

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

FEBRUARY 7, 2011 - 7:00 P.M.

Meeting called to order.

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

Presentation - Certificates of Recognition for Arrow of Light - Joshua Long & Joshua Kampmeier

Work Session

Review of Consent & Regular Agenda Items

Consent Agenda

- Approval of Minutes January 19, 2011
- Res. #2011-45 Payment of Vouchers, \$4,277,512.95
- Res. #2011-46 Resolution Amending Resolution #2011-10 Entitled "Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (Change in Alt. Fund Commissioner to current Manager)
- Res. #2011-47, Resolution Approving Project Proposal Amendment Between Hatch Mott MacDonald and the Township of Lower for Additional Engineering Services Related to Delaware Bay Shore Outfall Extensions, Contract M-3 (\$5,000 increase to original contract for additional inspections which will be paid for by the contractor)
- Res. #2011-48, Approval of Change Order #1, Delaware Bay Shore Outfalls, Contract M-3 (\$6,000 for removal and replacement of six additional piles)
- Res. #2011-49, Appointing Contact Person for the Employment Practices Liability Helpline Atlantic County Municipal Joint Insurance Fund (Authorizing Manager & Clerk as contact persons)
- Res. #2011-50, Renewal of Trailer Park Licenses for the Year 2011 (Annual renewal 5 Trailer Park Licenses)
- Res. #2011-51, A Resolution Requesting Release of Demolition Bond for Block 289, Lot 20, 141 Woodland Avenue, Villas, NJ 08251 (Project completed, \$3000 bond to be released)
- Res. #2011-52, Submission of an Energy Efficiency and Conservation Block Grant Application, \$50,000
- Res. #2011-53, A Resolution Authorizing an Application to the 2011 Direct Install Program
- Res. #2011-54, Issuance of 2011 Limousine, Taxi & Operator's Licenses (Annual renewal)
- Res. #2011-55, Approval of 2011 Rotary Towing Licenses (Annual renewal of 7 vendors, used for Police towing)
- Res. #2011-56, Transfer of Appropriations, \$5,100.00 (From Fire Safety, Assessor, Planning & BOCA OE to Salary & Wage Line for each)
- Res. #2011-57, Authorization for Refund of Taxes (3 properties - 2 received veteran's deduction & 1 duplicate payment)
- Res. #2011-58, Resolution Supporting Continued Open Space "PILOT" Funding (Payment in Lieu of Taxes program)
- Res. #2011-59, Grant Agreement , PF11-065 Between Lower Township and the State of New Jersey Department of Environmental Protection (\$3,000 Community Forestry Management Plan)
- Res. #2011-60, Resolution Requesting the NJ DOT Continue the Northbound No Passing Zone on Route 9 South to Cold Spring Village
- Res. #2011-61, Resolution Approving contract with Blue Cross/Blue Shield Dental for Extraordinary Unspecifiable Services (2 yr. Contract for employee dental insurance - change in carrier for a cost savings of \$9,337.44)
- Res. #2011-62, A Resolution Supporting SCR60 A Concurrent Resolution Memorializing the Congress and President of the United States to Enact H.R.2429, the "Consumer Price Index for Elderly Consumers Act of 2009"
- Ord. #2011-05, An Ordinance Amending Chapter 340 of the Code of the Township of Lower to Provide for the Inspection of Fireworks Loaded Onto Barges or Vessels In the Township of Lower, 1st rdg. (2nd rdg. Feb. 23)

Regular Agenda

- Ord. #2011-01 Salary and Benefit Ordinance for the Township of Lower, 2nd rdg. (Annual ordinances establishing salary ranges, longevity, reimbursement for use of private cars, benefits etc.)
- Ord. #2011-02, An Ordinance of the Township fo Lower Amending Chapter 345, Fire Zones, Lanes and Areas, of the Code of The Township of Lower, 2nd rdg. (Increase in for Plan Review by Fire Safety Bureau)
- Ord. #2011-03, An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, of the Code of the Township of Lower, 2nd rdg. (Increase in fees for fire inspection by Fire Safety Bureau)
- Ord. #2011-04, An Ordinance of the Township of Lower Amending Chapter 3, Administration of Government, of the Code of the Township of Lower, 2nd rdg. (Amendment to Section 3-15 which permits Council to waive requirement that Solicitor maintain an office or residence in the Township)

Administrative Reports

Department Reports 2010 YE Tax Collector

Council Comments

Call to the Public

Closed Session

Res. #2011-63 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. (Matters related to Collective Bargaining & Purchase, Lease & Acquisition of Real Property)

Open Session

Res. #2011-64 Appointment of Fallon Associates (Investigative & Consulting Firm)

Adjournment

Public Information

ANNUAL DOG LICENSES DUE. Any dog over 6 months, must be licensed. Proof of rabies vaccination required. If spayed/neutered, vet certificate required. Fee \$7.20 if not spayed/neutered and \$4.20 if spayed/neutered

YARD SALE LICENSES - Required for all yard, sales, attic sales, garage sales etc. Permit fee \$5.00 for two consecutive days and choice of rain date. Three permits permitted per year to a residence/person.

ALL RENTAL PROPERTIES REQUIRE LICENSE - All rentals, commercial or residential, whether yearly, seasonal or weekly require a mercantile license. R.E. Taxes must be current. Residential rental properties owners may be subject to license revocation for actions of their tenants. Detailed info and applications available in the Clerk=s Office or by calling 886-2005.

NEW RECYCLING REGULATIONS IN EFFECT - Information available at Public Works or Township Hall.

Trash & Recycling Calendars available at Public Works, Township Hall and Villas Branch of the C.M. County Library

Regular & Work Session Meeting Minutes - January 19, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 19, 2011 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

The following members of Council were present for roll call taken by the Clerk:

Councilmember Thomas Conrad
Councilmember Erik Simonsen
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath

Presentation to Charlotte Beheler, ALS Hope of Cape May County

Mayor Beck said they had a presentation to Charlotte Beheler on behalf of the ALS Hope of Cape May County and Councilmember Conrad would give a little explanation about it.

Councilmember Conrad said a grass roots group started a basketball tournament in recognition of Tom Beheler to try and get funds for a traveling team and also funds for ALS. He said the Mayor would be presenting a check and he wanted to thank the board members, coaches and sponsors for the traveling teams.

