIVERSAK INK REFILL KIT	POLICE	
	BROTHER PC-301 TONER	POLICE	
972	MOBILE RADIO	POLICE	
904	MOBILE RADIO	POLICE	
953	MOBILE RADIO	POLICE	
873	MOBILE RADIO	POLICE	
909	MOBILE RADIO	POLICE	
914	MOBILE RADIO	POLICE	
875	MOBILE RADIO	POLICE	
790	MOBILE RADIO	POLICE	
948	MOBILE RADIO	POLICE	
935	MOBILE RADIO	POLICE	
944	MOBILE RADIO	POLICE	
966	MOBILE RADIO	POLICE	
791	MOBILE RADIO	POLICE	
928	MOBILE RADIO	POLICE	
890	MOBILE RADIO	POLICE	
788	MOBILE RADIO	POLICE	
960	MOBILE RADIO	POLICE	
975	MOBILE RADIO	POLICE	
973	MOBILE RADIO	POLICE	
2651	BROTHER SUPER G3	POLICE	
467	HP LASERJET 5	POLICE	
2424	XEROX DOCUMATE	POLICE	
3509	XEROX DOCUMATE	POLICE	
	HP LASERJET 4100N	POLICE	
2607	BROTHER INTELLIFAX 4100 E	POLICE	
	SHARP CAROUSEL II MICROWAVE	POLICE	
512	VCR-	POLICE	
634	DICTAPHONE	POLICE	
751	RADIO	POLICE	
647	DICTAPHONE	POLICE	
612	VCR-PANA	POLICE	
613	DICTAPHONE	POLICE	
531	TRANSMITTER RADIO	POLICE	
2566	CAMERA CANNON A1200	POLICE	
691	LAMINATING MACHINE	POLICE	

2402	OPTIPLEX 755	POLICE	
2417	OPTIPLEX 755	POLICE	
2445	OPTIPLEX 760	POLICE	
2348	OPTIPLEX 755	POLICE	
	OPTIPLEX GX 240	POLICE	334WQ11
	DELL POWER EDGE T310	POLICE	27LYGM1
2350	OPTIPLEX 755	POLICE	
	OPTIPLEX GX620	POLICE	61WQQB1
2446	OPTIPLEX 760	POLICE	
2443	OPTIPLEX 760	POLICE	
2421	OPTIPLEX 755	POLICE	
	OPTIPLEX GX620	POLICE	J1WQQB1
	OPTIPLEX GX620	POLICE	32WQQB1
2349	OPTIPLEX 755	POLICE	
2400	OPTIPLEX 755	POLICE	
2420	OPTIPLEX 755	POLICE	
7442	OPTIPLEX 760	POLICE	
	OPTIPLEX GX 620	POLICE	
	HP BRIO	POLICE	US01701071
	EMERSON AR 502 MICROWAVE	POLICE	
	DELL MONITOR	POLICE	890AEAL
	DELL MONITOR	POLICE	19EDYRL
	DELL MONITOR	POLICE	66G7DBS
	DELL MONITOR	POLICE	19R2RE1
	AOC MONITOR	POLICE	40066HA
	ACER MONITOR	POLICE	ETL4908
	DELL MONITOR	POLICE	0GPAG4L
	DELL MONITOR	POLICE	890ADTL
	DELL MONITOR	POLICE	89FANPL
	DELL MONITOR	POLICE	MX05C54
	DELL MONITOR	POLICE	CNOG433
768	HP PRINTER	POLICE	
	HP PRINTER	POLICE	MY19B6C02D
2286	EPSON PRINTER	POLICE	
	HP PRINTER	POLICE	MX99PID1Y2
2840	HP COLOR LASER JET	POLICE	
2795	HP PRINTER	POLICE	
	HP SCANJET 53006	POLICE	TW13X20667
	EPSON STYLUS COLOR SCANNER	POLICE	AA1913618
	WHITE MOTOROLA EQUIPMENT	POLICE	
	HP LASERJET CP1525 NW COLOR	TOWNHALL	
	DELL SCANNER MODEL # A940	TOWNHALL	
	LINK SYS WAP WIRELESS G ACCESS POINT	TOWNHALL	
	MICROTEK SCAN MAKER 5900	TOWNHALL	
	BROTHER TN-250 TONER CARTRIDGE	TOWNHALL	
	2 EPSON CARTRIDGE # 7770	TOWNHALL	
	24 OFFICE DIVIDERS (VARIOUS SIZES)	BOCA	
2720	HP LASERJET PRO 200	TOWNHALL	
	COMPUTER DESK/MISC OFFICE EQUIP	BOCA	

