

Signed Resolutions December 16, 2013

- Res. #2013-313 Payment of Vouchers \$ 713,828.52
- Res. #2013-314 Authorization for 2013 Incentive Award for Insurance Waiver (3 employees \$5,416.67)
- Res. #2013-315 Approval of Change Order #1 Project Proposal Between Hatch Mott MacDonald and the Township of Lower for Engineering Services Related to Remedial Investigation of Underground Storage Tanks Removed in 1994 and 1995 (\$8,650. DPW tank additional sampling & analysis)
- Res. #2013-316 Authorization for Refund of Taxes (6 properties \$6,562.91)
- Res. #2013-317 Award of Contract to Stewart Farrell of the Richard Stockton College of New Jersey (\$8,497.93)
- Res. #2013-318 A Resolution Re-Appointing Michael J Voll as Township Manager (3 yr appointment)
- Res. #2013-319 Approval of Payment for 2013 Safety Committee Secretary (L. Schubert \$500)
- Res. #2013-320 Under 3% Emergency Resolution N.J.S.A. 40A:4-48 (\$200,000 health insurance line)
- Res. #2013-321 Transfer of 2013 Appropriations (\$24,000)
- Res. #2013-322 Authorization to Cancel General Ledger Balances (\$75,743.51 small cities)
- Res. #2013-323 A Resolution Requesting Reduction of Performance Guarantee for Amusement Partnership USA; Block 510; Lots 18 & 8.01; Escrow #Z10-09-03 (14,939.68)
- Res. #2013-324 A Resolution Authorizing the Cancellation of the Force Agreement with the New Jersey Department of Transportation for Clubhouse Road (hiring a contractor for entire project)

