

Signed Resolutions - January 22, 2014

- Res. #2014-42 Payment of Vouchers \$ 1,871,575.12
- Res. #2014-43 Resolution Approving a Professional Service Contract with Hatch Mott Macdonald without Public Bidding (Clubhouse \$47,880.)
- Res. #2014-44 Award of Bid and Acceptance of Contract to Purchase one (1) 2013 25 Ton Tag-Along Trailer with Lift Axel (joint purchase with MUA - Mike Zyndorf \$10,000 from Twp.)
- Res. #2014-45 Award of Bid and Acceptance of Contract to Purchase one (1) 2013 or newer Unused Compact Track Loader (joint purchase with MUA - Jesco Inc \$25,000 from township)
- Res. #2014-46 Approval of Precious Metal Licenses (Valentino's & Lucky 7)
- Res. #2014-47 Transfer of 2013 Appropriations (\$9,500)
- Res. #2014-48 Resolution Determining the Cape May County Airport Industrial Park, Industrial and Airport Hazard Zoning Districts, to be an Area In Need Of Rehabilitation (to start the five year tax exemptions/abatement process)
- Res. #2014-49 Authorization for the Payout of Accumulated Compensatory Time (M. Perry \$7,163.32)
- Res. #2014-50 Authorization for the Payout of Accumulated Sick Time (D. Vanaman, Jr. \$1,835.66)
- Res. #2014-51 Amending Resolution #2013-84; the Lindemon Winckelmann Dupree Martin Russell & Associates PC Contract for the ADA Improvements (additional \$4,500 estimated expenses)
- Res. #2014-52 Award of Contract to Lindemon Winckelmann Dupree Martin Russell & Associates PC for Services Related to Hazardous Material Abatement at the Fishing Creek School and Garage without Public Bidding (\$3,300)
- Res. #2014-53 Resolution Approving a Mutual General Release and Waiver of Claims Between the Township of Lower and the Oak Group, Inc. Concerning A Lead Abatement Contract for the Fishing Creek School

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00775 CAPRIONI PORTABLE TOILETS, INC*	13-03663	12/23/13	MONTHLY SERVICES	Open	325.00	0.00		
00784 CAPE MAY STAR & WAVE	14-00078	01/08/14	LEGAL PUBLICATION 1-1-14	Open	12.40	0.00		
	14-00143	01/13/14	LEGAL PUBLICATIONS 1-8-14	Open	<u>79.36</u>	0.00		
					91.76			
00825 COMCAST*	14-00079	01/08/14	01/15-02/14 TOWNHALL NET/CABLE	Open	131.30	0.00		
	14-00106	01/09/14	INTERNET-SWIMMING POOL/MILLMAN	Open	<u>280.71</u>	0.00		
					412.01			
01170 VERIZON WIRELESS* F/S	14-00062	01/08/14	11/27/13-12/26/13 CELL FIRE SA	Open	67.43	0.00		
01171 VERIZON WIRELESS - TOWNHALL	13-03700	12/31/13	CELL SERVICE 12/24/13-01/23/14	Open	629.25	0.00		
	14-00082	01/08/14	I PHONE BILL DEC 29-JAN 28	Open	<u>896.75</u>	0.00		
					1,526.00			
01200 DELTA DENTAL PLAN OF NJ	14-00159	01/14/14	DENTAL JANUARY 2014	Open	15,205.75	0.00		
01239 DIANA L DeNOTE	14-00059	01/08/14	MEDICAL CLAIMS	Open	61.00	0.00		
01411 ELAINE ELTON	14-00147	01/13/14	INSURANCE DEDUCTABLE	Open	500.00	0.00		
01502 PAMELA FELDER	14-00109	01/10/14	MEDICAL CLAIMS	Open	133.16	0.00		
01512 J.P. SPORTS INC.*	14-00061	01/08/14	CHAMPRO SOCCER BALLS	Open	335.00	0.00		
01641 GALL'S INC*	13-03433	11/20/13	NEW VEHICLE OUTFITTING	Open	465.00	0.00		
	13-03438	11/20/13	NEW VEHICLE OUTFITTING	Open	<u>78.00</u>	0.00		
					543.00			
01785 ROBERT HARTMAN SR	14-00104	01/09/14	CONTRACTUAL REIMBURSEMENT	Open	314.70	0.00		
	14-00111	01/10/14	MEDICAL CLAIMS	Open	<u>491.00</u>	0.00		
					805.70			
01806 ANTHONY J HARVATT, II, ESQ	14-00112	01/10/14	RESOLUTIONS	Open	300.00	0.00		
01859 HESS CORPORATION	13-03688	12/30/13	ELECTRIC 11/18/13-12/17/13	Open	380.17	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01859 HESS CORPORATION			Continued					
	14-00108	01/09/14	12/05/13-1/06/14 ELECTRIC	Open	<u>120.71</u>	0.00		
					500.88			
02136 TED KINGSTON INC*								
	13-03475	11/25/13	CAMERA REPAIR	Open	475.00	0.00		
02140 KINDLE FORD LINC/MERC., INC.*								
	13-03378	11/13/13	PARTS FOR POLICE VEHICLE	Open	350.42	0.00		
02280 LINDEMON WINCKELMANN & ASSOC.								
	13-01475	05/29/13	ADA REC/SCHOOL DNE \$41227.00	Open	3,302.00	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN								
	14-00002	01/07/14	2014 SCHOOL TAXES DUE 1ST	Open	1,525,156.40	0.00		B
02334 LOWER TWP CHAMBER OF COMMERCE								
	14-00124	01/10/14	1/9/14 BREASKFAST MEETING FERR	Open	30.00	0.00		
02349 ROBERT LUBBERMAN								
	14-00173	01/15/14	BASKETBALL REF-TOURNAMENT	Open	200.00	0.00		
02473 FRANCIS P. MAJANE								
	14-00187	01/15/14	MEDICAL CLAIMS	Open	717.00	0.00		
02585 WILLIAM MASTRIANA								
	14-00118	01/10/14	REIMBURSMET-MEETING 1/9/14	Open	20.00	0.00		
03158 NYSCA*								
	13-03398	11/15/13	WRESTLING CERTIFICATIONS	Open	60.00	0.00		
03226 OLD DOMINION BRUSH CO.*								
	13-03537	12/06/13	LEAF TRUCK PARTS	Open	1,404.13	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*								
	14-00001	01/07/14	INTERPRETER	Open	195.15	0.00		
03365 LYNN JEFFERIS								
	14-00161	01/14/14	MEDICAL CLAIMS	Open	152.48	0.00		
	14-00163	01/15/14	MEDICAL CLAIMS-V	Open	<u>130.00</u>	0.00		
					282.48			
03366 AMERI-GAS*								
	14-00137	01/13/14	PROPANE AT BENNETT'S FIELD	Open	471.84	0.00		
03427 POLAR BEAR*								
	13-03613	12/12/13	FUSES AND PILOT- NO HEAT	Open	302.50	0.00		
03449 QC INC*								
	13-03680	12/30/13	RETENTION POND WATER SAMPLE	Open	57.50	0.00		
03518 RIGGINS, INC.*								
	14-00117	01/10/14	OFF HIGHWAY DIESEL	Open	1,507.56	0.00		

