

- Res. #2012-116 Award of One (1) 2012 Ford Escape 4wd Xlt 6 Cylinder Steel Blue in Color with Sync Voice Advanced System (Original resolution removed at May 7, 2012 mtg.)
- Res. #2012-126 Payment of Vouchers, \$85,800.94
- Res. #2012-127 Drive Sober or Get Pulled Over Statewide Crackdown Grant (Res. approving submission of grant application and authorizing acceptance if received. Grant amount \$4400.00)
- Res. #2012-128 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Communities, \$59,083.07)
- Res. #2012-129 A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan; Block 512.14, Lot 29, Escrow #P09-04-02 (Work done)
- Res. #2012-130 Authorization Aart's Transportation, Inc. To Transfer Taxi License (changing vehicles)
- Res. #2012-131 Authorization for Refund of Taxes (3 properties)
- Res. #2012-132 Authorization for Villas Fishing Club Ladies Auxiliary to Conduct an Outdoor Flea Market on June 23, 2012
- Res. #2012-133 Approval for Pyrotecnico Fireworks to Load and Unload a Fireworks Barge in Lower Township (annual approval for Lower Township, Congress Hall, Avalon and Ocean City fireworks events in 2012)
- Res.#2012-134 Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Remedial Investigation of Underground Storage Tanks Removed in 1994 and 1995 (\$18,500)
- Res. #2102-135 Authorizing the Payment of Vouchers, \$6490.63 (per contract)

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

RESOLUTION #2012- 116

TITLE: AWARD OF ONE (1) 2012 FORD ESCAPE 4WD XLT 6 CYLINDER STEEL BLUE IN COLOR WITH SYNC VOICE ADVANCED SYSTEM

WHEREAS, proposals were solicited via the Township's Website on May 7, 2012 and due on May 17, 2012 at 11:00a.m. for one (1) 2012 Ford Escape 4WD XLT 6 cylinder, Steel Blue in Color with Sync Voice Advanced System; and

WHEREAS, two (2) proposals were submitted and reviewed by the QPA and the Chief of Police; and

WHEREAS, the CFO has certified available funds as indicated below by her signature.

Budget Year and Appropriation C-04-55-400-850 (Ord # 11-14)

CFO Signature



NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the purchase listed above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: GENTILINI FORD
TOTAL: \$23,914.37

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.


Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

2012-05 PROPOSAL PAGE

New One (1) 2012 Ford Escape XLT 4WD 6 Cylinder

Exterior Paint: Slate Blue in color

Sync Voice Advanced System

List any additional features that may come with your proposed vehicle

Vehicle must be delivered within 10 days of award

The undersigned hereby declares that they have carefully read the documents attached and they fully understand Instructions to Bidders and will strictly adhere to all terms and conditions of said documents if awarded a contract therefore.

Total Bid: \$ 23914.37
In Numbers

Twenty three thousand nine hundred fourteen thirty seven cents
In Words Dollars


Signature

Paul v. Gentilini
Printed Name

V.P.
Title

Gentilini Ford Inc
Name of Firm

535 John S. Penn blud.
Address

Woodbine NJ-08270
Address

Rick Bailey
Contact Person

609-861-0100
Telephone

221751289
Tax ID#

Rick.Bailey@gentilini-motors.com
E-mail

List Additional Equipment on the 2012 Ford Escape:

Power moon roof
Microsoft SYNC

May 17, 2012
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Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE							
	12-00784	03/22/12	LIFEGUARD ADVERTISEMENT	Open	20.00	0.00		
	12-01198	05/10/12	LEGAL NOTICES	Open	16.74	0.00		
					<u>36.74</u>			
00820	COMCAST OF WILDWOOD* DPW							
	12-01156	05/03/12	INTERNET PROVIDER/DPW	Open	95.18	0.00		
00825	COMCAST*							
	12-01248	05/16/12	MONTHLY INTERNET ACCESS MILLMA	Open	67.07	0.00		
01083	COMTEC SYSTEMS INC*							
	12-01178	05/04/12	ANNUAL RENEWAL	Open	2,145.00	0.00		
01139	CORELOGIC							
	12-01252	05/16/12	REFUND PROPERTY TAX	Open	1,897.46	0.00		
01170	VERIZON WIRELESS* F/S							
	12-01189	05/07/12	CELL SERVICE- FIRE- 3/27-4/26	Open	68.55	0.00		
01171	VERIZON WIRELESS - TOWNHALL							
	12-01196	05/07/12	CELL PHONE 04/29/12-05/28/12	Open	113.37	0.00		
01219	CONTRACTOR SERVICE*							
	12-00810	03/22/12	AUGER BITS FOR RDS/DPW	Open	686.70	0.00		
01220	DRAEGER SAFETY DIAGNOSTICS*							
	12-00557	02/24/12	ANNUAL CERT	Open	142.00	0.00		
01245	G & K SERVICES CO*							
	12-01212	05/10/12	UNIFORM RENTALS/DPW	Open	730.64	0.00		
01437	ERCO CEILINGS*							
	12-00969	04/11/12	CEILING TILES FOR POOL BLDG.	Open	169.34	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	12-01219	05/14/12	INSTALL NEW OUTLETS IN GAME RM	Open	150.00	0.00		
01577	MIKE FLINN**							
	12-01249	05/16/12	INSTRUCTOR FOR JUDO CLASSES	Open	910.00	0.00		
01598	DEARBORN NATIONAL							
	12-01259	05/16/12	APRIL LIFE INSURANCE	Open	486.90	0.00		
01685	W W GRAINGER, INC.*							
	12-01090	04/25/12	SMOKE DETECTOR TESTERS	Open	101.28	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	12-01182	05/07/12	PROFESSIONAL ENGINEERING	Open	138.00	0.00		
	12-01183	05/07/12	PROFESSIONAL ENGINEERING	Open	376.65	0.00		
					<u>514.65</u>			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01806 ANTHONY J HARVATT, II, ESQ								
	12-00985	04/17/12	BOARD SOLICITOR SALARY	Open	466.66	0.00		
	12-01186	05/07/12	RESOLUTIONS	Open	<u>300.00</u>	0.00		
					766.66			
02016 JERSEY ARCH DOOR & SUPPLY INC*								
	12-00879	04/03/12	DOOR CLOSURES FOR POOL	Open	370.00	0.00		
02108 KEEN COMPRESSED GAS CO*								
	12-00610	03/02/12	BOTTLED GAS FOR GARAGE/DPW	Open	829.23	0.00		
02125 KDI*								
	12-01195	05/07/12	COPIER OVERAGE 02/01/12-04/30/	Open	701.26	0.00		
02136 TED KINGSTON INC*								
	12-01140	05/02/12	PART FOR POLICE VEH/DPS	Open	146.93	0.00		
	12-01192	05/07/12	REPEATER / RADIO TOWER	Open	300.00	0.00		
	12-01193	05/07/12	OUTFITTING NEW VEHICLES	Open	<u>639.39</u>	0.00		
					1,086.32			
02140 KINDLE FORD LINC/MERC., INC.*								
	12-01142	05/02/12	PARTS FOR DPS VEHICLES	Open	1,089.53	0.00		
02223 LANDSMAN UNIFORMS*								
	12-00479	02/16/12	UNIFORMS	Open	1,181.00	0.00		
	12-00693	03/09/12	UNIFORMS	Open	1,649.50	0.00		
	12-00776	03/21/12	UNIFORMS	Open	87.00	0.00		
	12-00941	04/09/12	UNIFORMS	Open	<u>987.00</u>	0.00		
					3,904.50			
02229 CHRISTIAN J. LAMBERT								
	12-01271	05/16/12	TRAINING MEALS	Open	26.92	0.00		
02541 ROBERT D. MARTIN, JR								
	12-01181	05/07/12	MEDICAL CLAIMS	Open	38.00	0.00		
02585 WILLIAM MASTRIANA								
	12-01273	05/16/12	TRAINING MEALS	Open	51.07	0.00		
02609 ANDREW MCGRAW JR								
	12-01180	05/04/12	SHOE ALLOWANCE FOR 2012/DPW	Open	89.99	0.00		
03001 STATE TOXICOLOGY LABORATORY*								
	12-00883	04/03/12	APPLICANT TESTING	Open	90.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*								
	12-01084	04/25/12	TRAINING	Open	120.00	0.00		
03158 NYSCA*								
	12-00882	04/03/12	COACHING CERTIFICATIONS	Open	100.00	0.00		
03160 OFFICE BASICS, INC*								
	12-01136	05/02/12	OFFICE SUPPLIES/DPW	Open	49.99	0.00		