Mitch Plenn of the Recreation Center went over the teams and where they had traveled in the tournaments. He said the Greater Elks of Cape May County were involved with the worthwhile cause. John Herman, Chairperson first wanted to thank the Mayor and Council for their support and attending some of the games.

Work Session

Manager Report to Council

Manager Voll said he had been Township Manager for two weeks and had met with members of the Taxpayers Association and he told them the Manager's office was always open to work through issues and had told the employees that as well. He attended the Lower Township Chamber of Commerce luncheon and had met with various boards. He said Council had voiced concern about the fence on Bayshore Road in front of Ponderlodge and he had contacted Lee Widjeskog, and was told it would be replaced by May. He added a gate would be put up at Fourth Avenue in the back of Ponderlodge to be opened and closed as needed.

The Township website would be upgraded and the Recreation Center was working on a great 4th of July Celebration and he encourage all the vendors to attend.

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Manager Voll said on a sad note a police officer was killed in Ocean County and the Honor Guard would be attending the funeral to represent Lower Township.

Discussion on Mayor's Advisory Board

Councilmember Conrad said the board had been doing a good job but Council didn't know what was going on and wanted to make it more Council friendly. His thoughts were that Council each had two picks, but they needed to interact with Council because right now they didn't know what they were doing or looking into.

Councilmember Simonsen said as Chairman of the MAB it was a great experience and the board had done a lot of work for the Township. He would like to see it remain and if things needed to be revised that could be discussed.

Councilmember Douglass said he reviewed the information on the MAB and felt it should be more of citizen advisory to Council. He wanted to see the board stay together and each member of Council have two selections for the board. He said the Mayor and Deputy Mayor could choose two each from ward throughout the Township. He said if one member would resign then another person from that ward would be chosen to fill the vacancy.

Deputy Mayor Lare said he would like to see it expanded to ten members also and felt he was one of five co-equals and it was a strong Manager form of government. He felt it was good they each had two picks and they all chose the chairman.

Mayor Beck said it was no surprise that he was going to defend the MAB.

Councilmember Conrad said no one was attacking the board.

Mayor Beck said a statement was made that high hopes were not met.

Councilmember Conrad said that was about a meeting with Council where he said there was a misunderstanding. He said the board did very good work.

Mayor Beck said they ran on a platform that supported the MAB and encouraged participation in government. He said whether it was taken out of context or not he had received a lot of emails about it. He said when it was put together there was already a board on the book and there were twenty-five members which the Mayor chose each one of them.

Deputy Mayor Lare said in fairness that board was set up under the old form of government with a strong Mayor form.

Mayor Beck felt the whole thing was unfortunate and wish it hadn't come out the way it did and it wasn't doing any good. He proposed to do it in a positive way and leave the board alone, but create mini boards for specific areas that would be responsive to the individual Council people. He gave an example that in Ward 1 he could have a five member board that he could meet with and address local issues the MAB wouldn't.

Mayor Beck said as far as communication went the minutes were put on the website. He felt the solar energy thrust they were in the middle of was due to the MAB. He said they reached out to the DRBA and actually sat down with them and spoke about some regional efforts together. He said the board had been successful.

Councilmember Conrad said they were not getting ride of the board but just changing the name and putting it out to Council. He said he brought up the board regarding the solar panels yet they were moving forward with that in 2008 then the ball was dropped. He said then it was picked up again and he had been

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pushing for that for two years and miraculously without the rest of Council knowing it was picked up by the MAB.

He said grant it they were the MAB and they advised him but in this form of government it was a Council as a group.

Mayor Beck said they were the ones who reached out to the MUA.

Councilmember Simonsen said make it the Mayor and Council Advisory Board, would that make everyone happy.

Fred Long of Cold Spring said there had been concern expressed about not knowing what was going on with the MAB. He wanted to remind Council the ordinance they had signed made all of Council a member yet no one had attended the meetings.

Mayor Beck and Councilmember Simonsen said they had attended.

He said if there was a problem of not knowing what was going on; attend the meetings.

Mr. Long said the ordinance that established the board stated it was to provide advice to the Mayor and Council. He said when they gave budget suggestions it was given to the Mayor and Council so he didn't understand the concern and the basis to make a change.

Councilmember Conrad asked when was the solar initiative provided to Council.

Mayor Beck said it was in the minutes. He said it came to Council when it was wrapped up and ready to show they had done something.

A brief discussion ensued between the Mayor and Councilmember Conrad on what stage the solar project was at.

Mayor Beck said they were working on the specs to provide to Council and it was moving ahead.

Mr. Long said the MAB couldn't take any action.

Janet Pitts said she was also a member of the MAB and agreed with Mr. Long that was their fault they could have attended the meetings to see what was going on. She said the Chairperson of the board gave reports. She told Councilmember Conrad and Deputy Mayor Lare they attended the RAB meetings and she had yet to see or hear a report from the RAB.

Mrs. Pitts also stated the MAB hadn't spent any money. She told Councilmember Conrad that his issue with the board was the name and felt that was petty.

Colleen Hughes said she was the former recording secretary of the MAB. She said Councilmembers Douglass, Conrad and Deputy Mayor Lare had never attended a meeting only the Mayor and Councilmember Simonsen attended. She said she went into great detail with her minutes and they were posted on line for each of them to read about the good work they had done with solar energy, the Green Fair, the Block Party and Cop Stop Program. She asked what didn't they see? She said they had no clue what was going on with the MAB and asked if they even read the minutes.

Councilmember Conrad said he had no problem with the board and most of the people on it would stay.

Lee Marcott 411 Beach Drive said he had been on the MAB since its inception and took exception to Councilmember Conrad's comment that the board had violated the Faulkner Act.

Councilmember Conrad said not the board itself.

Mr. Marcott read a quote from Councilmember Simonsen's resignation letter from the MAB. The letter said he had worked with a group of dedicated members of the Township. The letter stated as a group they had tackled many issues to make Lower Township a better place to live. The board had also worked with the DRBA on the possibility of having the Airport developed and later found out it wouldn't work out.

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Jack Sparks said the MAB was not being disbanded but expanded. He said there would be two people from each district and if it was going to be equal then they all should have equal representation. He said a majority of the board was from the Villas. He didn't see where there was a large problem. He felt most of the people would stay on the board and be reappointed.

Janet Pitts wanted to add to what he said; she said they had a good group regardless how they were selected but they covered demographics, business community and people who had children and it was a great cross section.

Ed Butler asked Councilmember Conrad what was the bottom line and what was his problem.