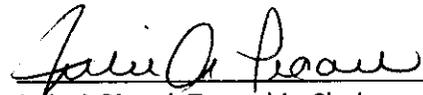
Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03608 SEAWAVE CORPORATION*	14-00057	01/08/14	LEGAL NOTICES-REORG MEETING	Open	9.72	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	13-03631	12/18/13	SUPPLIES FOR DPW	Open	668.03	0.00		
03652 FRANK SIPPLE	14-00179	01/15/14	BASKETBALL REF-TOURNAMENT	Open	280.00	0.00		
03695 SPECIALTY AUTOMOTIVE EQUIP INC*	13-01726	06/07/13	INSPECTION OF TRUCK LIFTS	Open	750.00	0.00		
03734 STEWART INDUSTRIES, INC.*	13-03666	12/23/13	PRINTER MAINT 12/23/13-3/23/14	Open	1,484.00	0.00		
03764 TCTANJ	14-00130	01/10/14	2014 MEMBERSHIP APPLICATION	Open	300.00	0.00		
03863 TREASURER, STATE OF NEW JERSEY	14-00113	01/10/14	4TH QUARTER 2013 STATE FEES	Open	5,183.00	0.00		
	14-00114	01/10/14	2013 4TH QRT STATE FEES-WCM	Open	460.00	0.00		
					<u>5,643.00</u>			
03892 TREASURER STATE OF NJ DOMESTIC	14-00063	01/08/14	2 QUARTERLY DOMESTIC PARTNERSH	Open	50.00	0.00		
03917 STATE OF NJ DEPT OF CHILD/FAML	14-00064	01/08/14	46 QUARETERLY MARRIAGE LICENSE	Open	1,150.00	0.00		
03932 REEL FIRE PROTECTION*	13-03626	12/17/13	FIRE EXTINGUISHER & RECHARGE	Open	34.25	0.00		
03947 VFIS*	14-00069	01/08/14	2014 PORTFOLIO 1/01/14-1/01/15	Open	4,710.02	0.00		
	14-00070	01/08/14	2014 COMMERCIAL AUTO INSURANCE	Open	2,729.35	0.00		
					<u>7,439.37</u>			
03969 VERIZON	14-00090	01/09/14	DECEMBER 2013 889-0404 FIRE	Open	118.75	0.00		
03971 VERIZON WIRELESS MDT POLICE	14-00150	01/13/14	VERIZON WIRELESS - MDTs	Open	587.40	0.00		
03985 VILLAS NAPA AUTO PARTS	13-03525	12/05/13	SUPPLIES/COUNTY	Open	819.63	0.00		
	13-03638	12/20/13	PARTS FOR COUNTY VEHICLES	Open	44.04	0.00		
					<u>863.67</u>			
04030 WEST PUBLISHING PAYMENT *	13-03701	01/02/14	ANNUAL UPDATES SEARCH & SEIZURE	Open	131.00	0.00		
04075 BARBER CONSULTING SERVICES LLC	14-00068	01/08/14	MIS SERVICE 1/01/14-12/31/14	Open	1,300.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04077 RONALD J. GELZUNAS	13-02013	07/09/13	CONFLICT COUNSEL RES#2013-194	Open	1,529.50	0.00		B
04097 CINTAS FIRST AID AND SAFETY*	14-00105	01/09/14	FIRST AID SUPPLIES- TOWNHALL	Open	114.26	0.00		
	14-00115	01/10/14	FIRST AID/JAN	Open	<u>106.41</u>	0.00		
					220.67			
04105 PITNEY BOWES GLOBAL FINANCIAL	13-03619	12/16/13	MAIL MACHINE DECEMBER 2013	Open	451.00	0.00		
04218 CAPE MAY PAL	14-00142	01/13/14	DJ SERVICE FOR BASKETBALL TOUR	Open	500.00	0.00		
04280 G.F.O.A. OF NJ	14-00190	01/15/14	MEMBERSHIP DUES 2014-L READ	Open	90.00	0.00		
04300 W B MASON CO INC*	13-02752	09/23/13	OFFICE SUPPLIES	Open	935.93	0.00		
04301 SEASHORE ASPHALT CORPORATION*	13-03632	12/18/13	HP PATCH	Open	171.60	0.00		
04514 WILLIAM BLANEY*	13-00441	02/13/13	DNE \$33k RES 2013-98 CONTRACTS	Open	2,675.00	0.00		B
05081 SYSTEMS AND NETWORK ENGINEERS*	13-02667	09/11/13	COMPUTER TECH	Open	700.00	0.00		B
05100 CHARLES W. SANDMAN, III ESQ	13-00269	01/23/13	2013 PROF EXPENSE MONTHLY 40k	Open	2,225.00	0.00		
4104 DOUGLASS LANDSCAPING LLC*	13-03370	11/12/13	RUBBER MULCH INSTALL	Open	5,400.00	0.00		
5032 NORTH WILDWOOD \$ CREST SHIRT*	13-03702	12/31/13	YOUTH BASKETBALL LEAGUE SHIRTS	Open	1,868.88	0.00		
5089 MICHAEL LUCCHESI	14-00174	01/15/14	BASKETBALL REF-TOURNAMENT	Open	120.00	0.00		
6061 AMERIHEALTH ADMINISTRATORS	14-00162	01/14/14	JAN 13 HEALTH INS & RX	Open	178,486.93	0.00		
7075 ADDESSO PAINTING & POWERWASHI*	13-03417	11/15/13	PAINT HOCKEY RINK-MULLIGAN	Open	3,200.00	0.00		
7091 STEVE SELBY	14-00178	01/15/14	BASKETBALL REF-TOURNAMENT	Open	240.00	0.00		
7094 FRANK ACKLEY	14-00139	01/13/14	SOCCER OFFICIAL	Open	30.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7095 SARAH M CLOUD	14-00134	01/13/14	REFUND FOR REGISTRATION/BBALL	Open	10.00	0.00		
7096 JENESSA PALEK	14-00133	01/13/14	REFUND FOR COACHING/FINGERPRIN	Open	45.00	0.00		
7099 DAN BRADLEY	14-00167	01/15/14	BASKETBALL REF-TOURNAMENT	Open	160.00	0.00		
7101 DEMAIO'S INC	14-00186	01/15/14	REFUND STREET OPENING BOND	Open	700.00	0.00		
7102 DONALD KISSLING	14-00188	01/15/14	RETURN OF UNUSED ESCROW	Open	5.29	0.00		
AMENH TOM AMENHAUSER	14-00165	01/15/14	BASKETBALL REF-TOURNAMENT	Open	240.00	0.00		
BASILE FRANK BASILE	14-00166	01/15/14	BASKETBALL REF-TOURNAMENT	Open	280.00	0.00		
BLAUE BLAUER ASSOCIATES INC*	13-00857	03/26/13	ADA REC/FISHING 12-182\$16k DNE	Open	850.00	0.00		
BOSNA KAREN MANETTE BOSNA	14-00060	01/08/14	YOGA INSTRUCTOR FOR DECEMBER	Open	75.00	0.00		
BRITB BRUCE BRITTON	14-00168	01/15/14	BASKETBALL REF-TOURNAMENT	Open	200.00	0.00		
CARTYW WALLACE CARTY	14-00169	01/15/14	BASKETBALL REF-TOURNAMENT	Open	280.00	0.00		
DSTEFANK DAN STEFANKIEWICZ	14-00164	01/15/14	BASKETBALL REF-TOURNAMENT	Open	120.00	0.00		
FAIR JOHN FAIR	14-00170	01/15/14	BASKETBALL REF-TOURNAMENT	Open	160.00	0.00		
HALLK KERRY HALL	14-00171	01/15/14	BASKETBALL REF-TOURNAMENT	Open	200.00	0.00		
JLLOYD JOSEPH LLOYD	14-00172	01/15/14	BASKETBALL REF-TOURNAMENT	Open	80.00	0.00		
MATTHEWS ROBERT MATTHEWS SR	14-00175	01/15/14	BASKETBALL REF-TOURNAMENT	Open	160.00	0.00		
PERLIS JOSEPH PERLIS	14-00176	01/15/14	BASKETBALL REF-TOURNAMENT	Open	360.00	0.00		
QUINN KEVIN QUINN	14-00136	01/13/14	REFUND-SOCCER-COACH	Open	35.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ROSSIS STEVEN ROSSI	14-00177	01/15/14	BASKETBALL REF-TOURNAMENT	Open	120.00	0.00		
TACPR TAC PRINTING & MARKETING SERV*	13-03519	12/05/13	BOCO SUPPLIES	Open	175.54	0.00		
WAGNER JENNIFER WAGNER	14-00135	01/13/14	REFUND FOR BBALL- COACHING	Open	15.00	0.00		
Total Purchase Orders: 114 Total P.O. Line Items: 234 Total List Amount: 1,871,575.12 Total Void Amount:								0.00