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Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03279 PARDO'S TRUCK PARTS WHSE*	12-01030	04/19/12	PARTS FOR RDS/SANT/RECY/DPW	Open	977.16	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	12-01048	04/20/12	30 L-46 36X60 3 mil BLACK *50/	Open	807.00	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*	12-01088	04/25/12	INTERPRETER	Open	199.05	0.00		
03305 PEDRONI FUEL*	12-01139	05/02/12	NO LEAD GAS/DPW	Open	1,328.62	0.00		
03330 PENNANT SPORTS, INC*	12-01049	04/20/12	FIRST AID KITS	Open	189.50	0.00		
03366 AMERI-GAS*	12-01075	04/25/12	PROPANE @ BENNETT'S	Open	168.18	0.00		
03370 PHYSIO CONTROL CORPORATION	12-00940	04/09/12	PARTOL OP	Open	528.00	0.00		
03374 SEASHORE SUPPLY*	12-01074	04/25/12	ADA TOILETS AND SUPPLIES	Open	874.56	0.00		
03387 POGUE INC. *	12-01144	05/02/12	PRE-EMPLOYMENT TESTING/DPW	Open	399.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	12-01029	04/19/12	TIRES FOR RDS/SANT/RECY/DPW	Open	7,990.98	0.00		
03654 SPECIALTY AUTO REPAIR*	12-01034	04/19/12	ALIGNMENTS FOR DPS VEHICLES	Open	140.00	0.00		
03659 SOUTH JERSEY WIPING CLOTH*	12-01025	04/19/12	RAGS FOR GARAGE SHOP/DPW	Open	432.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	12-01214	05/11/12	5/23/2012 M VITELLI SJNIGP	Open	30.00	0.00		
03783 THIS AND THAT UNIFORMS*	12-01147	05/02/12	UNIFORMS	Open	136.00	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	12-01250	05/16/12	WATER SERVICE DUE 06/04/12	Open	1,168.87	0.00		
	12-01251	05/16/12	SEWER SERVICE DUE 06/04/12	Open	160.00	0.00		
					<u>1,328.87</u>			
03820 MUNICIPAL UTIL. AUTH ON CALL	12-01108	04/30/12	ONE-CALL MESSAGES/DPW	Open	134.66	0.00		
03821 TRANS AXLE*	12-01137	05/02/12	PARTS FOR LEAF TRUCK/DPW	Open	1,148.92	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03867 UNIVERSAL SUPPLY CO.	12-00709	03/12/12	LUMBER,MATERIALS/DPW	Open	3,120.73	0.00		
03902 DONALD VANAMAN JR	12-01272	05/16/12	TRAINING MEALS	Open	24.80	0.00		
03904 LOWE'S HOME CENTER INC*	12-01021	04/19/12	DOOR FOR MAINTENANCE SHOP/DPW	Open	474.41	0.00		
	12-01157	05/03/12	HARDWARE FOR BUS SHELTERS	Open	<u>293.19</u>	0.00		
					767.60			
03915 TURF EQUIPMENT & SUPPLY CO*	12-01035	04/19/12	BRAKE CABLES FOR COUNTY EQUIP	Open	139.06	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	12-01095	04/26/12	LEXMARK E260D MONO LASER PRINT	Open	170.69	0.00		
03963 US LUBES, LLC *	12-01036	04/19/12	BULK OIL FOR SANT/RECY/RDS	Open	4,080.47	0.00		
03971 VERIZON WIRELESS	12-01152	05/02/12	MDT'S	Open	672.69	0.00		
03985 VILLAS NAPA AUTO PARTS	12-01026	04/19/12	PARTS FOR RDS/SANT/RECY/DPS	Open	2,609.14	0.00		
03992 VAL-U AUTO PARTS LLC*	12-01027	04/19/12	PARTS FOR RDS/SANT/RECY/DPS	Open	4,859.36	0.00		
04037 DOUGLASS WHITTEN	12-01236	05/14/12	MEDICAL CLAIMS-V	Open	1,010.00	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	12-00131	01/12/12	2012 POSTAGE EXPIRES 6/01/12	Open	451.00	0.00		B
04117 BILL ROLLINS	12-01056	04/23/12	LACROSSE REF	Open	60.00	0.00		
04300 W B MASON CO INC*	12-01103	04/30/12	OFFICE SUPPLIES	Open	831.86	0.00		
04301 SEASHORE ASPHALT CORPORATION*	12-01099	04/26/12	PATCH FOR RDS/DPW	Open	282.70	0.00		
5022 INSTITUTE FOR FORENSIC PSYCHO*	12-01148	05/02/12	PSYCHOLOGICAL EVAL	Open	750.00	0.00		
5031 THE FIBAR GROUP, LLC*	12-00951	04/10/12	PLAYGROUND SAFETY MULCH	Open	8,792.00	0.00		
5039 DICK BAUMGARDNER	12-01097	04/26/12	RETURN OF ESCROW FEES	Open	3,225.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
5045 BRANDON TRINIDAD	12-01185	05/07/12	REIMBURSEMENTS	Open	81.00	0.00		
5046 GIORDANO'S SCRAP MATERIAL	12-01187	05/07/12	RELEASE OF DUMPSTER BOND	Open	500.00	0.00		
5047 RICHARD MATTHEWS	12-01200	05/10/12	REFUND-MERCANTILE LICENSE	Open	50.00	0.00		
CANCELO DON CANCELOSI	12-01146	05/02/12	LACROSSE REF	Open	60.00	0.00		
CENTRAL CENTRAL MORTGAGE COMPANY	12-01253	05/16/12	REFUND PROPERTY TAX	Open	454.27	0.00		
SIXSM LLOYD SIXSMITH*	12-00850	03/30/12	LOWER TOWNSHIP SHIRTS	Open	2,097.75	0.00		
TILL TILL PAINT CO CORP*	12-01050	04/20/12	CS KRYLON WHITE ATHLETIC FIELD	Open	1,480.00	0.00		