Councilmember Conrad said he wanted to change the name and make the board more equal. He said he wanted more interaction with Council as a whole.

Request for Continuation of No Passing Zone on Rte. 9, S. of LCMR

Manager Voll said the Clerk had a request for the continuation of no passing on Route 9 and the Police investigated and recommended the no passing zone.

Clerk Kammer said they had a letter from Lou Dwyer and the request was to continue the no passing south on Route 9. She said due to it being a State Highway the Township would have to pass a resolution supporting the extension of the no passing zone.

Councilmember Douglass said he went out to look at the area and it was a hazard and with the State taking some of the property it was a good safety measure and felt the Township should support it.

Councilmembers Conrad and Simonsen were in agreement.

The Clerk said she would put a resolution on for the next meeting.

Review of Consent & Regular Agenda Items

Councilmember Simonsen said on Resolution #20110-06 he would like to nominate Ron Gelzunas for Prosecutor and Councilmember Conrad seconded the nomination.

Consent Agenda

Approval of Minutes	January 3, 2011
Res. #2011-06	Appointment of Municipal Prosecutor for the Year 2011 (tabled Jan. 3, 2011)
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

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- 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 (Alternate Member - 2 year term)
- Ord. #2011-01 Salary and Benefit Ordinance for the Township of Lower, 1st rdg. (Annual ordinances establishing salary ranges, longevity, reimbursement for use of private cars, benefits etc.)
- Ord. #2011-02, An Ordinance of the Township fo Lower Amending Chapter 345, Fire Zones, Lanes and Areas, of the Code of The Township of Lower, 1st rdg. (Increase in for Plan Review by Fire Safety Bureau) 2nd rdg. Feb.7
- Ord. #2011-03, An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, of the Code of the Township of Lower, 1st rdg. (Increase in fees for fire inspection by Fire Safety Bureau) 2nd rdg. Feb. 7
- Ord. #2011-04, An Ordinance of the Township of Lower Amending Chapter 3, Administration of Government, of the Code of the Township of Lower, 1st rdg. (Amendment to Section 3-15 which permits Council to waive requirement that Solicitor maintain an office or residence in the Township)

Councilmember Douglass motioned to adopt the consent agenda seconded by Deputy Mayor Lare. The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

Regular Agenda

- Res. #2011-40, Resolution Waiving Residency Requirement for the Township Manager (as permitted by Sec. 3-21of the Code and NJSA 40A:69-92)

Mayor Beck opened the meeting for comment on the resolution.

Joe Winters of Florida Avenue asked how did they have a new Township Manager then adjust the law and do the same thing with the Solicitor. He said the Township law required the Manager to live in the Township; he was appointed and being paid and that was a violation.

Solicitor Donohue said the ordinance allowed for a waiver of the requirements for the Manager and the State statutes indicate that if you had a residency requirement and appoint someone they had a year to gain residency then if not they would get 6 month notice to try. He said under the Faulkner Act with regards to the Manager to pass an ordinance that had a specific wavier provision that was done by resolution and that was already in the ordinance.

Mr. Winters asked why wasn't it done prior to him being hired.

Deputy Mayor Lare said do you waive residency requirements then hire someone from out of town, would he then stand up and say it was a back room deal? He said they couldn't waive the requirement until they hired someone.

Mayor Beck said it was done, he was here and it had been done before.

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Michael Horton of 108 E. St. Johns Avenue said the last meeting was out of order and the proper procedures weren't followed.

Manager Voll said under the Faulkner the Manager didn't have to live in the Municipality. He mentioned Bill Sturm who didn't live in the Township when he was Manager.

Solicitor Donohue said the ordinance contained a provision for the waiver. He said under Statute 40A:9-1.5 if a town hired someone from out of town they had a one year period to take up residency.

Mr. Hornton said they went out of order and no decision should have been made. He said the other issue was the internet.

Colleen Hughes said she read in the paper about Mr. Corea who put in an application and the applications were never gone over.

Mayor Beck said even though they were discussing the Manager they were specifically discussing the residency resolution.

Paul Reese of Bayside Village said he understood he was already hired he said his problem was with the \$50,000 retainer fee.

Mayor Beck said that was another issue, the discussion currently was about the residency resolution.

Mayor Beck closed the public portion for comment on the resolution.

Councilmember Conrad motioned to adopt the resolution seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

Res. #2011-41, Appointment to the Lower Township MUA (Annual appointment, Regular Member - 5 year term)

Councilmember Conrad said he wanted to reappoint Pete Bitting, Councilmember Simonsen seconded the motion.

Mayor asked Council for comments and there were none.

Mayor Beck said Pete was a good friend but there was no way he would vote for him. Mayor Beck said it was a five year appointment, if you had ideas you should get them out within the five years and there was no reason to give someone 10 years on a board. He said he would nominate Bob Rizzo.

Mayor Beck opened the meeting for public comment on the resolution.

Don Munno said he felt Pete was a good nominee.

John Armbruster said Pete Bitting was part of the problem.

Bob Rizzo said he applied to the board last years and this year. He had serve as a union representative in the past. He said from attending the meetings he felt he was just as qualified and would like to be considered.

Joe Winters asked how many applications they had for the MUA.

Mayor Beck said six had applied.

Mr. Winters said Pete had served his time. He said it was time to move on it wasn't time for paybacks and they needed to pay attention to the people. He felt it was like they never considered anyone else.

Councilmember Simonsen said he disagreed with his statement. He said he had gone through the applications and for Mr. Winters to say that he felt he was out of order.

Mr. Winters said Councilmember Simonsen had done his homework and the others hadn't.

Councilmember Douglass said he would like to nominate Edith Kopsite.

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Mayor Beck said he felt it would be a conflict since she worked for the City of Cape May. Joe Notofrancesco of the Villas said the MUA was a thorn in his side. He said the people on the board should be able to make constructive decisions. He said there were senior citizens that couldn't afford to apply to hook up and pay. He said the prices kept going up and whoever they put on the board should have knowledge of the process.

Councilmember Conrad motioned to adopt the resolution seconded by Councilmember Simonsen. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "no", Deputy Mayor Lare, "yes", Mayor Beck "no".

Res. #2011-42, Payment of Vouchers, \$339.00

Councilmember Douglass motioned to adopt the resolution seconded by Deputy Mayor Lare. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "no".