I hereby certify the foregoing to be the original Resolution adopted by Township Council at a meeting held on January 22, 2014.


Julie A 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 #2014-43

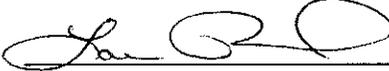
TITLE: RESOLUTION APPROVING A PROFESSIONAL SERVICE CONTRACT WITH HATCH MOTT MACDONALD FOR THE RECONSTRUCTION OF CLUBHOUSE DRIVE WITHOUT PUBLIC BIDDING

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

WHEREAS, Hatch Mott MacDonald has provided a project proposal for Professional Engineering Services for the Reconstruction of Clubhouse Drive; and

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

Account: C-04-55-397-910 Ordinance 10-8

Signature 
Lauren Read, CFO

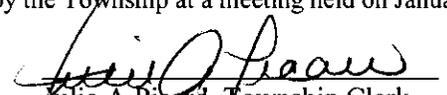
NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding be awarded as follows:

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of:

Task 1:	Survey, Base Map Preparation and Design Services	\$ 25,500
Task 2:	Bid, Award and Construction Admin Services	2,500
Task 3:	Construction Inspection Services	14,430
Task 4:	NJDOT Coordination Services	5,450
	TOTAL	\$ 47,880

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

I hereby certify the foregoing to be the original resolution adopted by the Township at a meeting held on January 22, 2014.


Julie A Picard, Township Clerk

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



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

January 10, 2014

Via Email at gdouglasslowertownship@comcast.net & 1st Class Mail

Mr. Gary Douglass, CPWM
Public Works Superintendent
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Professional Engineering Services Proposal
Reconstruction of Clubhouse Drive (Approx. 3,200 l.f.)
Township of Lower, Cape May County, NJ**

Dear Mr. Douglass:

Please find enclosed herewith our proposal for professional engineering services for the Reconstruction of Clubhouse Drive from Town Bank Road to North of Pinewood Road. It is our understanding that the Township received a NJDOT FY2013 grant in the amount of \$175,000. As such, the design of the project will require approval from NJDOT Local Aid and coordination with the Department during construction. The following is our proposed scope of work:

Task 1	Survey, Base Map Preparation and Design Services
---------------	---

HMM will provide the following services under Task 1:

- Establish survey control for the site. The Horizontal Datum will be NAD83 and the Vertical Datum will be NAVD88;
- Perform a topographic survey of the project area and adjacent cartways identifying all features required. Field survey (50-foot cross sections) of Clubhouse Drive will be provided including sufficient information at all intersections to prepare the necessary construction plans. Spot elevations will also be provided at the location of all driveways, curbs, steps, etc.;
- Locate existing visibilities and structures within the project area;
- Prepare topographic base mapping for the project area. The plan will be prepared using AutoCAD incorporating the above information on a 24" x 36" (D Size) or 30" x 42" (E Size) drawing;
- Design of new roadway grades and proposed elevations where driveways and/or curb need to be replaced. It is our understanding that the Township is seeking to reconstruct the roadway base and install an asphalt base and surface course;
- Design of stormwater upgrades as discussed on January 6, 2014 at the Beverly Road intersection with Clubhouse Drive;
- Prepare road reconstruction plans and profiles for the entire alignment;
- Forward the design plans to the Cape May County Engineer's office for review and approval.



- Prepare Construction Drawings for the public bidding of the project. Detail Sheets and Construction Specifications shall be prepared based upon the NJDOT 2007 Standard Specifications for Road and Bridge Construction.
- Prepare an Engineer's Estimate of Construction.

We propose to complete the scope of work outlined above (**Task 1**) for the lump sum amount of **\$25,500**.

Task 2	Bid, Award and Construction Administration Services
---------------	--

HMM will provide the following services under Task 2:

- Respond to potential questions and requests for additional information from Contractors bidding on the project;
- Issue Clarifications and Addendums, if required;
- Review bids and prepare a bid review letter;
- Prepare Pre-Construction meeting agenda, attend pre-construction meeting and prepare meeting minutes;

We propose to complete the scope of work outlined above (**Task 2**) for the lump sum amount of **\$2,500**.

Task 3	Construction Inspection Services
---------------	---

HMM will provide the following services under Task 3:

- Perform periodic inspection of the construction to be performed by the Contractor as indicated below;
- Perform shop drawing review of construction materials and the NJDOT Material Questionnaire (Form SA-11) to be submitted by Contractor;
- Prepare Contractor's applications for payment;
- Prepare final punchlist; and
- Perform final inspection and project closeout services.

It is assumed that the contract period for the NJDOT project will be ninety (90) calendar days. During this time period we estimate that full-time observation of the Contractor's activities will be required for approximately sixty (60) days or 480 hours. It is our understanding that the Township intends to utilize in-house staff to perform construction inspection for forty-five (45) days.

Our scope of work, therefore, includes fifteen (15) days of full-time construction inspection services by our inspector, Bernard W. Kirkland (NICET III) and twenty (20) hours of construction oversight by the Project Manager, Mark R. Sray, PE.

Based on this time period and the employees identified above, we anticipate a **budget of \$14,430** for (**Task 3**) will be required for construction inspection services.



