

Signed Resolutions October 7, 2013

- Res. #2013-261 Payment of Vouchers \$532,933.15
Res. #2013-262 Certification of Lot Clearing Charges to the Tax Collector (13 properties \$10,625.00 liens to be placed against property)
- Res. #2013-263 Authorization for the Payout of Accumulated Compensatory Time (R. Fessler \$7,414.79)
Res. #2013-264 A Resolution Authorizing a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the Beach Drive Project (Beach Drive Pedestrian Access Improvements from Lincoln Blvd to Pinewood Ave \$996,216.)
- Res. #2013-265 Approval of Greater Cape May Elks Lodge #2839 Application to Conduct a Flea Market (10/26 at 917 Bayshore Road)
- Res. #2013-266 Approval of Wizards Festival of Fun Event - Brain Buster Game Show - For New Year's Eve Celebration December 31, 2013 (\$1,500.00)
- Res. #2013-267 Authorization: Determination of Municipal Service Fees for 2014 (\$120.00 per manufactured home)
- Res. #2013-268 Resolution Awarding Contract to Hatch Mott Macdonald for Additional Work on the Beach Drive Pedestrian Access Improvement Project (\$5,750. additional field surveys)
- Res. #2013-269 Rejection of bids for Lead Abatement Contractor - Fishing Creek School (over budget)
Res. #2013-270 A Resolution Requesting Release of Maintenance Guarantee for CVS Pharmacy - Feinberg & McBurney Realty Block 216/Lots32-34; Escrow #P08-08-02 (\$66,926.52)
- Res. #2013-271 Memorandum of Agreement between the County of Cape May, the Delaware River and Bay Authority and the Township fo Lower (all property occupied by tenants shall pay taxes to Lower Twp.)
- Res. #2013-272 Fire Protection - Water System Improvements - Diamond Beach (supporting Wildwood's Water Utility's efforts to install an elevated water tank)
- Res. #2013-273 Certification of Best Practices Inventory (required yearly by state to receive state aid)
Res. #2013- 274 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. Police Litigation Stango v Lower/ Personnel Issue / School Litigation

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00419 RICHARD M BRASLOW, ESQ	13-02779	09/25/13	PROFESSIONAL SERVICES-FIRE SAF	Open	16.00	0.00		
00480 BURKE CHEVROLET*	13-01691	06/07/13	PARTS FOR POLICE VEHIC/SEPT	Open	719.07	0.00		
00509 CAPE REGIONAL MEDICAL CENTER	13-00109	01/10/13	HEPATITIS VACCINE	Open	265.00	0.00		B
00616 ANIMAL ALLIANCE OF CAPE	13-02706	09/16/13	TNR AND SPAY/NEUTER PROGRAM	Open	300.00	0.00		
	13-02781	09/26/13	TNR AND SPAY/NEUTER PROGRAM	Open	250.00	0.00		
	13-02833	10/01/13	TNR SPAY/NEUTER PROGRAM	Open	<u>300.00</u>	0.00		
					850.00			
00651 MUNICIPAL UTIL AUTH DUMP FEES	13-02724	09/18/13	MUA TIPPING FEES	Open	77,556.04	0.00		
00735 CATERINA SUPPLY, INC.*	13-02611	09/03/13	MATERIAL FOR DRAINAGE PROJECT	Open	17,086.60	0.00		
00739 CAPE MAY VETERINARY HOSPITAL	13-02777	09/25/13	TNR PROGRAM	Open	457.22	0.00		
00775 CAPRIONI PORTABLE TOILETS, INC*	13-02702	09/13/13	PARK & FEILD PORTABLE TOILETS	Open	231.00	0.00		
	13-02703	09/13/13	PARK& FEILD PORTABLE TOILETS	Open	<u>140.50</u>	0.00		
					371.50			
00784 CAPE MAY STAR & WAVE	13-02740	09/20/13	LEGAL PUBLICATIONS	Open	18.60	0.00		
	13-02757	09/24/13	LEGAL NOTICES 9-18-13	Open	62.62	0.00		
	13-02820	10/01/13	LEGAL PUBLICATION 9-25-13	Open	<u>34.34</u>	0.00		
					115.56			
00807 CDW-GOVERNMENT INC*	13-01842	06/21/13	FIRARMS ID PRINTER	Open	380.24	0.00		
00825 COMCAST*	13-02698	09/13/13	COMCAST MONTHLY BELL POOL	Open	130.87	0.00		
	13-02771	09/24/13	INTERNET 09/30/13-10/29/13FIRE	Open	<u>109.93</u>	0.00		
					240.80			
00940 COASTAL BROADCASTING*	13-02546	08/23/13	BACK TO SCHOOL SPONSORSHIP	Open	200.00	0.00		
00991 COLONIAL ELECTRIC SUPPLY*	13-02515	08/21/13	REPLACE EMERGENCY LIGHTS/ REC	Open	157.76	0.00		
	13-02555	08/26/13	EMERGENCY EXIT LIGHTS /BENNETT	Open	616.68	0.00		
	13-02651	09/09/13	MILLMAN CENTER THERMOSTATES	Open	<u>82.60</u>	0.00		
					857.04			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01171 VERIZON WIRELESS - TOWNHALL	13-02858	10/02/13	CELL SERVICE 08/24/13-09/23/13	Open	1,046.91	0.00		
01219 CONTRACTOR SERVICE*	13-02254	08/05/13	BARRICADES	Open	9,724.00	0.00		
01365 GARY DOUGLASS	13-02826	10/01/13	REIMBURSEMENT POSTAGE PEOSHA	Open	16.74	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*	13-02601	09/03/13	BENNETTE FOOTBALL SCORE BOARD	Open	1,400.00	0.00		
	13-02679	09/12/13	RESCUE ELECTRICAL	Open	750.00	0.00		
	13-02682	09/12/13	REPAIR GATE AT BENNETTE CROSS	Open	200.00	0.00		
					<u>2,350.00</u>			
01690 GRANTURK EQUIPMENT CO*	13-01695	06/07/13	PARTS FOR RECYCLING/AUG	Open	334.99	0.00		
01751 GRINGER WEAR PARTS, INC	13-02331	08/12/13	BLADES FOR TUB GRINDER	Open	1,948.00	0.00		
01781 HATCH MOTT MACDONALD, LLC*	12-02547	09/20/12	RES 2012-227 BAYSHORE ESTATES	Open	10,378.22	0.00		B
	13-01659	06/18/13	HATCH MOTT WATER INVESTIGATION	Open	19,287.50	0.00		
	13-02313	08/08/13	TAX MAP REVISIONS RES 2013-216	Open	232.00	0.00		B
	13-02739	09/20/13	PROFESSIONAL ENGINEERING	Open	59.50	0.00		
					<u>29,957.22</u>			
01785 ROBERT HARTMAN SR	13-00184	01/16/13	CONTRACTUAL REIMBURSEMENT	Open	314.70	0.00		
01807 MARLIN HEDUM	12-01276	05/16/12	2012 EQUIP. ALLOWANCE	Open	150.00	0.00		
	13-01073	04/16/13	2013 EQUIP. ALLOWANCE	Open	150.00	0.00		
					<u>300.00</u>			
01859 HESS CORPORATION	13-02697	09/13/13	08/06/13-09/05/13 ELECTRIC	Open	81.40	0.00		
	13-02780	09/26/13	08/20/13-09/19/13 ELECTRIC	Open	8,495.22	0.00		
	13-02823	10/01/13	ELECTRIC 08/14/13-09/13/13	Open	208.36	0.00		
	13-02859	10/02/13	ELECTRIC 08/20/13-9/19/13	Open	92.99	0.00		
					<u>8,877.97</u>			
02013 NICKOLAUS CONSTRUCTION CO*	13-02584	08/28/13	RES#2013-195 RESURFACE BASKETB	Open	30,880.00	0.00		
02025 HUNTER JERSEY PETERBILT*	13-02018	07/09/13	PARTS FOR TRUCKS/SEPT.	Open	829.28	0.00		
02027 JESCO INC*	13-02614	09/04/13	PARTS FOR ROAD EQUIPMENT	Open	1,268.42	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02101	KELLY PRODUCTS CO., INC.*	13-02521	08/21/13	MILLMAN CENTER/ CART AND COOLE	Open	1,283.52	0.00		
02108	KEEN COMPRESSED GAS CO*	13-01677	06/07/13	BOTTLED GAS FOR GARAGE/DPW	Open	406.71	0.00		
02136	TED KINGSTON INC*	13-01051	04/16/13	RADIO MAINT. JUNE	Open	487.36	0.00		
		13-01995	07/05/13	RADIO MAINT. JULY	Open	499.35	0.00		
						986.71			
02198	STELLAR COMMUNICATIONS	13-02551	08/26/13	EMERGENCY LIGHT REPAIR TOWER	Open	886.00	0.00		
02292	DONALD LOMBARDO	13-02803	09/30/13	MEDICAL CLAIMS	Open	1,060.73	0.00		
02334	LOWER TWP CHAMBER OF COMMERCE	13-02650	09/09/13	MEMBERSHIP 10/2013 - 9/2014	Open	100.00	0.00		
		13-02695	09/13/13	MEMBERSHIP LUNCHEON-9/12/13	Open	30.00	0.00		
						130.00			
02715	MODERN HANDLING EQUIP CO*	13-01883	06/25/13	EMERG REPAIR RESCUE GENERATOR	Open	3,003.21	0.00		
03001	STATE TOXICOLOGY LABORATORY*	13-02623	09/04/13	APPLICANT TESTING	Open	90.00	0.00		
03086	NJ STATE ASSN CHIEFS OF POL*	13-01346	05/14/13	TRAINING	Open	299.00	0.00		
03104	NORTHEAST IND.&MARINE SUPPLY*	13-01680	06/07/13	PARTS/RDS/SANT/RECY/JULY	Open	1,368.00	0.00		
03109	TRU GREEN CHEMLAWN	13-00969	04/08/13	FERTILIZER/SLICE SEED FIELDS	Open	1,235.00	0.00		
03179	OFF-SHORE GETTY STATION*	13-02607	09/03/13	TOWING	Open	75.00	0.00		
03279	PARDO'S TRUCK PARTS WHSE*	13-01978	07/03/13	RDS/SANT/RECY/DPW/SEPT	Open	1,051.31	0.00		
03280	PARAMOUNT SANITARY SUPPLY*	13-02559	08/26/13	PARKS & REC TRASH BAGS	Open	276.90	0.00		
03290	PARKWAY VETERINARY HOSPITAL	13-02746	09/23/13	TNR PROGRAM	Open	68.00	0.00		
03305	PEDRONI FUEL*	13-02802	09/30/13	NO LEAD GAS	Open	565.50	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03330	PENNANT SPORTS, INC*	13-02652	09/09/13	SOCCER EQUIPMENT	Open	418.75	0.00		
03427	POLAR BEAR*	13-02582	08/28/13	GAME ROOM AIR CONDITION REPAIR	Open	145.00	0.00		
03466	R & R SPECIALTIES	13-02671	09/11/13	PLAQUE FOR MEMORIAL BENCH	Open	270.00	0.00		
		13-02672	09/11/13	SPONSOR PLAQUES MEMORIAL BENCH	Open	<u>148.00</u>	0.00		
						418.00			
03484	LAUREN M. READ	13-02728	09/18/13	MEDICAL CLAIMS-V	Open	118.00	0.00		
		13-02800	09/30/13	GFOA CONFERENCE PARKING	Open	<u>38.40</u>	0.00		
						156.40			
03518	RIGGINS, INC.*	13-02776	09/25/13	OFF HIGWAY DIESEL	Open	680.66	0.00		
03537	RUTGERS, THE STATE UNIVERSITY*	13-02490	08/19/13	MUNICIPAL BUDGET PROCESS-CLASS	Open	934.00	0.00		
03573	SAFETY-KLEEN CORP*	13-02622	09/04/13	EQUIPMENT MAINTENANCE	Open	314.29	0.00		
03608	SEAWAVE CORPORATION*	13-02756	09/24/13	LEGAL NOTICES-9-18-13 PLANNING	Open	10.94	0.00		
03611	SERVICE TIRE TRUCK CENTERS*	13-02186	07/25/13	TIRES/RDS/SANT/RECY/DPW/SEPTEMBER	Open	7,776.54	0.00		
03692	SOUTH JERSEY GAS CO*	13-02835	10/01/13	GAS FOR SEPTEMBER 2013	Open	1,184.70	0.00		
03723	STAPLES, INC.*	13-02609	09/03/13	SCANNERS/DPW	Open	694.38	0.00		
		13-02681	09/12/13	SUPPLIES	Open	<u>100.32</u>	0.00		
						794.70			
03727	EDWARD STRING	13-02764	09/24/13	MEDICAL CLAIMS-V	Open	245.00	0.00		
03867	UNIVERSAL SUPPLY CO.	13-01868	06/24/13	REPAIRS TO BENNETTS CROSS SHED	Open	531.75	0.00		
		13-02763	09/24/13	ROOF FOR BENNETT CROSS.SHED	Open	<u>361.09</u>	0.00		
						892.84			
03914	ULINE INC*	13-02332	08/12/13	LOCK OUT/ TAG OUT KITS	Open	403.30	0.00		
03921	UNIFORM & ACCESSORIES WHSE*	13-01194	04/29/13	VEHICLE PARTS REQUESTED BY DPW	Open	80.73	0.00		

