

RESOLUTIONS ADOPTED JANUARY 19 2011

- Res. #2011-06 Appointment of Municipal Prosecutor for the Year 2011 (Ron Gelzuas)
Res. #2011-30, Payment of Vouchers, \$1,639,562.34
Res. #2011-31, Authorizing Pay Out of Terminal Leave (J. Becht - retiring from Fire Safety Bureau, (\$2783.76)
- Res. #2011-32, Cancellation of Tax Sale Certificate (Property in bankruptcy - tax sale fees & interest to be returned to lien holder in the amount of \$3,797.30)
- Res. #2011-33, Transfer of Appropriations, \$4,900 (from Phone to Street Lighting)
Res. #2011-34, Approval of Place to Place Transfer - Extension of Premises, License #0505-31-030-001 t/t Greater Cape May Elks Lodge No. 2839 (expanding - adding 31 x 54 unit adjoining existing licensed area)
- Res. #2011-35, Authorization for the Payout of Accumulated Compensatory Time (T. Whittington -)
Res. #2011-36, Resolution Approving Project Proposal Between Hatch Mott Macdonald and the Township of Lower for Engineering Services Related to Holmes Avenue Outfall Modifications (Cost for Bid preparation, bid award & construction administration services, \$4,200.)
- Res. #2011-37, A Resolution of the township of Lower Approving An Agreement with the County of Cape May for Shared Services (Township will provide Heavy Equipment Fleet Maintenance for County equipment used in the southern end of the county - \$65.00 hour for an estimated 536 hours)
- Res. #2011-38, Issuance of a Duplicate Tax Sale Certificate (original lost)
Res. #2011-39, Appointment to Zoning Board (Kristine Trusiak - Alternate Member - 2 year term)
Res. #2011-40, Resolution Waiving Residency Requirement for the Township Manager (as permitted by Sec. 3-21of the Code and NJSA 40A:69-92)
- Res. #2011-41, Appointment to the Lower Township MUA (Harrison A. Bitting - Regular Member - 5 year term)
- Res. #2011-42, Payment of Vouchers, \$339.00
Res. #2011-44, 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."(Labor Relations, Personnel & Litigation)

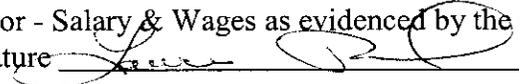
Note: Res. #2011-43, Designation of Lower Township Rescue Squad as Provider of Emergency Medical Services - TABLED UNTIL FEB 7 2011

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

RESOLUTION #2011-06

TITLE: APPOINTMENT OF MUNICIPAL PROSECUTOR FOR THE YEAR 2011

WHEREAS, there exists a need for the service of a Municipal Prosecutor in the Township of Lower in the County of Cape May, State of New Jersey; and

WHEREAS, the maximum amount of the contract is \$18,500.00 plus \$80.00 per hour for Special Court sessions and funds are available in the current fund entitled Office of the Township Solicitor - Salary & Wages as evidenced by the Chief Financial Officer's Certification & signature ; and

WHEREAS, the Local Public Contracts Law (N.S.J.A. 40A:11-5 et seq.) requires that the resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower in the County of Cape May as follows:

The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with Ronald Gelzunus.

This contract is awarded without competitive bidding as a Professional Service in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law as the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.

A notice of this action shall be printed once in the Township's Official newspaper.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of Jan. 19, 2011.


Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND				X	
AYE	X	X	X	X	Y
NAY					
ABSTAIN					
ABSENT					

01/13/11
14:27:11

Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00739	CAPE MAY VETERINARY HOSPITAL							
	11-00036	01/06/11	TNR PROGRAM	Open	120.00	0.00		
	11-00056	01/07/11	TNR PROGRAM	Open	40.00	0.00		