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2015-295

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2015 was adopted on the 20th day of April, 2015, and

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

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

<u>RECORDED VOTE</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Mike Beck	X			
Norris Clark	X			
Erik Simonsen	X			
Thomas Conrad	X			
David Perry	X			

FROM
CAPITAL BUDGET (Current Year Action)
2015

Planned Funding Services for
 Current Year 2015

<u>Project</u>	<u>Estimated Total Cost</u>	<u>Amounts Reserved in Prior Years</u>	<u>Capital Improvement Fund</u>	<u>Capital Surplus</u>	<u>Grants and Other Funds</u>	<u>Debt Authorized</u>	<u>To Be Funded in Future Years</u>
Equipment	2,100,250.00		59,867.52			909,382.48	1,131,000.00
Recreation Facilities	157,000.00		9,697.40			147,302.60	0.00
Police Equipment	575,850.00		24,759.24			376,090.76	175,000.00
Municipal Buildings	84,000.00		1,482.40			22,517.60	60,000.00
Vehicles	448,900.00		4,564.57			69,335.43	375,000.00
Road Program	500,000.00						500,000.00
Total All Projects	3,866,000.00	0.00	100,371.13	0.00	0.00	1,524,628.87	2,241,000.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2015-295

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2015 - 2020
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	6 YEAR CAPITAL PROGRAM 2015 - 2020 Anticipated Project Schedule and Funding Requirement					
		2015	2016	2017	2018	2019	2020
Equipment	2,100,250.00	969,250.00	375,000.00	121,000.00	321,000.00	206,000.00	108,000.00
Recreation Facilities	157,000.00	157,000.00	35,000.00	35,000.00	35,000.00	35,000.00	35,000.00
Police Equipment	575,850.00	400,850.00	12,000.00	24,000.00	12,000.00	12,000.00	12,000.00
Municipal Buildings	84,000.00	24,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Vehicles	448,900.00	73,900.00	75,000.00	300,000.00	75,000.00	200,000.00	75,000.00
Road Program	500,000.00						
Total All Projects	3,866,000.00	1,625,000.00	497,000.00	555,000.00	443,000.00	528,000.00	218,000.00

6 YEAR CAPITAL PROGRAM 2015 - 2020
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	6 YEAR CAPITAL PROGRAM 2015 - 2020 Summary of Anticipated Funding Sources and Amounts			
		Capital Improvement Fund	Capital Surplus	Grants and Other Funds	General Debt Authorized
Equipment	2,100,250.00	107,156.46			1,993,093.54
Recreation Facilities	157,000.00	8,010.27			148,989.73
Police Equipment	575,850.00	29,380.33			546,469.67
Municipal Buildings	84,000.00	4,285.75			79,714.25
Vehicles	448,900.00	22,903.24			425,996.76
Road Program	500,000.00	25,510.41			474,489.59
Total All Projects	3,866,000.00	197,246.46	0.00	0.00	3,668,753.54

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2015-295

CAPITAL BUDGET AMENDMENT
 TO
 CAPITAL BUDGET (Current Year Action)
 2015

Planned Funding Services for
 Current Year 2015

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,983,054.00		44,000.00			808,054.00	1,131,000.00
Recreation Facilities	194,196.00		10,000.00			184,196.00	0.00
Police Equipment	605,918.00		22,500.00			408,418.00	175,000.00
Municipal Buildings	80,554.00		1,000.00			19,554.00	60,000.00
Vehicles	447,278.00		7,500.00			139,778.00	300,000.00
Road Program	5,250,000.00		230,000.00			4,520,000.00	500,000.00
Total All Projects	8,561,000.00	0.00	315,000.00	0.00	0.00	6,080,000.00	2,166,000.00