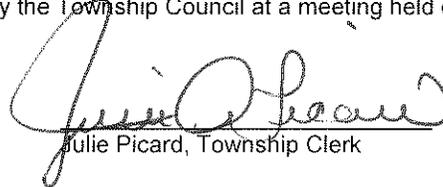
Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03969 VERIZON	13-02822	10/01/13	SEPTEMBER 2013 PHONE SERVICE	Open	4,054.31	0.00		
03971 VERIZON WIRELESS MDT POLICE	13-02684	09/12/13	VERIZON MDT	Open	814.30	0.00		
	13-02860	10/03/13	VERIZON MDTs	Open	<u>549.31</u>	0.00		
					1,363.61			
03985 VILLAS NAPA AUTO PARTS	13-01938	06/28/13	RDS/SANT/RECY/SEPT.	Open	2,920.63	0.00		
03992 VAL-U AUTO PARTS LLC*	13-01745	06/07/13	RDS/SANT/RECY/DPW/AUG	Open	7,028.24	0.00		
03995 VITAL COMMUNICATIONS, INC.*	13-02738	09/19/13	POSTAGE FOR ASSESSMENT NOTICES	Open	5,073.75	0.00		
04097 CINTAS FIRST AID AND SAFETY*	13-02736	09/18/13	FIRST AIDE SUPPLIES/DPW	Open	193.74	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	13-02856	10/02/13	STATE DOG LICENSE FEES-SEPTEMB	Open	20.40	0.00		
04300 W B MASON CO INC*	13-02560	08/26/13	CUSTOM STAMP	Open	38.00	0.00		
	13-02563	08/26/13	OFFICE SUPPLIES	Open	470.25	0.00		
	13-02608	09/03/13	TONER/DRUM/DPW	Open	235.97	0.00		
	13-02729	09/18/13	2014 DESK/WALL CALENDARS	Open	<u>217.55</u>	0.00		
					961.77			
05067 PRO TUFF DECALS*	13-02473	08/16/13	FB HELMET DECALS	Open	777.60	0.00		
05100 CHARLES W. SANDMAN, III ESQ	13-00268	01/23/13	2013 LITIGATION MONTHLY \$50k	Open	4,166.66	0.00		B
	13-00269	01/23/13	2013 PROF EXPENSE MONTHLY 40k	Open	<u>2,237.50</u>	0.00		
					6,404.16			
06020 JOSEPH PORRETTA BUILDERS*	13-00753	03/14/13	MILLMAN CENTER RENO #2013-65	Open	9,108.62	0.00		
06030 JACK FICHTER*	13-01455	05/24/13	PUBLIC INFORMATION OFFICER	Open	1,000.00	0.00		B
06031 AASHTO*	13-01968	07/03/13	ENGINEERING REFERENCE BOOKS	Open	724.50	0.00		
4104 DOUGLASS LANDSCAPING LLC*	13-00954	04/04/13	2013 LANDSCAPING RES #2013-98	Open	5,192.50	0.00		
5022 INSTITUTE FOR FORENSIC PSYCHO*	13-01942	06/28/13	EVALUATION	Open	975.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6059	USABLE LIFE							
	13-02849	10/02/13	OCTOBER 2013 LIFE INSURANCE	Open	437.06	0.00		
6061	AMERIHEALTH ADMINISTRATORS							
	13-02709	09/17/13	SEPT 16 HEALTH INS & RX	Open	54,982.68	0.00		
	13-02762	09/24/13	SEPT 23 HEALTH INS & RX	Open	65,940.82	0.00		
	13-02821	10/01/13	OCTOBER 2013 ADMIN & STOP LOSS	Open	25,997.25	0.00		
	13-02848	10/02/13	OCT 1 HEALTH INS & RX	Open	64,799.54	0.00		
					<u>211,720.29</u>			
6071	UNITED UNIFORMS LIMITED LIAB*							
	13-02464	08/15/13	UNIFORMS	Open	1,506.00	0.00		
6075	PARKER MCCAY P.A. *							
	13-02741	09/20/13	PROFESSIONAL SVCS-NOTE SALE	Open	2,337.84	0.00		
6091	KEVIN BURNS							
	13-02727	09/18/13	REFUND FOR SPRING SOCCER REG	Open	20.00	0.00		
7012	Y-PERS, INC*							
	13-02485	08/19/13	TOWELS FOR SHOP/DPW	Open	455.00	0.00		
7019	OCEAN VIEW VETERINARY*							
	13-02789	09/26/13	VET SERVICES-MEDICAL EXPENSE	Open	354.50	0.00		
7023	CATRINA ZOGRATOS							
	13-02700	09/13/13	REFUND FOOTBALL REGISTRATION	Open	20.00	0.00		
7024	JESSICA SMITH							
	13-02737	09/18/13	REFUND SOCCER REGISTRATION	Open	10.00	0.00		
7025	REBECCA SMITH							
	13-02745	09/23/13	REFUND FALL SOCCER	Open	15.00	0.00		
7028	JAMES MORALES							
	13-02773	09/25/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
7029	PHILIP L PIZZI							
	13-02775	09/25/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
7030	PAUL FETTER							
	13-02772	09/25/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
7031	GREG FLETCHER							
	13-02774	09/25/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	215.00	0.00		
7034	MICHELE BARIKIAN							
	13-02794	09/30/13	REFUND SOCCER FEE	Open	15.00	0.00		
7035	MICKEY KIERNAN							
	13-02795	09/30/13	REFUND SOCCER REGISTRATION	Open	15.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7038 ANTHONY STRAZZERI	13-02831	10/01/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
7039 JOHN RAPP	13-02830	10/01/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
7040 JEFF KODYTEK	13-02832	10/01/13	FOOTBALL GAME OFFICIAL PAYMENT	Open	175.00	0.00		
CARROT CARROT-TOP INDUSTRIES, INC*	13-02566	08/26/13	FLAGS FOR PARK AND FIELDS	Open	745.51	0.00		
<hr/> Total Purchase Orders: 143 Total P.O. Line Items: 498 Total List Amount: 531,176.36 Total Void Amount: 0.00								

Vendor	PO #	Description	CK	Amount
HORIZON ENTERTAINMENT	13-02620	TEEN TRUTH SEMINAR	51002	\$ 1725.00
PENNSYLVANIA TURNPIKE	13-02782	EZ PASS FUNDS	50999	\$ 31.79
Total Manual Checks				\$ 1,756.79
Total Computer Generated				\$ 531,176.36
z Total Bill List				\$ 532,933.15

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 7, 2013.