Total Purchase Orders: 102 Total P.O. Line Items: 295 Total List Amount: 85,800.94 Total Void Amount: 0.00

I hereby certify this is the original Resolution adopted by the Township Council at the meeting of May 21, 2012


 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

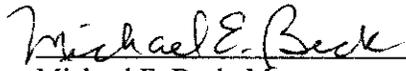
RESOLUTION #2012-127

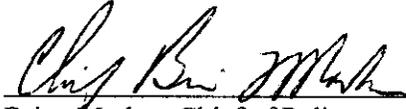
TITLE: Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$4400.00 to carry out a Drive Sober or Get Pulled Over 2012 Statewide Crackdown Grant from August 17, 2012 – September 3, 2012;

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:


Michael E. Beck, Mayor


Brian Marker, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on May 21, 2012


Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-128

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$59,083.07 for an item of revenue in the budget of the year 2012 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Clean Communities
Total with increase to be \$59,083.07

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$59,083.07 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Clean Communities
State/Federal Share \$ 59,083.07
Non State Share \$
Total with increase to be \$ 59,083.07

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on May 21, 2012



Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-129

TITLE: A resolution requesting **release** of Revegetation and Restoration Guarantee for Dune Site Plan; Block 512.14, Lot 29, Escrow #p09-04-02

WHEREAS Annette M. Tobia posted a bond for the revegetation and restoration of dune grass with the Township of Lower, in the amount of \$1,000.00; and

WHEREAS the Township Planning Director recommends that the required restoration and revegetation of dune grass has been properly completed;

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

AND HEREBY BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$1,000.00 plus any accrued interest for payment of the above released Guarantee.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.



Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-130

TITLE: AUTHORIZATION FOR AARTS TRANSPORTATION, INC. TO TRANSFER TAXI LICENSE

WHEREAS, AARTS Transportation, Inc. applied for and received a taxi license for a 2002 Chrysler Town & Country, Vin #2C4GP74L32R551037, and

WHEREAS, AARTS Transportation, Inc. has replaced the above vehicle with a 2002 Chrysler Town & Country Vin #2C8GT64L92R672339 and has requested the license be transferred to the new vehicle, and

WHEREAS, AARTS Transportation, Inc. has paid the required twenty five dollar (\$25) transfer fee and provided the required insurance certificate showing the new vehicle.

NOW, THEREFORE BE IT RESOLVED, the Township Council that the license transfer is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.


Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-131

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, refunds are due.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer be and the same is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
349.13	28	Central Mortgage	paid by owner	424.27
494.26	8	Corelogic	paid by title company	613.47
741.04	17.07	Corelogic	paid by title company	1,897.46

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on May 21, 2012.


Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-132

**TITLE: AUTHORIZATION FOR VILLAS FISHING CLUB LADIES
AUXILIARY TO CONDUCT AN OUTDOOR FLEA MARKET ON
JUNE 23, 2012**

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 359.13b, 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 application of the Villas Fishing Club Ladies Auxiliary to conduct an outdoor Flea Market on Saturday, June 23 (rain date June 24) and 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 this is the original resolution adopted by the Township Council at the meeting held on May 21, 2012.


Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

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

RESOLUTION #2012-133

TITLE: APPROVAL FOR PYROTECNICO FIREWORKS TO LOAD AND UNLOAD A FIREWORKS BARGE IN LOWER TOWNSHIP

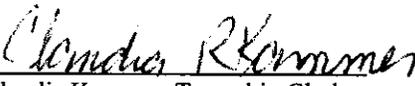
WHEREAS, Pyrotecnico has requested permission to load and unload a barge in Lower Township fireworks displays on the following dates:

1. July 3rd for Lower Township
2. July 4th for the Congress Hall
3. July 4th and October 6th for Ocean City
4. July 4th for the Borough of Avalon, and

WHEREAS, Pyrotecnico has provided the required proof of liability insurance required by Uniform Fire Code Section 5:18-3.27 and signed a Hold Harmless agreement, and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower that Pyrotecnico is hereby granted permission to load and unload the "fireworks barge" for the events listed above in accordance with all other necessary approvals and permits.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of May 17, 2012