					160.00			
00741	CMC CHIEF'S OF POLICE ASSOC.							
	10-03106	12/06/10	2010 LAW ENF TRAINING NETWORK	Open	2,010.00	0.00		
00784	CAPE MAY STAR & WAVE							
	10-03249	12/20/10	LEGAL AD - FIRE SAFETY	Open	11.78	0.00		
	10-03367	01/05/11	LEGALS - NOTICE OF ADOPTION	Open	12.40	0.00		

					24.18			
00818	CENTER LINE SERVICES, LLC							
	10-03323	12/29/10	SNOW PLOWING 12/26&27/2010	Open	4,687.50	0.00		
00820	COMCAST OF WILDWOOD* DPW							
	10-03372	01/05/11	DEC, 2010 INTERNET	Open	95.13	0.00		
	11-00074	01/07/11	INTERNET PROVIDER/JAN 2011	Open	95.13	0.00		

					190.26			
00825	COMCAST*							
	11-00020	01/05/11	INTERNET ACCESS - FIRE SAFETY	Open	100.10	0.00		
00852	CHERRY VALLEY TRACTOR CO.*							
	10-03175	12/13/10	PARTS FOR RDS/DPW	Open	733.16	0.00		
01016	TONY GENARO							
	10-03070	11/30/10	DJ FOR NEW YEAR'S EVE PARTY	Open	250.00	0.00		
01130	GAYLE HADLEY							
	11-00019	01/05/11	ZUMBA INSTRUCTOR	Open	65.00	0.00		
01170	VERIZON WIRELESS* F/S							
	11-00100	01/11/11	CELL SVC - FIRE SAF DEC,2010	Open	78.89	0.00		
01171	VERIZON WIRELESS - TOWNHALL							
	10-03366	01/05/11	CELL SERVICE 11/24-12/23/10	Open	1,171.68	0.00		
01241	BRIAN MCEWING							
	10-01762	07/06/10	2010 EQUIP ALLOW	Open	74.15	0.00		
01389	EDDIE'S AUTO BODY*							
	10-03324	12/29/10	REPAIR DAMAGED VEHICLE	Open	629.10	0.00		
01416	BRUSH WORKS PAINTING INC*							
	10-03109	12/06/10	RECREATION PAINTING OF HALLS	Open	2,500.00	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00134	01/12/11	SECURITY LIGHT ISSUES	Open	350.00	0.00		
01603 GENERAL CODE PUBLISHERS*	10-03143	12/08/10	ZONING ORDINANCES	Open	217.00	0.00		
01641 GALL'S INC*	10-03159	12/10/10	SIREN/SPEAKERS	Open	924.00	0.00		
01653 GENTILINI FORD*	10-03203	12/14/10	PARTS FOR RDS/DUMPTRUCK	Open	1,365.41	0.00		
01681 GENERAL CODE	10-03285	12/27/10	ECODE ANNUAL MAINTENANCE	Open	1,195.00	0.00		
01684 G & H SERVICE INC*	10-03368	01/05/11	UNIFORM RENTALS	Open	751.33	0.00		
01690 GRANTURK EQUIPMENT CO*	10-03176	12/13/10	PARTS FOR TRASH TRUCK/DPW	Open	349.32	0.00		
01703 HARBOR SALES COMPANY*	10-03160	12/10/10	REFLECTIVES PER QUOTE #667710	Open	181.24	0.00		
01771 HD SUPPLY WATERWORKS LTD*	10-02639	10/19/10	PIPE AND PIPE SUPPLIES/DPW	Open	99,046.00	0.00		
01772 MARTIN PILING AND LUMBER CO*	10-02640	10/19/10	NUTS,BOLTS,LUMBER/DPW	Open	21,297.84	0.00		
01781 HATCH MOTT MACDONALD, LLC*	10-00906	04/22/10	STORM DAMAGE @ HOLMS AVE	Open	445.50	0.00		B
	10-02407	09/23/10	OUTFALL PROJECT/DEL. BAY	Open	5,761.50	0.00		B
	11-00058	01/07/11	ESCROW BILLING	Open	1,951.00	0.00		
					8,158.00			
01785 ROBERT HARTMAN SR	10-03377	01/07/11	CONTRACTUAL REIMBURSEMENT	Open	394.23	0.00		
01797 GROVE SUPPLY INC*	10-03236	12/17/10	MISC. PARTS FOR WATER COOLER	Open	3,427.45	0.00		
01806 ANTHONY J HARVATT, II, ESQ	11-00057	01/07/11	ESCROW RESOLUTIONS	Open	450.00	0.00		
01834 RICHARD HOOYMAN	10-03373	01/05/11	CONTRACTUAL REIMBURSEMENT	Open	57.00	0.00		
01951 INNOVATIVE DATA SOLUTIONS*	10-03098	12/01/10	POWER DMS ANNUAL POLICY	Open	1,504.00	0.00		
02006 MEDIA PASSPORT*	10-03282	12/27/10	ON SITE SERVICE/REMOTE SUPPORT	Open	997.50	0.00		