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00454 KEVIN LEWIS			Continued					
	13-01063	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		
					225.30			
00480 BURKE CHEVROLET*								
	13-03437	11/20/13	COUNTY TRUCK PARTS	Open	330.45	0.00		
00775 CAPRIONI PORTABLE TOILETS, INC*								
	13-03190	10/31/13	SPECIAL EVENT UNIT HALLOWEEN	Open	139.50	0.00		
	13-03411	11/15/13	PORTABLE TOILET-MILLMAN CENTER	Open	290.63	0.00		
	13-03458	11/22/13	PORTABLE TOILETS	Open	<u>418.00</u>	0.00		
					848.13			
00784 CAPE MAY STAR & WAVE								
	13-03561	12/10/13	LEGAL ADVERTISEMENTS 11-27-13	Open	112.84	0.00		
00820 COMCAST OF WILDWOOD* DPW								
	13-03518	12/05/13	MONTHLY INTERNET/DPW	Open	105.68	0.00		
00825 COMCAST*								
	13-03560	12/10/13	12/15-1/14 TOWNHALL NET/CABLE	Open	131.32	0.00		
01055 ERIC COOMBS								
	12-01302	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B
	13-01082	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		
					300.00			
01110 COLLEEN CRIPPEN								
	13-03548	12/09/13	MEDICAL CLAIMS	Open	45.00	0.00		
01125 MARGARET CROMPTON								
	13-03566	12/10/13	MEDICAL CLAIMS	Open	15.00	0.00		
01139 CORELOGIC								
	13-03551	12/09/13	RES#2013-316 REFUND TAX 2013	Open	1,263.86	0.00		
01170 VERIZON WIRELESS* F/S								
	13-03564	12/10/13	10/27/13-11/26/13 CELL FIRE	Open	67.43	0.00		
01171 VERIZON WIRELESS - TOWNHALL								
	13-03555	12/10/13	CELL SERVICE 11/24/13-12/23/13	Open	565.79	0.00		
	13-03556	12/10/13	I PHONE BILL NOV 29-DEC 28	Open	<u>916.45</u>	0.00		
					1,482.24			
01196 H A DEHART & SON*								
	13-03423	11/18/13	HYDRAULIC CYLINDER R-5	Open	1,864.00	0.00		
01200 DELTA DENTAL PLAN OF NJ								
	13-03534	12/05/13	DEC 2013 DENTAL	Open	18,269.00	0.00		
01201 DELL CORPORATION*								
	13-02519	08/21/13	DELL WORKSTATION M4700 CURVAN	Open	2,520.01	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01219	CONTRACTOR SERVICE*	13-03207	11/04/13	SAW BLADES	Open	456.75	0.00		
01246	ROCCO SANSONE	13-03598	12/11/13	SOCCER OFFICIAL- PEE WEE DIV.	Open	150.00	0.00		
01260	DISPLAY SALES*	13-03429	11/20/13	HOLIDAY LIGHTS AND SUPPLIES	Open	373.10	0.00		
01490	ROBERT FESSLER	12-01304	05/16/12	2012 EQUIP. ALLOWANCE	Open	118.10	0.00		B
		13-01085	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>47.06</u>	0.00		
						165.16			
01502	PAMELA FELDER	13-03567	12/10/13	MEDICAL CLAIMS	Open	300.13	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*	13-03428	11/20/13	REPLACE BULBS / BENNETTS	Open	450.00	0.00		
01530	FIRE DISTRICT #1	13-00884	04/01/13	2013 FIRE DISTRICT TAXES DUE	Open	157,543.12	0.00		
01540	FIRE DISTRICT #2	13-00885	04/01/13	2013 FIRE DISTRICT TAXES DUE	Open	89,823.80	0.00		
01550	FIRE DISTRICT #3	13-00474	02/19/13	2013 TAX PAYMENTS	Open	222,657.81	0.00		
01575	DAVID FISHER	12-01295	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B
		13-01086	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		
						300.00			
01577	MIKE FLINN**	13-03528	12/05/13	JUDO 24 PARTICIPANTS	Open	960.00	0.00		
01603	GENERAL CODE PUBLISHERS*	13-03521	12/05/13	eCode 360 MAINT FEE	Open	1,195.00	0.00		
01660	GENERAL SPRING SERVICE*	13-03413	11/15/13	RECYCLING PARTS	Open	3,124.00	0.00		
01690	GRANTURK EQUIPMENT CO*	13-02886	10/07/13	MONTHLY/NOV	Open	1,131.15	0.00		
01703	HARBOR SALES COMPANY*	13-03193	10/31/13	VINYL SIGN MATERIAL FOR PD	Open	371.69	0.00		
01713	PATRICK GREENE	12-01296	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01713 PATRICK GREENE			Continued					
	13-01069	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>150.00</u>	0.00		
					300.00			
01750 RYAN HANSBERRY								
	12-01297	05/16/12	2012 EQUIP. ALLOWANCE	Open	32.51	0.00		B
01781 HATCH MOTT MACDONALD, LLC*								
	13-02313	08/08/13	TAX MAP REVISIONS RES 2013-216	Open	696.00	0.00		B
	13-03538	12/06/13	ESCROW #IV00179965	Open	<u>276.00</u>	0.00		
					972.00			
01806 ANTHONY J HARVATT, II, ESQ								
	13-00973	04/08/13	BOARD SOLICITOR SALARY	Open	550.00	0.00		
	13-03539	12/06/13	RESOLUTIONS 11/7/2013 HEARINGS	Open	<u>300.00</u>	0.00		
					850.00			
01859 HESS CORPORATION								
	13-03569	12/10/13	11/01/13-12/01/13 ELECTRIC	Open	5,171.61	0.00		
	13-03570	12/10/13	11/04/13-12/04/13 ELECTRIC	Open	<u>112.63</u>	0.00		
					5,284.24			
02013 NICKOLAUS CONSTRUCTION CO*								
	13-03127	10/28/13	HOCKEY RINK REPAIRS	Open	4,300.00	0.00		
02100 CLAUDIA KAMMER								
	13-03550	12/09/13	MEDICAL CLAIMS	Open	791.35	0.00		
02108 KEEN COMPRESSED GAS CO*								
	13-03130	10/28/13	BOTTLED GAS/DPW	Open	421.20	0.00		
02175 BRUCE KLAUSING								
	13-03533	12/05/13	MEDICAL CLAIM	Open	16.00	0.00		
02247 LAWSON PRODUCTS, INC.*								
	13-03436	11/20/13	BOLTS/DPW GARAGE	Open	109.00	0.00		
02248 LAWMEN SUPPLY*								
	12-02904	11/02/12	FIREARM EQUIPMENT	Open	365.00	0.00		
	13-03131	10/28/13	BALLISTIC VESTS	Open	2,235.00	0.00		
	13-03432	11/20/13	BAL DUE WHITTINGTON VEST	Open	<u>360.00</u>	0.00		
					2,960.00			
02441 ERNEST MACOMBER								
	12-01292	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B
	13-01064	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>82.71</u>	0.00		B
					232.71			
02541 ROBERT D. MARTIN, JR								
	13-03510	11/27/13	MEDICAL CLAIMS	Open	328.37	0.00		
02655 WILLIAM MCPHERSON								
	12-01281	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02655	WILLIAM MCPHERSON			Continued					
		13-01059	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>64.00</u>	0.00		B
						214.00			
02661	KENNETH J. MCGURK								
		12-01294	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B
		13-01067	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>13.16</u>	0.00		B
						163.16			
03052	NATIONAL FIRE PROTECTION ASSN*								
		13-03364	11/12/13	ANNUAL MEMBERSHIP #163539	Open	165.00	0.00		
03202	OMNIS NETWORK*								
		13-03571	12/10/13	DOMAIN HOSTING	Open	83.40	0.00		
03279	PARDO'S TRUCK PARTS WHSE*								
		13-03210	11/07/13	PARTS FOR VEHICLES/DPW	Open	1,230.15	0.00		
03280	PARAMOUNT SANITARY SUPPLY*								
		13-03409	11/15/13	TRASH BAGS FOR RECREATION	Open	380.94	0.00		
03285	PARA PLUS TRANSLATIONS, INC.*								
		13-03424	11/18/13	INTERPRETER	Open	197.80	0.00		
03305	PEDRONI FUEL*								
		13-03588	12/10/13	NO LEAD GAS	Open	393.58	0.00		
03347	DAVID PERRY								
		13-03508	11/27/13	MEDICAL CLAIMS	Open	132.00	0.00		
		13-03509	11/27/13	MEDICAL CLAIMS-V	Open	<u>241.00</u>	0.00		
						373.00			
03366	AMERI-GAS*								
		13-03587	12/10/13	PROPANE FOR BENNETTS CROSSING	Open	1,226.28	0.00		
03387	POGUE INC. *								
		13-03452	11/22/13	PRE EMPLOYMENT SUBSTANCE TEST	Open	1,064.00	0.00		
03466	R & R SPECIALTIES								
		13-03377	11/13/13	DESK WEDGE COUNCILMAN SIMONSEN	Open	28.00	0.00		
03484	LAUREN M. READ								
		13-03522	12/05/13	AFLAC BENEFIT CLAIM	Open	799.82	0.00		
03518	RIGGINS, INC.*								
		13-03517	12/05/13	OFF HIGHWAY DIESEL	Open	1,579.15	0.00		
03611	SERVICE TIRE TRUCK CENTERS*								
		13-02889	10/07/13	TIRES/RDS/SANT/RECY/DPW/DEC	Open	2,484.46	0.00		
03652	FRANK SIPPLE								
		13-03599	12/11/13	SOCCER OFFICIAL - MIDGET DIV.	Open	75.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03688 SOUTHERN NJ CHAPTER NIGP*	13-03607	12/11/13	MVITELLI 12/11 SJNIGP	Open	40.00	0.00		
03692 SOUTH JERSEY GAS CO*	13-03568	12/10/13	NOVEMBER GAS MILLMAN CENTER	Open	205.02	0.00		
03720 SOUTH SHORE BASKETBALL LEAGUE	13-03594	12/10/13	TRAVEL BASKETBALL LEAGUE FEES	Open	300.00	0.00		
03723 STAPLES, INC.*	13-02946	10/15/13	OFFICE SUPPLIES-TREASURERS OFF	Open	409.92	0.00		
	13-03146	10/28/13	OFFICE SUPPLIES	Open	244.94	0.00		
	13-03199	11/01/13	OFFICE SUPPLIES-CLERK'S OFFICE	Open	64.96	0.00		
					<u>719.82</u>			
03733 JAMES D. STRICKLAND	13-03531	12/05/13	MEDICARE SUPPLEMENT	Open	2,084.70	0.00		
03775 LISA A. SCHUBERT	13-03549	12/09/13	MEDICAL CLAIMS-V	Open	110.00	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	13-02649	09/09/13	REIMBURSE/ONE CALL MESSAGE/JUL	Open	210.64	0.00		
	13-02725	09/18/13	REIMBURSEMENT HALF BILL-AUGUST	Open	200.05	0.00		
	13-03592	12/10/13	ONE CALL REIMBURSE SEP/OCT/NOV	Open	487.86	0.00		
					<u>898.55</u>			
03902 DONALD VANAMAN JR	12-01288	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		B
	13-03565	12/10/13	MEDICAL CLAIMS	Open	153.00	0.00		
					<u>303.00</u>			
03935 STAPLES BUSINESS ADVANTAGE*	13-02792	09/26/13	OFFICE SUPPLIES	Open	67.74	0.00		
03971 VERIZON WIRELESS MDT POLICE	13-03606	12/11/13	VERIZON WIRELESS - MDTs	Open	553.89	0.00		
03985 VILLAS NAPA AUTO PARTS	13-02891	10/07/13	MONTHY/NOV	Open	426.60	0.00		
03992 VAL-U AUTO PARTS LLC*	13-02890	10/07/13	RDS/SANT/RECY/NOV	Open	894.72	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	13-03418	11/15/13	MAIL MACHINE NOVEMBER 2013	Open	451.00	0.00		
04126 NICK OLEXA	13-03585	12/10/13	SOCCER OFFICIAL - MIDGET DIV.	Open	220.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	13-03559	12/10/13	STATE DOG LICENSE FEES-NOVEMBE	Open	24.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04300	W B MASON CO INC*							
	13-03189	10/31/13	SUPPLIES	Open	121.74	0.00		
	13-03380	11/13/13	OFFICE SUPPLIES	Open	315.89	0.00		
	13-03420	11/18/13	OFFICE SUPPLIES	Open	<u>42.99</u>	0.00		
					480.62			
04301	SEASHORE ASPHALT CORPORATION*							
	13-02693	09/12/13	PER ASPHALT CONTRACT	Open	1,290.65	0.00		
04320	PREMIER OFFICE SUPPLY*							
	13-03414	11/15/13	OFFICE SUPPLIES	Open	85.10	0.00		
04514	WILLIAM BLANEY*							
	13-00441	02/13/13	DNE \$33k RES 2013-98 CONTRACTS	Open	3,037.50	0.00		B
05064	CAPE ISLAND GRAPHICS*							
	13-02583	08/28/13	PANELS FOR BENNETTES SIGN	Open	392.00	0.00		
05081	SYSTEMS AND NETWORK ENGINEERS*							
	13-02667	09/11/13	COMPUTER TECH	Open	300.00	0.00		B
06019	AFFORDABLE FIRE PROTECTION INC							
	13-03224	11/07/13	2013 SPRINKLER INS 10/13-11/14	Open	375.00	0.00		
06020	JOSEPH PORRETTA BUILDERS*							
	13-00753	03/14/13	MILLMAN CENTER RENO #2013-65	Open	5,318.20	0.00		
06029	CELLULAR ADVANTAGE*							
	13-03516	12/04/13	LEPOR/BECK CASE	Open	159.97	0.00		
5054	KEVIN BOYLE JR							
	12-01315	05/17/12	2012 EQUIP. ALLOWANCE	Open	137.50	0.00		B
5055	MATTHEW GAMBLE							
	12-01314	05/17/12	2012 EQUIP. ALLOWANCE	Open	72.55	0.00		B
	13-01068	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>98.59</u>	0.00		B
					171.14			
6012	RICHARD STOCKTON COLLEGE NJ*							
	13-03217	11/07/13	FEMA	Open	406.92	0.00		
6061	AMERIHEALTH ADMINISTRATORS							
	13-03535	12/05/13	11/29/13 HEALTH/ RX	Open	46,567.29	0.00		
	13-03597	12/11/13	NOV 09 HEALTH INS & RX	Open	<u>65,349.10</u>	0.00		
					111,916.39			
6088	CRAFT OIL CORPORATION*							
	13-03151	10/30/13	BULK HYDRAULIC OIL	Open	1,165.32	0.00		
7064	RELIABLE FIRE PROTECTION INC*							
	13-03198	11/01/13	FIRE EXTINGUISHER	Open	236.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7076	UPPER TOWNSHIP FOOTBALL ASSOC*	13-03422	11/18/13	FOOTBALL LEAGUE REF FEE	Open	110.00	0.00		
7077	COMMUNICATIONS CONSTRUCTION*	13-03441	11/20/13	RETURN OF UNUSED ESCROW	Open	469.37	0.00		
7079	SUBURBAN PROPANE L P*	13-03446	11/20/13	FUEL-SHUNPIKE EMERG GENERATOR	Open	128.37	0.00		
7084	KEITH HICKMAN	13-03543	12/09/13	SOCCER OFFICIAL PAYMENT	Open	90.00	0.00		
7085	WILLIAM C FISHMAN	13-03540	12/09/13	SOCCER OFFICIAL	Open	115.00	0.00		
7086	FRED BOCK	13-03541	12/09/13	SOCCER OFFICIAL	Open	50.00	0.00		
7087	PATRICIA RONAGHAN	13-03544	12/09/13	RES#2013-316 REFUND 2013 TAX	Open	831.10	0.00		
7088	DOUGLAS HAINES	13-03546	12/09/13	RES#2013-316 REFUND 2013 4TH	Open	811.62	0.00		
7089	ALOYSIUS REAGAN	13-03552	12/09/13	RES#2013-316 REFUND TAX 2013	Open	1,827.76	0.00		
7090	RICHARD & MALINDA WRIGHT	13-03553	12/09/13	RES#2013-316 REFUND TAX 2013	Open	491.14	0.00		
7091	STEVE SELBY	13-03586	12/10/13	SOCCER OFFICIAL- MIDGET DIV.	Open	100.00	0.00		
AMUSE	AMUSEMENT PARTNERSHIP USA	13-03605	12/11/13	PERFORMANCE GUARANTEE REDUCTIO	Open	14,939.68	0.00		
BLAUE	BLAUER ASSOCIATES INC*	13-00857	03/26/13	DCA#13-00122-00 ADA REC/FISHIN	Open	950.00	0.00		B
BOSNA	KAREN MANETTE BOSNA	13-03532	12/05/13	YOGA INSTRUCTOR 26 PART NOV	Open	130.00	0.00		
BRITB	BRUCE BRITTON	13-03600	12/11/13	SOCCER OFFICIAL- JV DIV	Open	240.00	0.00		
BRITTON	JOSH BRITTON	13-03601	12/11/13	SOCCER OFFICIAL	Open	50.00	0.00		
SCARPA	MARK SCARPA	13-03542	12/09/13	SOCCER OFFICIAL	Open	90.00	0.00		
WELLSF	WELLS FARGO REAL ESTATE TAX	13-03545	12/09/13	RES#2013-316 REFUND 2013 TAX	Open	1,337.43	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
Total Purchase Orders:		153	Total P.O. Line Items:	290	Total List Amount:	703,580.86	Total Void Amount:	0.00