Claudia Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			

CHECKLIST FOR SUBMISSION TO MEL UNDERWRITING MANAGER FOR APPROVAL

TOWN: Township of Lower

JIF: ACMJIF

VENDOR: Pyrotecnico

DATE OF EVENT: 7/3/12

RAIN DATE (IF APPLICABLE): N/A

RMC OR MUNICIPALITY E MAIL ADDRESS: bweigand@niagroup.com

- (1) Copy of Complete Contract (As respects to fireworks, the contract should indicate that the Fireworks Contractor is responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12).
- (2) Hold Harmless Agreement
- (3) Certificate of Insurance for General Liability naming member as Additional Insured
- (4) Certificate of Insurance for Exp. 5/27/12 Workers Compensation and Automobile OK
- (5) Surety Bond or alternate surety (\$2,500) as per Statute N.J.S.A. 21:3-5. (A copy of Statute N.J.S.A. 21:3-5 is available upon request. This applies to Fireworks Displays only).
- (6) A letter from the Fireworks contractor indicating that they are responsible for the inspection, clean up and disposal of any unexploded aerial shells or live components, as required under NFPA 1123, 1995 edition, Section 4-1.12. THIS LETTER IS ONLY NECESSARY IF THE CONTRACT, AS STATED IN (1) ABOVE, DOES NOT INCLUDE THIS STATEMENT. (This applies to Fireworks Displays only).
- N/A (7) ~~Proof of registration of amusement ride equipment, as well as, a copy of the contractor's permit application for the rides being utilized for the member sponsored event. Once the equipment is delivered to the event site, the member should confirm that the actual permit is affixed to the equipment. (This applies to Amusement rides only).~~



HEADQUARTERS

P.O. Box 149
New Castle, PA 16103

OFFICE
724. 652. 9555

TOLL FREE
800. 854. 4705

FAX
724. 652. 1288

WEB
www.pyrotecnico.com

EMAIL
info@pyrotecnico.com

U.S. LOCATIONS

Atlanta, GA	Montgomery, AL
Auburn, NY	New Castle, PA
Dallas, TX	New Orleans, LA
Fort Lauderdale, FL	Saluda, SC
Jaffrey, NH	Tampa, FL
Las Vegas, NV	Vineland, NJ

March 20, 2012

Ms. Colleen Horwath
Lower Township
2600 Bay Shore Road
Villas, NJ 08251-1399

Subject: Request for Fireworks Resolution for Loading/Unloading of Product onto
& off of barge.

Dear Ms. Horwath:

I am requesting for a fireworks resolution for the following for Loading/Unloading of fireworks:

- 1) Lower Township – July 3, 2012
- 2) Borough of Avalon – July 4, 2012
- 3) Congress Hall Hotel – July 4, 2012
- 4) City of Ocean City – July 4, 2012 & October 6, 2012

Attached you will see the insurance certificates, Hold Harmless Agreement, NJ Surety Bond and First Light Inspection letter.

If you have any questions, please contact me at 856-697-1023.

Respectfully,

Raquel L. Flowers
Fireworks Coordinator



HEADQUARTERS

P.O. Box 149
New Castle, PA 16103

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Dallas, TX	New Orleans, LA
Fort Lauderdale, FL	Saluda, SC
Jaffrey, NH	Tampa, FL
Las Vegas, NV	Vineland, NJ

March 20, 2012

Ms. Colleen Horwath
Lower Township
2600 Bayshore Road
Villas, NJ 08251

Dear Colleen,

A representative from our company will do a first light inspection at The Atlantic Cape Fisheries in Lower Township as well as an inspection on beach front starting at Town Bank Road heading South all the way to the Light House the morning of first light on July 4th, 2012 and July 5, 2012 for the loading/unloading of product for Borough of Avalon, NJ, Congress Hall Hotel, NJ & City of Ocean City, NJ and (October 7, 2012). We will be responsible for policing the fireworks display and search for and disposing of unfired fireworks.

Please also be aware that we do police the area after the fireworks display has been completed. This is our procedure for all of our shows.

If you have any questions, please do not hesitate to contact our office at 856-697-1023.

Sincerely,

Raquel L. Flowers
Fireworks Coordinator



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/18/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC. P.O. Box 10285 Birmingham, AL 35202	CONTACT NAME: Melanie Allen	
	PHONE (A/C No. Ext): 800-476-2211	FAX (A/C No.):
E-MAIL ADDRESS: mall@mcgriff.com		
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A: United States Fire Insurance Company		21113
INSURER B: James River Insurance Company		12203
INSURER C: Catlin Specialty Insurance Company		15989
INSURER D: See Attachment		
INSURER E:		
INSURER F:		

INSURED
 S. Vitale Pyrotechnic Industries, Inc.
 dba Pyrotechnico
 P.O. Box 149
 New Castle, PA 16103

COVERAGES

CERTIFICATE NUMBER: SLK6P7QM

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LVL	TYPE OF INSURANCE	ADDITIONAL INSURER	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC		000282804	01/14/2012	01/14/2013	EACH OCCURRENCE	\$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$ 1,000,000
						GENERAL AGGREGATE	\$ 2,000,000
						PRODUCTS - COMP/OP AGG	\$ 2,000,000
						Policy Aggregate:	\$ 6,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> \$1mil		1337318084	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
						Comp. \$1000 deductible	Coll. \$1000 deductible
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		000282824	01/14/2012	01/14/2013	EACH OCCURRENCE	\$ 4,000,000
						AGGREGATE	\$ 4,000,000
							\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NJ) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below		See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	
						E.L. EACH ACCIDENT	\$
						E.L. DISEASE - EA EMPLOYEE	\$
						E.L. DISEASE - POLICY LIMIT	\$
C	EXCESS UMBRELLA COVERAGE		XSA2002800113	01/14/2012	01/14/2013	XS Underlying \$4, Mil	\$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Fireworks Display Date: July 3, 2012.

Location: On Barge - Delaware Bay - Lower Twp, NJ

Norstar Marine, Inc. & Cape Atlantic Fisheries.

The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.