6 YEAR CAPITAL PROGRAM 2015 - 2020
 Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	Anticipated Project Schedule and Funding Requirement					Debt Authorized	To Be Funded in Future Years
		2015	2016	2017	2018	2019		
Equipment	1,983,054.00	852,054.00	375,000.00	121,000.00	321,000.00	206,000.00	108,000.00	
Recreation Facilities	194,196.00	194,196.00	0.00	0.00	0.00	0.00	0.00	
Police Equipment	605,918.00	430,918.00	35,000.00	35,000.00	35,000.00	35,000.00	35,000.00	
Municipal Buildings	80,554.00	20,554.00	12,000.00	24,000.00	12,000.00	12,000.00	0.00	
Vehicles	447,278.00	147,278.00	75,000.00	300,000.00	75,000.00	75,000.00	75,000.00	
Road Program	5,250,000.00	4,750,000.00	0.00	0.00	0.00	200,000.00	0.00	
Total All Projects	8,561,000.00	6,395,000.00	497,000.00	480,000.00	443,000.00	528,000.00	218,000.00	

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
 RESOLUTION #2015-295

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2015 - 2020
 Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital			General Debt Authorized
		Improvement Fund	Capital Surplus	Grants and Other Funds	
Equipment	1,983,054.00	99,152.70			1,883,901.30
Recreation Facilities	194,196.00	9,709.80			184,486.20
Police Equipment	605,918.00	30,295.90			575,622.10
Municipal Buildings	80,554.00	4,027.70		0.00	76,526.30
Vehicles	447,278.00	22,363.90			424,914.10
Road Program	5,250,000.00	262,500.00			4,987,500.00
Total All Projects	8,561,000.00	428,050.00	0.00	0.00	8,132,950.00

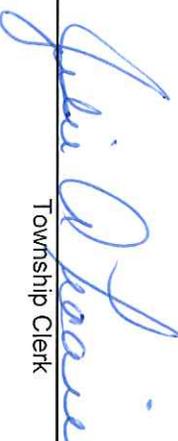
BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 20th day of April, 2015.

Certified by me:


 Date Apr. 6, 2015

Trenton, New Jersey


 Township Clerk

Approved _____ 2015
 Director of Local Government Services

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

RESOLUTION #2015-296

Title: APPOINTMENT OF CLASS III MEMBER TO THE PLANNING BOARD

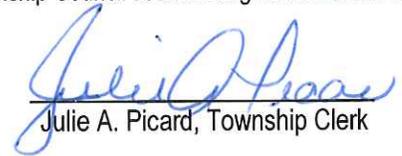
WHEREAS, there exist a vacancy of the Class III Member on the Lower Township Planning Board due to the resignation of Deputy Mayor Norris Clark; and

WHEREAS, Councilmember David Perry is interested in serving on the Planning Board and also holds a seat on Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following person is hereby reappointed to the Lower Township Planning Board as follows.

<u>Name</u>	<u>Type/Class</u>	<u>Exp. Date</u>
David Perry	Class III	12-31-2015

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A. Picard, Township Clerk

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

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

RESOLUTION # 2015-297

Title: A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF CAPE MAY AND THE TOWNSHIP OF LOWER REGARDING THE JOINT PUBLIC SAFETY AND EMERGENCY OPERATIONS CENTER

WHEREAS, the attached memorandum of understanding is between the County of Cape May, a body corporate and politic of the State of New Jersey whose administrative offices are located at 4 Moore Road, Cape May Court House, New Jersey, 08210 and the Township of Lower, a municipal corporation of the State of New Jersey whose administrative offices are located at 2600 Bayshore Road, Villas, New Jersey, 08251; and

WHEREAS, the County and the Township have come to an agreement as to the future use of the building currently known as Lower Township Public Safety Building, 405 Breakwater Road, Block 410, Lot 36, Erma, NJ, 08204, located in the Cape May County Airport, situated on ground owned by Cape May County.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lower Council is hereby in agreement with the terms set forth in the attached 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 the original Resolution adopted by the Township Council at a meeting held on October 5, 2015.