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	10-03117	12/06/10	NYSCA COACHING RENEWALS	Open	200.00	0.00		
	10-03126	12/08/10	COACHING CERTIFICATION	Open	20.00	0.00		

					220.00			
03226	OLD DOMINION BRUSH CO.*							
	10-03066	11/30/10	PARTS FOR LEAF TRUCK/DPW	Open	390.30	0.00		
03279	PARDO'S TRUCK PARTS WHSE*							
	10-03212	12/14/10	PARTS FOR RDS/SANT/REYC/DPW	Open	89.15	0.00		
03284	STEPHEN H. PARKER(REF FEES)							
	11-00047	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	90.00	0.00		
03293	BLAINE PAYNTER							
	10-03376	01/06/11	CONTRACTUAL REIMBURSEMENT	Open	30.00	0.00		
03305	PEDRONI FUEL*							
	10-03330	12/30/10	FUEL ANNEX BUILDING	Open	698.63	0.00		
	10-03369	01/05/11	NO LEAD GAS 12/10/10	Open	674.07	0.00		

					1,372.70			
03466	R & R SPECIALTIES							
	10-03317	12/29/10	Desk wedge - ward 2 Council	Open	23.00	0.00		
	11-00059	01/07/11	DESK WEDGE (CONRAD/VOLL)	Open	46.00	0.00		

					69.00			
03481	RDJ SPECIALTIES, INC.*							
	10-03228	12/17/10	PENICLS	Open	419.70	0.00		
03484	LAUREN M. READ							
	11-00086	01/08/11	MEDICAL REIMBURSEMENT	Open	25.00	0.00		
03518	RIGGINS, INC.*							
	10-03371	01/05/11	OFF HIGHWAY DIESEL	Open	1,778.45	0.00		
03554	RUTGERS, ENVIRONMENTAL SCIENCE							
	10-03158	12/10/10	12/15/10 COURSE @ RUTGERS	Open	410.00	0.00		
03608	SEAWAVE CORPORATION*							
	10-03225	12/17/10	LEGAL NOTICE - FIRE BUREAU	Open	12.15	0.00		
	11-00096	01/10/11	LEGALS - RE ORG MEETING NOTICE	Open	7.29	0.00		

					19.44			
03611	SERVICE TIRE TRUCK CENTERS*							
	10-03173	12/13/10	TIRES FOR RDS/POLICE/DPW	Open	5,472.98	0.00		
03652	FRANK SIPPLE							
	11-00049	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	240.00	0.00		
	11-00054	01/07/11	BASKETBALL REF	Open	80.00	0.00		