The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

CERTIFICATE HOLDER

Lower Township
 2600 Bayshore Road
 Villas, NJ 08251

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

AGENCY CUSTOMER ID: _____
LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotechnico	
POLICY NUMBER		ISSUE DATE: 03/19/2012	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: _____ FORM TITLE: _____

**** Pennsylvania - Workers Compensation and Employers Liability ****
PROOF OF INSURANCE ONLY
(Policy issued directly by State Workers Ins Fund to Named Insured)
NO WAIVER OF SUBROGATION UNDER THIS POLICY
Insurance Carrier: State Workers Insurance Fund

Policy Number: 05284171
Policy Period: 5/27/2011 to 5/27/2012

Employers Liability Limits:
Bodily Injury by Accident \$1,000,000 each accident
Bodily Injury by Disease \$1,000,000 policy limit
Bodily Injury by Disease \$1,000,000 each employee



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/26/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC. P.O. Box 10265 Birmingham, AL 35202	CONTACT NAME: Melanie Allen PHONE (A/C, No, Ext): 800-476-2211 FAX (A/C, No): E-MAIL ADDRESS: mail@mcgriff.com													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A :United States Fire Insurance Company</td> <td>21113</td> </tr> <tr> <td>INSURER B :James River Insurance Company</td> <td>12203</td> </tr> <tr> <td>INSURER C :Cattin Specialty Insurance Company</td> <td>15989</td> </tr> <tr> <td>INSURER D :See Attachment</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A :United States Fire Insurance Company	21113	INSURER B :James River Insurance Company	12203	INSURER C :Cattin Specialty Insurance Company	15989	INSURER D :See Attachment		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #													
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INSURER D :See Attachment														
INSURER E :														
INSURER F :														
INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico P.O. Box 149 New Castle, PA 16103														

COVERAGES

CERTIFICATE NUMBER: HNH6YEG6

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVG	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC			000292604	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS Tr InterChg \$1mil <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS			1337318064	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp. \$1000 deductible Coll. \$1000 deductible
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			000292624	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A			See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	EXCESS UMBRELLA COVERAGE			XSA2002600113	01/14/2012	01/14/2013	XS Underlying \$4, Mil \$ \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Fireworks Display Date: July 4, 2012 / Rain Date: To Be Determined.
Location On Barge Atlantic Ocean 1/4 to 1/2 mile off of 30th Street Beach - Avalon, NJ.
Lower Township, NJ - Northstar Marine, Inc. - Cape Atlantic Fisheries.
The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.
The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

CERTIFICATE HOLDER

CANCELLATION

Borough of Avalon
3100 Dune Dr.
Avalon, NJ 08202

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
AUTHORIZED REPRESENTATIVE
Paul B. Rosal

AGENCY CUSTOMER ID: _____
LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico	
POLICY NUMBER		ISSUE DATE: 01/26/2012	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: _____ FORM TITLE: _____

Workers Compensation and Employers Liability
Insurance Carrier: Liberty Mutual Insurance Group

State Insured: New Jersey

Policy Number: WC7-33S-345309-011
Policy Period: 6/02/2011 to 6/02/2012

Employers Liability Limits:
Bodily Injury by Accident \$ 1,000,000 each accident
Bodily Injury by Disease \$ 1,000,000 policy limit
bodily Injury by Disease \$ 1,000,000 each employee

AGENCY CUSTOMER ID: _____
LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotechnico	
POLICY NUMBER			
CARRIER	NAIC CODE	ISSUE DATE: 02/29/2012	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: _____ FORM TITLE: _____

Workers Compensation and Employers Liability
Insurance Carrier: Liberty Mutual Insurance Group

State Insured: New Jersey

Policy Number: WC7-338-345309-011
Policy Period: 6/02/2011 to 6/02/2012

Employers Liability Limits:
Bodily Injury by Accident \$ 1,000,000 each accident
Bodily Injury by Disease \$ 1,000,000 policy limit
bodily Injury by Disease \$ 1,000,000 each employee



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/26/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

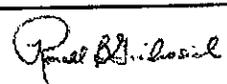
PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC. P.O. Box 10265 Birmingham, AL 35202	CONTACT NAME: Melanie Allen PHONE (A/C, No, Ext): 800-478-2211 FAX (A/C, No): E-MAIL ADDRESS: mail@mcgriff.com	
	INSURER(S) AFFORDING COVERAGE	
INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico P.O. Box 149 New Castle, PA 16103	INSURER A: United States Fire Insurance Company	NAIC # 21113
	INSURER B: James River Insurance Company	NAIC # 12203
	INSURER C: Catlin Specialty Insurance Company	NAIC # 15989
	INSURER D: See Attachment	
	INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:**UCGKTYVD **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			000282604	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Hr InterChg \$1mil			1337318064	01/14/2012	01/14/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp. \$1000 deductible Coll. \$1000 deductible
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			000282624	01/14/2012	01/14/2013	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NJ) If yes, describe under DESCRIPTION OF OPERATIONS below			See Attachment for Workers Comp & Employers Liab Coverage Information			<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
C	EXCESS UMBRELLA COVERAGE			XSA2002600113	01/14/2012	01/14/2013	XS Underlying \$4, Mil \$ \$ \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Fireworks Display Date: July 4, 2012 & October 6, 2012.
Location: On Barge Atlantic Ocean, Ocean City, NJ.
Lower Township, NJ - Northstar Marine, Inc. - Cape Atlantic Fisheries.
The above listed are Additional Insured respects to General Liability policy as required by written contract subject to policy terms, conditions and exclusions.
The Certificate Holder is named as Additional Insured with respect to General Liability as required by written contract.

CERTIFICATE HOLDER City of Ocean City 861 Asbury Ave. Ocean City, NJ 08226-3642	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

AGENCY CUSTOMER ID: _____

LOC #: _____



ADDITIONAL REMARKS SCHEDULE

Page 2 of 2

PRODUCER MCGRIFF, SEIBELS & WILLIAMS, INC.		INSURED S. Vitale Pyrotechnic Industries, Inc. dba Pyrotecnico	
POLICY NUMBER		ISSUE DATE: 01/26/2012	
CARRIER	NAIC CODE		

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: _____ FORM TITLE: _____

**** Pennsylvania -Workers Compensation and Employers Liability ****
PROOF OF INSURANCE ONLY
(Policy issued directly by State Workers Ins Fund to Named Insured)
NO WAIVER OF SUBROGATION UNDER THIS POLICY
Insurance Carrier: State Workers Insurance Fund

Policy Number: 05284171
Policy Period: 5/27/2011 to 5/27/2012

Employers Liability Limits:
Bodily Injury by Accident \$1,000,000 each accident
Bodily Injury by Disease \$1,000,000 policy limit
Bodily Injury by Disease \$1,000,000 each employee

Bond No: 21BSBFH9165
Bond Amount: \$2,500.00
Bond Term: 1/30/12 to 1/30/13

THE STATE OF NEW JERSEY
DEPARTMENT OF LABOR
OFFICE OF SAFETY COMPLIANCE

SURETY BOND

Discharging, Firing-off, Exploding or Displaying Fireworks,
at any Public Exhibition or Exhibition.