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>CK</u>	<u>Amount</u>
CHARLES W SANDMAN	13-00268	DEC MONTHLY	51683	\$4166.66
CHARLES W SANDMAN	13-00269	NOV EXPENSES	51683	\$2535.00
STATE OF NJ-TREASUR	13-03554	STORMWATER REVIEW	51684	\$3000.00

Total Manual Checks \$ 9,701.66
Total Computer Generated \$ 703,580.86

Total Bill List \$ 713,282.52

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on December 16, 2013.


Julie Picard, Township Clerk

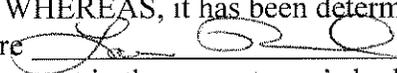
	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
NEVILLE		X	X			
SIMONSEN			X			
CLARK			X			
BECK			X			

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2013-314**

**Title: AUTHORIZATION FOR 2013 INCENTIVE AWARD FOR INSURANCE
WAIVER**

WHEREAS, the employees listed below have waived health insurance and are due an incentive amount per Superior Officers Union and PBA Union Contract, Article 12, Section F, AFSCME Union Contract, Article VII, Section F, Teamsters Contract, Article 9, Section F and Supervisors Contract, Article VI, Section F, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to the following employees:

Name	Months of Waiver	Amount
Greene, Patrick	1	416.67
Barger, George	6	2500.00
Lepor, David	6	2500.00

in the amount of \$5,416.67 is authorized and chargeable to the 2013 Budget account 3-01-23-220-412.

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 16, 2013.


Julie A. Picard, Township Clerk

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

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

RESOLUTION # 2013-315

TITLE: APPROVAL OF CHANGE ORDER #1 PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO REMEDIAL INVESTIGATION OF UNDERGROUND STORAGE TANKS REMOVED IN 1994 AND 1995

WHEREAS, Hatch Mott MacDonald was originally awarded a contract via Resolution #2012-134 in the amount of \$18,500 on May 21, 2012 FOR Engineering Services related to Remedial Investigation of Underground Storage Tanks Removed in 1994 and 1995; and

WHEREAS, Change Order #1 requires additional Groundwater Sampling and Analysis per the attached proposal to be conducted at Lower Township's Public Works Department which will result in an increase of \$8,650.; and the total contract will now be \$27,150; and

WHEREAS, as per N.J.A.C. 5:30-11.9 Procedures for Change Orders which exceed 20% limitation, notice will be sent to the Department of Community Affairs and published in the newspaper; and the CFO has determined sufficient funds are available in the budget as follows:

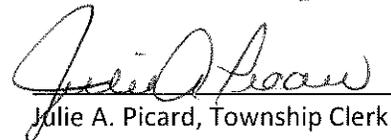
Appropriation #: Ordinance #11-14 C-04-55-400-901

CFO Signature:



NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Change Order #1 for Hatch Mott MacDonald is hereby approved to increase the contract total to \$27,150.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on December 16, 2013.