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Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					320.00			
03692	SOUTH JERSEY GAS CO*							
	10-03296	12/28/10	DECEMBER, 2010	Open	2,554.66	0.00		
03764	TCTANJ							
	11-00033	01/05/11	2011 MEMBERSHIPS BROWN/JACKSON	Open	150.00	0.00		
	11-00123	01/12/11	2011 MEMBERSHIP CFO	Open	75.00	0.00		
					225.00			
03834	CAPE MAY COUNTY TREASURER/HAVE							
	11-00097	01/11/11	HAVEN HSE IN LIEU- DUE COUNTY	Open	530.61	0.00		
03863	TREASURER, STATE OF NEW JERSEY							
	11-00061	01/07/11	4TH QTR 2010 L/T STATE (BOCA)	Open	5,018.00	0.00		
	11-00062	01/07/11	4TH QTR W CAPE MAY 2010 BOCA	Open	827.00	0.00		
					5,845.00			
03893	USHER PUBLISHING COMPANY*							
	10-02091	08/11/10	2011 DOG TAGS & HOOKS	Open	780.00	0.00		
03917	STATE OF NJ DEPT OF CHILD/FAML							
	11-00101	01/11/11	4TH QTR 2010 MARRIAGE LIC FEES	Open	600.00	0.00		
03918	TREASURER, STATE OF NJ BURIAL							
	11-00102	01/11/11	4TH QTR 2010 BURIAL PERMITS	Open	10.00	0.00		
03921	UNIFORM & ACCESSORIES WHSE*							
	10-03299	12/28/10	NEW VEHICLE OUTFITTING	Open	649.94	0.00		
03935	STAPLES BUSINESS ADVANTAGE*							
	10-03058	11/30/10	VERTICAL FILE CABINET/DEHUMIDI	Open	448.31	0.00		
	10-03233	12/17/10	OFFICE SUPPLIES	Open	960.71	0.00		
	10-03256	12/21/10	office equipment	Open	728.47	0.00		
	10-03261	12/21/10	FAX MACHINE/TEA	Open	193.77	0.00		
	10-03262	12/22/10	CERTIFICATES/FILES/FOLDERS	Open	68.45	0.00		
	11-00038	01/06/11	OFFICE SUPPLIES - EMS	Open	246.32	0.00		
					2,646.03			
03953	VESPIA TIRE CENTERS, INC.*							
	10-02523	10/06/10	TIRES FOR POLICE VEH/DPS	Open	903.62	0.00		
03963	US LUBES, LLC *							
	10-03150	12/09/10	HYDRAULIC OIL/DPW	Open	794.40	0.00		
03971	VERIZON WIRELESS							
	10-03382	01/07/11	MDT WIRELESS 11/21-12/20/10	Open	534.36	0.00		
03985	VILLAS NAPA AUTO PARTS							

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Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	10-03204	12/14/10	PARTS FOR RDS/SANT/RECY/DPS	Open	929.18	0.00		
03992 VAL-U AUTO PARTS LLC*								
	10-03174	12/13/10	PARTS FOR TRASH/RDS/POLICE	Open	3,162.10	0.00		
	10-03206	12/14/10	PARTS FOR RDS/SANT/RECY	Open	613.81	0.00		

					3,775.91			
03995 VITAL COMMUNICATIONS, INC.*								
	10-03318	12/29/10	MOD IV PRELIMINARY UPDATES	Open	100.00	0.00		
04059 THOMAS WILL								
	10-03375	01/06/11	CONTRACTUAL REIMBURSEMENT	Open	136.00	0.00		
04075 BARBER CONSULTING SERVICES LLC								
	11-00015	01/05/11	WEBSITE UPDATE - JAN, 2011	Open	300.00	0.00		
04082 USA MOBILITY WIRELESS INC*								
	11-00125	01/12/11	PAGER FOR DPW	Open	6.24	0.00		
04085 CHRISTOPHER WINTER								
	10-03365	01/05/11	CONTRACTUAL REIMBURSEMENTS	Open	23.00	0.00		
04089 WIZARD'S FESTIVAL OF FUN, INC*								
	10-03069	11/30/10	RIDES,GAMES,AND ATTENDANTS	Open	1,500.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*								
	11-00088	01/10/11	FIRST AID SUPPLIES - TOWNHALL	Open	102.00	0.00		
04101 SPANKY'S BBQ CATERING*								
	10-03170	12/13/10	MISC. SUPPLIES FOR NEW YEAR'S	Open	400.00	0.00		
04225 PRINK ME*								
	11-00035	01/06/11	BANNERS FOR BASKETBALL TOURN	Open	602.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS								
	10-03358	01/03/11	STATE DOG LIC FEES - DEC,2010	Open	24.60	0.00		
04278 RICHARD SANDMAN, ESQ								
	10-03354	12/30/10	CONFLICT PUBLIC DEFENDER	Open	200.00	0.00		
04300 W B MASON CO INC*								
	10-03127	12/08/10	LEGAL SIZE PAPER	Open	53.98	0.00		
04320 PREMIER OFFICE SUPPLY*								
	10-03191	12/14/10	OFFICE SUPPLIES - FIRESAFETY	Open	188.65	0.00		
ALUNN FRANK CLUNN								
	11-00045	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	150.00	0.00		
AMENH TOM AMENHAUSER								
	11-00044	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	90.00	0.00		