 Julie Picard, Township Clerk

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

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

RESOLUTION #2013-262

TITLE: CERTIFICATION OF LOT CLEARING CHARGES TO THE TAX COLLECTOR

WHEREAS, Ordinance #99-10 establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the Township of Lower, which is also known as the Property Maintenance Code, and

WHEREAS, according to Section 302, Exterior Property Areas of the Property Maintenance Code, all premises and exterior property shall be maintained in a clean, safe and sanitary condition, and

WHEREAS, the properties listed below contained conditions which violated Section 302 of the Property Maintenance Code; and

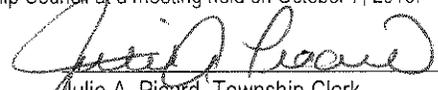
WHEREAS, the Township of Lower has abated the conditions pursuant to the requirements of the Property Maintenance Code and desires to place a lien on the properties listed below:

Block	Lot	Name (As Assessed)	Property Location	Amount	Admin Fee	Lien Amount
93	45	Frederick, Rebecca	145 E Atlantic Ave	290.00	500.00	790.00
44	18	Hardesty, Marynell	609 E St. Johns Ave	265.00	500.00	765.00
27	27	Gas Restaurant LLC	401 Bayshore Rd	200.00	500.00	700.00
51	6	Baldwin, George & Jacqueline	310 E. St. Johns Ave	350.00	500.00	850.00
306	35	Cooper, Raymond G Jr.	116 Oak Ave	250.00	500.00	750.00
368.02	3	Brad, Frank & Jacqueline	20 Village	500.00	500.00	1,000.00
249	10	Cape May Construction Co	222 W Drumbed	300.00	500.00	800.00
142	15	Strategic BCIFC Acquisitions, LLC	7 Pennsylvania Ave	300.00	500.00	800.00
235	5	Hamilton, Shannon & Calverley, Colleen	203 Rose Lane	200.00	500.00	700.00
485	46	Steelman, Joseph & Debra	365 Corson Lane	500.00	500.00	1,000.00
331	5.02	Allen, Raymond & Laura	112 Kentucky Ave	190.00	500.00	690.00
162	24	Beerley, Paul & Danielle	8 W New York Ave	385.00	500.00	885.00
432	5	Smyth, Robert A	244 Barbara's Lane	395.00	500.00	895.00
			TOTAL	4,125.00	6,500.00	10,625.00

WHEREAS, the Code Enforcement Officer of the Township of Lower has certified the costs incurred to abate such conditions to the Township Council, which has examined the certification and has found it to be correct.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May and State of New Jersey that the costs and fees set forth on Schedule A, incurred by the Township of Lower to abate the unlawful conditions on the properties listed below are charges as a lien against such properties, to be added to and become part of the taxes next to be assessed and levied upon such properties, to bear interest at the same rate as taxes, and to be collected and enforced in the same manner as taxes.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad		X	X			
Neville	X		X			
Henderson			X			
Clark			X			
Beck			X			

Memo

To: Claudia R. Kammer, Clerk

From: Walter Fiore, Code Enforcement Officer

Subject: Liens for Lot Clearings

Date: September 16, 2013

CC: File

I respectfully request liens be placed on the properties listed below for lot clearing charges incurred by the Township.

Please note the Township cost to be added to all liens is \$500.00

BLK/LOT	Name (As Assessed)	Amount	Property Location
93 / 45	FREDERICK, REBECCA	\$290.00	145 E ATLANTIC
44 /18	HARDESTY, MARYNELL	\$265.00	609 E ST JOHNS AVE
27 / 27	GAS RESTAURANT LLC	\$200.00	401 BAYSHORE RD
51 / 6	BALDWIN, GEORGE & JACQUELINE	\$350.00	310 E ST JOHNS
306 / 35	COOPER, RAYMOND G JR	\$250.00	116 OAK AVE
368.02 / 3	BRAD, FRANK & JACQUELINE A.	\$500.00	20 VILLAGE
249 /10	CAPE MAY CONSTRUCTION, LLC	\$300.00	222 W DRUMBED
142 / 15	STRATEGIC BCIFC ACQUISITIONS, LLC	\$300.00	7 PENNSYLVANIA AVE
235 / 5	HAMILTON, SHANNON & CALVERLEY, COLLEEN	\$200.00	203 ROSE LANE
485 / 46	STEELMAN, JOSEPH H. & DEBRA	\$500.00	365 CORSON LANE
331 / 5.02	ALLEN, RAYMOND & LAURA L.	\$190.00	112 KENTUCKY AVE
162 / 24	BEERLEY, PAUL & DANIELLE	\$385.00	8 W NEW YORK
432 / 5	SMYTH, ROBERT A.	\$395.00	244 BARBARA'S LANE

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

RESOLUTION # 2013-263

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

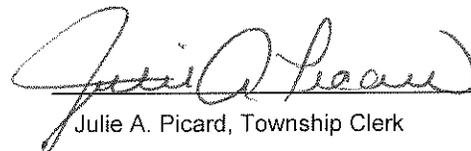
WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this time, and

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 [Signature] that adequate funding is available for such payment in the current budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Robert Fessler in the amount of \$7,414.79 is authorized and chargeable to the 2013 Budget account 3-01-25-240-122.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

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

CFO
Payroll

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: CHIEF WILLIAM MASTRIANA

FROM: PTLM ROBERT FESSLER

DATE: 9-20-13

SUBJECT: COMP TIME

I AM REQUESTING TO SELL BACK 175 HOURS OF COMP TIME DUE TO BEING OVER THE COMP TIME LIMIT.

Respectfully Submitted,

Patrolman Badge 176

C File

Date

Officer

Comments

9/23/2013 Chief William Mastriana forwarded to T2P

Approved
9/24/13

42,3702

7414,79

3-01-25-240-122

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

RESOLUTION #2013-264

TITLE: A RESOLUTION AUTHORIZING A GRANT APPLICATION AND THE EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BEACH DRIVE PROJECT

WHEREAS, the Council of the Township of Lower has determined that Beach Drive is in need of reconstruction in order to provide pedestrian safety; and

WHEREAS, funds for such reconstruction may be available to the Township of Lower under the New Jersey Transportation Trust Fund Authority Act; and

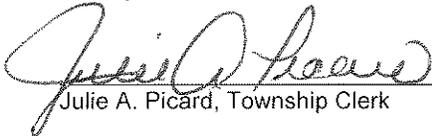
WHEREAS, an application must be filed with the Department of Transportation to apply for such funds.

NOW, THEREFORE, BE IT RESOLVED that Council of Lower Township, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Lower Township-00039 to the New Jersey Department of Transportation on behalf of Lower Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lower Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I hereby certify this is the original resolution adopted by the Township Council on October 7, 2013.


Julie A. Picard, Township Clerk

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

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

TYPE OF IMPROVEMENT

Infrastructure

Purpose

Bikeway

Primary project purpose is for constructing new bikeways (e.g. bike lanes, bike paths, bike compatible roadways).

Bridge Preservation

Primary project purpose is for improving the condition of Bridge infrastructure (e.g. new deck, rehabilitation, replacement).

Mobility

Primary project purpose is to enhance mobility and reduce congestion (e.g. adding lanes, park & ride, signal optimization).

Pedestrian Safety

Primary project purpose is to enhance pedestrian safety (e.g. new sidewalks, new crosswalks, traffic calming, pedestrian overpass).

Quality of Life

Primary project purpose is for beautification, environmental mitigation, economic development or historic preservation.

Roadway Preservation

Primary project purpose is for improving the condition of roadway infrastructure (e.g. resurfacing, reconstruction, drainage).

Roadway Safety

Primary project purpose is to enhance vehicular safety (e.g. guide rail, signing, warning devices, striping).

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Project Name

Note: If you have multiple locations for the same type of improvement and scope of work, you may enter "various" for the project limits, download an excel spreadsheet, fill it out and attach it below.

Project Title: Beach Drive Pedestrian Access Improvements

From: Lincoln Boulevard

To: Pinewood Avenue

Project Distance (Miles): 1.5

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

PROJECT LOCATION

County to filter by: Cape May County

Municipalities: Lower Township

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Scope of Work

To greatly enhance pedestrian safety and improve the uncontrolled and limited access conditions that presently exist along Beach Drive, the Township of Lower proposes to construct a beach-walk project between Lincoln Drive and Pinewood Avenue along the bay side of the existing roadway.

The proposed Beach Drive Pedestrian Safety Improvements Project is comprised of a six foot wide sidewalk and raised curb along the bay side of Beach Drive for approximately 1.5 miles. The Project will also include marked cross walks, miscellaneous drainage improvements, additional ADA improvements and proposed signage in accordance with the MUTCD at each of the street intersections. The purpose of the project is to improve the roadway for pedestrian safety along the bayside of the road. The project will enhance the safe use of the roadway by pedestrians for walking, jogging, sightseeing as well as ingress and egress to and from existing beach paths.

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Scope of Work cont'd

Location Map - 8.5 x 11 only - showing project limits

705114-LocationMap.pdf

Note: All information must be clear and legible with street names labeled.

You may include photos with your application by uploading them here:

705114-sitephotographs.pdf

Does this project include a traffic signal? Yes No

If **Yes**, please attach authorization to design or install if available.

Will the project meet AASHTO standards? Yes No

If **No**, list Design Exceptions below

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Pedestrian Safety Data Sheet

- | | |
|--|---|
| <input type="checkbox"/> New Sidewalk | <input type="checkbox"/> Traffic Signal |
| <input checked="" type="checkbox"/> Pedestrian Walkway | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Pedestrian Overpass | <input type="checkbox"/> Warning Devices |
| <input type="checkbox"/> Pedestrian Underpass | <input type="checkbox"/> Traffic Calming |
| <input type="checkbox"/> Pedestrian Bridge | <input type="checkbox"/> Intersection Improvement |
| <input type="checkbox"/> Crosswalk | <input type="checkbox"/> Lighting |
| <input type="checkbox"/> Sidewalk Replacement | |

- | | | |
|---|---|--|
| Is the project in an Urban Coordinating Council neighborhood? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Has the sponsor undertaken other safety improvements utilizing their own resources to which this project is linked? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the project part of an established pedestrian plan or inventory? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the project on a walking route (within 2 miles) to a school?
(Show on location map) | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the project have local official and citizen support? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Has the applicant adopted a Complete Streets policy or resolution? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Pedestrian Safety Data Sheet cont'd

Attach letters of support. Any letters must be addressed to the applicant. You may also attach other documents that describe the project need.

705133-recsupport.pdf

705133-polisupport.pdf

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

Pedestrian Safety Data Sheet cont'd

If the project improves safety, please explain below

The purpose of the project is to improve pedestrian safety on one of the most pedestrian used roadways in the Township. Within the project area the roadway currently supports two-way vehicular traffic with on-street parking only on its northbound side from Lincoln Drive to Townbank Road. No parking on Beach Drive is permitted north of Townbank Road. The existing Beach Drive roadway consists of a varied width paved cartway with sidewalks existing only along the northbound side of the road where Beach Drive is intersected by twenty-three local residential roads and two collectors (County Roads). No sidewalks exist along the bayside of the roadway. In many locations within the project area, portions of the southbound lane are partially impeded by drifting sand from the adjoining dunes.

Due to the existing roadway conditions (no sidewalk) and its location along the Delaware Bay the southbound travel lane is utilized in an uncontrolled manner by pedestrians, (1) for ingress to and egress from the many beach access paths along the roadway, and (2) for recreation as a "walkway" along the bayfront.

The proposed 1.5 mile long sidewalk will improve pedestrian safety and access to the beach from Lincoln Drive to Pinewood Avenue by removing pedestrians from the southbound travel lane. Marked pedestrian crossings, ADA improvements and signage in accordance with the MUTCD will be constructed at the intersecting residential streets, providing safe crossings between the residential neighborhood and the beach. These proposed safety improvements will relieve pedestrian and automobile conflicts, thus enhance the recreational opportunities along the beach by providing safe ingress and egress to and from existing beach paths, as well as provide 1.5 miles of continuous safe pedestrian travel way for walking, jogging and sightseeing along the popular waterfront.