Res. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc as the Provider of Emergency Medical Services in Lower Township (Annual resolution setting forth Township's contribution and requirements)

Mayor Beck asked if the 2009 audit was received.

Manager Voll said they should have it any day the Auditor was finishing up on it.

Mayor Beck said he would like to table the resolution. He said the contract called for the audit and felt they should hold off until it was received.

Deputy Mayor Lare asked the Solicitor if it was tabled would that cause an interruption of service.

Councilmember Conrad said he usually abstained but he wanted to say it would not cause any interruption in service.

Solicitor Donohue said as long they were willing to continue to run but he would get it done quickly.

Mayor Beck said they weren't talking about 2010, they were talking about 2009.

Manager Voll said he would get on it.

Mayor Beck said the Township contributed \$100,000 and they had a responsibility in government and they hadn't provided the audit and hopefully by next meeting they could approve it.

Councilmember Simonsen asked if it had been done and just not received yet.

Manager Voll said yes. He said he would call Mr. Costello, the Auditor tomorrow.

The resolution was tabled.

Administrative Reports

December Reports	Animal Control, Construction (Lower), Construction (West Cape May) Dog Licensing, Engineer, Fire Safety Bureau, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics
Miscellaneous Reports	Annual Report - Variances Heard by Zoning Board 2010 2010 Report Fire Safety Bureau

Council Comments

Councilmember Conrad thanked the Police Department for the cases they had solved recently and DPW had done a good job in the last storm.

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Councilmember Simonsen thanked the NAACP who put on an event for scholarships and wished everyone a safe two week until the next meeting.

Councilmember Douglass also thanked the Police and DPW for a fine job they had done with the winter storm. He said he had been receiving calls on an article that had been written by Rich Degnar about creating 22 additional acres of wetlands at Ponderlodge. He said he would look into it and speak to Rich about it. He said he had some questions on the proposal at Ponderlodge.

Deputy Mayor Lare read from an article about Matt Szczur and the National Bone Marrow Donor Match Registry which he had participated in. He said Matt would be signing people up on January 26th 7:00a.m. to 3:00 p.m. at the Lower Cape May Regional High School. He also congratulated Matt for signing on with the Cubs.

Mayor Beck also mentioned the great efforts of the Police and DPW with the recent snow storm.

Call to the Public

Support for Bill SCR 60 "Consumer Price Index for Elderly Consumers Act of 2009"

Don Muno said he was in attendance to speak for the senior citizens and to ask for support with a bill presented by Senator Van Drew. He went over the cost of living and how things had gone up and how seniors were most affected because of the cost increase of their healthcare and medication. He said the seniors had not received a cost of living raise for the past two years and said electric, fuel and homeowners insurance had gone up. He said the bill was to change the way the Consumer Price Index was calculated especially towards seniors. He encouraged every senior to write their Congressmen and Senator to push the bill forward.

Mayor Beck said they would take a look at it and put it on the next agenda if Council approved.

Township Budget

Ed Butler said Mr. Muno was 100% right. He said he hadn't heard anything about the budget. He mentioned the tabled resolution regarding the Rescue Squad. He said the \$105,000 was a gift to them from the Township. He said he was very pessimistic not optimistic of what would happen with the budget, he felt it would be a heck of an increase this year. He said the \$105,000 could stay in the budget and could help a little with something else.

Councilmember Douglass said they were working on the budget and should have figures real soon.

Mr. Butler said the budget was an important item to the people in the Township. He said there were sale signs all over the Township because people couldn't afford to live here. He said the budget had to come in reasonable for the people.

Rescue Squad

Joe Winters asked if the Rescue Squad could also get the insurance policy that was required by State Law.

Councilmember Conrad said the certificate should be on file.

Manager Voll said he would check and get back to him about it.

DRBA Lawsuit

Joe Winters told the Solicitor the Township had an ongoing lawsuit with the DRBA about taxes and a

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member of his law firm had been appointed to the board.

Solicitor Donohue said the person had been nominated not appointed and it was being addressed internally.

Snow Removal

Joe Notofrancesco congratulated Council on getting ride of the snow from the storm. He said the east side of Bayshore Road was icy and needed to be salted. He said left for work at 4:00 a.m. and it was safety issue.

Condolences to Mayor Beck

Fred Long said he wanted to correct an omission and that was to give Mayor Beck his condolences on the loss of his father.

Manager Position

Paul Reese of Bayside Village said meetings had taken place at Starbucks and Clarys and those places were in Middle Township and felt they should be meeting in Lower Township.

Mr. Muno said to give the new Manager a chance and see if he did the job.

Manager Voll said he would do his best.

Rescue Squad

Dave Perry said he worked in health care and said if they held back on the donation for the Rescue Squad it was money they depended on for their budget.

Mayor Beck said hopefully the issue would be resolved. He said they had an obligation to make sure the money was spent wisely and again, they weren't talking about the 2010 audit.

Councilmember Conrad said it was just completed.

Manager Voll said no one would be denied a call.

Deputy Mayor Lare said absent a catastrophic issue he saw it being passed next meeting. He hadn't heard one complaint about the Rescue Squad.

Mr. Butler explained how medicare billed and paid. He said they were talking about the money the Township paid them and how it was spent.

Township Manager

John Skrowronski of Arctic Avenue said he was very embarrassed on how the hiring of the Township Manager was handled and he supported the Mayor and what he had said.

A resident asked what the motivation was to hire an out of town Manager and Solicitor.

Councilmember Simonsen said it had been done that way and now it was up to them to come up with a new process.

Mayor Beck closed the public portion.

Closed Session

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)

Councilmember Douglass motioned to adopt the resolution seconded by Councilmember Conrad. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

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Council returned to open session and there being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 9: 35 p.m.