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Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BASILE FRANK BASILE								
	11-00053	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	30.00	0.00		
	11-00055	01/07/11	BASKETBALL REF	Open	80.00	0.00		
					----- 110.00			
BOSNA KAREN MANETTE BOSNA								
	11-00034	01/06/11	YOGA INSTRUCTOR	Open	60.00	0.00		
BRITB BRUCE BRITTON								
	11-00050	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	90.00	0.00		
CARTYW WALLACE CARTY								
	11-00048	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	180.00	0.00		
CLARKS CLARK'S AUTO & TOWING, LLC								
	10-03235	12/17/10	TOWING	Open	200.00	0.00		
FAIR JOHN FAIR								
	11-00052	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	240.00	0.00		
HALLK KERRY HALL								
	11-00043	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	60.00	0.00		
HAVENHSE HAVEN HOUSE AT ST JOHN OF GOD								
	11-00098	01/11/11	REIMB DUP PYMT 4/1/10-6/30/10	Open	8,297.93	0.00		
HOLDEN AMBER HOLDEN								
	11-00031	01/05/11	2010 BASKETBALL TOURNAMENT	Open	192.00	0.00		
HOPE HOPE OF CAPE MAY COUNTY (ALS)								
	11-00140	01/13/11	DONATION FROM ALS TOURNAMENT	Open	1,100.00	0.00		
JANEEN JANEEN LINDSAY								
	10-03067	11/30/10	FACE PAINTING FOR NEW YEAR'S	Open	250.00	0.00		
KLINEM MILES KLINE								
	11-00032	01/05/11	BASKETBALL TOURN TIMEKEEPER	Open	64.00	0.00		
ROSSIS STEVEN ROSSI								
	11-00046	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	150.00	0.00		
RUTHERF WILLIAM RUTHERFORD								
	11-00051	01/07/11	ALS BASKETBALL GAME OFFICIAL	Open	150.00	0.00		
WALDIE JAMES & LISA WALDIE								
	11-00018	01/05/11	RETURN UNUSED ESCROW	Open	4.00	0.00		
Total Purchase Orders: 144 Total P.O. Line Items: 295					Total List Amount: 1,692,562.34	Total Void Amount: 0.00		

**Lower Township
Bill List
01/19/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
Legalized Games of Chance	11-00017	Bingo VFW Post#5343	44116	01/05/11	750.00
Legalized Games of Chance	11-00016	Bingo Vietnam Veterans	44117	01/05/11	260.00
				Total Manual Checks	\$ 1,010.00
				Total brought forward from computer generated bill list	\$ 1,692,562.34
				TOTAL BILL LIST	<u>\$ 1,693,572.34</u>

I certify the foregoing to be a Resolution adopted by the Township Council on January 19, 2011.



 Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION # 2011-31

Title: AUTHORIZING PAY OUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has been laid off from the Bureau of Fire Safety and is entitled to payment for accumulated vacation, sick and compensatory and personal 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 Joseph Becht that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Joseph Becht in the amount of \$ 2,783.76 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on January 19, 2011.