Know All Men by these Presents, that we S. Vitale Pyrotechnic Ind. Inc. dba Pyrotechnico

1640 Garden Road, Vineland, NJ 08360 of (in the County of Cumberland), as
Fireworks Vendor Street Address Fireworks Vendor County Name

Principal, are held and stand firmly bound unto the Treasurer and Receiver General of the State of New Jersey in the just sum of TWO THOUSAND FIVE HUNDRED dollars (\$2,500) to be paid to the Treasurer and Receiver General or his successor in office, to which payment well and truly to be made, we hereby jointly and severally bind ourselves, our respective heirs; executors and administrators, successors and assigns, firmly by these presents.

The Condition of this Obligation, is such that if the said, Hartford Fire Insurance Company, his heirs, executors and administrators, successors and assigns, shall pay any judgment obtained in an action brought against the said S. Vitale Pyrotechnic Ind. Inc. dba Pyrotechnico for discharging,

Fireworks Vendor Name
firing-off, exploding or displaying of said fireworks at any public exhibition or exhibitions hereof, for or on account of any loss, damage or injury resulting to persons or property by reason of the said discharging, firing-off, exploding or displaying of said fireworks, at said public exhibition or exhibitions; provided that said judgment is obtained in an action brought within a period of twelve months following the date of the public exhibition or exhibitions, in which cause of said action is alleged to have occurred, this obligation shall be void, otherwise it shall remain in full force and effect. The maximum amount of said bond shall in no way exceed the face amount of said bond no matter how many claims are made on said bond, in each Municipality, per display.

In Witness Whereof, we hereunto set our hands and seals, this 14th day of December, 2011

S. Vitale Pyrotechnics Ind. Inc. dba Pyrotechnico
Principal

[Signature]
WITNESS

[Signature]

[Signature]
WITNESS

Hartford Fire Insurance Company
[Signature]
Attorney In Fact Mark W. Edwards, II

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD
 BOND, T-4
 One Hartford Plaza
 Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 21-250038

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of unlimited:

*R. E. Daniels, Shelby E. Daniels of Pensacola, FL; Robert M. Verdin of Metairie, LA; Robert Read Davis of Atlanta, GA;
 Mark W. Edwards II, Jeffrey M. Wilson, Ronald B. Gladrosich,
 Ailsa B. Pounders, Robert R. Free, Evondia H. Woessner of Birmingham, AL*

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Scott Sadowsky

Scott Sadowsky, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT }
 COUNTY OF HARTFORD } ss. Hartford

On this 3rd day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
 Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of Dec. 14, 2011.

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President

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

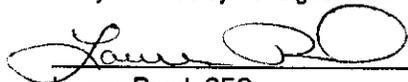
RESOLUTION #2012-134

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO REMEDIAL INVESTIGATION OF UNDERGROUND STORAGE TANKS REMOVED IN 1994 AND 1995

WHEREAS, Hatch Mott MacDonald is currently serving as the Municipal Engineer (the "Engineer") based upon a Contract For Services which sets forth their standard hourly rates as approved by the Township Council and executed by the Mayor and Clerk (the "Engineer's Contract");

WHEREAS, the Engineer has provided a separate fee proposal for environmental consulting services related to Site Addendum Reports for underground storage tanks removed from the former Police Department & the Public Works Department in 1994 & 1995, which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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


 Lauren Read, CFO

C-04-55-391-910 (Ord #07-14)
 Account

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey, that:

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$18,500 is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on May 21, 2012.


 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
CRAIG			X			
DOUGLASS	X		X			
LARE			X			
BECK			X			



**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

May 10, 2012

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

Mr. Gary Douglass, CPWM
Superintendent of Public Works
Township of Lower
2600 Bayshore Road
Lower Township, New Jersey 08204

**RE: Remedial Investigation Activities
Former Lower Township Police Department
NJDEP PI # 010818
Department of Public Works
NJDEP PI # 003967**

Dear Mr. Douglass:

Hatch Mott MacDonald (HMM) has prepared this proposal to provide Lower Township (Township) with a scope of work and cost proposal for environmental consulting services related to the Township's former Police Department facility located on Bayshore Road and the Department of Public Works (DPW) facility located on Seashore Road. Underground storage tanks (USTs) were removed from these sites in 1994 and 1995. Based on a review of the NJDEP's Data Miner on-line database the NJDEP expects the Township to submit Site Investigation Addendum Reports for both of the facilities.

As you may know, the NJDEP no longer provides case management services for most contaminated sites. Due to the passage of a statute in 2009 known as the Site Remediation Reform Act (SRRA), Licensed Site Remediation Professionals (LSRP) are now licensed as "Agents of the NJDEP" to process contaminated sites through site remediation and case closure. LSRPs are experienced environmental professionals deemed to have the skills necessary to make decisions and process contaminated sites through site remediation.

Discharges and other environmental matters, such as the closure of a UST system, must now be handled by a LSRP. A LSRP can conduct studies and issue Response Action Outcomes (RAO) that now replace No Further Action (NFA) letters previously issued by the NJDEP to close out a site. The NJDEP reserves the right to rescind an RAO issued by a LSRP if the Department conducts a case audit within three years of the issuance of the RAO and finds deficiencies in the site remediation process completed by the LSRP.

The following tasks are proposed at the Township's Department of Public Works and the former Police Station sites to identify those actions necessary to ascertain the

environmental issues that must be addressed to satisfy the NJDEP's regulatory requirements to bring these cases to closure.

Task 1	Site Inspections
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HMM will schedule a site inspection with the Township to identify those areas where soil and groundwater samples will be collected to determine if residual soil and/or groundwater contamination is present at the site. These areas would consist of the locations of the former UST systems that were removed from the sites. HMM will photo document the areas requiring investigation in preparation for Task 3 described below.

Task 2	NJDEP File Reviews
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Copies of job reference data including previous report submittals, soil and groundwater analytical data, monitoring well certification forms etc. may not be available from the Township. HMM will schedule file reviews with the NJDEP of all archived materials relating to the Township's former Police Department and DPW facilities. HMM will make copies of the pertinent available information, including reports and site related correspondence. This information will be necessary to ensure that the NJDEP's previous requirements and directives are met. The files will be used as a reference for guiding future remedial activities at the sites.