Grant Application for State Aid to
Counties and Municipalities
Municipal Aid 2014
MA-2014-Lower Township-00498
Pedestrian_Safety

TOTAL ESTIMATED COST OF IMPROVEMENT

Construction Cost: \$866,725.00

Please attach a Detailed Construction Cost Estimate 705142-beachdriveestimate.pdf
(Word, Excel, or PDF format please)

Design Engineering: \$0
(List only if eligible for Urban Aid or as a Depressed Rural Center)

Right-Of-Way: \$0
(List only if eligible for Urban Aid or as a Depressed Rural Center)

Construction Inspection and Material Testing if requesting: \$129,941.00
(15% of the final allowable construction cost maximum)

Total Estimated Cost: \$996,666.00

Total Requested Amount: \$996,216.00

If you have submitted or plan to submit other applications, 1
Please prioritize your applications by assigning them a
priority rating. Use number 1 for the highest priority. If
you only plan to submit this application, please enter 1 as
the priority rating:

Grant Application for State Aid to

Counties and Municipalities

Municipal Aid 2014

MA-2014-Lower Township-00498

Pedestrian_Safety

SIGNATURE PAGE

Title of presiding officer who will be signing this application/agreement:

Mayor

Michael E. Beck

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

RESOLUTION #2013-265

**TITLE: APPROVAL OF GREATER CAPE MAY ELKS LODGE #2839
APPLICATION TO CONDUCT A FLEA MARKET**

WHEREAS, Section 359-13 of the Code of Lower Township prohibits outdoor flea markets within the confines of Lower Township except as provided for in Section 359.13; and

WHEREAS, Section 359-13 of the General Ordinances of the Township of Lower permits non-profit, charitable, civic and religious organizations to conduct four (4) outdoor flea markets within the confines of the Township if approved by the Township Council.

WHEREAS, the Township Council has reviewed the request of the Greater Cape May Elks Lodge #2839 to conduct a flea market on October 26, 2013 at 917 Bayshore Road; and

WHEREAS, the Council has determined the applicant meets the ordinance requirements of a non-profit, charitable, civic and/or religious organization.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that approval is hereby granted.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at the meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

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

GREATER CAPE MAY ELKS LODGE # 2839 917 BAYSHORE ROAD , VILLAS, NJ 08251

SEPTEMBER 17, 2013

TO WHOM IT MAY CONCERN:

WE ARE REQUESTING TO HOLD AN OUTDOOR FLEA MARKET IN THE PARKING LOT OF 917 BAYSHORE ROAD VILLAS, NEW JERSEY (LOWER TOWNSHIP) ON OCTOBER 26, 2013 WITH THE HOURS OF 7:00 AM – 3:00 PM.

THANKING YOU IN ADVANCE

JUDITH TITUS

A handwritten signature in cursive script that reads "Judith Titus". The signature is written in dark ink and is positioned below the printed name.

CHAIR PERSON/FUND RAISER COMMITTEE

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

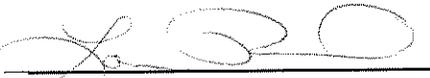
RESOLUTION #2013-266

TITLE: APPROVAL OF WIZARDS FESTIVAL OF FUN EVENT – BRAIN BUSTER GAME SHOW - FOR NEW YEARS EVE CELEBRATION DECEMBER 31, 2013

WHEREAS, the Township Recreation Department is contracting with Wizards Festival of Fun to provide the “Brain Buster Game Show” for \$1,500.00 to be played at the New Year’s Eve Celebration on December 31, 2013 at the Recreation Department 2600 Bayshore Road, Villas, NJ.; and

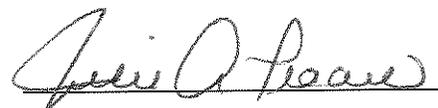
WHEREAS, the amount of said contract shall be in accordance with the services set forth on Exhibit A, which will be paid upon completion of event; and

WHEREAS, the CFO has determined sufficient funds are available in the budget under Celebration of Public Events 3-01-30-420-299 as evidenced by the

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 Mayor is hereby authorized and directed to sign the attached agreement with Wizards Festival of Fun.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

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

Wizards Festival of Fun Inc

125 Coles Road
Blackwood, NJ 08012
Phone (609) 206-5244
www.wizardsfestivaloffun.com
e-mail: abelmont@wizardsfestivaloffun.com

September 18, 2013

Mr. Mitchell Plenn, Ass't Director of Parks and Recreation
Township of Lower
2600 Bayshore Road
Villas, NJ 08251 (Via Fax (609) 886-7838) recreation@townshipoflower.org
Dear Mr. Plenn:

We propose to provide the same Brain Buster Game Show as provided for you last New Years Eve for your New Years Eve Celebration from 6:30 PM until 9 PM on Tuesday, December 31, 2013.

Total cost will be \$ 1,500 which includes all costs including travel. You must supply a separate dedicated 20 amp line of 110 volt of electricity for the Game Show. That will take care of the Video Screens, Sound System & Game Consoles. The Sound System will be available for your use and to provide musical background throughout the party.

If you accept our proposal, we will provide everything specified above for the price and under the terms and conditions specified above. Any additions or changes to this proposal that you request will be provided at extra cost to you. Due to the high demand for New Years Eve activities, we cannot give holds on services. We must continue to solicit business for the items above until you approve and accept our proposal. No dates or services will be reserved and Wizard's will have no obligation to provide the above until we have received your purchase order accepting the proposal as outlined above and we acknowledge and accept your purchase order. Therefore, please respond as soon as possible.
Sincerely,

Al Belmont

President/Executive Producer
Wizard's Festival of Fun Inc.
125 Coles Road
Blackwood, NJ 08012
E-mail: abelmont@wizardsfestivaloffun.com

AMB/sp

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

RESOLUTION #2013-267

TITLE: AUTHORIZATION: DETERMINATION OF MUNICIPAL SERVICE FEES FOR 2014

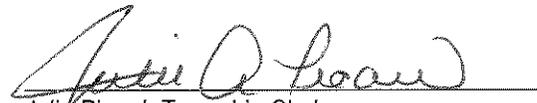
WHEREAS, the Township of Lower has by Ordinance #. 2003-12 provided for the imposition of an annual municipal service fee on manufactured homes installed in mobile home parks within the confines of the Township of Lower; and

WHEREAS, section 2A-9.2 states that the municipal service fee shall be determined by resolution each year by the Township Council on or before November 1 of the pre-tax year; and

WHEREAS, the Tax Collector and CFO have established the annual fee based on the established formula.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Tax Collector is hereby authorized to bill the owners of the mobile home parks within the confines of the Township of Lower \$120.00 per each manufactured home for the year 2014 to be paid quarterly on March 15, June 15, September 15 and December 15.

I hereby certify the foregoing to be the original Resolution adopted by the governing body at a meeting held on October 7, 2013.


Julie Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		+	+			
NEVILLE	+		+			
HENDERSON			+			
CLARK			+			
BECK			+			

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

RESOLUTION #2013-268

TITLE: RESOLUTION AWARDING CONTRACT TO HATCH MOTT
MACDONALD FOR ADDITIONAL WORK ON THE BEACH DRIVE
PEDESTRIAN ACCESS IMPROVEMENT PROJECT

WHEREAS, Hatch Mott MacDonald submitted a proposal on June 11, 2012 to prepare a New Jersey Department of Environmental Protection Coastal Area Facilities Review Act permit for the Beach Drive Pedestrian Access Improvement Project; and

WHEREAS, Lower Township awarded the original proposal by Resolution #2012-155 and the proposal was submitted to the DEP; and

WHEREAS, the application has been returned with additional comments requiring additional work on this project; and

WHEREAS, Township Engineer George Curvan has recommended that Hatch Mott MacDonald be awarded the additional work for this project at the amount of \$5,750.00

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

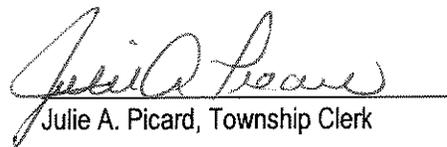
Appropriation # C-04-55-397-910

Signature:



NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves the additional work contract with Hatch Mott MacDonald attached hereto.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 7, 2013.



Julie A. Picard, Township Clerk

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

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey



Incorporated 1798
(609) 886-2005

MEMORANDIUM

**TO: Ms. Julie Picard
Municipal Clerk**

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

DATE: September 30, 2013

**RE: Permitting and Engineering Proposal (Additional Work)
Beach Drive Pedestrian Access Improvement Project
Township of Lower, Cape May County, New Jersey**

Hatch Mott MacDonald (HMM) submitted a proposal dated June 11, 2012 and received authorization via Resolution #2012-155 to prepare a New Jersey Department of Environmental Protection (NJDEP) Coastal Area Facilities Review Act (CAFRA) permit for the above referenced project. The NJDEP has reviewed the submitted CAFRA permit and responded with comments.

HMM has submitted a proposal in the amount of \$5,750 to address NJDEP additional requirements and comments. Please find attached the proposal from HMM dated September 9, 2013. The additional services should be charged to C-04-55397-910.

Should you have any questions regarding the above information or should you require additional information, please do not hesitate to contact me.

Enclosure (1)

cc: Mr. Michael J. Voll, Township Manager



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

September 9, 2013

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

Mr. George Curvan, Township Engineer
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Permitting and Engineering Proposal (Additional Work)
Beach Drive Pedestrian Access Improvement Project
Township of Lower, Cape May County, New Jersey
HMM No. 310100**

Dear Mr. Curvan:

As a follow-up to our conversation on Friday, September 16, 2013, please find enclosed herewith our proposal to complete the additional professional surveying, engineering and environmental permitting work required to respond to comments received from the NJDEP following the CAFRA permit application 30-day public comment period for the above referenced project.

As contained in our authorized proposal to the Township dated June 11, 2012 our scope of work did not include the cost for any additional requests from regulatory and governmental agencies not previously specified or identified, or subsequent revisions to the CAFRA application based on 1) major project revisions or modifications; 2) issues resulting from public comment; or 3) responses to permit conditions. Any work associated with the above additional requests, revisions or modifications were to be considered outside the original the scope of work.