Julie A Picard, Township Clerk

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

Prepared By:

James B. Arsenault, Jr., Esq.,
Acting County Counsel

MEMORANDUM OF UNDERSTANDING
(JOINT PUBLIC SAFETY & EMERGENCY OPERATIONS CENTER)

THIS MEMORANDUM OF UNDERSTANDING is made this ____ day of _____
2015 by and between THE COUNTY OF CAPE MAY ("County"), a body corporate and politic of the
State of New Jersey whose administrative offices are located 4 Moore Road, DN-101, Cape May
Court House, New Jersey 08210 and THE TOWNSHIP OF LOWER ("Lower Township"), a
municipal corporation of the State of New Jersey whose administrative offices are located at
2600 Bayshore Road, Villas, New Jersey 08251.

WITNESSETH:

WHEREAS, the County is the owner of the Cape May County Airport (the "Airport")
which, among other uses, hosts a multiuse commercial and industrial park that includes the
Lower Township Public Safety Building, 405 Breakwater Road (Block 410, Lot 36), Erma, NJ
08204 (the "Public Safety Building"); and

WHEREAS, the ground on which the Public Safety Building sits is owned by the County,
whereas the structure and improvements thereon have been owned or operated by a myriad of
entities over the years, ultimately coming to rest in the ownership and control of Lower
Township; and

WHEREAS, the Public Safety Building holds the Lower Township Police Department
("LTPD"), Lower Township Office of Emergency Management ("LTOEM"), Municipal Court,

Fire and EMS Departments, among other Lower Township uses (collectively, the "Lower Township Uses"); and

WHEREAS, the Cape May County Offices of Emergency Management ("CMCOEM") and the County Emergency Operations Center ("EOC") is presently located at 30 Mechanic Street, Cape May Court House, N.J. 08210, in facilities that require enlargement and expansion in order to meet the dynamic and changing needs of the County's emergency response planning and oversight; and

WHEREAS, in identifying resources to address the County's emergency management facilities needs, the County considered relocating CMCOEM and the EOC to the Airport; and

WHEREAS, consideration of these needs has lead the County to conclude that a conjoint facility with Lower Township would present optimal circumstances for the development of a state of the art emergency management planning and operations center; and

WHEREAS, redevelopment and reuse of the Public Safety Building would similarly allow Lower Township to upgrade their public safety and emergency operations facilities; and

WHEREAS, by partnering with one another in the joint development of a renovated complex, both the County and Lower Township will address their critical emergency planning needs while at the same time reducing the cost each of them would face individually in developing separate facilities; and

WHEREAS, there is a strong public policy in the State of New Jersey encouraging sharing of services and partnerships between varying levels of government to maximize service to taxpayers while minimizing the attendant cost; and

WHEREAS, while some of the overall project costs are still in the process of being determined, and while some aspects of this cooperative venture (such as the actual terms of the

lease between the parties following the construction of the new Facility) will need to be governed by separate documents to be negotiated between the parties and their respective legal counsel, the County and Lower Township desire to execute this Memorandum of Understanding to outline their respective rights and responsibilities for the conjoint redevelopment of the Lower Township Public Safety Building for the use and benefit of both entities, and for the benefit of local and county taxpayers;

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants contained herein, the districts hereto, intending to be legally bound, do hereby adopt and endorse the following agreement for the joint redevelopment of the Public Safety Building into a shared facility for the use of both entities:

1. Services.

(a) By this Memorandum of Understanding, Lower Township agrees to reconvey title ownership of the structure and improvements situate at 405 Breakwater Road (Block 410, Lot 36) to the County, so that the County will be title owner of both the land and the improvements thereon.

(b) In return, the County agrees to execute an appropriate lease (or further shared services agreement as may be deemed appropriate in the opinion of the parties' respective legal counsel) with Lower Township to provide defined and mutually agreeable space, fitted out to Lower Township's specifications, to Lower Township for occupancy by the Lower Township Police Department, the Lower Township Office of Emergency Management, and any other associated public safety, fire and/or EMS agency providing public safety services to Lower Township. The term of and monetary consideration for such lease or shared services agreement for Lower Township's

occupancy of its defined space shall be fixed in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.4, it being the preliminary intent of the parties at this juncture to provide for an initial lease term of not less than twenty (20) years and one renewal term of not less than five (5) years.