Julie A. Picard, Township Clerk

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

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798
(609) 886-2005

MEMORANDUM

TO: Julie Picard
Township Clerk

FROM: George A. Curvan, P.E. *GA*
Township Engineer

DATE: December 2, 2013

RE: Additional Ground Water Sampling
Underground Storage Tank Remediation
DPW & Former Police Building

The Underground Storage Tanks (USTs) removed from the Public Works Department and Former Police Building showed evidence of discharge of petroleum product. The evidence of discharge was noted during the USTs removals and was reported to NJDEP. Hatch Mott MacDonald (HMM) was retained to address required NJDEP remedial activities.

Two (2) Monitoring Wells were installed at the Public Works Department and one (1) Monitoring Well was installed at the former Police Department Building. The Monitoring Well at the former Police Department Site was sampled twice the groundwater does not exceed NJDEP Groundwater Quality Standards (GWQS).

The two (2) Monitoring Wells were installed at the Public Works Department to check groundwater quality at the location of the former 275-gallon waste oil tank (MW-2) and at the location of the former 2000-gallon diesel fuel tank (MW-1). Laboratory analytical results indicated the MW-2 at the former waste oil tank location did not exceed NJDEP GWQS.

However, groundwater samples collected at the location of the former 2000-gallon diesel fuel tank has shown the presence of Tetrachloroethene, otherwise known as Perchloroethylene (PCE). PCE concentrations present in the groundwater were slightly above the groundwater quality standard.

Due to the low concentration of PCE, HMM recommends using passive diffusion method of sampling before pursuing other options to address this contamination. This method of sampling is recommended because other sampling methods disturb the water column in the well giving rise to turbidity and increased contaminant concentrations when analyzed in the lab. Passive Diffusion groundwater sampling provides a more precise measurement of dissolved contaminant concentration.

HMM will utilize the passive diffusion method of sampling to collect a groundwater sample from

MW-1 at the Department of Public Works. The groundwater sample will be analyzed for PCE. If no ground water contamination is detected above the GWQS, a second sample will be collected 14 days later to confirm the initial results. If groundwater contamination is detected above the GWQS the level of effort would increase by conducting further investigation of the source and extent of contamination. This is beyond the scope of enclosed proposal.

HMM will prepare the Response Action Outcome and Remedial Action Report documents for the former diesel UST and oil tank area if the laboratory results do not exceed the NJDEP GWQS. If groundwater contamination is not present, all monitoring wells shall be sealed by a NJDEP licensed well driller. The cost for abandonment of the monitoring wells is not included in the scope of HMM's proposal.

I am recommending Council authorize HMM to conduct Task No. 1 and Alternate Task No. 2 in the amount of \$8,650.

Encl (1)



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

October 15, 2013

Via Email at gcurvan@townshipoflower.org & 1st Class Mail

Mr. George A. Curvan, Township Engineer
Township of Lower
2600 Bayshore Road
Villas, New Jersey 08251

**RE: Proposal for Additional Ground Water Sampling
Lower Township Public Works Department**

Dear Mr. Curvan:

Hatch Mott MacDonald (HMM) is pleased to provide Lower Township (Township) with the following proposal to conduct additional groundwater sampling at the Township's Public Works Department.

Situation

The Township removed underground storage tanks (USTs) from the Township's Public Works Department and Former Police Department sites in 1994 and 1995. Discharges of petroleum product were noted during the UST removals that were reported to the NJDEP. The Township retained HMM's services as a Licensed Site Remediation Professional to oversee remedial activities at the two sites which consisted of the collection and analysis of soil samples collected from soil borings installed in the former UST locations and the installation and sampling of temporary ground water monitoring wells. The soil and initial ground water investigations were completed in January 2013. The results of the investigation showed the presence of contamination in the ground water samples collected from the temporary wells at both of the Township sites. Soil samples were found to have no exceedances over applicable NJDEP standards.

HMM recommended the installation of three monitoring wells; two at the Department of Public Works and one at the former Police Department. The well at the Police Department has been sampled twice and the groundwater does not exceed NJDEP Ground Water Quality Standards (GWQS).

At the Department of Public Works, one monitoring well was installed to check the quality of the groundwater at the location of the former 275 gallon waste oil tank (UST004) and one well was installed at the former location of a 2000 diesel fuel tank (UST002). Laboratory analytical results indicate that the well at the former waste oil tank location did not exceed groundwater quality standards.



Monitoring well MW-1 located at the former 2000 gallon diesel fuel tank location has shown the presence of Tetrachloroethene otherwise known as Perchloroethylene (PCE). This compound is present in the ground water at concentrations slightly above the groundwater quality standard. This compound is not found in typical petroleum fuel products such as diesel fuel and therefore must be from another source and must be investigated.

Since MW-1 at the Department of Public Works continues to show low level contamination, we recommend using the passive diffusion method of sampling before pursuing other options for addressing this contamination. This is recommended due to the fact that other sampling methods disturb the water column in the well which give rise to turbidity and increased contaminant concentrations when analyzed in the lab. The passive diffusion groundwater sampling method is allowed by NJDEP and many times serves to provide a more precise measurement of dissolved contaminant concentration.

Hatch Mott MacDonald proposes the following scope of services:

Task 1 - Groundwater Sampling and Analysis

HMM will collect a groundwater sample from MW-1 at the Department of Public Works in the vicinity of the former 2,000 gallon diesel tank. The passive diffusion method of sampling the groundwater will be used to collect the groundwater sample. The groundwater sample collected from MW-1 will be analyzed for PCE. In addition a trip and field blank will be collected for laboratory QA/QC purposes in accordance with N.J.A.C. 7:26E-2.1.

The laboratory will provide an "Analytical Data Report" which conforms to the "Reduced Laboratory Deliverables Format" consistent with N.J.A.C. 7:26E. The laboratory will also provide an electronic data deliverable for the sample results in accordance with N.J.A.C. 7:26E-3.13(c) 3v.

If no ground water contamination is detected in the monitoring well above the GWQS, the monitoring well will be sampled a second time following a 14 day period to confirm the initial analytical results. If no contamination is detected in the second sampling round, the case could be closed out. Should contamination continue to be detected in the monitoring well the level of effort would increase by conducting further investigation of the source and extent of contamination.

Alternate Task No. 2 - Potable Well Sampling

Since some groundwater contamination has been detected at the site, HMM recommends collecting a sample from the onsite potable well at the Department of Public Works. Previous sampling of the on-site potable well conducted by the Township did not include analyses for PCE, the main contaminant of concern at the site.



A sample from the potable well will be collected prior to any installed treatment system, if possible. The sample, at minimum, should be analyzed for volatile organic compounds. We recommend the laboratory analyses also included metals.

The laboratory will provide an "Analytical Data Report" which conforms to the "Reduced Laboratory Deliverables Format" consistent with N.J.A.C. 7:26E. The laboratory will also provide an electronic data deliverable for the sample results in accordance with N.J.A.C. 7:26E-3.13(c) 3v.