Upon your authorization, we will respond to the NJDEP to address their comments and requests for additional information as follows:

1. The NJDEP does not want dune sand transferred from one area of the beach, where the dunes will be excavated as required for the installation of the proposed improvements, to the north end where fill is required. The NJDEP would rather see sand imported from an offsite source to the low areas on the beach where it is needed. To respond to this comment HMM will revise the grading plans where necessary to show that sand cleared for the proposed sidewalk will be relocated directly waterward of the excavation. The new areas of disturbance will be depicted on the revised plans and the areas will be noted for plant restoration.
2. The NJDEP requested that the applicant look to either reduce some of the dune grading cuts, add retaining walls or justify the extent of dune disturbance at



several of the transect locations where the existing dunes encroach into the project footprint. To respond to this request HMM will re-evaluate the impacts to the dunes after the grading plans are revised showing dune sand being pushed directly waterward at the locations in question instead of transporting the excavated dune sand to the low areas at the north end of the project. HMM will attempt to demonstrate that the new dune profiles represent no net loss of dune volume utilizing practicable vertical and horizontal dune slopes and that the use of retaining walls is not practicable for this project.

3. The NJDEP has commented that the new outfalls are acceptable with possibly the exception of the outfall at Sta. 45 + 93. The lengths of all of the new outfall pipes were kept at a minimum to minimize construction costs and minimize disturbance to the dunes and beach. HMM will attempt to further demonstrate to the NJDEP that the subject outfall length is acceptable at its proposed location and invert elevation on the waterward face of the dune.
4. Based on the areas of new disturbance the NJDEP stormwater engineer requested that we further demonstrate why the applicant should not have to provide additional structures or provide additional best management practices to address the Water Quality criteria in N.J.A.C. 7:8.

Due to the location of the project adjacent to the Delaware Bay and the “clean” stormwater runoff generated from the sidewalk we did not anticipate that stormwater calculations for recharge, runoff quality or runoff quantity would be required for the sidewalk portion of the project and therefore did not include that cost in the original authorized scope of work/proposal. As part of the CAFRA application we prepared a report that included: a description of the new impervious improvements; requested waivers from providing calculations for recharge, quality and quantity calculations; and provided justifications in support of the waiver requests.

The current permit plans show locations of new inlets, stormwater pipe and tie-ins to existing outfall lines at low points that will be created along the western side of Beach Drive / Shore Drive. Stormwater calculations were provided to establish the location and size of the new stormwater management systems that were required due to the installation of new curb along the length of the project.

We believe that the project as proposed minimizes impacts to stormwater runoff in accordance with the rules and should not require any additional water quality measures. To respond to the NJDEP’s request we will further quantify areas of new disturbance and runoff as requested by the NJDEP to attempt to demonstrate to them that the current plans are in compliance with the rules.

We propose to complete the scope of additional work outlined above for the Beach Drive Access Improvement project based on the NJDEP comments received for the lump sum amount of **\$5,750**.



Hatch Mott
MacDonald

The lump sum amount above includes field surveys to quantify specific drainage areas requested by the NJDEP, plan revisions as described above, plan reproduction and follow-up with the NJDEP regarding the above comments.

We thank you for the opportunity to provide this Scope of Additional Work for the Beach Drive Access Improvement 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

Handwritten signature of Mark R. Sray in black ink.

Mark R. Sray PE, CME
Senior Associate

T 609.465.9377 F 609.465.5270
mark.sray@hatchmott.com

Handwritten signature of Steven C. Morey in black ink.

Steven C. Morey, CEP
Associate

T609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

cc (via Email): Michael Voll, Township Manager

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

RESOLUTION #2013-269

TITLE: REJECTION OF BIDS FOR LEAD ABATEMENT CONTRACTOR – FISHING CREEK SCHOOL

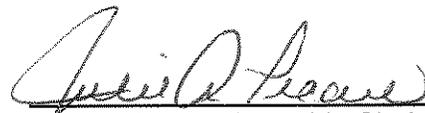
WHEREAS, the Township advertised for bids through the Township Website on September 30, 2013 for Lead Abatement Contractor for the Fishing Creek School; and

WHEREAS, the bids were received on September 25, 2013, opened and reviewed by the QPA; and

WHEREAS, 40A:11-13.2 permits a municipality to reject bids which substantially exceed the contracting unit's budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Lower that the bid received is hereby rejected.

I hereby certify the foregoing to be the original resolution adopted by the Township Council on October 7, 2013.


Julie A Picard, Township Clerk

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

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798
(609) 886-2005

P2P # 2013-17 NOTICE TO BIDDERS

Township of Lower
2600 Bayshore Road, Villas, NJ 08251
Phone (609) 886-2005 X 123

FAX REQUESTS TO: (609) 886-5342 or email to mvitelli@townshipoflower.org

Notice is hereby given that the proposals via Township Web site www.townshipoflower.org and will be received by the Lower Township Purchasing agent on Wednesday September 25, 2013 at 11:00 a.m. at which time the said quotes will be publicly opened and read for the following:

LEAD ABATEMENT CONTRACTOR FISHING CREEK SCHOOL

Copies of such Proposal Form and specifications may be obtained from the Township Purchasing Agent at 2600 Bayshore Road, Villas, NJ and the bidder must absolutely comply with all of the terms of the said documents. Bids may be mailed or delivered to the Purchasing Agent at the Township of Lower, 2600 Bayshore Road, Villas, NJ 08251.

The Township Council reserves the right to reject any or all bids if it deems it is in the best public interest to do so. Bidders are required to comply with the requirements of Public Laws of 1975, Chapter 127, Affirmative Action Requirements.

Margaret A. Vitelli, QPA
Purchasing Agent

Web Adv. 09/13/2013

2013-17 PROPOSAL FORM

LEAD BASED PAINT REMOVAL FISHING CREEK SCHOOL

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

\$ 104,959.-
Amount in numbers

One Hundred and four Thousand, Nine hundred and Fifty Nine Dollars
Amount in words

DAYS TO COMPLETE 60 calendar Days

Pro-Spec Painting, Inc.
Company Name

22-2303885
Federal I.D. # or Social Security #

1819 Cedar Avenue, Vineland, NJ 08360
Address


Signature of Authorized Agent

Ronald W. Yarbrough
Type or Print Name

President
Title

September 25, 2013
Date

856-690-9500 x15
Telephone Number

biddocs@pro-spec.com
E-mail address

856-690-9525
Fax Number

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

RESOLUTION #2013-270

TITLE: A RESOLUTION REQUESTING RELEASE OF MAINTENANCE GUARANTEE FOR CVS PHARMACY - FEINBERG & MCBURNEY REALTY Block 216, Lots 32-34; Escrow # P08-08-02

WHEREAS, New Jersey CVS Pharmacy, LLC posted a Maintenance Guarantee with the Township of Lower, in the amount of \$66,926.52; and

WHEREAS, the Township Engineer has recommended that the improvements have been properly installed and are presently acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Maintenance Guarantee is released.

I hereby certify the foregoing to be the original a resolution adopted by the Township Council at a meeting held on October 7, 2013.


Julie A Picard, Township Clerk

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

MEMORANDUM

TO: Township Council

FROM: William J. Galestok, PP,AICP

DATE: October 1, 2013

RE: CVS Pharmacy - Feinberg & McBurney Realty
Bayshore Road & Weber Avenue
Block 216, Lots 32-34
Resolution #2013-270

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 Maintenance Guarantee”.

Pursuant to the above referenced Subsection 400-81E, Resolution #2013-270 is required to **release** the Maintenance Guarantee held in trust by the Township of Lower.

The required final inspection report, certifying completion, compliance and condition of work, has been received from the Township Engineer, George Curvan, PE.

The Township Engineer recommends **release** of the retained \$66,926.52.

WJG:las

att.

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

RESOLUTION # 2013-271

Title: MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF CAPE MAY, THE DELAWARE RIVER AND BAY AUTHORITY AND THE TOWNSHIP OF LOWER

WHEREAS, The Cape May County Airport and Industrial Park (hereinafter "Leasehold Property"), located in the Township of Lower (hereinafter "Township"), county of Cape May (hereinafter "County"), and State of New Jersey, is owned by the County; and

WHEREAS, Pursuant to an Acquisition Agreement dated December 15, 1998 (the "Acquisition Agreement"), executed by and between the Delaware River and Bay Authority (hereinafter the "Authority") and the County, the Authority agreed to assume operation and control of certain parcels of land and improvements at the Leasehold Property and further agreed to operate and manage the Leasehold Property and related facilities and to administer various leases relating to tenants at the Leasehold Property. The County and Authority entered into a Ground Lease dated June 8, 1999 (the "Ground Lease"), a memorandum of which was recorded on June 9, 1999 in the Office of the Clerk of Cape May County in Book 2809, Page 0584. The Ground Lease is for a thirty (30) year term with two automatic thirty (30) year renewals subject to certain rights to elect non-renewal as set forth therein; and

WHEREAS, from time to time since at least 2006, the Township sought to collect, from the County and/or Authority, unpaid real estate taxes due from delinquent tenants at the Leasehold Property; and

WHEREAS, the Township claims that the County and/or Authority are obligated to pay all delinquent taxes if a tenant defaults in payment of same. The County claims that if any real estate taxes are due, the Authority is liable to pay same. The County further claims that the Authority must reimburse it for real estate taxes it pays to the Township pursuant to the County's interpretation of the Acquisition Agreement; and

WHEREAS, the County claims that, since at least 2009, it paid the Township in excess of \$49,000.00 for real estate taxes on behalf of delinquent tenants at the Leasehold Property; and

WHEREAS, the Authority claims that pursuant to law and/or the Compact, there is no basis to impose real estate taxes on tenants at the Leasehold Property under these circumstances and, in any event, the Authority is not liable for real estate taxes as the Authority further claims that it is not liable for any real estate taxes pursuant to the Acquisition Agreement; and

WHEREAS, Since at least 2006, the parties have attempted to amicably resolve this dispute, the parties share a common goal to promote economic development and growth in the County and the Township. The parties recognize that to achieve this goal it is critical to maintain tenants at the Leasehold Property and attract tenants to the Leasehold Property. The businesses operated by tenants lead to employment, traffic and commerce to stimulate economic development and growth; and

WHEREAS, According to the Authority, the existing tenants at the Leasehold Property employ approximately thirty (3) people on both a full-time and part-time basis. Many of the businesses operated by the existing tenants at the Leasehold Property provide services essential to aircraft operators and passengers, visitors and neighbors such as food and car rental; and

WHEREAS, In order to avoid the time, expense, and uncertainty of continuing to dispute the real estate tax issues and to focus their respective resources on promoting economic development and growth, the parties engaged in extensive cooperative communications in an attempt to resolve this dispute. The parties have agreed to resolve this dispute using a notice and collection procedure to be implemented in accordance with the terms of the Memorandum of Agreement; and

WHEREAS, In order to allow for the objectives of the parties to advance, the parties have agreed to the terms of the Memorandum of Agreement and recognize that the provisions are binding on all parties and their successors, heirs and assigns; and

WHEREAS, all parties have come to an agreement on the form and content of said Memorandum of Agreement, most particular, it has been agreed that all property occupied by tenants, shall pay taxes to the Township of Lower.