Mayor

Township Clerk

Approved: February 7, 2011

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00367	APM BLAST PEST CONTROL*							
	11-00127	01/12/11	MONTHLY PEST CONTROL - BENNETT	Open	20.00	0.00		
00370	BLUE CROSS/BLUE SHIELD OF NJ							
	11-00211	01/25/11	FEBRUARY, 2011 MED D	Open	2,786.33	0.00		
00419	RICHARD M BRASLOW, ESQ							
	11-00161	01/18/11	PROFESSIONAL SERVICES-FIRE SAF	Open	210.00	0.00		
00616	ANIMAL ALLIANCE OF CAPE							
	11-00195	01/21/11	2010 PETSMART GRANT	Open	215.00	0.00		
	11-00196	01/21/11	TNR SPAY/NEUTER PROGRAM	Open	275.00	0.00		
	11-00265	01/28/11	TNR AND SPAY/NEUTER PROGRAM	Open	140.00	0.00		
	11-00266	01/28/11	2010 PETSMART GRANT	Open	86.00	0.00		
	11-00294	02/01/11	2010 PETSMART GRANT	Open	86.00	0.00		
	11-00295	02/01/11	TNR AND SPAY/NEUTER PROGRAM	Open	425.00	0.00		

					1,227.00			
00640	CAPE MAY COUNTY CLERKS OFFICE							
	11-00206	01/24/11	RECORDING FEE - DEDICATION	Open	8.00	0.00		
00650	CAPE MAY COUNTY CLERK'S ASSN							
	11-00092	01/10/11	2011 MEMBERSHIP DUES	Open	200.00	0.00		
00651	MUNICIPAL UTIL AUTH DUMP FEES							
	11-00194	01/21/11	DUMPING FEES DECEMBER 2010	Open	50,770.56	0.00		
00731	CAPE PORT MARINE*							
	10-03308	12/28/10	SAFETY JACKETS/SHIRTS	Open	1,643.35	0.00		
00739	CAPE MAY VETERINARY HOSPITAL							
	11-00213	01/25/11	TNR PROGRAM	Open	45.00	0.00		
	11-00293	02/01/11	TNR PROGRAM	Open	45.00	0.00		

					90.00			
00784	CAPE MAY STAR & WAVE							
	11-00143	01/13/11	LEGALS	Open	103.54	0.00		
	11-00163	01/18/11	LEGAL AD - FIRE SAFETY	Open	429.27	0.00		
	11-00198	01/21/11	1/13/11 LEGAL ADVERT	Open	129.58	0.00		
	11-00276	01/28/11	NOTICE OF HEARING - COMCAST	Open	22.94	0.00		
	11-00281	01/31/11	LEGAL NOTICES	Open	347.20	0.00		

					1,032.53			
00807	CDW-GOVERNMENT INC*							
	10-03232	12/17/10	COMPUTER SUPPLIES	Open	180.00	0.00		
	10-03240	12/17/10	BATTERIES	Open	415.00	0.00		

					595.00			
00825	COMCAST*							

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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
	11-00153	01/13/11	MONTHLY INTERNET ACCESS	Open	60.04	0.00		
	11-00160	01/18/11	INTERNET SERVICE - TOWNHALL	Open	95.14	0.00		
	11-00212	01/25/11	INTERNET ACCESS - FIRE SAFETY	Open	100.10	0.00		

					255.28			
00929	C.M.C. CHAMBER OF COMMERCE							
	11-00275	01/28/11	MEMBERSHIP DUES - 2011	Open	500.00	0.00		
01057	CHRISTOPHER BEZAIRE							
	11-00229	01/26/11	REIMB BACKGROUND/NYS CA CERT	Open	76.25	0.00		
01072	WILLIAM CORDES JR							
	11-00230	01/26/11	CONTRACTUAL REIMBURSEMENT	Open	120.00	0.00		
01120	LINK COMMUNICATIONS LTD*							
	09-02481	09/14/09	DIGITAL IN VEHICLE VIDEO	Open	39,102.00	0.00		
01132	CUMMINS POWER SYSTEMS, LLC*							
	10-03266	12/22/10	REPAIRS TO TRUCK 38 - DPW	Open	500.63	0.00		
01200	DELTA DENTAL PLAN OF NJ							
	11-00210	01/25/11	FEBRUARY, 2011	Open	14,865.28	0.00		
01201	DELL CORPORATION*							
	10-03287	12/27/10	COMPUTER	Open	975.92	0.00		
	11-00041	01/07/11	OPTIPLEX DESK TOPS- TAX OFFICE	Open	1,946.50	0.00		