Cost Proposal

HMM's estimated cost to conduct the work scope above (Task 1 & Alternate Task 2) is **\$8,650**. This cost includes two sampling events of monitoring well MW-1 using the passive diffusion sampling method. This cost also includes the one time sampling of the on-site potable well and laboratory analysis of the sample for volatiles and metals. A cost breakdown follows:

Passive Diffusion Bag Sampling (two events)	\$8,000
Potable well sampling and analyses for volatile organic compounds	\$ 275
Additional potable well laboratory analysis for metals	<u>\$ 375</u>
Estimated Project Total	\$8,650

Should the Township desire to complete Alternate Task No. 2 (Potable Well Sampling) utilizing other sources, the cost proposal to complete Task 1 would be \$8,000.

The preparation and submission of Response Action Outcome and Remedial Action Report documents will be completed for the former diesel UST along with the waste oil tank area if the laboratory results for the groundwater sampling events do not exceed the NJDEP GWQS. If ground water contamination is not present, all the monitoring wells may be properly sealed by a NJDEP licensed well driller. HMM has not included any costs for the abandonment of the monitoring wells in the scope of this proposal.

Terms and Conditions

Contract: All work shall be performed in accordance with our Agreement for Professional Engineering and Planning Services dated January 4, 2012 and the following additional terms and conditions.

Invoicing: You will receive a monthly invoice for the project. The monthly invoice will be for work completed and will be billed on a percent complete basis.

All work proposed herein has been based on the applicable regulations as they exist as of the submission date of this Proposal. These regulations include but may not be limited to:



- Underground Storage Tank Regulations NJAC 7:14B
- Administrative Requirements for Remediation of Contaminated Sites NJAC 7:26C
- Remediation Standards NJAC 7:26D
- Technical Requirements for Site Remediation NJAC 7:26E

The following additional terms are made applicable to any environmental project on which the Consultant has been retained to perform the services of a Licensed Site Remediation Professional (“LSRP”):

- a. The Client acknowledges that the Consultant must report an Immediate Environmental Concern [as defined in the Site Remediation Reform Act, C.58:10C-2] within the regulatory and mandatory time periods set forth in NJAC 7:26C, subchapter 3.
- b. The Consultant must also report any discharge of a toxic substance, if such discharge has not been previously reported.
- c. Should any time deadline set forth in NJAC 7:26C not be met due to the acts or inaction of the Client, the Consultant shall not be liable for any additional costs, permit fees, fines, penalties or other costs that are assessed or incurred as a result of the failure to timely meet such deadline.
- d. The Consultant may issue a Remedial Action Outcome (“RAO”) based upon its judgment that the remediation of the site in question has been completed and the public health, safety and environment are protected. However, the Client acknowledges and understands that the New Jersey Department of Environmental Protection (“NJDEP”) can audit an RAO within three (3) years after its submission, and can rescind that RAO at its discretion. The Client agrees that it will be responsible for payment of any additional costs to be incurred by the Consultant, as well as its additional professional fees to be generated, as a result of such audit.
- e. The Client agrees that the Client shall indemnify and defend Hatch Mott MacDonald and the LSRP for any claim, loss, damage (including reasonable attorney’s fees), and liability should the Client fail to:
 - Perform their affirmative obligation to remediate;
 - Adequately fund the remediation;
 - Review documents or take action in a timely manner;
 - Disclose relevant information; and/or
 - Follow the LSRP’s recommendations
- f. If contracting for LSRP professional services, the Client recognizes that the LSRP must fulfill a dual role, serving as the Client’s consultant while required to meet the responsibilities identified in the NJ Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq.) including a priority of



protection of public health, safety, and the environment. Because the LSRP is frequently acting without NJDEP oversight, and is responsible for decisions and opinions consistent with the NJDEP Site Remediation Program requirements including statute, regulation, and guidance, he may require additional follow-up to support decisions, judgments, and opinions based on conditions observed during the course of services.

- g. The Client understands, acknowledges, and agrees that in the event that the LSRP's obligations under the LSRP Program conflict with the wishes or intentions of the Client, the LSRP is bound by law to comply with the requirements of the LSRP Program.
- h. The Client acknowledges that a RAO is subject to a three (3) year period, during which time the NJDEP may inspect, audit, modify or rescind the RAO if the remediation is not deemed not to be protective of human health, safety and the environment. In the event of an inspection, review or audit by the NJDEP, Hatch Mott MacDonald and the LSRP are not responsible for additional requirements imposed by NJDEP during an inspection, review or audit. Furthermore, any additional requirements imposed by the NJDEP after the issuances of the RAO shall be considered as outside the approved scope of work under this Contract.
- i. The Client acknowledges that while the work performed by Hatch Mott MacDonald and the LSRP shall be performed in accordance with the LSRP Program and professional industry standards, Hatch Mott MacDonald and the LSRP do not guarantee the long-term effectiveness of the remedial work.
 - Remedy failure can be caused by many factors and no claim of liability, loss, or damage shall be brought against Hatch Mott MacDonald and the LSRP by the Client and /or Person Responsible for Conducting the Remediation (PRCR); and
 - The issuance of an RAO by the LSRP is not a guarantee or warranty that the site is free of contamination, that the remediation complies with all legal requirements, or that the RAO will be accepted by NJDEP.
- j. Where prior remedial work has been performed or Hatch Mott MacDonald and the LSRP are retained by a Client to be the LSRP of Record, it may be necessary for the LSRP to conduct reviews of work previously conducted and planned for any such remediation to provide for the necessary reliance as required by the LSRP Program. The LSRP must have the ability to make judgments regarding the adequacy of work, based on compliance with applicable statute, regulations, and guidance. If such judgments are not supported by the Client or their employees, representatives, PRCR, legal counsel, consultants, and contractors, the LSRP will notify the Client of such difference, and after reasonable discussion, and at any time the LSRP retains the right to submit a notice of termination of LSRP of Record status to the NJDEP.



- k. The LSRP has an obligation to submit documents to the NJDEP that verify the remediation process in accordance with applicable NJDEP regulations and guidance in effect at the time the document was submitted and provide evidence that the remedy was protective of human health and the environment.
- At the expiration of the standard document retention period, Hatch Mott MacDonald and the LSRP may require the project documents to be archived. The Client may be responsible for payment of the archival costs and the years 4 to 13 shall be paid prior to issuance of the RAO.
 - Confidential documents, e.g. those prepared by counsel or by the LSRP under attorney-client work product privilege, may be excluded from the submission and/or record retention requirements provided they have been characterized as such by the Client or the PRCR.
- l. A completed Remedial Investigation Report is due to be submitted to the NJDEP by May 7, 2014. HMM cannot promise or guarantee that this deadline will be met since the extent of soil and/or groundwater contamination may not be fully delineated with the scope of work proposed above.

It is hoped that the above discussion and proposal adequately addresses the concerns and requirements of Lower Township. Should you have any questions concerning the above information, please do not hesitate to contact me at your convenience.

Sincerely,

Hatch Mott MacDonald, LLC

Daniel R. Toder, PG, LSRP
Vice President
T 732.333.3282 F 732.577.0551
daniel.toder@hatchmott.com

Mark R. Sray, PE, CME
Senior Associate
T 609.465.9377 F 609.465.5270
mark.sray@hatchmott.com

cc: Michael J. Voll, Township Manager
Gary Douglass, CPWM, Public Works Superintendent
Eric C. Betz, PE, BCEE, CME, Vice President, HMM

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

RESOLUTION #2013-316

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>
302	11	Corelogic	disabled veteran	1,263.86
349.08	7	Richard & Malinda Wright	paid twice	491.14
431	3	Patricia Ronaghan	disabled veteran	831.10
431	3	Wells Fargo	disabled veteran	1,337.43
504	3	Aloysius Reagan	disabled veteran	1,827.76
552	13	Douglas Haines	paid twice	811.62

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on December 16, 2013.