(c) County's Obligations Under this Memorandum. In exchange for the good and valuable consideration outlined in this Memorandum of Understanding, the County shall:

- i. Engage an architect, engineer and/or other professionals, each with experience in the design and construction of public safety and/or emergency operations facilities, to:
 1. Design structural improvements and upgrades to the entire facility known as the Public Safety Building and its systems, including but not limited to heating, ventilation, utilities, etc.;
 2. Design, in consultation with Lower Township and to Lower Township's reasonable approval, which approval shall not be unreasonably conditioned, withheld or delayed, interior renovations to those spaces assigned to Lower Township to accommodate the specific needs of the Lower Township Uses; and
 3. Design the interior renovations to those spaces assigned to the County for the CMCOEM, the

EOC and other associated County uses (collectively, the "County Uses") to be assigned to the renovated facility.

- ii. Finance all of the structural improvement and renovations as well as the interior renovations for the Lower Township Uses and the County Uses assigned to the facility by means it deems, in its sole discretion, appropriate, including Bond Ordinance, Bond Anticipation Notes pending permanent financing, etc.

(e) Lower Township's Obligations Under this Memorandum of Understanding. In exchange for the good and valuable consideration outlined in this Memorandum of Understanding, the Lower Township shall:

- i. Provide to the County, immediately upon execution of this Memorandum of Understanding, access to any and all environmental reports or structural analyses relating to the Public Safety Building, and any and all plans, specifications, schematics or designs relating to modifications made to the Public Safety Building during Lower Township's ownership and/or control thereof, and further provide such access to any architect, engineer and/or other professionals engaged by the County pursuant hereto;

- ii. Provide to the County or its architect, engineer and/or other professional engaged by the County pursuant hereto access to maintenance records, utility usage records, or other similar record necessary to allow for the design or plan for modification to the structure;
- iii. Upon reasonable notice, provide access as may scheduled by and between the parties to the physical plant of the Public Safety Building for any site inspections or evaluations deemed necessary by the County or its architect, engineer and/or other professionals for purposes of planning or designing improvements thereto;
- iv. Provide to the County, immediately upon execution of this Memorandum of Understanding, a list of any and all claims of injury or illness known or reported to Lower Township and allegedly caused by or relating to environmental conditions of the structure (the "Environmental Claims") arising during Lower Township's ownership and/or control of the Public Safety Building, and, upon request, provide the County with any additional background information in Lower Township's possession relating to any such claim; and

- v. Indemnify and hold the County harmless for any and all Environmental Claims known or reported to Lower Township during its ownership and control of the Public Safety Building, or for any Environmental Claim submitted on or after the effective date of this Memorandum of Understanding so long as such claim relates to the period of time during which Lower Township owned or controlled the Public Safety Building.

(f) With respect to the implementation of this Memorandum of Understanding, the parties acknowledge and agree that in their relationship with one another they stand as independent contractors and that no employer-employee relationship is created by virtue of this Agreement.

(g) Principles Guiding Agreement Between the Parties; Mutual Obligations During Redevelopment of Public Safety Building. The following elements represent the principles guiding the parties through the execution of this Memorandum of Understanding, and the mutual obligation(s) of each of them through the joint venture of redeveloping the Public Safety Building into a conjoint facility:

- i. The parties each agree that time is of the essence for the undertakings described in this Memorandum of Understanding. Both parties bear public safety responsibility, and both are motivated to complete the redevelopment of the Public Safety Building in a

manner that minimizes operational delays or difficulties. The parties agree to work cooperatively with the architects, engineers or other professionals engaged by the County to prioritize construction phases and milestones so as to minimize as best as possible disruption of public safety services.

- ii. The redevelopment of the structure into a conjoint facility will require substantial renovation, the cost of which will be funded by the County through a bond ordinance or bond anticipation note pending permanent financing. The County's anticipated project cost, even prior to the designation of an architect or design professional, is \$4,000,000, which anticipates improvements or other design elements for the use and benefit of Lower totaling \$2,075,000. Lower Township will not be required to bond for the renovations and improvements, but will, nonetheless, be responsible for paying a portion of the County's bonded indebtedness based on the proportionate share of the total building square footage allocated to the Lower Township Uses. As noted above, an anticipated \$2,075,000 of the total \$4,000,000 project cost reflects improvements or design elements for the Lower Township spaces of the facility.