Claudia R Kammer
Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED			X		
SECONDED				X	
AYE	X	X	X	X	X
NAY					
ABSTAIN					

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

RESOLUTION #2011-32

TITLE: CANCELLATION OF TAX SALE CERTIFICATE 10-00044

WHEREAS, Block 368.02 lot 8, assessed to Raymond & Dawn Kettenring was placed in the tax sale October 4, 2010 for delinquent tax and sewer charges: and

WHEREAS, Raymond Kettenring filed bankruptcy August 10, 2010, which imposes an automatic stay: and

WHEREAS, the Tax Collector was not made aware of the bankruptcy until January 6, 2011.

NOW, THEREFORE, BE IT RESOLVED that the amount of \$3,797.30, which includes principal, interest at the lawful rate of 1.5% and recording fees be refunded to N or D Remick Trustees and Tax Sale Certificate 10-00044 be canceled.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on January 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, Clerk

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

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

RESOLUTION #2011-33

Title: TRANSFER OF 2010 APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three months of the succeeding year when it has been determined that any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during the preceding year, which were chargeable to said appropriation, and there is an excess in any appropriation reserve over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers, and totaling \$4,900.00 be made between the 2010 budget appropriation reserves.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
STREET LIGHTING	OE	0-01-31-435-299	4,900.00	
PHONE	OE	0-01-31-440-271		4,900.00
			<u>4,900.00</u>	<u>4,900.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on January 19, 2011.



 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND				X	
AYES	X	X	X	X	Y
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-34

TITLE: APPROVAL OF PLACE TO PLACE TRANSFER - EXTENSION OF PREMISES, LICENSE #0505-31-030-001, T/A GREATER CAPE MAY ELKS LODGE NO. 2839

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail License 0505-31-030-001 , for the purpose of adding additional space recently leased to the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the application has been reviewed, all required fees paid and no objections have been filed.

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Council does hereby approve, effective January 20, 2011, the expansion of the aforesaid Plenary Retail License premises License #0505-31-030-001 located at 901 Bayshore Road, Villas to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

I hereby certify the foregoing to be a resolution adopted by the Township Council on January 19, 2011.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION # 2011-35

**TITLE: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED
COMPENSATORY TIME**

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

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for such payment in the current years budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Timothy Whittington in the amount of **\$4,150.81** is authorized and chargeable to the 2011 Budget account 1-01-25-240-123.

I hereby certify the foregoing to be a resolution adopted by the Township Council on January 19, 2011.


Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED			X		
SECONDED				X	
AYE	X	X	X	X	X
NAY					
ABSTAIN					

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

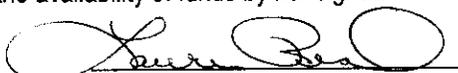
RESOLUTION #2011-36

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO HOLMES AVENUE OUTFALL MODIFICATION

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 engineering services related to the Holmes Avenue Outfall Modifications which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and the Township Council desires to approve 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-04-55-384-106 Ord #05-13
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 \$4,200.00, 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 January 19, 2011.


Claudia R. Kammer, Township Clerk

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



**Hatch Mott
MacDonald**

Hatch Mott MacDonald
833 Rt 9 North
PO Box 373
Cape May Court House, NJ 08210
T 609.465.9377 www.hatchmott.com

January 7, 2011
Via email: gdouglasslowertownship@comcast.net

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

**RE: Professional Engineering Services Proposal
Holmes Avenue Outfall Modifications
Township of Lower, Cape May County, New Jersey**

Dear Mr. Douglass:

Please find enclosed herewith our proposal to prepare the bid documents for the public bidding of the Holmes Avenue Outfall modifications and for bid, award and construction administration phase services.

Task 1	Bid Document Preparation
---------------	---------------------------------

Under Task 1, HMM will prepare an updated specification for bidding of the project. The design and construction plan for Holmes Avenue was previously prepared and will be incorporated into the new bid document.

We propose to complete the scope of work outlined above (**Task 1**) for the lump sum amount of **\$1,200**.