Julie Picard, Township Clerk

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

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

RESOLUTION #2013-317

TITLE: AWARD OF CONTRACT TO STEWART FARRELL OF THE RICHARD STOCKTON COLLEGE OF NEW JERSEY

WHEREAS, 40A:11-6.1(b) allows an award of a contract as an exemption to the Local Public Contract Law per 40A:11-5; and

WHEREAS, Stewart Farrell, Executive Director of the Coastal Research Center at the Richard Stockton College of New Jersey has submitted a proposal to assist the Township of Lower and the Township of Middle with a review and analysis of the Delaware Bay Shoreline;

WHEREAS, Stewart Farrell will provide expert response to oppose the Federal Emergency Management Agency Preliminary Work Maps for Cape May County; and

WHEREAS, the amount of said proposal shall be in accordance with the services set forth on Exhibit A with the total cost for all services not to exceed Sixteen Thousand Nine Hundred and Ninety Five Dollars and eighty six cents (\$16,995.86) of which LOWER TOWNSHIP will be responsible for half and Middle Township will be responsible for half making Lower's responsibility Eight Thousand Four Hundred Ninety Seven Dollars and Ninety Three cents (\$8,497.93) pursuant to the contract between the Township of Lower and Stewart Farrell; and

WHEREAS, the CFO has determined sufficient funds are available in the budget as evidenced by her signature:

Budget Account: Engineering 3-01-20-165-200

CFO's signature: 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the attached proposal is hereby accepted.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on December 16, 2013.


Julie A. Picard, Township Clerk

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

2013-317

The Coastal Research Center

Ph: 609.652.4245

Fax: 609.748.0656



30 Wilson Avenue
Port Republic, NJ 08241
www.stockton.edu/crc

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY

Ms. Connie Mahon, Business Administrator
Township of Middle
33 Mechanic Street
Cape May Court House, NJ 08210

November 20, 2013

Dear Ms. Mahon,

The Coastal Research Center at The Richard Stockton College of NJ is submitting a proposal to assist the Township of Middle and by association the Township of Lower with a thoughtful review and analysis of the Middle and Lower Township Delaware Bay shoreline. The work includes working with the police using their ATV vehicle to identify and survey all shoreline hard structures found plus other issues that might impact where the V-zone ends on the shoreline. The final issue on what we actually do about the results we find is left for the future following the meeting to determine what we do with the data and negotiate with the FEMA RAAMP team on changes to the current Preliminary Maps.

Please review the proposal & contact the Coastal Center regarding acceptance, modifications or changes.

Sincerely yours,

A handwritten signature in cursive script that reads "Stewart Farrell".

Stewart Farrell
Executive Director
Coastal Research Center

RICHARD STOCKTON COLLEGE COASTAL RESEARCH CENTER

MIDDLE TOWNSHIP and LOWER TOWNSHIP 2013
EVALUATE PRELIMINARY FLOOD MAPS

TASK 1	ACQUIRE & EVALUATE FEMA GENERATED TRANSECTS FOR DE BAY	
	Data Evaluation	\$ 5,741.04
	Travel	\$ 40.00
	Equipment Use	\$ 150.00
	TOTAL TASK 1	<u>\$ 5,931.04</u>
TASK 2	SURVEY HARD STRUCTURE ELEVATIONS ALONG DE BAY SHORELINE	
	Data Collection	\$ 6,952.64
	Travel	\$ 240.00
	Equipment Use	\$ 350.00
	Supplies	\$ 150.00
	Boat Use	\$ 280.00
	TOTAL TASK 2	<u>\$ 7,972.64</u>
TASK 3	DATA ANALYSIS	
	Data Analysis	\$ 2,063.57
	Equipment Use	\$ 60.00
	TOTAL TASK 3	<u>\$ 2,123.57</u>
TASK 4	MEETING	
	Meeting	\$ 928.61
	Travel	\$ 40.00
	TOTAL TASK 4	<u>\$ 968.61</u>
	<u>TOTAL COST</u>	<u>\$16,995.86</u>

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

RESOLUTION # 2013-318

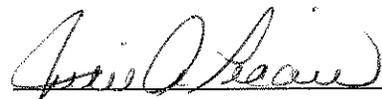
TITLE: **A RESOLUTION RE-APPOINTING MICHAEL J VOLL AS TOWNSHIP MANAGER**

WHEREAS, Michael J Voll was appointed Township Manager by the Township Council on January 2, 2011 in accordance with NJSA 40:69A-93 which established the initial terms and conditions of employment then amended by Resolution #2012-38; and

WHEREAS, Council is in agreement to retain Michael J Voll as Township Manager with the terms and conditions attached hereto and titled Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, Michael J Voll is hereby re-appointed as Township Manager of the Township of Lower and the attached Memorandum of Understanding is hereby approved and ratified.

I hereby certify the foregoing to be the original resolution adopted by the Township Council on December 16, 2013.


Julie A Picard, Township Clerk

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

MEMORANDUM OF UNDERSTANDING BETWEEN
MICHAEL J VOLL
and
TOWNSHIP OF LOWER

TERM: 3 years - Jan 1, 2014 thru Dec 31, 2016

VACATION, PERSONAL, SICK & FUNERAL LEAVE:

Vacation: 25 days

In case of an extended emergency, Council authorizes the Mayor, at his discretion, to re-call the Manager back from vacation. If the manager is called back, he shall be compensated (in comp time) at the rate of 1.5 hours for every hour in lost time.

Personal: 4 days

Sick: 15 days

VEHICLE USE:

The Township agrees to supply the Manager with a vehicle to be used on Township business and when necessary during the course of employment duties for limited personal use.

COMPENSATION:

2014 Annual Salary - \$ 103,000

2015 Annual Salary - \$ 105,060

2016 Annual Salary - \$ 107,161

WORKWEEK:

It is understood that the Manager will dedicate himself to performing his duties as in accordance with NJSA40:69A-95, however, the Manager shall work an average of 40 hours per workweek with time requirements for optimal job performance varying based on specific assignments, emergencies, seasonal demands and other unexpected factors. All parties endorse a policy for flexibility which will allow the manager to adjust normal working hours as conditions require for the duties of his office and to perform special duties, attend meetings and work hours as required in order to properly represent the Township. All other terms and conditions not specifically outlined above are governed by the Supervisors Union Contract and the Lower Township Personnel Manual.

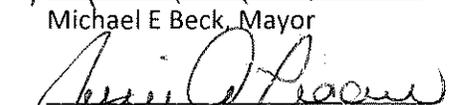
Under the Faulkner Act and the Township Code, the Township Manager serves at the will of Township Council and may be removed with or without cause. In such case, the Faulkner Act shall govern as to the consequences of removal in terms of salary and benefits. This agreement shall not create any contract rights beyond the terms of the Faulkner Act.



Michael J. Voll

Attest:



Michael E Beck, Mayor


Julie A Picard, Township Clerk

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

RESOLUTION #2013-319

TITLE: APPROVAL OF PAYMENT TO 2013 SAFETY COMMITTEE SECRETARY

WHEREAS, the Township of Lower is a member of the Joint Insurance Fund (JIF) which requires all members to have a Safety Committee; and

WHEREAS, the Safety Committee must transcribe and maintain minutes from each scheduled Safety meeting; and

WHEREAS, the township of Lower has appointed Lisa Schubert as the Secretary to the Safety Committee at an amount of \$500.00 per year; and

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

Appropriation #: 3-01-20-170-101

CFO Signature:



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 is directed to pay Lisa Schubert for her services.