Estimated Expenses for Task 3			
<u>Labor</u>	<u>Employee</u>	<u>Rate</u>	<u>Total</u>
120 hours	Bernard W. Kirkland	\$97	\$11,640
20 hours	Mark R. Sray	\$139.50	\$2,790
Total			\$14,430

The NJDOT will require a final certification from the Township Engineer indicating that the roadway was built in substantial conformance with the plans and specifications.

Task 4	NJDOT Coordination Services
---------------	------------------------------------

HMM will provide the following services under Task 4 (if requested by the Township):

- Forward the proposed construction plans and specifications to the NJDOT Local Aid office along with justification for any design exceptions from AASHTO standards (if applicable);
- Coordinate the design and bidding of the project with the NJDOT as required under the grant conditions;
- Prepare tabulation of bids for submittal to the NJDOT;
- Coordinate submission of NJDOT required forms to the Local Aid Office;
- Track project and coordinate contract through NJDOT SAGE;
- Assist the Township with funding reimbursement from the NJDOT; and
- Review and forward HMA test results and analyses (performed by others), material certifications and Final Voucher to the NJDOT for the completed project.

We propose to complete the scope of work outlined above (Task 4) for the lump sum amount of **\$5,450**.

FEE SUMMARY			
<u>Scope Of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget</u>
Task 1	Survey, Base Map Preparation and Design Services	Lump Sum	\$25,500
Task 2	Bid, Award and Construction Administration Services	Lump Sum	\$2,500
Task 3	Construction Inspection Services	Reimbursable (As Incurred)	\$14,430
Task 4	NJDOT Coordination Services	Lump Sum	\$5,450
TOTAL			\$47,880

Contract: Should you find our proposal acceptable, Hatch Mott MacDonald will prepare a standard form of agreement (sample copy attached) and forward it to you for execution.



Hatch Mott
MacDonald

Invoicing: Compensation for Tasks 1, 2 & 4 of this project shall be on a lump sum basis and the Township shall be invoiced on a percent complete basis.

Compensation for Task 3 of this project shall be based upon a reimbursable method of compensation for the actual time required and at the actual hourly rates identified in Task 3 for the individual(s) that may be employed during the construction phase as requested by the Township.

We thank you for the opportunity to provide this Scope of Work for the Clubhouse Drive Project. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald, LLC

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

Thomas R. Thornton, PE, CME
Senior Associate
T 609.465.9377 F 609.465.5270
thomas.thornton@hatchmott.com

MRS

encl.

cc: Margaret A. Vitelli, RPPS, QPA, Township of Lower
Eric C. Betz, PE, BCEE, CME, Vice President, HMM

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

RESOLUTION #2014-44

TITLE: AWARD OF BID & ACCEPTANCE OF CONTRACT TO PURCHASE 2013 ONE (1) 25 TON TAG ALONG TRAILER W/LIFT AXEL

WHEREAS, pursuant to Resolution #2010-232 the Township of Lower and the Lower Township MUA entered into an Interlocal Agreement for various shared services, which included in equipment purchases; and

WHEREAS, the Township of Lower and the LTMUA have agreed to a joint acquisition of ONE (1) 201325 Ton Tag Along Trailer w/Lift Axle; and

WHEREAS, the Township's QPA advertised the Notice to Bidders #2013-22 on November 13, 2013 for ONE (1) 2013 or newer 25 Ton Tag Along Trailer w/Lift Axle and bids accepted on November 26, 2013 at 10:00 a.m. and;

WHEREAS, three (3) sealed proposals were received and reviewed by the QPA and the Public Works Superintendent, and

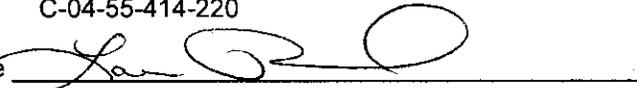
WHEREAS, the lowest bidder H.A. Dehart did not meet the specifications and the next qualified bidder Mike Zyndorf LLC, complied with the specifications and supplied all required certifications and bid documents making him a responsive bidder, and the CFO has determined sufficient fund will be available upon receipt of the authorized purchase order from Lower Township MUA; and

WHEREAS, Lower Township MUA Resolution # adopted has approved a joint purchase with the Township for a cost not to exceed \$100,000.00, and

WHEREAS, the CFO has certified by her signature that sufficient funds are available in the Budget as follows:

Account: C-04-55-414-220

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 contract is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: MIKE ZYNDORF, LLC.
TOTAL AMOUNT: \$27,206.00 *
*\$17,206.00 due from MUA/
*\$10,000.00 due from Lower Township

BE IT FURTHER RESOLVED, that a properly executed Purchase Order will serve as the contract for the item.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 22, 2014.

Handwritten signature of Julie A. Picard
Julie A Picard, Township Clerk

Table with 7 columns: MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT. Rows for CONRAD, NEVILLE, SIMONSEN, CLARK, BECK.

Margaret Vitelli

From: Gary Douglass <gdouglass@townshipoflower.org>
Sent: Thursday, January 02, 2014 1:45 PM
To: Margaret Vitelli
Subject: award of bids

Margaret,

Upon you receiving the purchase order from the LTMUA for the joint purchase of the Compact Track Loader and the Tag along Trailer please award the Compact Track Loader with the warranty option to Jesco. Also reject low bid for trailer from H A DeHart for noncompliance of specifications and award to next bidder Mike Zyndorf. The township share is \$25,000.00 for the Compact Track Loader and \$10,000.00 for the trailer.

Thank you

Gary Douglass

Lower Township Municipal Utilities Authority

2900 Bayshore Road • Villas, New Jersey 08251

(609) 886-7146 • Fax (609) 886-4487 • www.LTMUA.org

Sewer/Water Capital Improvement Fund

Vendor ID:

Date: 1/14/2015

Vendor Name and Address

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Description of Purchase

Joint Purchase Resolution No. 98-2013
Compact Track Loader \$70,525.00 MUA Portion \$45,525.00
Trailer \$27,206.00 MUA Portion \$17,206.00
Total \$97,731.00 MUA Portion \$62,731.00

Vendor's Certification

I do solemnly declare and certify under the penalties of law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

--	--	--

Vendor Signature

Official Position

Date

LTMUA Use Only

--	--

Delivery Slips Received and Checked

Date

Executive Director Certification

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered said certification being based on signed delivery slips or other reasonable procedures.

--	--

Matthew V. Ecker

Date

Appropriation or Account Charge

Budget Account Number	Amount
Sewer and Water Capital Improvement Fund	\$62,731.00
Total:	\$62,731.00

The above claim was approved and ordered paid.