Task 3	Soil and Groundwater Investigations
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- *Soil Investigations*

Residual soil contamination may be present in the areas of the former USTs removed at the two facilities. To investigate the potential presence of soil contamination, soil samples will be collected at each facility in the former UST areas for analysis. Soil samples will be collected via a Geoprobe drill rig to minimize the extent of disturbance at the two facilities.

HMM will retain the services of a New Jersey licensed well drilling subcontractor to complete soil borings in the areas of the former USTs. Seventeen soil borings will be installed, nine (9) at the former Police Station and eight (8) at the DPW facility. The number of borings is based on the sizes of the former USTs removed from the facilities. The boring locations will be determined following HMM's site inspections and a review of the documents obtained from the NJDEP file reviews. Prior to initiating the drilling activities, the drilling contractor will contact the NJ One-Call system to locate all underground utilities in the work area. The proposed locations of each soil boring will be marked at the site and the drilling contractor will use a vacuum excavator to pre-clear all of the boring locations to a depth of 4 feet below the surface. This will minimize the chance of damaging unmarked underground utilities at the boring locations. Should underground utilities be found, proposed boring locations will be moved to stay clear of utilities. HMM will observe the installation of the borings and record the boring locations on a site plan. Macro-core samples will be collected during the boring installation and field screened for volatile



organic vapors using a photo-ionization detector (PID). The recovered soil will also be physically classified for purposes of preparing boring logs for each location.

Soil samples will be collected from the boreholes as they are advanced into the subsurface in accordance with the NJDEP's *Technical Requirements for Site Remediation* (N.J.A.C. 7:26E). The sampling locations will be logged in a field book along with sampling depth, location, PID readings and time of sample collection. Soil samples will be collected utilizing dedicated Encore® sampling devices and stainless steel trowels. The borings will be completed to a depth 12 inches below the bottom of the former USTs. Soil samples will be collected at each boring to determine if any contamination is present in the subsurface. Samples will be collected from each boring at the soil interval exhibiting the greatest PID reading and from the bottom of the boring. The soil samples will be submitted to an NJDEP certified laboratory for analysis of target compound list (TCL) volatile organic compounds with a library search (VO+TICs) at former gasoline UST locations, and for Extractable Petroleum Hydrocarbons (EPH) in former heating oil/diesel fuel UST locations. Twenty-five percent of any samples that show an EPH concentration detected over 1,000 mg/kg will also be analyzed for 2-methylnaphthalene and naphthalene. If necessary, samples can be submitted to the laboratory for analysis with an expedited turnaround time at an additional cost. HMM has not included these additional costs in our proposed budget however, they can be added if the Township wants to expedite the sample analyses.

- *Groundwater Investigations*

Petroleum product discharges to the subsurface may have impacted groundwater quality at the facilities. To investigate the potential impacts to the groundwater quality, HMM will collect groundwater samples in the former UST locations at each facility for analysis.

HMM will subcontract with a NJDEP licensed well driller to install three temporary wells at each of the facilities to an estimated depth of 15 feet below the surface to determine if groundwater contamination is present. The temporary wells will be removed following sample collection and each borehole location will be grouted to the surface and a blacktop patch will be placed over the borehole.

HMM will collect one groundwater sample from each of the temporary wells and submit the samples to a NJDEP certified laboratory for analysis. Samples collected at the former gasoline UST locations will be analyzed for Target Compound List (TCL) volatile organic compounds and tentatively identified compounds (VO+TICs). Samples collected at the former diesel and heating oil USTs will be analyzed for TCL VO+10 and TCL semi-volatile compounds and tentatively identified compounds (SVO+TICs).

Upon receipt of the laboratory analytical results, HMM will recommend whether permanent groundwater monitoring wells are required at either of the sites. Please note that HMM has not included a cost for the installation, sampling and analysis of permanent groundwater monitoring wells in this proposal.



If groundwater contamination is detected in the temporary well samples above the NJDEP Ground Water Quality Standards (GWQS), additional vertical and horizontal delineation of the groundwater contamination will be required. As noted, the installation of permanent monitoring wells or the installation, sampling and analysis of additional temporary wells to delineate the extent of groundwater contamination plumes is not included in this scope. In this instance HMM will prepare a separate scope and cost proposal for the Township's review and authorization if this work is required.

It is estimated that the above described field activities will take two days to complete. We estimate that one day in the field will be required for each facility to collect the appropriate soil and groundwater samples.

Task 4	Public Notification & Receptor Evaluation
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- *Public Notification*

Amendments to the NJDEP Technical Requirements for Site Remediation N.J.A.C. 7:26E - 1.4 and 1.11 require the Township to comply with Public Notification requirements. Compliance would include either the posting of signs at the sites, or issuing letters to all property owners within 200 feet of the site property boundaries informing the Public that environmental investigations and cleanups are being conducted. Posting a sign is the more common method of compliance with the Public Notification requirements. Specific language needs to be included on the signs or letters and HMM will assist the Township in providing the necessary information to prepare the chosen method of public notification. Photographs of the signs or copies of the letters sent to the surrounding property owners need to be distributed to several local and state agencies. HMM's proposal includes preparing and mounting the signs and sending the required notifications to the designated state and local officials.

- *Receptor Evaluation*

HMM has already completed Receptor Evaluations for the Township's Department of Public Works facility and the former Police Station. These were preliminary Receptor Evaluations and will need to be updated based on the information obtained during this investigation.

A Receptor Evaluation serves to identify land use in the vicinity of the site, potable water use, whether there is a vapor intrusion situation (where volatile substances are entering occupied structures) and it evaluates the potential for adverse impact to ecological receptors.

- *Well Search*

If groundwater contamination is discovered at the sites a well search of the area(s) would have to be completed utilizing the available records at the NJDEP's Bureau of Water Allocation to identify all the permitted wells in the area. The Bureau's files



would be searched to identify all irrigation, monitoring and domestic wells located within a one-half mile radius of the facility and all industrial, public supply wells and any wells having a water allocation permit located within a one mile radius of the site. The wells identified would have to be plotted on a USGS Topographic Map for the area and all the wells identified tabulated on a spreadsheet. The well tabulation spreadsheet would have to be submitted both as a hardcopy and electronically to the NJDEP as required. HMM has not included the costs associated with conducting any well searches or completing any additional activities that may be required by the NJDEP for receptor evaluations.

Cost Proposal

The lump sum cost for the scope of services for Task 1 through Task 4 described above is **\$18,500**. This cost includes the completion of the site inspections, conducting the NJDEP file reviews, conducting the soil and groundwater investigations as described above for the two sites and the completion of the NJDEP Public Notification and Receptor Evaluation requirements for the two sites.