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

HMM will provide the following services under Task 2:

- Respond to potential questions and requests for additional information from Contractors bidding on the project;
- Issue Clarifications and Addendums, if required;
- Review bids and prepare a bid review letter;
- Attend pre-construction meeting and prepare meeting minutes;
- Review shop drawings; and
- Review Contractor's applications for payment.

We propose to complete the scope of work outlined above (**Task 2**) for the lump sum amount of **\$3,000**.



Hatch Mott
MacDonald

FEE SUMMARY			
<u>Scope Of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget</u>
Task 1	Bid Document Preparation	Lump Sum	\$1,200
Task 2	Bid, Award and Construction Administration Services	Lump Sum	\$3,000
TOTAL			\$4,200

We thank you for the opportunity to provide this Scope of Work for the Holmes Avenue Outfall Modifications. 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

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

Steve C. Morey, CEP
Associate
T 609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

cc: Robert C. Mainberger, PE, CME, Hatch Mott MacDonald
File: 287118CM10-III-3

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

RESOLUTION #2011-37

TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER APPROVING AGREEMENT WITH THE COUNTY OF CAPE MAY FOR SHARED SERVICES

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. (the "Interlocal Services Act"), any local government unit may enter into a contract with any other local government unit to provide and receive any service that each unit is empowered to provide and receive within its own jurisdiction; and

WHEREAS, the County of Cape May County ("County") desires to enter into a Shared Services Agreement with the Township of Lower ("Township") and permit the Township to provide Heavy Equipment Fleet Maintenance as outlined in the attached agreement, and

WHEREAS, the Township of Lower desires to enter into a Shared Services Agreement with the County of Cape May to provide Heavy Equipment Fleet Maintenance, and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey is hereby authorized and empowered to enter into a Shared Services Agreement with the "County", a copy of which is attached hereto as EXHIBIT A, providing that, pursuant to the provisions of Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. the Township shall provide Heavy Equipment Fleet Maintenance to the County as described in EXHIBIT A.

I hereby certify the foregoing to be an original resolution adopted by the Township of Lower Council at a meeting held on January 19, 2011.


Claudia R Kammer, Township Clerk

	Conrad	Simonsen	Douglass	Lare	Beck
Motion			X		
Second				X	
Aye	X	X	X	X	X
Nay					
Abstain					
Absent					

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

RESOLUTION #2011-38

TITLE: ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE

WHEREAS, the Tax Collector of the Township of Lower has previously issued tax sale certificate 10-00053 to U S Bank Custodian CCTS Capital, LLC, which is dated October 4, 2010, covering premises commonly known as 202 Marshall Avenue and referred to as Lot 24 in Block 414 on the municipal tax map; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Lower is hereby authorized to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate and that said duplicate certificate shall be stamped or otherwise imprinted upon it the word "Duplicate" as required by law.

I hereby certify the foregoing resolution was adopted by the governing body at a Council meeting held on January 19, 2011.


Claudia R. Kammer, Clerk

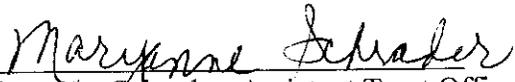
	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND				X	
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

AFFIDAVIT OF LOST TAX SALE CERTIFICATE
PURSUANT TO CHAPTER 99 OF PUBLIC LAWS OF 1997

This is to certify that the following tax sale certificate issued to the undersigned U S Bank Custodian for CCTS Capital, LLC by the Collector of Taxes of the **Township of Lower**, in the **County of Cape May**, and the State of New Jersey, on lands known as Tax Maps and Tax Duplicate of said municipality as **Block 414, & Lot 24**, also known as **202 Marshall Rd.** and assessed thereon Schauer, John W & Jones, Leona, is lost and has not been transferred or otherwise assigned. I make this affidavit to induce the municipality to authorize the issuance of a Duplicate Tax Sale Certificate.