On those projections, the total annual debt service payment required of Lower Township to retire \$2,075,000 of bonds or bond anticipation notes is approximately \$146,000 per year over a twenty (20) year bond period, as further set forth in a "Debt Service Schedule" annexed hereto as Schedule "A".

- iii. While Lower Township will not incur bond debt for the renovations, it will, nonetheless, be required to appropriate sufficient amounts in each annual budget to cover its reimbursement to the County for the cost of constructing and renovating those areas of the building designated for the Lower Township Uses substantially in accordance with the Debt Service Schedule in the annexed Schedule "A". The exact annual appropriation required, however, may be modified as the parties see fit, either, by way of example accelerating or delaying required payments, to maximize the full economic benefit to the parties by the joint undertaking. It shall be a continuing obligation of Lower Township's Chief Financial Officer to ensure a sufficient annual appropriation to cover the annual cost of Lower Township's contribution to the renovation costs incurred by the County for so long as the County

remains indebted by bond ordinance or bond anticipation note pending permanent financing for such cost. The annual appropriation allocated by Lower Township shall be in an amount sufficient to cover its direct reimbursement of the renovation costs and any incidental carrying costs such as utilities, insurances and the like. Such annual appropriations shall be included in the Lower Township annual municipal budget by the Lower Township Chief Financial Officer and treated like any other multi-year contractual obligation or indebtedness.

- iv. As a further demonstration of their commitment to this joint venture, both the County and Lower Township shall adopt resolutions of their respective governing bodies approving this Memorandum of Understanding;
- v. Upon adoption of such resolutions, the parties shall exchange letters of intent to work cooperatively and expeditiously toward the redevelopment of the Public Safety Building for the joint benefit of the parties pursuant hereto;
- vi. The parties agree, as provided for herein, to share the cost of the redevelopment of the Public Safety Building. In general, it is understood that Lower

Township's total share toward the cost of redevelopment shall be based on its proportionate share of the total cost of the renovations allocated to the Lower Township Uses. In determining that proportionate share, Lower Township shall contribute to the costs for the renovations to those sections of the building, based on square footage, to be utilized by Lower Township Uses. The County shall assume the renovation cost for all areas not dedicated by agreement of the parties to the Lower Township Uses.

- vii. When deemed necessary by bond counsel or general counsel for the parties, Lower Township shall recover, by appropriate instrument, the building (and any associated lands owned by Lower Township) to the County for such nominal consideration as may be authorized by the Local Lands and Buildings Law, N.J.S.A. 40A:12-13.4.
- viii. In addition to any rent to be paid by Lower Township in reimbursement for the renovations costs incurred by the County, Lower Township shall be responsible for all normal and customary operating expenses for the Lower Township Uses, including but not limited to utilities, insurance and similar charges. Wherever

possible, the parties agree to arrange for the installation of separate utility meters for each party's utility consumption. Wherever necessary, the parties agree to name one another as additional insured(s) on any and all policies of insurance covering the renovated structure for casualty loss.

- ix. The parties' agreement to share costs of renovation extends only to the overall renovation costs necessary to convert the structure for the conjoint operation by the County and Lower Township. Each is responsible for the cost(s) associated with furnishings, fixtures and equipment needed by that party in connection with its use of the renovated structure. Provide to the County, immediately upon execution of this Memorandum of Understanding, access to any and all environmental reports or structural analyses relating to the Public Safety Building, and any and all plans, specifications, schematics or designs relating to modifications made to the Public Safety Building during Lower Township's ownership and/or control thereof, and further provide such access to any architect, engineer and/or other professionals engaged by the County pursuant hereto;