--	--	--

Emily Oberkofler, Secretary

Check Number

Date Paid

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

RESOLUTION #2014-45

TITLE: AWARD OF BID & ACCEPTANCE OF CONTRACT TO PURCHASE ONE (1) 2013 OR NEWER UNUSED COMPACT TRACK LOADER

WHEREAS, pursuant to Resolution #2010-232 the Township of Lower and the Lower Township MUA entered into an Interlocal Agreement for various shared services, which included in equipment purchases; and

WHEREAS, the Township of Lower and the LTMUA have agreed to a joint acquisition of ONE (1) 2013 or Newer Unused Compact Track Loader; and

WHEREAS, the Township's QPA advertised the Notice to Bidders #2013-23 on November 13, 2013 for ONE (1) 2013 or newer 25 Ton Tag Along Trailer w/Lift Axle and bids accepted on November 26, 2013 at 10:00 a.m. and;

WHEREAS, one (1) sealed bid was received and reviewed by the QPA and the Public Works Superintendent, and

WHEREAS the lowest qualified bidder complied with the specifications and supplied all required certifications and bid documents and the Township CFO has determined sufficient fund will be available upon receipt of authorized purchase order from Lower Township MUA in the budget; and

WHEREAS, Lower Township MUA Resolution #adopted has approved a joint purchase with the Township for a cost not to exceed \$100,000.00; and

WHEREAS, the CFO has certified by her signature that sufficient funds are available in the Budget as follows:

Account: C-04-55-414-250

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 contract is hereby awarded to the lowest qualified responsible bidder as follows:

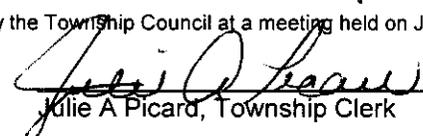
AWARD TO:	Jesco Inc.
Base Bid:	\$66,975.00
Option C:	\$3,550.00 Five (5) Year/2,000 Hour full machine warranty
TOTAL AMOUNT:	\$70,525.00

*\$45,525.00 due from MUA

*\$25,000.00 due from Lower Township

BE IT FURTHER RESOLVED, that a properly executed Purchase Order will serve as the contract for the item.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 22, 2014.



Julie A Picard, Township Clerk

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

Margaret Vitelli

From: Gary Douglass <gdouglass@townshipoflower.org>
Sent: Thursday, January 02, 2014 1:45 PM
To: Margaret Vitelli
Subject: award of bids

Margaret,

Upon you receiving the purchase order from the LTMUA for the joint purchase of the Compact Track Loader and the Tag along Trailer please award the Compact Track Loader with the warranty option to Jesco. Also reject low bid for trailer from H A DeHart for noncompliance of specifications and award to next bidder Mike Zyndorf. The township share is \$25,000.00 for the Compact Track Loader and \$10,000.00 for the trailer.

Thank you

Gary Douglass

Lower Township Municipal Utilities Authority

2900 Bayshore Road • Villas, New Jersey 08251

(609) 886-7146 • Fax (609) 886-4487 • www.LTMUA.org

Sewer/Water Capital Improvement Fund

Vendor ID:

Date: 1/14/2015

Vendor Name and Address

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Description of Purchase

Joint Purchase Resolution No. 98-2013
Compact Track Loader \$70,525.00 MUA Portion \$45,525.00
Trailer \$27,206.00 MUA Portion \$17,206.00
Total \$97,731.00 MUA Portion \$6,2731.00

Vendor's Certification

I do solemnly declare and certify under the penalties of law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

--	--	--

Vendor Signature

Official Position

Date

LTMUA Use Only

--	--

Delivery Slips Received and Checked

Date

Executive Director Certification

I, having knowledge of the facts, certify that the materials and supplies have been received or the services rendered said certification being based on signed delivery slips or other reasonable procedures.

--	--

Matthew V. Ecker

Date

Appropriation or Account Charge

Budget Account Number	Amount
Sewer and Water Capital Improvement Fund	\$62,731.00
Total:	\$62,731.00

The above claim was approved and ordered paid.

--	--	--

Emily Oberkofler; Secretary

Check Number

Date Paid

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

RESOLUTION # 2014-46

TITLE: APPROVAL OF PRECIOUS METALS LICENSES

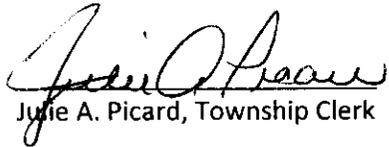
WHEREAS, applications have been made for a Precious Metal License by the following applicants in accordance with Ordinance #2012-14; and

WHEREAS, the applicants have paid the proper fees, posted the required bonds and the Police have no objection to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that a Precious Metal License for the year 2014 be approved and is hereby approved for the following applicants:

Valentino's Coins, Military & More 1301 Bayshore Road, Villas
Lucky 7 Gold & Consignment 1425 Bayshore Road, Villas

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 22, 2014.


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 # 2014-48

TITLE: RESOLUTION DETERMINING THE CAPE MAY COUNTY AIRPORT INDUSTRIAL PARK, INDUSTRIAL AND AIRPORT HAZARD ZONING DISTRICTS, TO BE AN AREA IN NEED OF REHABILITATION

WHEREAS, the Cape May County Airport and Industrial Park is located in the Township of Lower as more specifically defined below; and

WHEREAS, the Township Council of the Township of Lower desires to declare the Cape May County Airport and Industrial Park an area in need of rehabilitation in accordance with N.J.S.A. 40A:14A-14 of the Local Redevelopment and Housing Law; and

WHEREAS, the Township Council desires to declare the area in need of rehabilitation for the purpose of enacting an ordinance providing for five-year tax exemptions and abatements in accordance with N.J.S.A. 40A:21-1 et seq., the Five-Year Exemption and Abatement Law, to promote the improvement, expansion, renovation or construction of new commercial and industrial projects and structures in the Airport Industrial Park.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby determines and declares as follows:

1. The area in need of rehabilitation shall be the Cape May County Airport Industrial Park as delineated on the Zoning Map of the Township of Lower Township, prepared by Remington, Vernick & Walberg Engineers, dated January 2004, last revised January 2007 (the "Airport Industrial Park").

2. There is a continuing pattern of vacancy, abandonment, and underutilization of properties and the structures located thereon in the Airport Industrial Park as more particularly described in the Cape May County Airport Business Plan, prepared by, R.A. Wiedemann & Associates, Inc., Dated, November 2008, which is incorporated herein by reference; and

3. A significant portion of the structures in the Airport Industrial Park are substandard, in a deteriorated condition, unsafe, unsanitary, dilapidated and obsolete and are not conducive to development or working conditions and the discontinuance of the use of these buildings previously used for commercial, manufacturing, and industrial purposes, the abandonment of such buildings and the same being allowed to fall into a great state of disrepair has rendered them to be untenable.

4. The Airport Industrial Park contains buildings which, by reason of dilapidation, obsolescence, obsolete layout and design which are detrimental to the safety, health and welfare of the community.

5. The Airport Industrial Park is in need of rehabilitation as defined in N.J.S.A. 40A:12A-3 and requires an undertaking by means of extensive repair, reconstruction or renovation of existing structures, with or without the introduction of new construction or the enlargement of existing structures to eliminate substandard conditions and arrest the deterioration of the Airport Industrial Park.

6. A consideration of the overall conditions and requirements of the community and the Airport Industrial Park warrants a finding of a need for rehabilitation.

7. The Lower Township Planning Board has reviewed this Resolution at a meeting held on January 16, 2014 in accordance with N.J.S.A. 40A:14A-14.