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

I hereby certify the foregoing to be the original resolution adopted by Township Council at a meeting held on October 7, 2013.


Julie A Picard, Township Clerk

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

MEMORANDUM OF AGREEMENT REGARDING REAL ESTATE TAXES

This Memorandum of Agreement (hereinafter "MOA") is entered into as of the date this MOA is fully executed, by and between the County of Cape May; The Delaware River and Bay Authority; and the Township of Lower.

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

Office of the Clerk of Cape May County in Book 2809, Page 0584, pursuant to which the County leased to the Authority certain parcels of land and improvements located at the Leasehold Property described therein as the "Demised Premises." The Ground Lease is for a thirty (30) year term with two automatic thirty (30) year renewals subject to certain rights to elect non-renewal as set forth therein.

- E. From time to time since at least 2006, the Township sought to collect, from the County and/or Authority, unpaid real estate taxes due from delinquent tenants at the Leasehold Property.
- F. The Township claims that the County and/or the Authority are obligated to pay all delinquent taxes if a tenant defaults in payment of same.
- G. The County claims that if any real estate taxes are due, the Authority is liable to pay same.
- H. The County further claims that the Authority must reimburse it for real estate taxes it pays to the Township pursuant to the County's interpretation of the Acquisition Agreement.
- I. The County claims that, since at least 2009, it paid the Township in excess of \$49,000.00 for real estate taxes on behalf of delinquent tenants at the Leasehold Property.
- J. The Authority claims that pursuant to law and/or the Compact, there is no basis to impose real estate taxes on tenants at the Leasehold Property under these circumstances and, in any event, the Authority is not liable for real estate taxes.
- K. The Authority further claims that it is not liable for any real estate taxes pursuant to the Acquisition Agreement.

- L. The parties' respective positions regarding these real estate taxes issues have been memorialized in various extensive correspondence since at least as early as 2006, all of which is incorporated by reference herein as if fully set forth at length.
- M. Since at least 2006, the parties have attempted to amicably resolve this dispute.
- N. The parties share a common goal to promote economic development and growth in the County and the Township.
- O. The parties recognize that to achieve this goal it is critical to maintain tenants at the Leasehold Property and attract tenants to the Leasehold Property.
- P. The businesses operated by tenants lead to employment, traffic and commerce to stimulate economic development and growth.
- Q. According to the Authority, the existing tenants at the Leasehold Property employ approximately thirty (30) people on both a full-time and part-time basis.
- R. Many of the businesses operated by the existing tenants at the Leasehold Property provide services essential to aircraft operators and passengers, visitors and neighbors such as food and car rental.
- S. In order to avoid the time, expense, and uncertainty of continuing to dispute the real estate tax issues and to focus their respective resources on promoting economic development and growth, the parties engaged in extensive cooperative communications in an attempt to resolve this dispute.
- T. The parties have agreed to resolve this dispute using a notice and collection procedure to be implemented in accordance with the terms of this MOA.

- U. The parties wish to advance all the purposes in this MOA cooperatively and in harmony with each party recognizing the objectives of the other and wish to avoid the time, expense, and uncertainty of continuing to dispute this issue.
- V. Pursuant to the “Uniform Shared Services and Consolidation Act”, N.J.S.A. 40A:65-1 et. seq., local government units, including Townships and Counties, are authorized to jointly to enter into agreements pursuant to the provisions of that statute.
- W. In order to allow for the objectives of the parties to advance, the parties agree to the terms of this MOA and recognize that these provisions are binding on all parties and their successors, heirs and assigns.

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

1. The Recitals set forth above are incorporated in the body of this MOA as if fully set forth at length.
2. The parties agree to cooperatively address the interest of their entities and constituents as outlined in this MOA and agree that there are no outstanding real estate taxes due and owing at the time of the execution of this MOA.
3. The initial term of this MOA is for four (4) years with successive renewals of three (3) years as set forth in Section 4. This initial four (4) year term of this MOA commences upon the latest date of the passage of the appropriate approvals/resolutions/ordinances by the parties hereto.

4. This MOA will automatically renew for additional three (3) year terms unless one or more of the parties provide written notice as required herein within sixty (60) days of the beginning of the last full year of each term to all other parties.
5. Within thirty (30) days after this MOA is fully executed, the Authority will issue a one-time notice to all tenants reminding them to timely pay real estate taxes imposed by the Township.
6. The Authority agrees to quarterly provide, in written form, to both the County and the Township contacts noted below, an updated list of current tenants and the duration of each tenant's leasehold. The Authority will provide an updated list to the County and Township of a tenant vacating the property within thirty (30) days of the knowledge thereof.
7. Unless the tenant is evicted or vacates in breach of the lease, the Township, upon receipt of the aforesaid notification, will remove the property from the Township's tax rolls effective as of the 1st day of the next calendar month following said vacation. The parties agree that no taxes for the intervening period (consisting of the date the tenant vacates the property to the first day of the next calendar month) will be due and owing to or from any party or tenant. If the tenant is evicted or vacates in breach of the lease, the property will remain on the tax rolls until said lease would have expired; provided, however, that the Township may only seek payment of any real estate taxes for the term of the lease solely from the tenant and not the County and/or Authority and the Township will not assert any liens related thereto.

8. If the opportunity to amend any existing tenant leases presents itself and subject to the tenant's consent thereto, the Authority agrees to attempt to modify the language in such leases to include an acknowledgement by the tenant that the Township reserves any right to pursue legal action against the tenant for any real estate taxes due and owing to the Township. For any new leases (excluding renewals) the Authority enters into after the date this MOA is fully executed, the Authority agrees to include language in such leases whereby the tenant acknowledges that the Township reserves any right to pursue legal action against the tenant for any real estate taxes due and owing to the Township. Notwithstanding any right the Township has to pursue legal action against any tenant for delinquent real estate taxes, the Township shall not at any time seek any payment of any real estate taxes from the County or Authority which allegedly accrued or were imposed during the time that the MOA is/was in effect or assert any liens based on such accrued or imposed real estate taxes. The Township acknowledges that its sole means of recourse to collect real estate taxes that allegedly accrued or were imposed during the time that this MOA is/was in effect, is against the tenants and not the County or Authority. The determination as to whether to pursue legal action will lie solely with the Township. The Township will provide the County and Authority contacts notice of any legal action it pursues against any tenant.
9. The Township will, upon notification from the Authority, make an added assessment for any property that is not on the assessment list as of January 1 of

any year of this MOA but becomes occupied at any point during the tax year on a pro-rata basis.

10. The Township will send to the County and Authority contacts copies of any delinquent notices sent to any tenants which notices are typically sent quarterly and once at the end of the year.

11. This MOA may be executed in any number of original or telecopied counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall constitute one and the same instrument.

12. The contact person for the Authority will be the Property Manager or designee.

a. Property Manager: Michelle Griscom

i. Phone Number: (302) 571-6482

ii. Fax Number: (302) 571-6479

iii. Email: michelle.griscom@drba.net

b. Secondary Contact: Michelle Hammel, Esquire

i. Phone Number: (302) 571-6002

ii. Fax Number: (302) 571-6305

iii. Email: michelle.hammel@drba.net

The contact person for the County will be the County Clerk or designee.

c. Clerk: Elizabeth Bozzelli

i. Phone Number: (609) 465-1065

ii. Fax Number: (609) 465-6189

iii. Email: ebozzelli@co.cape-may.nj.us

- d. Secondary Contact: County Counsel, Barbara Bakley-Marino
 - i. Phone Number: (609) 465-6885
 - ii. Fax Number: (609) 463-0705
 - iii. Email: countycounsel@co.cape-may.nj.us

The contact person for the Township will be the Township Clerk or designee.

- e. Township Clerk: Julia Picard
 - i. Phone Number: (609) 886-2005 ext. 113
 - ii. Fax Number: (609) 886-9488
 - iii. Email: clerk@townshipoflower.org
- f. Secondary Contact Name: Township Manager, Michael J. Voll
 - i. Phone Number: (609) 886-2005 ext. 132
 - ii. Fax Number: (609) 886-1232
 - iii. Email: manager@townshipoflower.org

The parties shall immediately notify each other in the event of any change in their respective designated contact person.

- 13. No party to this Agreement waives any immunity to which it may be entitled pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. seq. or any other law.
- 14. The Township, for itself and all persons and entities claiming by, through or under it, releases, acquits and forever discharges the County and Authority and all related entities and their agents, trustees, officers, commissioners, freeholders, directors, members, employees, servants, shareholders, partners, members, representatives, attorneys, subsidiaries, predecessors, successors, heirs and assigns

(the "County/Authority Releasees") from all liens, obligations, claims, debts, demands, covenants, contracts, promises, agreements, liabilities, costs, attorney's fees, expenses, interest, penalties, fines, actions, and causes of action, whatsoever, at law or in equity, whether known or unknown, from the beginning of the World to the present date, which the Township and all persons or entities claiming by, through or under it, had, has or claims to have against the County/Authority Releasees (individually, jointly or severally) which are connected with, related to, and/or arising from, real estate taxes which allegedly accrued or were imposed during the time that this MOA is/was in effect. The Township, for itself and all persons and entities claiming by, through or under it, also agrees not to pursue at any time any legal action to collect any real estate taxes against the County/Authority Releasees (individually, jointly or severally) or otherwise seek to collect at any time any real estate taxes from the County/Authority Releasees (individually, jointly or severally) which allegedly accrued or were imposed during the time that this MOA is/was in effect and forever waives any and all rights to do so.

15. This MOA reflects a compromise reached between the parties and nothing in this MOA shall constitute an admission by any party to this MOA. Nothing in this MOA shall affect the parties' rights, positions, claims or defenses with respect to any real estate taxes that allegedly accrue and/or are imposed after the expiration of this MOA.
16. Due to the unique nature of this MOA, the parties will be irreparably harmed in the event this MOA is not specifically enforced and all parties waive any claim or

defense that an adequate remedy at law exists. In the event any party breaches this MOA, an injunction may be issued and any and all rights or obligations shall be enforceable in a court of equity by a decree of specific performance. This remedy is cumulative and not exclusive, and shall not preclude the pursuit of any other remedies at law or in equity including, but not limited to, the right to maintain an action for any monetary damages caused by any breach.