I hereby certify the foregoing to be the original resolution adopted by Township Council at a meeting held on December 16, 2013


Julie A Picard, Township Clerk

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

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

RESOLUTION #2013-320

Title: UNDER 3% EMERGENCY RESOLUTION (N.J.S.A. 40A:4-48)

WHEREAS, an emergency has arisen with respect catastrophic losses in our health insurance budget line and no adequate provision was made in the 2013 budget for the aforesaid purpose and N.J.S.A 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

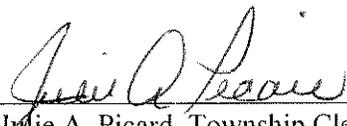
WHEREAS, the total amount of emergency appropriation created including this appropriation to be created by this resolution is \$200,000 and three percent of the total operations in the budget for the year 2013 is \$778,530.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower in the County of Cape May that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for:
Health Insurance
2. That said emergency appropriation shall be provided in full in the 2014 budget.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.

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

I hereby certify the foregoing to be the original resolution adopted by the Township Council on December 16, 2013.


Julie A. Picard, Township Clerk

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

STATEMENT OF NECESSITY FOR EMERGENCY APPROPRIATION

STATEMENT RE: Under 3% Emergency Resolution (N.J.S.A. 40A: 4-48)

Need of Emergency Appropriation:

The Township of Lower went to self-funded health insurance coverage in June 2013. The amount budgeted in the 2013 budget is based on the renewal cost provided by our former provider and includes a 14% increase over the 2012 costs. Catastrophic medical claims have since exceeded the levels that were predicted necessitating an emergency to pay for claims incurred.

Date of Happening: December 2013

Have any contracts been awarded or purchase orders placed in connection with this emergency appropriation? NO

Have any payments been made in connection with this emergency appropriation? NO

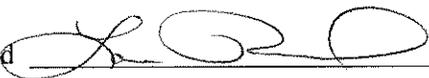
If costs are in excess of \$11,700.00 for either labor or materials, or both, will bids be advertised for?

N/A – Health Insurance

If not, have resolutions been adopted declaring an exigency to exist which will not permit the advertisement for public bids? N/A

Will work be performed by contract, force account or otherwise? N/A

Signed



Title

CFO, Twp. of Lower

Dated: 12/16/13

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

RESOLUTION #2013-321

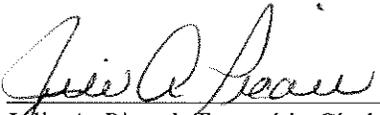
Title: TRANSFER OF 2013 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two months of the current fiscal year when it has been determined that any appropriation is insufficient to pay the claims authorized or incurred during the current year, which are chargeable to said appropriation, and there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers totaling \$24,000 be made between the 2013 budget appropriations:

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
SOLICITOR	S&W	3-01-20-155-100	1,000.00	
ENGINEERING	OE	3-01-20-165-200	9,000.00	
POLICE	S&W	3-01-25-240-100	14,000.00	
HEATING OIL	OE	3-01-31-447-200		24,000.00
			<u>24,000.00</u>	<u>24,000.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 16, 2013


 Julie A. Picard, Township Clerk

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

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

RESOLUTION #2013-322

Title: AUTHORIZATION TO CANCEL GENERAL LEDGER BALANCES

WHEREAS, it has been determined that there are receivable balances in the general ledger that are no longer viable; and

WHEREAS, it has been determined by an internal audit that these balances totaling \$75,743.51 should be cancelled to properly reflect the financial position of the Township; and

WHEREAS, it is necessary to formally authorize cancellation of said balances so that they can be adjusted to show a true reflection of the financial position of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following cancellation is authorized to the corresponding Receivable and Appropriated General Ledger Balances:

<u>FUND</u>	<u>DESCRIPTION</u>	<u>G/L LINE</u>	<u>AMOUNT</u>
F/S GRANT	RESERVE: JIF	3-02-203-40-300-304	669.52
F/S GRANT	RESERVE: SMALL CITIES	3-02-203-40-300-311	75,073.99

I hereby certify the foregoing to be a resolution adopted by the Township Council on December 16, 2013.


 Julie A. Picard, Township Clerk

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

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

RESOLUTION #2013-323

TITLE: A RESOLUTION REQUESTING REDUCTION OF PERFORMANCE GUARANTEE FOR AMUSEMENT PARTNERSHIP USA; BLOCK 510; LOTS 18 & 8.01; ESCROW #Z10-09-03

WHEREAS, Amusement Partnership USA posted a reduced Performance Guarantee with the Township of Lower in the amount of \$54,733.68 for the project referenced above; and

WHEREAS, the Township Engineer has recommended that improvements having a total value of \$31,197.60 have been properly installed and are presently acceptable; and

WHEREAS, the Township Engineer has recommended that the Performance Bond be reduced leaving a balance of \$39,794.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the reduced Performance Guarantee of \$54,733.68 be and hereby is reduced leaving a remaining balance of \$39,794.00; and

BE IT FURTHER RESOLVED that the Township Treasurer be granted permission to issue a check in the amount of \$14,939.68 in payment of the reduced Performance Guarantee.

I hereby certify the foregoing to be the original adopted by the Township Council at a meeting held on December 16, 2013.


Julie A Picard, Township Clerk

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

MEMORANDUM

TO: Township Council

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

DATE: December 10, 2013

RE: Amusement Partnership USA
705 Route 9
Block 510, Lot 18 & 8.01
Resolution #2013-323

The Land Development Ordinance of the Township of Lower, Chapter XVI, Subsection 400-81E, requires that "The governing body shall by resolution, release or declare in default each Performance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution #2013-323 is required to reduce the Performance Guarantee held in trust by the Township of Lower for Amusement Partnership USA.

The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer. The Township Engineer recommends the reduction of the retained \$54,733.68.

The inspection and construction costs of the bonded improvements have been paid for by the developer. All mandated improvements must be completed for the project's final approval.

Improvements having a total value of \$31,197.60 have been completed. Therefore, the Township Engineer recommends the reduction of the Performance Guarantee.

Township of Lower policy requires that a Maintenance Guarantee shall be posted upon complete release of a Performance Guarantee.

cc: financial file

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

RESOLUTION #2013-324

TITLE: A RESOLUTION AUTHORIZING THE CANCELLATION OF THE FORCE AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR CLUBHOUSE ROAD

WHEREAS, The Township of Lower entered into a FORCE AGREEMENT with the New Jersey Department of Transportation Bureau of Local Aide for the Clubhouse Road project on September 16, 2013; and

WHEREAS, The Township of Lower has determined that it would be in the best interest of the Township to have a contractor complete the entire project; and

WHEREAS, the State of New Jersey Department of Transportation requires a Resolution from the governing body to cancel the Force Agreement.

NOW THEREFORE, BE IT RESOLVED by the governing body of the Township of Lower that the FORCE AGREEMENT entered into on behalf of the Township Of Lower is hereby cancelled and void.

BE IT FURTHER RESOLVED that the Engineer be instructed to forward a certified copy of this Resolution to the NJDOT .

I hereby certify this to be the original Resolution adopted by the Township Council on December 16, 2013.