BE IT FURTHER RESOLVED The Clerk of the Township of Lower is here directed and authorized to forthwith transmit a copy of this Resolution to the Commissioner of Community Affairs for review and all necessary and appropriate action in connection therewith.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 22, 2014


Julie A. Picard, Township Clerk

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

LOWER TOWNSHIP PLANNING BOARD
RESOLUTION NO. 14-9

Whereas, the Township Council of the Township of Lower declare the Cape May County Airport and Industrial Park an area in need of rehabilitation in accordance with N.J.A.C. 40A:14A-14 of the Local Redevelopment and Housing Law; and

Whereas, the area in need of rehabilitation is located on the Zoning Map, Township of Lower, and designated as the Industrial and Airport Hazard Zoning Districts; and

Whereas, the Township Council submitted the proposed Resolution determining the Cape May County Airport and Industrial Park to be an area in need of rehabilitation to the Lower Township Planning Board for its review prior to adoption; and

Whereas, the Lower Township Planning Board carefully considered this matter at their January 16, 2014, meeting; and

Whereas, the Planning Board found a continuing pattern of vacancy, abandonment and underutilization of properties and structures to exist at the Airport Industrial Park; and

Whereas, a significant portion of the structures are substandard, deteriorated, unsafe, unsanitary, dilapidated and obsolete; and

Whereas, these conditions are detrimental to the health, safety and welfare of Lower Township residents and visitors; and

Whereas, the Planning Board considered N.J.S.A. 40:55D-2, Municipal Land Use Law, Purposes of the act, in the making their decision; and

Whereas, the Municipal Land Use Law, Subsection N.J.S.A. 40:55D-2, parts, a., b., c., f., g., i., j., m., were determined appropriately applied to this area in need of rehabilitation, and found to support Lower Township Council's proposed declaration of the Cape May County Industrial Park as an area in need of rehabilitation, for the purpose of enacting an Ordinance providing for five-year tax exemptions and abatements in accordance with N.J.S.A. 40A:21-1 et seq., the Five-Year Exemption and Abatement Law; and

Whereas, the Lower Township Planning Board found this change would promote the improvement, expansion, renovation or construction of new commercial and industrial projects at the Airport Industrial Park; and

Whereas, The Lower Township Planning Board recommended the addition of General Business uses in Block 410.01, Lots 36, 37 & 37.01, as part of the re-examination of the Master Plan set forth in a report dated April 14, 2011; and

Whereas, the April 14, 2011 re-examination report generally encourages Industrial and General Business uses at the Airport Industrial Park because of the “special opportunity to absorb certain uses” and “due to the fact that it is better policed, busier and physically separated from residential districts,” and provides public water and sewer service “for the health, safety and welfare of the general public”; and

Whereas, Lower Township Council amended and supplement the Lower Township Zoning Ordinance, Chapter 400, under Lower Township Council Ordinance 2012-13, adding GB, GB-1 uses as a permitted use at the Airport Industrial Park;

Now, Therefore, Be It Resolved by the Lower Township Planning Board that the Planning Board recommends, that Lower Township Council Resolution #2014-48, Resolution determining the Cape May County Airport Industrial Park, Industrial and Airport Hazard Zoning Districts, to be an area in need of rehabilitation, be passed to provide for rehabilitation and five-year exemption and tax abatement, at the Cape May County Airport and Industrial Park.



William J. Galestok, PP, AICP
Director of Planning

DATED: January 16, 2014

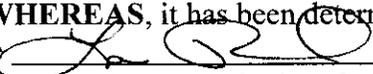
TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2014 - 49

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this time, 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 prior year's budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Michael Perry in the amount of \$7,163.32 is authorized and chargeable to the 2013 Budget account 3-01-25-240-125.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 22, 2014.


Julie A. Picard, Township Clerk

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

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief William Mastriana

FROM: Detective Michael Perry

DATE: January 9, 2014

SUBJECT: Comp. Time Pay Out

I'm submitting this special as a request to cash in 169 hours comp. time. The comp. time payout will be used to take my family on a vacation.

Respectfully Submitted,

Det. Michael Perry #178

Michael Perry

Detective Badge #178

Chief William Mastriana 1/13/14

169. x
42.3805 =
7,163.319 =

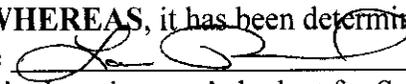
TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2014-50

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the same employee has accrued sick time due from the Township and per PBA contract the Township will at the employee's request, annually buy back a maximum of 40 hours of unused sick leave in January of any year, from employees who have not used more than 40 sick hours as per the PBA contract.

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 prior year's budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Donald Vanaman, Jr. in the amount of \$1,835.66 is authorized and chargeable to the 2013 Budget account 3-01-25-240-125.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on January 22, 2014.


Julie A. Picard, Township Clerk

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

LOWER TOWNSHIP POLICE DEPARTMENT

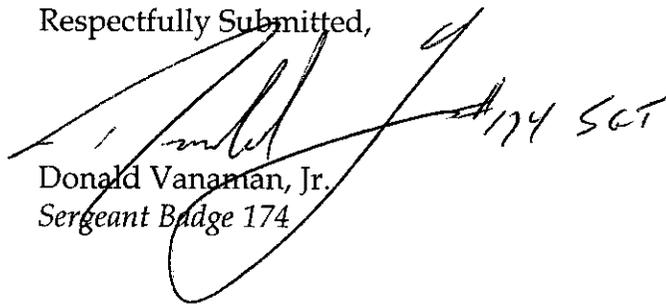
SPECIAL REPORT

TO: Chief Mastriana
FROM: Sergeant Vanaman
DATE: January 10, 2014
SUBJECT: Sick time sell back

Sir,
I respectfully request to sell back 40 hours of annual sick time from 2013. I have complied with the requirement of using 40 hours or less of sick time during the 2013 calendar year.

Thank you for your attention to this matter.

Respectfully Submitted,


Donald Vanaman, Jr.
Sergeant Badge 174

45.00 x
40.00 =
1.835.600

C	File	Date	Officer	Comments
		1/14/14	Chief Vanaman	

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

RESOLUTION #2014-51

TITLE: AMENDING RESOLUTION #2013-84 FOR THE LINDEMON WINCKELMANN DEUPREE MARTIN RUSSEL & ASSOCIATES PC (LWDMR) CONTRACT FOR THE ADA IMPROVEMENTS

WHEREAS, the Township of Lower ("Township") via Resolution #2013-84 awarded LWDMR Architects a contract for services related to the ADA Improvements at the Recreation Center and Fishing Creek School; and

WHEREAS, Lower Township is amending this Resolution to include Estimated Expenses in the amount of \$4,500, attached hereto, in the Small Cities Public Facilities (ADA Improvements) project; and

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

Appropriation # 4-15-56-223-048

Signature 

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves the amendment to Resolution #2013-84, to include the estimated expenses in the amount of \$4,500.00.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 22, 2014.