This proposal only includes the initial steps necessary to comply with NJDEP requirements. Depending on the analytical results of the activities proposed in Task 3, additional soil and groundwater investigation activities may be necessary and the results of the investigation will need to be reported. This proposal does not include the preparation of Remedial Investigation Reports, Remedial Action Reports or Response Action Outcome (RAO) letters.

Terms and Conditions

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

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

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

- a. The Client acknowledges that the Consultant must report an Immediate Environmental Concern [as defined in the Site Remediation Reform Act, C.58:10C-2] within the regulatory and mandatory time periods set forth in NJAC 7:26C, subchapter 3.
- b. The Consultant must also report any discharge of a toxic substance, if such discharge has not been previously reported.



- c. Should any time deadline set forth in NJAC 7:26C not be met due to the acts or inaction of the Client, the Consultant shall not be liable for any additional costs, permit fees, fines, penalties or other costs that are assessed or incurred as a result of the failure to timely meet such deadline.
- d. The Consultant may issue a Remedial Action Outcome (“RAO”) based upon its judgment that the remediation of the site in question has been completed and the public health, safety and environment are protected. However, the Client acknowledges and understands that the New Jersey Department of Environmental Protection (“NJDEP”) can audit an RAO within three (3) years after its submission, and can rescind that RAO at its discretion. The Client agrees that it will be responsible for payment of any additional costs to be incurred by the Consultant, as well as its additional professional fees to be generated, as a result of such audit.
- e. The Client agrees that the Client shall indemnify and defend Hatch Mott MacDonald and the LSRP for any claim, loss, damage (including reasonable attorney’s fees), and liability should the Client fail to:
 - Perform their affirmative obligation to remediate;
 - Adequately fund the remediation;
 - Review documents or take action in a timely manner;
 - Disclose relevant information; and/or
 - Follow the LSRP’s recommendations
- f. If contracting for LSRP professional services, the Client recognizes that the LSRP must fulfill a dual role, serving as the Client’s consultant while required to meet the responsibilities identified in the NJ Site Remediation Reform Act (SRRA; N.J.S.A. 58:10C-1 et seq.) including a priority of protection of public health, safety, and the environment. Because the LSRP is frequently acting without NJDEP oversight, and is responsible for decisions and opinions consistent with the NJDEP Site Remediation Program requirements including statute, regulation, and guidance, he may require additional follow-up to support decisions, judgments, and opinions based on conditions observed during the course of services.
- g. The Client understands, acknowledges, and agrees that in the event that the LSRP’s obligations under the LSRP Program conflict with the wishes or intentions of the Client, the LSRP is bound by law to comply with the requirements of the LSRP Program.
- h. The Client acknowledges that a RAO is subject to a three (3) year period, during which time the NJDEP may inspect, audit, modify or rescind the RAO if the remediation is not deemed not to be protective of human health, safety and the environment. In the event of an inspection, review or audit by the NJDEP, Hatch Mott MacDonald and the LSRP are not responsible for additional requirements imposed by NJDEP during an inspection, review or audit. Furthermore, any additional requirements imposed by the NJDEP after the issuances of the RAO shall be considered as outside the approved scope of work under this Contract.



- i. The Client acknowledges that while the work performed by Hatch Mott MacDonald and the LSRP shall be performed in accordance with the LSRP Program and professional industry standards, Hatch Mott MacDonald and the LSRP do not guarantee the long-term effectiveness of the remedial work.
 - Remedy failure can be caused by many factors and no claim of liability, loss, or damage shall be brought against Hatch Mott MacDonald and the LSRP by the Client and /or Person Responsible for Conducting the Remediation (PRCR); and
 - The issuance of an RAO by the LSRP is not a guarantee or warranty that the site is free of contamination, that the remediation complies with all legal requirements, or that the RAO will be accepted by NJDEP.
- j. Where prior remedial work has been performed or Hatch Mott MacDonald and the LSRP are retained by a Client to be the LSRP of Record, it may be necessary for the LSRP to conduct reviews of work previously conducted and planned for any such remediation to provide for the necessary reliance as required by the LSRP Program. The LSRP must have the ability to make judgments regarding the adequacy of work, based on compliance with applicable statute, regulations, and guidance. If such judgments are not supported by the Client or their employees, representatives, PRCR, legal counsel, consultants, and contractors, the LSRP will notify the Client of such difference, and after reasonable discussion, and at any time the LSRP retains the right to submit a notice of termination of LSRP of Record status to the NJDEP.
- k. The LSRP has an obligation to submit documents to the NJDEP that verify the remediation process in accordance with applicable NJDEP regulations and guidance in effect at the time the document was submitted and provide evidence that the remedy was protective of human health and the environment.
 - At the expiration of the standard document retention period, Hatch Mott MacDonald and the LSRP may require the project documents to be archived. The Client may be responsible for payment of the archival costs and the years 4 to 13 shall be paid prior to issuance of the RAO.
 - Confidential documents, e.g. those prepared by counsel or by the LSRP under attorney-client work product privilege, may be excluded from the submission and/or record retention requirements provided they have been characterized as such by the Client or the PRCR.

Summary

As stated above we propose to complete the scope of work outlined above in Task 1 thru Task 4 for the lump sum amount of **\$18,500**.

It is hoped that the above discussion and proposal adequately addresses the concerns and requirements of Lower Township. We thank you for the opportunity to provide this



Hatch Mott
MacDonald

Scope of Work for the Remedial Investigation Activities for the above referenced sites.
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

A handwritten signature in black ink that reads "Daniel R. Toder".

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

A handwritten signature in black ink that reads "Mark R. Sray".

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

cc (via Email): Michael Voll, Township Manager
Claudia R. Kammer, Township Clerk
Steven C. Morey, CEP, HMM
Robert C. Mainberger, PE, CME, HMM (File: 287118CM10-III-3)

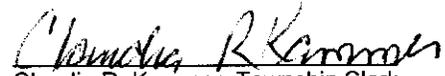
TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2012- 135

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
DOUGLASS LANDSCAPING	12-00687	LANDSCAPING	\$6490.63
TOTAL BILL LIST			<u>\$6490.63</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 21, 2012.


 Claudia R. Kammer, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
CRAIG		X	X			
DOUGLASS					X	
LARE			X			
BECK			X			