- x. While the parties have cooperated with one another and performs its due diligence to reach an understanding that conjoint redevelopment of the structure is in each party's best interest, the parties nonetheless acknowledge that this Memorandum of Understanding is executed notwithstanding certain unknown variables, including the designation of a design professional to complete the actual design of the conjoint facility. The parties agree and acknowledge that they will work cooperatively and conjointly to fulfill the joint purposes of this Memorandum of Understanding, including to the maximum extent possible achieving the greatest possible savings for County and Lower Township taxpayers in the design and redevelopment of the facility into a state of the art public safety center; and
- xi. This Memorandum of Understanding is designed to allow the parties to take the next formal steps in the process of the redevelopment of the Public Safety Building. It may be necessary, from time to time, and the process of redevelopment progresses, to amend this Memorandum of Understanding or execute other documents to achieve the joint purposes of this undertaking. Upon completion of construction, the

parties agree to cooperate on the negotiation of a lease agreement between the parties to govern their respective rights and responsibilities in the use of the conjoint facility, the initial term of which shall be no less than twenty (20) years, corresponding with the anticipated retirement of the debt services necessary for the construction and redevelopment of the facility.

2. Indemnification Provisions.

(a) The parties hereby agree to mutually indemnify, defend and hold one another harmless from any and all claims, demands, liabilities, causes of action, complaints, suits (at law or in equity), damages, penalties, fines, judgments, losses, costs and expenses (including without limitation reasonable attorneys' fees, court costs, consultants' and experts' fees, and the cost of enforcing this agreement) (collectively "claims"), arising in connection with or related to, directly or indirectly, this Memorandum of Decision.

(b) To the extent allowed by law, each shall indemnify and hold the other harmless against any and all claims, demands, suits, and judgments of sums of money to any district for loss of life, injury, or damage to person or property resulting from, or by reason of, any negligent act or omission, operation or work of either party, its agents or employees while engaged upon or in connection with the services required or performed hereunder.

(c) It is the parties' intention that this provision shall be interpreted to be broad in nature, whereby each party agrees to indemnify the other for its own acts unless it is determined that one party alone was solely negligent.

(d) The parties' mutual obligations under this Section shall survive the cancellation or termination of the Memorandum of Understanding.

3. Termination Provision. This Memorandum of Understanding may be amended from time to time as the project moves through its necessary phases from design to construction. This Memorandum of Understanding shall terminate at the conclusion of construction, upon occupancy of the renovated facility by the parties, and upon the execution of a formal lease, in a form negotiated by and accepted to the parties' respective legal counsel and ratified by each party's governing body, which lease shall govern the parties' rights and responsibilities as to the occupancy of the conjoint facility. Such lease is anticipated to have an initial term of not less than twenty (20) years to coincide with the anticipated Debt Service Schedule for the retirement of the bonds issued by the County for the cost of construction, and one (1) renewal term of not less than five (5) years.

4. Notices

All notices to be provided under this Memorandum of Understanding shall be effective when given in writing and mailed by registered or certified mail, return receipt requested, postage prepaid, to the addresses set forth on the first page of this Memorandum of Understanding and to the attention of the respective representatives of the parties as set forth below:

As to the County:

Gerald M. Thornton, Director
Cape May County Board of Chosen Freeholders

with a copy to
Elizabeth Bozzelli, Clerk of the Board

As to Lower:

Jim Ridgway, Manager
Township of Lower

With a copy to:
Julie Picard, Township Clerk

5. Counsel Approval

The parties acknowledge that this Memorandum of Understanding has been approved in form, content and legality, by the respective solicitors for the County and Lower Township.

IN WITNESS WHEREOF, the districts hereto have executed this Memorandum of Understanding the date first above written.

ATTEST:

COUNTY OF CAPE MAY

Elizabeth Bozzelli, Clerk of the Board

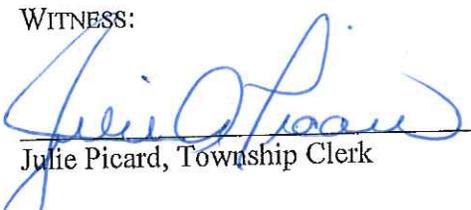
By: _____
Gerald M. Thornton, Freeholder Director

Approved as to Form:

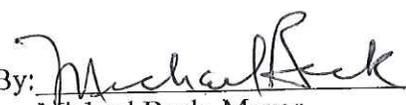
James B. Arsenault, Jr., Esq.,
Acting County Counsel

WITNESS:

TOWNSHIP OF LOWER



Julie Picard, Township Clerk

By: 

Michael Beck, Mayor

Approved as to Form:

David Stefankiewicz, Esq.
Township Solicitor