					2,922.42			
01211	DIVISION OF CRIMINAL JUSTICE							
	11-00079	01/07/11	TRAINING	Open	100.00	0.00		
01245	G & K SERVICES CO*							
	11-00290	01/31/11	UNIFORM RENTALS/DPW	Open	733.03	0.00		
01330	THOMAS EAGAN							
	11-00204	01/24/11	SHOE ALLOWANCE FOR 2011/DPW	Open	124.99	0.00		
01389	EDDIE'S AUTO BODY*							
	11-00080	01/07/11	DETAIL VEHICLE/DPW	Open	60.00	0.00		
01500	FEDEX							
	11-00203	01/24/11	LOWER TWP ACCT#1843-5691-8	Open	23.10	0.00		
01502	PAMELA FELDER							
	11-00300	02/01/11	CONTRACTUAL REIMBURSEMENT	Open	41.00	0.00		
01513	GOODFELLOWS INC*							
	11-00094	01/10/11	2011 ACTIVATION/WINTERIZATION	Open	320.00	0.00		
01582	FLAGHOUSE, INC.*							
	11-00085	01/07/11	PING PONG BALLS ITEM# G523	Open	188.25	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
01598 DEARBORN NATIONAL	11-00269	01/28/11	FEBRUARY, 2011 LIFE INSURANCE	Open	548.43	0.00		
01641 GALL'S INC*	10-03095	12/01/10	BATTERIES	Open	598.00	0.00		
	10-03302	12/28/10	TRAFFIC CONES	Open	512.00	0.00		
					----- 1,110.00			
01643 WILLIAM GALESTOK	11-00232	01/26/11	CONTRACTUAL REIMBURSEMENT - V	Open	315.00	0.00		
01653 GENTILINI FORD*	10-03370	01/05/11	PARTS FOR ROADS	Open	86.55	0.00		
01690 GRANTURK EQUIPMENT CO*	11-00224	01/25/11	2010 INVOICE 1091776-01	Open	97.88	0.00		
01749 R.A. WALTERS & SONS INC*	10-02641	10/19/10	OUTFALL EXTENSIONS/DPW	Open	120,314.60	0.00		B
01781 HATCH MOTT MACDONALD, LLC*	10-02237	09/02/10	INSPECTION COST	Open	783.00	0.00		B
	10-02407	09/23/10	OUTFALL PROJECT/DEL. BAY	Open	5,275.00	0.00		B
	10-02579	10/13/10	PKE LOT PHASE 2 - RES 2010-250	Open	4,840.00	0.00		B
	10-03145	12/08/10	ROOFING SYSTEM - REC CENTER	Open	5,498.00	0.00		B
	10-03263	12/22/10	RECONSTRUCTION/NEVADA AVE.	Open	1,476.00	0.00		B
	11-00202	01/24/11	ESCROW BILLING	Open	732.13	0.00		
					----- 18,604.13			
01797 GROVE SUPPLY INC*	10-03162	12/10/10	CHICAGO 665 PSHJKCP PUSH	Open	17.93	0.00		
01806 ANTHONY J HARVATT, II, ESQ	11-00082	01/07/11	ZBA SOLICITOR SALARY	Open	300.00	0.00		
01807 MARLIN HEDUM	11-00233	01/26/11	CONTRACTUAL REIMBURSEMENT - V	Open	65.00	0.00		
01834 RICHARD HOOYMAN	11-00299	02/01/11	CONTRACTUAL REIMBURSEMENTS	Open	33.00	0.00		
01859 HESS CORPORATION	11-00208	01/25/11	ELECTRICITY - 12/17-1/20/11	Open	7,993.21	0.00		
01912 GRUCCIO, PEPPER, DESANTO&RUTH PA	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	8,333.32	0.00		B
	11-00157	01/14/11	2011 CONTRACT EXPENSES DNE	Open	3,331.25	0.00		B
					----- 11,664.57			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02100 CLAUDIA KAMMER	11-00271	01/28/11	REIMB OVERPAYMT ALFAC	Open	10.00	0.00		
02125 KDI*	11-00154	01/13/11	SERVICE ON DUPLICATOR	Open	135.00	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	10-03211	12/14/10	PARTS FOR POLICE VEH/DPS	Open	87.13	0.00		
02248 LAWMEN SUPPLY*	10-03161	12/10/10	EQUIPMENT CLEANING SUPPLIES	Open	143.88	0.00		
02296 STEPHEN E LONERGAN	11-00150	01/13/11	SHOE ALLOWANCE FOR 2011-DPW	Open	119.50	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN	11-00302	02/02/11	BD OF ED TAX DUE 2/15/11	Open	1,166,160.70	0.00		
02334 LOWER TWP CHAMBER OF COMMERCE	11-00139	01/13/11	CHAMBER OF COMM LUNCH 1/13/11	Open	30.00	0.00		
02349 ROBERT LUBBERMAN	11-00159	01/18/11	ALS TOURN GAME OFFICIAL	Open	150.00	0.00		
02402 MGL PRINTING SOLUTIONS	11-00089	01/10/11	ENVELOPES - TOWNHALL	Open	300.00	0.00		
02448 JOHN MACCARTER	11-00138	01/13/11	SHOE ALLOWANCE FOR 2011	Open	203.95	0.00		
02490 MARC PUBLISHING CO*	11-00106	01/11/11	CROSS REFERENCE BOOK LEASE	Open	155.45	0.00		
02709 ANTHONY MONZO*	11-00158	01/18/11	DECEMBER 2010 BILL	Open	13,551.54	0.00		
02728 MIDDLE TOWNSHIP RECREATION DPT	11-00146	01/13/11	BASKETBALL TOURN ENTRY FEES	Open	125.00	0.00		
02774 ROSE MOORE	11-00181	01/21/11	VISION CONTRACT REIMBURSEMENT	Open	304.10	0.00		
02811 JAMES MOY	11-00231	01/26/11	CONTRACTUAL REIMBURSEMENT	Open	102.59	0.00		
03008 NJ DEPT OF TREASURY	11-00022	01/05/11	ANNUAL WATER USE ALLOCATION	Open	205.00	0.00		
03026 NJ STATE HEALTH BENEFITS	11-00226	01/26/11	FEBRUARY, 2011 HEALTH BENEFITS	Open	219,146.47	0.00		
03158 NYSKA*	10-03264	12/22/10	BASKETBALL CERTIFICATION FOR	Open	40.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03172 OFFICE BUSINESS SYSTEMS INC*	11-00105	01/11/11	2011 MAINT. CONTRACT	Open	4,599.00	0.00		
03177 OCEAN CREST PRINTING*	11-00191	01/21/11	BUSINESS CARDS VOLL/KREIS	Open	50.00	0.00		
03178 OCEANPORT INDUSTRIES INC*	10-03322	12/29/10	SALT	Open	13,442.08	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	11-00024	01/05/11	TRASH BAGS	Open	266.00	0.00		
	11-00103	01/11/11	CLEANING SUPPLIES	Open	501.11	0.00		
	11-00133	01/12/11	SUPPLIES FOR BATHROOMS/DPW	Open	61.75	0.00		

					828.86			
03301 RED BANK VETERINARY HOSPITAL	11-00197	01/21/11	ANIMAL CONTROL EXAM/BASIC	Open	136.14	0.00		
03305 PEDRONI FUEL*	11-00152	01/13/11	FUEL OIL FOR MILLMAN CENTER	Open	5,054.03	0.00		
	11-00186	01/21/11	NO LEAD GAS/DPW	Open	1,020.94	0.00		
	11-00189	01/21/11	fuel oil annex building	Open	935.75	0.00		

					7,010.72			
03387 POGUE INC. *	10-03374	01/05/11	PRE-EMPLOYMENT TESTING	Open	532.00	0.00		
03418 PROFESSIONAL PRINTING*	10-03331	12/30/10	boca supplies	Open	645.00	0.00		
03427 POLAR BEAR*	11-00219	01/25/11	HEATER REPAIR	Open	404.44	0.00		
03449 QC INC*	11-00095	01/10/11	RETENTION POND WATER SAMPLE	Open	35.00	0.00		
03484 LAUREN M. READ	11-00270	01/28/11	REIMB OVERPYMT - AFLAC	Open	10.00	0.00		
03491 RENTAL COUNTRY*	11-00193	01/21/11	SUPPLIES FOR RDS/DPW	Open	136.34	0.00		
03495 ELIZABETH BYRNE	11-00091	01/10/11	CLEANING JUDGE'S ROBE	Open	13.50	0.00		
03518 RIGGINS, INC. *	11-00185	01/21/11	OFF-HIGHWAY DIESEL/DPW	Open	1,011.78	0.00		
03544 PORTER LEE CORP*	11-00077	01/07/11	2011 MAINT. CONTRACT	Open	840.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03550 JOSEPH REMENTER	11-00303	02/02/11	SHOE ALLOWANCE FOR 2011/DPW	Open	167.90	0.00		
03573 SAFETY-KLEEN CORP*	10-03319	12/29/10	EQUIPMENT MAINTENANCE GARAGE	Open	261.98	0.00		
03608 SEAWAVE CORPORATION*	11-00171	01/18/11	LEGAL NOTICES	Open	116.63	0.00		
	11-00280	01/31/11	LEGAL NOTICES	Open	96.00	0.00		