Julie A. Picard, Township Clerk

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

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

RESOLUTION #2013-84

TITLE: APPOINTMENT OF LINDEMON WINCKELMANN DEUPREE MARTIN RUSSEL & ASSOCIATES PC (LWDMR) WITHOUT PUBLIC BIDDING

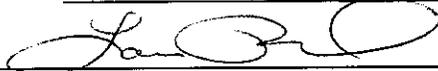
WHEREAS, the Township of Lower ("Township") has a need to acquire an Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Township has determined and certified in writing that the value of acquisition will exceed \$17,500, and LWDMR Architects has submitted a proposal indicating that they will provide the goods or services described above for a price not to exceed \$41,227; and

WHEREAS, the anticipated term of this contract is until the completion of Small Cities Public Facilities (ADA Improvements) project; and

WHEREAS, the CFO has determined sufficient funds will be available in the current budget as follows:

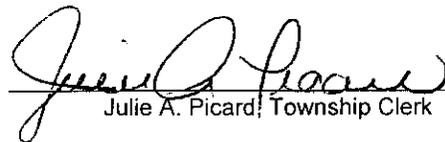
Appropriation # C-04-55-414-580

Signature 

WHEREAS, James Lindemon has completed and submitted a Business Entity Disclosure Certification which certifies that LWDMR Architects has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit the LWDMR Architects from making any reportable contributions through the term of the contract.

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

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on March 4, 2013.


Julie A. Picard, Township Clerk

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

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

RESOLUTION #2014-52

TITLE: AWARD OF CONTRACT TO LINDEMON WINCKELMANN DEUPREE MARTIN RUSSEL & ASSOCIATES PC (LWDMR) FOR SERVICES RELATED TO HAZARDOUS MATERIAL ABATEMENT AT THE FISHING CREEK SCHOOL AND GARAGE WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower has a need to acquire an Architect as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Township has determined and certified in writing that the value of acquisition will not exceed \$17,500, and LWDMR Architects has submitted a proposal indicating that they will provide the goods or services described above for a price not to exceed \$3,300; and

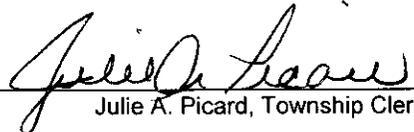
WHEREAS, the CFO has determined sufficient funds will be available in the budget as follows:

Appropriation # 4-15-56-223-048

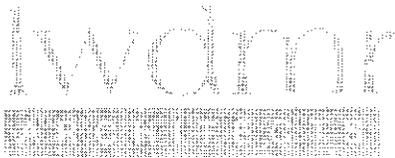
Signature 

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves a contract with LWDMR Architects for the goods and services herein described and that a notice of Award of Professional Contract for the above appointment shall be published in the Township's Official paper.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 22, 2014.


Julie A. Picard, Township Clerk

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



2106 Bayshore Road
 Villas, NJ 08251
 908-641-1000
 201-991-1000

SENT VIA EMAIL

January 16, 2014

Margaret Vitelli, QPA
 Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251

Re: Proposal for A/E Services for LBP and Asbestos Abatement at the Fishing Creek Schoolhouse located at 2102 / 2106 Bayshore Road, Villas, NJ 08251.

Dear Margaret,

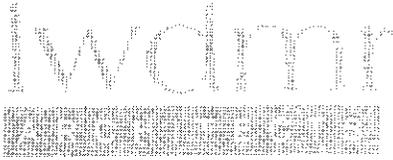
Please receive this letter as our proposal to perform the following services related to Hazardous Material Abatement at the Fishing Creek School and Garage.

A. School - Lead Paint Abatement

1. Bid and performance specifications for Lead Base Paint Abatement.	\$ 200.00
2. Bid analysis and negotiations.	\$ 150.00
3. Project Inspection (3 inspections).	\$ 450.00
4. Project "Close-Out".	\$ 200.00
TOTAL FEE FOR PORTION "A" ...	\$ 1,000.00

B. Garage - Asbestos Abatement at Roof

1. Bid and performance specifications for Asbestos Abatement.	\$ 200.00
2. Bid analysis and negotiations.	\$ 150.00
3. Project Inspection (3 inspections).	\$ 450.00
4. Project "Close-Out".	\$ 200.00
TOTAL FEE FOR PORTION "B" ...	\$ 1,000.00



140 Bay Street, Suite 4
Jersey City, NJ 07302
201 333 5017 / 5309 fax

140 Bay Street, Suite 4
Jersey City, NJ 07302
201 333 5017 / 5309 fax

www.lwdmmr.com

C. Garage - Lead base Paint (LBP) Abatement at Walls

1. Bid and performance specifications for LBP Abatement.	\$ 200.00
2. Bid analysis and negotiations.	\$ 150.00
3. Project Inspection (3 inspections).	\$ 450.00
4. Project "Close-Out".	\$ 200.00
TOTAL FEE FOR PORTION "C" ...	\$ 1,000.00

In addition to the above ... Reimbursable Expenses for this project are estimated to be \$300.00 (more, less or none at all are possible).

Expenses for project requirements or service not provided by LWDMMR & Associates, such as laboratory and testing costs and governmental and miscellaneous fees, shall be payable directly by the client or shall be reimbursed with markup for overhead and profit to LWDMMR & Associates if advanced by them. Expenses not a part of normal architectural overhead that are incurred by LWDMMR & Associates shall be reimbursed by the client, including mailing, printing, reproduction cost, traveling expenses, etc. with markup for overhead and profit.

Professionally submitted,

James N. Lindemon, RA
LWDMMR & Associates, PC

JNL/tmt

cc: File

Accepted by:

Signature

Print Name

Date

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

RESOLUTION # 2014-53

TITLE: RESOLUTION APPROVING A MUTUAL GENERAL RELEASE AND WAIVER OF CLAIMS BETWEEN THE TOWNSHIP OF LOWER AND THE OAK GROUP, INC. CONCERNING A LEAD ABATEMENT CONTRACT FOR THE FISHING CREEK SCHOOL

WHEREAS, The Oak Group was awarded a contract for lead abatement for the Fishing Creek School by the Township by Resolution #2013-311 on December 2, 2013 in accordance with P2P 2013-19 Pay to Play Notice to Bidders for the Lead Abatement Contract Fishing Creek School which was advertised on the Township website on October 2, 2013 and accepted on October 15, 2013 (the "Contract"); and

WHEREAS, Oak Group and the Township agree that a significant and material error concerning the cost for labor has been made and as a result Oak Group cannot perform the lead abatement services required by the Contract for the quoted price; and

WHEREAS, Oak Group has not performed any services to the Township in connection with the Contract and the Township has not made any payments to Oak Group in connection with the Contract; and

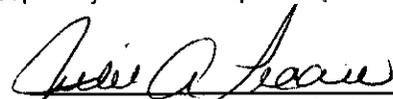
WHEREAS, the Parties acknowledge and agree that the error is material to the Contract, that enforcement of the Contract would be unconscionable, that the error occurred notwithstanding the exercising of reasonable care, and that neither Oak Group nor the Township is prejudiced by entering into this Mutual Release; and

WHEREAS, the Parties have agreed to cancel the Contract, and to release and discharge each other from all claims each may have against the other in connection with the contract in accordance with the terms and conditions of the Mutual General Release and Waiver of Claims attached hereto, which is incorporated herein.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby determines and declares as follows:

1. The Mutual General Release and Waiver of Claims attached hereto is hereby approved.
2. The Mayor and Clerk are hereby authorized to sign the Mutual General Release and Waiver of Claims and to take all necessary action to effectuate the terms contained therein.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on January 22, 2014.