Julie A Picard, Township Clerk

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

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey



Incorporated 1798
(609) 886-2005

September 20, 2013

Mr. Art San Jose, Jr.
Principal Engineer
New Jersey Department of Transportation
District 4 – Local Aid
One Executive Campus, 3rd Floor
Route 70 West
Cherry Hill, New Jersey 08002

**RE: FY 2013 NJDOT Municipal Aid Road Program
Clubhouse Road Mill & Overlay
Township of Lower, Cape May County
File #: CAP-13-04**

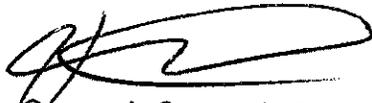
Dear Mr. San Jose,

Enclosed please find the following information for the above referenced project:

1. Three (3) copies of executed Force Account Agreement (Form SA-27).

Should you require any additional information or have any questions or comments, please feel free to contact me at (609) 886-2005 ext. 180 or gcurvan@townshipoflower.org.

Sincerely,



George A. Curvan, P.E.
Township Engineer

Enclosures

cc File

**NEW JERSEY DEPARTMENT OF TRANSPORTATION
BUREAU OF LOCAL AID**

**FORCE ACCOUNT AGREEMENT
STATE AID PROJECT**

THIS AGREEMENT, made this *16 day of September 2013* by and between the *Township of Lower* and the State of New Jersey, acting through its Commissioner of Transportation.

WHEREAS, THE State and the *Township of Lower* entered into an agreement for the improvement of *Clubhouse Road from Town Bank Road to Pinewood Road*, the State share not to exceed \$ *175,000.00*.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto covenant and agree with each other as follows:

FIRST: the *Township of Lower* agrees
(County or Municipality)

- a. That all work constructed with State Aid Funds will comply with rules regulations and standards prescribed by the State and the approved Resolution, Application, and Agreement (Form SA-96) for the project.
- b. That all materials incorporated in the work shall be in compliance with the current New Jersey Standard Specification for Road and Bridge Construction as amended for State Aid.
- c. That procurement of materials to be incorporated in the improvement shall be in accordance with applicable state and local laws.
- d. That work performed and materials furnished which do not conform to the above requirements shall be rejected, removed, replaced or repaired without delay in a manner satisfactory to the Department of Transportation.
- e. To provide detailed plans and specifications prepared by a licensed professional engineer of the State of New Jersey and provide all engineering, inspection and construction supervision necessary for the improvement.
- f. To provide necessary permits, right-of-way, easements and slope rights.
- g. To act in the capacity of a contractor and to complete the project as shown in the plans at the total price indicated in the following listed **Schedule of Prices** determined by multiplying each quantity by the unit price mutually agreed upon, and adding the resulting amounts.

Schedule of Prices

ITEM#	ITEM	UNITS	QUANTITY	UNIT PRICE	AMOUNT
1	Roadway Excavation, Unclassified	CY	150	\$ 13.00	\$ 1,950.00
2	Hot Milling	SY	13200	\$ 3.00	\$ 39,600.00
3	Reconstructed Soil Aggregate Base Course, 6" Thick	SY	500	\$ 5.50	\$ 2,750.00
4	Hot Mix Asphalt 19M64 Base Course, 2 1/2"	TON	75	\$ 60.00	\$ 4,500.00
5	Hot Mix Asphalt 9.5M64 Surface Course, 2"	TON	1500	\$ 60.00	\$ 90,000.00
6	Concrete Driveway, 6" Thick	SY	200.0	\$ 55.00	\$ 11,000.00
7	Turf Repair Strip	LF	6400	\$ 2.00	\$ 12,800.00
8	Reset Castings	UNIT	24	\$ 1,000.00	\$ 12,800.00
9	Reset Water Valve Boxes	UNIT	35	\$ 750.00	\$ 26,250.00
10	Traffic Stripes, Long Life, Epoxy Resin	LF	10300	\$ 2.00	\$ 20,600.00
11	Bicycle Safe Grates	UNIT	7	\$ 500.00	\$ 3,500.00
12	Cast Iron Curb Pieces	UNIT	7	\$ 500.00	\$ 3,500.00
13	Inlets, Type "B" Modified	UNIT	8	\$ 2,000.00	\$ 16,000.00
14	Site Restoration	LS	1	\$ 5,000.00	\$ 5,000.00
SUBTOTAL:					\$ 250,250.00
LABOR AND EQUIPMENT COSTS (FROM I & J):					\$ 77,258.07
TOTAL PRICE:					\$ 327,508.07

- h. Changes in the quantity of work to be performed shall be justified by letter giving the locations of proposed changes and the nature and reason of changes. No work shall be performed until the proposed changes are approved by the Department of Transportation. Adjustments in the cost of said improvement shall not exceed the maximum allowable for Force Account work.
- i. To assign the said improvement project to the following listed employees

PERSONNEL TO BE ASSIGNED	NUMBER	RATE	AMOUNT
Superintendent	24	\$ 40.53	\$ 972.72
Foreman	120	\$ 35.01	\$ 4,201.20
Equipment Operators	240	\$ 28.33	\$ 6,799.20
Equipment Operators	240	\$ 26.24	\$ 6,297.60
Truck Drivers	240	\$ 23.60	\$ 5,664.00
Skilled Labor	480	\$ 23.89	\$ 11,467.20
Labor	120	\$ 22.82	\$ 2,738.40
TOTALS:	1464	\$ 200.42	\$ 38,140.32

- j. To provide, the following listed construction equipment for use on the said improvement project

DESCRIPTION OF EQUIPMENT	NUMBER	RATE	AMOUNT
2.5 Yard front end loader	85	\$ 28.75	\$ 2,443.75
1.5 yard backhoe	80	\$ 33.00	\$ 2,640.00
22 cy triaxle dump	170	\$ 65.00	\$ 11,050.00
12 foot road grader	40	\$ 43.00	\$ 1,720.00
paver	48	\$ 151.00	\$ 7,248.00
steel wheel roller	96	\$ 73.00	\$ 7,008.00
street sweeper	40	\$ 74.00	\$ 7,008.00
TOTALS:	559	\$ 467.75	\$ 39,117.75

- k. That upon completion, retain jurisdiction over the project and maintain it in a manner satisfactory to the Department of Transportation.
- l. To defend, indemnify and save the State harmless from all claims by others.

- m. To arrange for a sufficient working force and construction equipment to insure completion within a mutually agreed upon completion date.
- n. Request final reimbursement from the Department of Transportation by presenting the final voucher form with supporting documentation within six (6) months of project completion.

SECOND: The State agrees to

- a. The payment of State Aid funds on a reimbursement basis as outlined in the approved Resolution, Application, and Agreement (Form SA-96) after acceptance of the work completed. The State share shall not exceed the lesser of 100% of all design engineering, if eligible, construction, inspection, and material testing costs or the allotment.
- b. Provide general surveillance of the construction work.

NOW THEREFORE, the Mayor and Clerk are hereby authorized to execute and attest this Agreement.

FOR THE SPONSOR

ATTEST and
AFFIX SEAL:


Julie Picard, Township Clerk


Michael Beck, Mayor

FOR THE DEPARTMENT OF TRANSPORTATION

APPROVED:

(Manager, Bureau of Local Aid)

(Date)

FOR THE COMMISSIONER OF TRANSPORTATION

APPROVED:

(Secretary, Department of Transportation)

(Date)

(Submit 3 copies to the Bureau of Local Aid District Office)