					212.63			
03611 SERVICE TIRE TRUCK CENTERS*	10-03205	12/14/10	TIRES FOR RDSSANT/RECY	Open	1,726.89	0.00		
03659 SOUTH JERSEY WIPING CLOTH*	11-00166	01/18/11	RAGS FOR GARAGE/DPW	Open	360.00	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	11-00155	01/13/11	SNIGP 2011 MEMBERSHIP	Open	70.00	0.00		
03692 SOUTH JERSEY GAS CO*	11-00209	01/25/11	JANUARY, 2011	Open	9,868.96	0.00		
03720 SOUTH SHORE BASKETBALL LEAGUE	10-03265	12/22/10	LEAGUE FEES 2 GAMES @ 100.00	Open	200.00	0.00		
03734 STEWART INDUSTRIES, INC.*	11-00029	01/05/11	COPIER MAINT 1/01/11-1/01/12	Open	732.42	0.00		
03831 TREASURER, COUNTY TAXES	11-00087	01/10/11	2010 ADDED & OMITTED TAXES	Open	20,243.35	0.00		
	11-00301	02/02/11	1ST QTR 11 COUNTY TAX DUE 2/15	Open	2,361,105.13	0.00		

					2,381,348.48			
03904 LOWE'S HOME CENTER INC*	10-03219	12/17/10	BAGS OF SALT	Open	755.20	0.00		
03932 REEL FIRE PROTECTION*	11-00104	01/11/11	FIRE EXTINGUISHER CABINETS	Open	244.75	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	10-03286	12/27/10	DISPATCH LIGHTS	Open	139.29	0.00		
	10-03298	12/28/10	DIGITAL VOICE RECORDER TAPES	Open	121.65	0.00		
	11-00168	01/18/11	OFFICE SUPPLIES	Open	298.79	0.00		
	11-00172	01/20/11	TREAS OFFICE SUPPLIES	Open	78.53	0.00		

					638.26			
03947 VFIS*	11-00025	01/05/11	INSURANCE PKG 1/01/11-1/01/12	Open	3,669.74	0.00		

Vendor # Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type

11-00026	01/05/11	AUTO INSURANCE	Open	3,590.02	0.00		
11-00027	01/05/11	COMMERCIAL EXCESS COVERAGE	Open	1,563.95	0.00		

				8,823.71			
03958	DEBORAH VAN MOURIK						
11-00268	01/28/11	CONTRACTUAL REIMBURSEMENT - V	Open	143.97	0.00		
03969	VERIZON						
11-00237	01/26/11	PHONE SERVICE	Open	805.37	0.00		
03978	USPS ACCT#48503619						
11-00207	01/24/11	POSTAGE METERS ACCT#48503619	Open	5,000.00	0.00		
04030	WEST PUBLISHING PAYMENT *						
10-03325	12/29/10	INSERTS	Open	27.00	0.00		
04059	THOMAS WILL						
11-00234	01/26/11	CONTRATUAL REIMBURSEMENT	Open	959.00	0.00		
11-00262	01/27/11	CONTRACTUAL REIMBURSEMENTS	Open	206.00	0.00		

				1,165.00			
04075	BARBER CONSULTING SERVICES LLC						
11-00278	01/31/11	UNLIMITED WEB DESIGN FEB,2011	Open	300.00	0.00		
04085	CHRISTOPHER WINTER						
11-00282	01/31/11	CONTRACTUAL REIMBURSEMENT	Open	37.00	0.00		
04090	WIRELESS ELECTRONICS, INC*						
10-03105	12/06/10	PORTABLE 2-WAY RADIO - DISP	Open	1,258.00	0.00		
10-03288	12/27/10	DISPATCH RADIO	Open	629.00	0.00		

				1,887.00			
04105	PITNEY BOWES GLOBAL FINANCIAL						
10-01617	06/18/10	MONTHLY PYMT - MAIL MACHINES	Open	451.00	0.00		
04114	UPPCC*						
10-03118	12/06/10	CPPO MARGARET VITELLI QPA	Open	500.00	0.00		
04276	WPCS INTERNATIONAL- LAKEWOOD*						
10-03300	12/28/10	vehicle conversion kits	Open	270.88	0.00		
04278	RICHARD SANDMAN, ESQ						
11-00037	01/06/11	CONFLICT PUB DEF 1/04/11	Open	200.00	0.00		
04280	G.F.O.A. OF NJ						
11-00135	01/13/11	GFOA MEMBERSHIP - LAUREN READ	Open	90.00	0.00		
04301	SEASHORE ASPHALT CORPORATION*						
11-00149	01/13/11	ASPHALT - DEC, 2010	Open	2,882.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04356 AMERICAN SOLUTIONS BUSINESS*	10-02578	10/13/10	TAX FORMS -	Open	173.00	0.00		
04445 TRICOMM SERVICES CORP*	11-00216	01/25/11	PHONE ISSUES-VOICE MAIL/1192	Open	180.00	0.00		
AFTANIS DAWN AFTANIS	11-00227	01/26/11	BASKETBALL REFUND	Open	25.00	0.00		
BOSNA KAREN MANETTE BOSNA	11-00199	01/24/11	YOGA INSTRUCTOR	Open	60.00	0.00		
5-MUA LTMUA	10-03356	12/30/10	JOINT PURCHASE -USED EXCAVATOR	Open	67,850.00	0.00		
	11-00170	01/18/11	ONE CALL MESSAGES NOV/DEC 2010	Open	164.96	0.00		
					68,014.96			
HEGH GARY HEGH	11-00173	01/21/11	BOYS BASKETBALL	Open	50.00	0.00		
NEWMA ROBERT NEWMAN	11-00263	01/27/11	REFUND VETERAN DEDUCTION	Open	250.00	0.00		
OPTOM OPTIMIST CLUB OF THE WILDWOODS	11-00145	01/13/11	BASKETBALL TOURN ENTRY FEE	Open	150.00	0.00		
PAGLIONE JACQUELINE PAGLIONE	11-00264	01/27/11	REFUND 3RD QTR 2010 TAX	Open	547.56	0.00		
STEIN ALAN STEIN	11-00267	01/28/11	REFUND VETERAN DEDUCTION	Open	250.00	0.00		
TYGH TIMOTHY TYGH	11-00292	02/01/11	RELEASE DEMO BOND	Open	3,000.00	0.00		
Total Purchase Orders: 165				Total P.O. Line Items: 323	Total List Amount: 4,277,512.95	Total Void Amount: 0.00		