Julie A. Picard, Township Clerk

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

**MUTUAL GENERAL RELEASE AND WAIVER OF CLAIMS
BETWEEN THE TOWNSHIP OF LOWER AND THE OAK GROUP, INC.
CONCERNING A LEAD ABATEMENT CONTRACT FOR THE FISHING CREEK
SCHOOL**

THIS MUTUAL GENERAL RELEASE AND WAIVER OF CLAIMS (hereinafter referred to as "General Release") is entered into this 16th day of January, 2014, by and between OAK GROUP, INC. a New Jersey corporation, with offices located at 200 Federal Street, Suite 300, Camden, New Jersey 08103, its employees, agents, licensees, officers, directors, members, representatives, successors, heirs or assigns, (hereinafter referred to as "Oak Group"), and THE TOWNSHIP OF LOWER, a New Jersey municipal corporation, its employees, agents, licensees, subcontractors, officers, directors, members, representatives, successors, heirs or assigns, with an address of 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as the "Township"). Oak Group and the Township may hereinafter be referred to collectively as the "Parties."

WHEREAS, Oak Group was awarded a contract for lead abatement for the Fishing Creek School by the Township by Resolution #2013-311 on December 2, 2013 in accordance with P2P 2013-19 Pay to Play Notice to Bidders for the Lead Abatement Contract Fishing Creek School which was advertised on the Township website on October 2, 2013 and accepted on October 15, 2013 (the "Contract"); and

WHEREAS, Oak Group and the Township agree that a significant and material error concerning the cost for labor has been made and as a result Oak Group cannot perform the lead abatement services required by the Contract for the quoted price; and

WHEREAS, Oak Group has not performed any services to the Township in connection with the Contract and the Township has not made any payments to Oak Group in connection with the Contract; and

WHEREAS, the Parties acknowledge and agree that the error is material to the Contract, that enforcement of the Contract would be unconscionable, that the error occurred notwithstanding the exercising of reasonable care, and that neither Oak Group nor the Township is prejudiced by entering into this Mutual Release; and

WHEREAS, the Parties have agreed to cancel the Contract, and to release and discharge the other from all claims each may have against the other in connection with the contract.

NOW, THEREFORE, in consideration of the above premises and mutual promises contained herein, Oak Group and the Township agree as follows:

1. Recital Paragraphs. The foregoing recital paragraphs are incorporated herein by this reference as if set forth at length.

2. Intent. The Parties understand and agree that the overriding and controlling intent of this General Release is to accomplish a full mutual release benefiting Oak Group and the Township of all claims or actions each Party has or may have against the other Party for any act or omission, whether known or unknown, up to and including the date of the execution of this General Release. It is the intent of the Parties that this document shall release all Parties of any liabilities herein.

3. Waiver and Release of Claims.

A. Oak Group expressly releases, acquits, satisfies and forever discharges the Township from all actions, suits, sums of money, accounts, covenants, attorney fees, expenses, contracts, controversies, agreements, warranties, damages, judgments, executions, claims and demands whatsoever, whether known or unknown, in law or in equity, which the releasing party ever had, now has, or may have upon or by reason of any matter, cause or thing whatsoever relating to or arising from or in connection with the Contract from the beginning of the world to end of time.

B. The Township expressly releases, acquits, satisfies and forever discharges Oak Group Township from all actions, suits, sums of money, accounts, covenants, attorney fees, expenses, contracts, controversies, agreements, warranties, damages, judgments, executions, claims and demands whatsoever, whether known or unknown, in law or in equity, which the releasing party ever had, now has, or may have upon or by reason of any matter, cause or thing whatsoever relating to or arising from or in connection with the Contract from the beginning of the world to end of time.

4. No Construction Against Drafter. Each Party has participated in negotiating and drafting this General Release so, if an ambiguity or a question of intent or interpretation arises, this General Release is to be construed as if the Parties had drafted it jointly, as opposed to being construed against a Party because it was responsible for drafting one or more provisions of this General Release.

5. Knowing and Voluntary. Oak Group and the Township expressly acknowledge they understand all the provisions of this General Release and they knowingly and voluntarily are entering into this General Release.

6. Governing Law. This General Release is made and entered into in the State of New Jersey and shall in all respects be interpreted, enforced, and governed under the laws of New Jersey, and any legal action to enforce the terms of this General Release shall be filed in the Superior Court of New Jersey, Cape May County. The language of all parts of this General Release shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the Parties hereto.

7. Severability. Should any provision of this General Release be declared or be determined by any court of competent jurisdiction to be illegal, invalid, void, or unenforceable, the legality, validity and enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and any said illegal, unenforceable or invalid part, term or provision shall be deemed not to be a part of this General Release.

8. Binding on Oak Group. Oak Group's execution, delivery and performance of this General Release has been duly authorized by Oak Group, and Oak Group has full power and authority to execute and deliver this General Release and such other documents as are described herein. This General Release constitutes a valid and binding obligation of Oak Group, which is enforceable against Oak Group in accordance with its respective terms. Oak Group will comply with all applicable law and with all applicable rules and regulations of any government entity, in connection with its execution, delivery and performance of this General Release and consummation of the transactions contemplated hereby.

9. Binding on the Township. The Township's execution, delivery and performance of this General Release has been duly authorized by Township, and Township has full power and authority to execute and deliver this General Release and such other documents as are described herein. This General Release constitutes a valid and binding obligation of Township, which is enforceable against Township in accordance with its respective terms. Township will comply with all applicable law and with all applicable rules and regulations of any government entity, in connection with its execution, delivery and performance of this General Release and consummation of the transactions contemplated hereby.

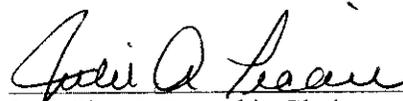
10. Counterparts. This General Release may be executed in any number of counterparts, each of which when executed shall be deemed to be an original. All such counterparts, however, shall constitute one and the same instrument.

11. Entire Agreement. This General Release sets forth the entire agreement between the Parties hereto and fully supersedes any and all prior agreements, contracts or understandings between the Parties hereto pertaining to the subject matter hereof.

12. Effective Upon Adoption. This General Release is contingent upon, and shall not become effective until approved and adopted by resolution of the Township Council, of the Township of Lower.

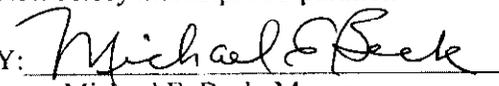
IN WITNESS WHEREOF, the parties hereto set their hand the day and year first above written.

ATTEST:



Julie Picard, Township Clerk

LOWER TOWNSHIP,
a New Jersey municipal corporation

BY: 

Michael E. Beck, Mayor

THE OAK GROUP, INC
a New Jersey corporation

ATTEST:

BY: 

Edward Eichen, President