17. Unless otherwise stated in this MOA, all notices required by this MOA shall be hand-delivered or mailed to the following addresses:

For the Authority:

Michelle Hammel, Esquire
The Delaware River and Bay Authority
I-295 and Route 9
Delaware Memorial Bridge Plaza
New Castle, DE 19720

For the County:

County of Cape May
Elizabeth Bozzelli, Clerk
4 Moore Road, DN-104
Cape May Court House, NJ 08210

For the Township:

Township of Lower
Julie Picard, Clerk
2600 Bayshore Road
Villas, NJ 08251

18. Each party represents and warrants to the other that all governmental, municipal or county action necessary to enter into and perform all obligations required by this MOA has been, or will have been, validly taken and that the undersigned are authorized to execute this MOA. This MOA shall become effective as of the date when both of the following are completed:

- a. The Authority's consent to the terms and conditions of this MOA as approved by the Authority's commissioners in accordance with Article VI of the Compact; and
 - b. Failure of the Governors of Delaware and New Jersey to cancel the MOA within ten (10) days (Saturdays, Sundays and public holidays in each state excepted) after receipt at the Governor's office of a certified copy of the minutes of the meeting at which the Authority's commissioners' vote for approval of the MOA was taken pursuant to Article VI of the Compact.
19. This MOA shall be governed by and construed in accordance with the laws of the State of New Jersey.
20. This MOA sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this MOA shall be valid unless the same shall be in writing and signed by all the parties hereto.
21. If any clause, sentence, paragraph, section, or part of this MOA shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

IN WITNESS WHEREOF, the parties affix their signatures to this MOA, intending to be legally bound. If a party is a corporation, this MOA is signed by its proper corporate officers

and its corporate seal is affixed.

COUNTY OF CAPE MAY

Date

By: _____
Gerald M. Thornton
Director, Board of Chosen Freeholders

ATTEST: _____
Elizabeth Bozzelli
Clerk

Approved as to Form and Legality:

Barbara Bakley-Marino, Esquire
Cape May County Counsel

ATTEST:

THE DELAWARE RIVER AND BAY
AUTHORITY

Print Name: _____
Title: _____
Date: _____

By: _____
James N. Hogan
Chairperson
Date: _____

Print Name: _____
Title: _____
Date: _____

By: _____
William E. Lowe, III
Vice Chairperson
Date: _____

Print Name: _____
Title: _____
Date: _____

By: _____
Scott A. Green
Executive Director
Date: _____

Approved as to Form:

Philip A. Norcross, Esquire

TOWNSHIP

Date

By: _____
Mayor

ATTEST: _____
Clerk

Approved as to Form and Legality:

City Solicitor

RESOLUTION # 2013-272

Title: FIRE PROTECTION – WATER SYSTEM IMPROVEMENTS – DIAMOND BEACH

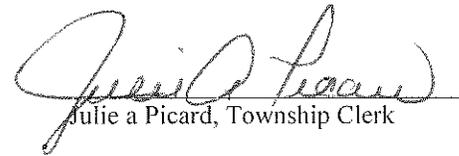
WHEREAS, Upon the recommendation of the Lower Township Planning Board and presentation before same by the Wildwood Water Utility; the Township acknowledges the necessity for upgrades to the existing water system for adequate fire protection of the existing residences and businesses within the Diamond Beach area of Lower Township; and

WHEREAS, The Township agrees that the following improvements and placements thereof, at a minimum, are required: the construction of a 500,000 gallon elevated water tower and support structures located on Block 726 and the extension of roadways and utilities as shown on the plan entitled, “Water System Improvement Plan”, dated September 12, 2013 provided by the Wildwood Water Utility and attached to the Planning Board recommendation dated September 20, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lower Council is hereby in agreement that in light of recent events regarding Hurricane Sandy and the damaging fires resulting from the natural disaster, any necessary permits required to bring the facilities on-line, as depicted on the accompanied plan, should be expedited as soon as possible.

BE IT FURTHER RESOLVED, Due to the urgent need for adequate protection of the health safety and welfare of the existing businesses and residents in the Diamond Beach section of Lower Township, the Township will provide testimony, either verbal or written to outside regulatory agencies, if necessary, to assist the Wildwood Water Utility in pursuit of any required approvals.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		+	+			
NEVILLE	+		+			
HENDERSON			+			
CLARK			+			
BECK			+			

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

September 20, 2013

Mayor Michael Beck &
Council Members
2600 Bayshore Road
Villas, NJ 08251

RE: Wildwood Water Utility Elevated
Water Tank; proposed 500,000
gallon, 120' tall tower, in Diamond
Beach

Dear Mayor Beck & Council Members:

The Lower Township Planning Board recommends that Lower Township Council, support the Wildwood Water Utilities elevated water tank storage facility in the Diamond Beach section of Lower Township. The proposed elevated water tank is necessary for fire flow in the Diamond Beach area.

If you have any questions or comments, please advise. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "WJG", is written over the typed name.

William J. Galestok, PP. AICP
Director of Planning
Secretary, Lower Township Planning Board

WJG:las

enc:2

cc: Michael Voll, Township Manager, w/enc.
Planning Board members, w/o enc.

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

RESOLUTION #2013-273

TITLE: CERTIFICATION OF BEST PRACTICES INVENTORY

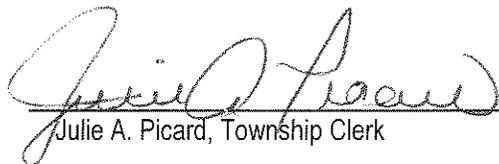
WHEREAS, the New Jersey State Appropriations Act (P.L. 2011, c85) requires the Division of Local Government Services (DLGS) to determine the payment amount for each municipality's final share of State Aid based upon the results of the Best Practices Checklist; and

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

WHEREAS, the attached 2013 Best Practices Inventory for the Township of Lower shows that the Township qualifies to receive 100% of the final payment of State Aid;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the 2013 Best Practices Inventory has been reviewed and may be forwarded to the State of New Jersey Department of Community Affairs.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a public meeting held on October 7, 2013.


Julie A. Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			+			
NEVILLE	+		+			
HENDERSON		+	+			
CLARK			+			
BECK			+			

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
	General Management - GM	
Yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement in the preceding year ?	The Township renewed its shared service agreement with West Cape May for construction and with both school boards for school resource officers.
2 Yes	Has your municipality reviewed its policies and staffing requirements for providing traffic safety around utility and construction work, and implemented policies to assure that the most efficient and cost-effective approach is taken? Traffic safety policies for utility and construction work should balance the interests of public safety with those of controlling costs. For example, uniformed police officers controlling a cul-de-sac may be excessive; while parking a policeman in a patrol car on a major highway to act in lieu of a "crash truck" may be insufficient and could endanger the officer. An appropriate traffic safety plan should include parameters governing when police officers, flag men and safety apparatus are used in different circumstances.	The police department has a traffic control policy. Each situation is evaluated by trained personnel to appropriately respond to the traffic conditions.
3 Yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles, and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)?	
4 Prospective	Has the appropriate administrative official reviewed the <u>State Comptroller's June 25, 2013 Report</u> with respect to local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
5 Yes	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	
6 Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget including the full adopted budget for current year when approved by governing body; most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; easily accessible contact information for elected and appointed officials, municipal administrator or manager, municipal clerk, police chief, municipal court administrator and all department heads; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
7 Yes	Does your municipality require its elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology etcetera)? This item may also be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations.	
8 Yes	Are ordinances codified on an annual basis, with both the code and any uncodified ordinances (including salary ordinances) made available online?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
Answer	Question	Comments
Yes	With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term? An example of such analysis can be found on the " <u>PERC Summary Form; Public Sector; Non-Police and Non-Fire; Section V Impact of Settlement</u> " and " <u>PERC Summary Form; Police and Fire; Section VII Impact of Settlement</u> "	
Financial Standards & Procurement - FS		
10	Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. Does your CFO evaluate and discuss this risk assessment annually with your governing body or an appropriate subcommittee of the governing body (such as the Audit or Finance Committee) with a focus on developing accounting control processes, procedures and authorizations designed to limit the risk of loss or misstatement?	
11	An accounting policy manual documenting all internal accounting control processes, procedures and authorizations is of great value for staff to understand these safeguards. Are internal accounting control processes, procedures and authorizations documented and communicated to staff?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
12	<p>With respect to note sales, proper disclosure and communication with potential bidders can yield optimal results for a municipality. Knowing when to sell on a negotiated or competitive basis, aggregating note sales as much as possible, along with casting a "wide net" to attract the maximum number of bidders for a competitive note sale, is critical to achieving the lowest possible interest rate. Is your municipality doing all of the following:</p> <ol style="list-style-type: none"> 1) comparing any negotiated proposals with actual market data to assess whether a competitive sale is more optimal; 2) marketing note sales beyond publishing the notice required by N.J.S.A. 40A:2-30 and beyond displaying a notice on your municipal website; 3) consolidating note sales to a single sale per year, unless unexpected circumstances lead to an unavoidable need for a second sale; 4) issuing a prospectus, official statement or other document to potential lenders disclosing all material financial and budget information; and 5) refraining from conducting competitive note sales around the time of major holidays (such as, but not limited to, the period between Christmas and New Year's Day) except only <p>Changes in energy markets could potentially offer substantial savings for local governments. <u>Local Finance Notice 2012-12</u> provides important guidance on the competitive procurement of energy. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) whether the cooperative or competitive procurement of energy would benefit your municipality?</p>	
13	<p>Having a Finance Committee can provide an efficient means to represent the governing body by performing in depth research, plans and reviews in fiscal areas such as audit, budget and accounting workflow rules, as well as evaluating vendor, professional and labor contracts. Does your municipality have a Finance Committee made up of at least one governing body member, the chief administrative officer, CFO, head purchasing agent and other appropriate personnel, as may be needed, that meets at least monthly and discusses all significant financial issues?</p>	
14	Prospective	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
15 Yes	Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2011 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2012 audit? If the answer is no, please list the repeat findings in the comments section and, upon appeal by the municipality, the Director shall determine based on the comment(s) whether the finding(s) is/are sufficiently material to warrant a "no" answer.	
16 Yes	The CFO should be capable of preparing the annual financial statement, annual debt statement and budget schedules. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At a minimum, each CFO should prepare balanced and reconciled financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract information necessary to prepare financial and debt statements. This requires that, within acceptable tolerance, all financial transactions (cash and non-cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. A "yes" answer is appropriate for this question if 1) your CFO prepares the annual financial statement, annual debt statement and annual	
17 Prospective	The Local Finance Board recently adopted new rules, outlined in Local Finance Notice 2013-17, expanding municipalities' ability to purchase goods and services with procurement cards. The most significant change is the elimination of the prior per-transaction monetary limitation on P-Cards (15% of local unit's bid threshold) where a Qualified Purchasing Agent manages a local unit's P-Card program. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) how and whether a procurement card program could benefit the municipality or, if a procurement card program already exists, whether the program complies with the new regulations?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
Please see Color Key at bottom of sheet for limits on answers		
Answer	Question	Comments
Yes	Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues, along with their corresponding appropriations, reviewed at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?	
Budget Preparation and Presentation - BP		
19	Has your municipality fully and accurately disclosed in the "Budget Message" section of your CY2013/SFY 2014 budget the following: Revenues at Risk; Non-Recurring Cost Reductions; Anticipated CY2014/SFY 2015 Appropriation Increases; and Structural Balance Offsets as detailed in <u>Local Finance Notice 2011-37</u> ?	
20	In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?	
21	In preparing your annual budget for the current year it is important that the impact that these decisions may have on future years' budgets be presented, evaluated and considered before final action is taken. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical toward sustaining (or achieving) a solid fiscal condition. Are projections calculated and discussed in sufficient detail so that the governing body understands the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two (2) future year's budgets?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	Comments
22 Yes	Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in the event a lender calls in the guarantee?	
23 Yes	Do elected officials receive status reports at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?	
24 Yes	Given the potential fiscal impact of property tax appeals on municipalities, the Tax Assessor and CFO should review the status of filed appeals on a regular basis to determine their effect on future budgets and plan accordingly. With input and approval from the governing body, this plan should include an evaluation of current assessment values and should consider setting aside an adequate estimated reserve to fund potentially successful state tax court appeals. Has your municipality considered a <u>property reassessment/reevaluation to counter the effect of successful residential tax appeals</u> ? In answering this question, a yes answer indicates that the municipality either 1) determined after reviewing assessed values that a reassessment/reevaluation is unnecessary due to assessed values accurately reflecting market values (resulting in a small number of successful appeals); or 2) if the impact of appeals is significant, a revaluation plan has been filed with your County Board of Taxation.	The Township is currently undertaking a reassessment.
25 Yes	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?	