Date of Sale	Cert. No.	Amount Sale	Date Recorded	Book & Page
10/04/2010	10-00053	971.70	Not recorded	

In witness whereof, the said U.S. Bank Custodian for CCTS Capital, LLC, has here unto set her hand and seal this 11, day of January, 2011.

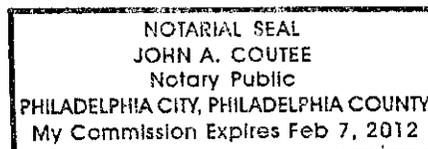

Maryanne Schrader, Assistant Trust Officer
U.S. Bank Cust for CCTS Capital, LLC

Commonwealth of Pennsylvania

County of Philadelphia:

Be it remembered that on this 11, day of January, 2011, before me the subscriber, a Notary Public of Pennsylvania, personally appeared Maryanne Schrader, who I am satisfied, is the person named in and who executed the within Instrument, and thereupon she acknowledged, that she signed, sealed and delivered the same as her act and deed, for the uses and purpose therein expressed.


John Coutee
A Notary Public of Pennsylvania



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

RESOLUTION #2011-39

TITLE: APPOINTMENT TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, Kristine Truisak Regular Member of the Zoning Board term expired on December 31,2010, and

WHEREAS, Kristine Truisak has reapplied for reappointment to the Zoning Board; and

NOW, THEREFORE, BE IT RESOLVED after review of the applications on file the following individual was selected for appointment to the Zoning Board as noted below:

<u>Name</u>	<u>Type</u>	<u>Term Exp.</u>
Kristine Trusiak	Alternate Member	Dec. 31, 2012

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on January 19, 2011.


 Claudia R. Kammer, Township Clerk

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

Resolution #2011-39

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

RESOLUTION #2011-40

TITLE: RESOLUTION WAIVING RESIDENCY REQUIREMENT FOR THE TOWNSHIP MANAGER

WHEREAS, Section 3-21 (B)of the Code of the Township of Lower permits the Council to waive the residency requirement for the Township Manager as permitted by N.J.S.A 40:69A-92.

NOW, THEREFORE, BE IT RESOLVED pursuant to Section 3-21(B) the Township Council does hereby waive the residency requirements for the Township Manager, Michael J. Voll, as permitted by N.J.S.A.40:69A-92.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on January 19, 2011.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-41

TITLE: APPOINTMENT TO THE LOWER TOWNSHIP MUA

WHEREAS, the term of Harrison Bitting, Regular Member of the LTMUA expires on February 1, 2011,
and

WHEREAS, Council has reviewed the applications on file with the Municipal Clerk.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower that the following appointment is hereby made:

<u>Name</u>	<u>Type</u>	<u>Term Expires</u>
Harrison A. Bitting	Regular Member	Feb. 1, 2016

I hereby certify the foregoing resolution was adopted by the Township Council on January 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, Twp. Clerk

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

RESOLUTION #2011-42

**Lower Township
Bill List II
01/19/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
NJ State League of Municipalities	10-03177	Legal Ad - Twp Manager	90.00
Seawave Corp/Herald Newspaper		Legal Ad - Twp Manager	225.00
Cape May Star & Wave		Legal Ad - Twp Manager	24.00
TOTAL BILL LIST			<u>\$ 339.00</u>

I certify the foregoing to be a Resolution adopted by the Township Council on January 19, 2011.

Claudia R. Kammer
Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND				X	
AYES	X	X	X	X	
NAYS					X
ABSTAIN					
ABSENT					

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

RESOLUTION # 2011-44

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. (Labor Relations - Unions)
- (5) Matters Relating to the Purchase, Lease of 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.
- (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.

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 - M. Vitelli & DPW)

 (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 January 19, 2011 that an Executive Session closed to the public shall be held on this date at approximately 8:40 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 January 19, 2011.


 Claudia R. Kammer, Township Clerk

	Conrad	Simonsen	Douglass	Lare	Beck
Motion			X		
Second	X				
Aye					
Nay					
Abstain					
Absent					