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
Answer	Question	Comments
26	N.J.S.A. 40A:4-62.1 allows for the creation of a dedicated trust fund to reserve funds budgeted during years with relatively little snowfall for use in future years when excessive snowfalls may exceed budgeted funds. In your 2013 Budget, has your municipality appropriated at least the average of snow removal expenses incurred over a minimum of 3 years?	
Health Insurance - HI		
27	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)?	
28	Does your municipality conduct a monthly review of health benefit covered lives itemized on health insurance invoices to determine that health insurance invoices do not include employees, former employees, spouses or dependents who should no longer be receiving coverage?	
29	As explained in Local Finance Notices <u>2011-20R</u> and <u>2011-34</u> , P.L. 2011 c. 78 requires employees to contribute toward healthcare based on a percentage of total premium cost, subject to a four-year phase-in. Has your municipality implemented the employee healthcare contribution provisions contained in P.L.2011 c. 78?	
30	Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. <u>If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments set at a flat-fee rather than on a commission basis</u> (so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees)?	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
Please see Color Key at bottom of sheet for limits on answers		
Answer	Question	Comments
31	<p>The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. If your municipality has non-SHBP coverage, as your collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP or another non-SHBP plan of lesser cost?</p>	
Yes	<p>If your municipality does not participate in the State Health Benefits Program (SHBP), have competitive proposals for health insurance been solicited in the last three years (including from the Division of Pensions and Benefits for SHBP health insurance coverage)?</p>	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		Comments
0505	<i>Please see Color Key at bottom of sheet for limits on answers</i>	
Answer	Question	
Personnel - PE		
33	<p>N.J.S.A. 43:15A-7.2 and 43:15C-2(b)(4) preclude independent contractors and individuals performing professional services for any municipality or agency (e.g. municipal attorney, auditor, planner) under a professional services contract awarded pursuant to the Local Public Contracts Law from membership in the Public Employees' Retirement System (PERS) and Defined Contribution Retirement Program (DCRP). This is discussed further in <u>Local Finance Notice 2007-28</u>. Has your municipality reviewed the status of your independent contractors and professional services providers to ensure they are not deemed eligible for PERS and/or DCRP?</p>	
34	<p>The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, municipal managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and are not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with your labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA?</u> In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training session.</p>	See Article XI, paragraph B of the Supervisor's contract.
35	<p>N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC?</p>	

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
Answer	Question	Comments
36	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel and additional documents that would allow the public to view how your municipality's salaries have changed over a three year period?	
37	Accurate records of employee time are critical not only for financial accountability but also effective management of your workforce. Is your municipality ensuring that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?	
38	Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?	
39	Does your municipality limit the carry forward of accrued vacation time to no more than the amount earned in the previous year (meaning no employee hired after the effective date of the limitation policy can keep in any given year more vacation time that they earned in the prior year)?	
Yes	Does the municipal governing body approve all payments for accumulated absences pursuant to the requirements of <u>N.J.A.C. 5:30-15.4</u> , as discussed in <u>Local Finance Notice CFO-2002-1</u> ?	
Yes	Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?	

Lower Township (Cape May)		
<i>Please see Color Key at bottom of sheet for limits on answers</i>		
Answer	Question	Comments
42	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work? The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. <u>Does your municipality limit benefits for work-related injuries to the above statutory benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
43	The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$584 for disabilities beginning on or after 1/1/13. <u>Does your municipality refrain from supplementing the Temporary Disability benefit?</u> The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
44	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees? For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	
45	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?	
46	For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.	

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)		
Please see Color Key at bottom of sheet for limits on answers		
Answer	Question	Comments
	Disaster Preparedness/Resiliency - DP	
47	Prospective Has your municipality 1) reviewed within the past year its master plan and zoning ordinances and, if changes are recommended by your engineer, planner or land use board to ensure greater resiliency in the face of flooding and storm damage, with a plan to implement such changes; and 2) amended your zoning ordinances as necessary to allow homeowners to raise conforming structures to the Base Flood Elevation (BFE) set by the new FEMA maps?	First reading for this ordinance is on the 10/7/13 agenda with second reading scheduled for 10/21/13.
48	Yes Has your municipality within the past year reviewed and updated as necessary its emergency management plan, taking into account lessons learned from the impact of Superstorm Sandy and other recent natural disasters?	
49	N/A P.L. 2013, c. 37, known as the "Sandy Integrity Monitor Law", requires the State Treasurer to assign monitors to recovery and rebuilding-related contracts \$5 million or above, and grants the Treasurer discretion to assign monitors on contracts below \$5 million. Pursuant to authority granted under the law, all Sandy-related recovery and rebuilding contracts over \$2 million awarded by local governments must be reported to the State Department of Treasury. Please access Treasury's Sandy website at http://www.state.nj.us/treasury/news-sandy.shtml for more information on your municipality's responsibilities under the Sandy Integrity Monitor Law. Has your municipality reported all Sandy-related contracts over \$2 million to the State Treasurer?	Lower Township has no Sandy-related contracts.
50	No A municipality's participation in FEMA's <u>National Flood Insurance Program Community Rating System</u> can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system , and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at http://www.nj.gov/dep/floodcontrol/about.htm . Does your municipality have a Community Rating System ranking of at least Class 9?	

Best Practices Worksheet CY 2013/SFY2014

		Lower Township (Cape May)		
0505		<i>Please see Color Key at bottom of sheet for limits on answers</i>		
	Answer	Question		Comments
	0	Select		
	41	Yes		
	4	No		
	1	N/A		
	4	Prospective		
	50	Total Answered:		
	46	Score (Yes + N/A + Prospective)		
	92%	Score %		
	0%	Percent Withheld		
		Chief Administrative Officer's Certification		
		I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.		Certification #(s)
		Name & Title		Date
		Michael J. Voll, Township Manager, Township of Lower		
		Chief Financial Officer's Certification		
		I hereby certify that the information provided in this Best Practices Inventory is accurate to the best of my knowledge.		Certification #(s)
		Name		N-0423, T-1501
		Lauren Read, CFO, Township of Lower		Date
		Municipal Clerk's Certification		
		I hereby certify that the Governing Body of the Township of Lower in the County of Cape May discussed the CY 2013/SFY 2014 Best Practice Inventory as completed herein at a public meeting on 10/7/13, with the Inventory results, and the certification thereof by the Chief Administrative and Chief Financial Officers, respectively, to be stated in the minutes of said public meeting.		Certification #(s)
		Name		C-1673
		Julie A. Picard, Municipal Clerk, Township of Lower		Date

Best Practices Worksheet CY 2013/SFY2014

Lower Township (Cape May)	
0505	Please see Color Key at bottom of sheet for limits on answers
Answer	Question
	Red = Repeat Question; Prospective answers not permitted
	Blue = Questions where neither "not applicable" nor "N/A" answers are permitted
	Green = Repeat questions where neither "Prospective" nor "Not Applicable" are permitted
	No Color = "Yes"; "No"; "Prospective" and "Not Applicable" are all permissible answers
# of Questions scored yes, prospective, or "not applicable"	Amount of Aid Disbursed
41-50	100%
33-40	80%
25-32	60%
17-24	40%
9-16	20%
0-8	0%
	Impact on final 5% aid payment/impact on total aid
	No penalty
	Lose 20% which equals 1% of total aid
	Lose 40% which equals 2% of total aid
	Lose 60% which equals 3% of total aid
	Lose 80% which equals 4% of total aid
	Lose 100% which equals 5% of total aid
Question	Table of Weblinks
4	http://nj.gov/comptroller/news/docs/press_local_government_legal_fees.pdf
5	http://www.nj.gov/dca/divisions/dlgs/resources/muni_st_docs/pay_to_play_ordinance-contractor.doc
9	http://www.state.nj.us/perc/Collective_Bargaining_Agreement_Summary_Form_Police_and_Fire_2012.04.02_Instructions_and_Example_.pdf
9	http://www.state.nj.us/perc/Collective_Bargaining_Agreement_Summary_Form_Non-Police_and_Non-Fire_2012.04.02_Instructions_and_Example_.pdf
13	http://www.nj.gov/dca/divisions/dlgs/fns/12/2012-12.pdf
17	http://www.nj.gov/dca/divisions/dlgs/fns/13/2013-17.pdf
19	http://nj.gov/dca/divisions/dlgs/fns/11/2011-37.doc
29	http://nj.gov/dca/divisions/dlgs/fns/11/2011-20R.doc
29	http://nj.gov/dca/divisions/dlgs/fns/11/2011-34.doc
33	http://nj.gov/dca/divisions/dlgs/fns/07/2007-28.doc
40	http://www.nj.gov/dca/divisions/dlgs/fns/02/cfo-2002-1.pdf
50	http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system
50	http://www.nj.gov/dep/floodcontrol/about.htm

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

RESOLUTION # 2013- 274

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on **October 7, 2013** that an Executive Session closed to the public shall be held on this date at approximately 6:45 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on Oct 7, 2013.



Julie A. Picard, Township Clerk

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