I certify the foregoing to be a Resolution adopted by the Township Council on February 7, 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 #2011-46

**TITLE: RESOLUTION AMENDING RESOLUTION #2011-10 ENTITLED
"CONFIRMATION OF OFFICIALS FOR JOINT INSURANCE FUND
AND MUNICIPAL EXCESS LIABILITY FUND"**

WHEREAS, Resolution #2011-10 confirmed certain appointments of officials for the Joint Insurance Fund, and

WHEREAS, there was a change in the Township Manager after the adoption of Resolution 2011-10.

NOW, THEREFORE, BE IT RESOLVED by the Township Council the following change is made:

<u>Position</u>	<u>Name of Person Appointed</u>
Alt. Fund Commissioner	Michael J. Voll (was Kathleen McPherson)

FURTHER RESOLVED a copy of this resolution be sent to the ACMJIF.

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-47

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL AMENDMENT BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ADDITIONAL ENGINEERING SERVICES RELATED TO DELAWARE BAY SHORE OUTFALL EXTENSIONS, CONTRACT M-3

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 will be providing additional engineering services related to the Delaware Bay Shore Outfall Extension, Contract M-3 which will be reserved from RA Walters final payment, and

WHEREAS, the CFO has certified the availability of funds by her signature in the budget as follows:



Lauren Read, CFO

C-04-55-384-103
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 for the original amount of \$19,500, is hereby revised to be increased by an additional \$5,000 for engineering and construction inspection services required by the Engineer for the remediation.
2. The fees for the additional inspections will be deducted from the final payment to RA Walters.

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 February 7, 2011.

Claudia R. Kammer, Township Clerk

	Conrad	Simonsen	Douglass	Lare	Beck
Motion					
Second					
Aye					
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

February 2, 2011
Via email: snrw123@msn.com

Mr. Richard A. Walters
R.A. Walters and Son, Inc.
18 Hoffman Drive
Cape May Court House, NJ 08210

**RE: 4" x 14" Timbers - Incorrect Lumber Grade
Delaware Bay Shore Outfall Extensions, Contract M-3
Township of Lower, Cape May County
HMM No. 281711**

Dear Mr. Walters:

During a review of the materials delivery slips which we received on January 24, 2011, we found that the 4" x 14" timbers used for the bottom cribbing on the Beverly Road outfall and portion of the Broadway outfall was No. 1 Dense grade instead of the Select Structural grade required by the Contract Specifications. The contract plans and specifications required Select Structural grade 4" x 14" timbers to be used for construction of all outfall structures with 42-inch thru 48-inch ductile iron pipe. The shop drawing review for the lumber performed on October 28, 2010 confirmed that Select Structural grade lumber for the outfall sizes identified above was required. During the performance of the work, and on a number of occasions our inspector asked, and your field representative confirmed that Select Structural lumber was being utilized.

Once the incorrect lumber was confirmed by our offices, HMM researched several remedies in consultation with you and performed additional structural calculations to develop the following two options to remedy the structural deficiency:

1. Remove and replace the 4" x 14" No. 1 Dense grade timbers with 4" x 14" Select Structural grade timbers. This option would require the Contractor to take the weight of the pipe off of the cradles (Beverly Road), remove the existing timber, install the new timber and re-seat the pipe (Beverly Road). Since a portion of the pipe has been secured by the Township with horizontal top members, some disassembly and reassembly of the pipe cradle may be required to complete the timber replacement.
2. Add an additional 4" x 14" No. 1 Dense grade timber to one side of the pile bent. This option would also require the Contractor to take the weight of the pipe off of the cradles (Beverly Road). The Contractor would also need to either:
 - A) Install two 4" x 8" x 14" No. 1 Dense grade, 2.5 CCA treated timber block spacers (to keep the vertical 3" x 8" timbers plumb) to the bents that have been completed by the Township and provide the Township with this spacer for the bents that have not yet been completed. For this option the Contractor will need to install/provide (4) new 1" bolts per pile bent of



Hatch Mott
MacDonald

sufficient length to install the additional spacer and fully seat the ogee washers, or;

- B) Relocate the existing vertical 3" x 8" timbers on the side of the added 4" x 14" to the inside of the pile bent if sufficient space is available.

Please notify our office when you will be onsite at Broadway to identify which pile bent(s) need remediation.

Additionally, as per Articles XXII, XXVII and XXIX of the Contract please be advised that you are liable for liquidated and compensatory damages for not completing the work as specified in the Contract. The Township has agreed to waive the liquidated damages of \$500 per day for exceeding the contract completion date and, in fact, are entertaining a contract time extension of seven (7) weeks. However damages for the additional engineering and construction inspection services required by the Engineer during the remediation of the defective work will need to be assessed. These monies will be deducted on the Final Payment Application from the amount otherwise due R.A. Walters and Son, Inc. for completion of the work. In order to minimize these damages please keep our office up-to-date on your schedule for the remainder of your work.

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

Encl.

cc (via Email): Michael J. Voll, Township Manager
Margaret A. Vitelli, RPPS, QPA, Township Purchasing Agent
Gary Douglass, CPWM, Township Public Works Superintendent
Bernard W. Kirkland, Hatch Mott MacDonald

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2011-48

TITLE: APPROVAL OF CHANGE ORDER NO. 1 FOR DELAWARE BAY SHORE OUTFALL EXTENSIONS, CONTRACT M-3

WHEREAS, R.A. Walters & Son, Inc. was previously awarded a contract in the amount of \$134,500.00 for the Delaware Bay Shore Outfall Extensions, and

WHEREAS, the original contract called for using sixteen previously installed piles at Beverly Road based on a pipe that records indicated a 42 inch diameter pipe and when the pipe was uncovered it was identified as a 48 inch pipe requiring additional supports and larger spacing, and

WHEREAS, this change requires the removal and installation of six additional piles at a cost of \$1,000 per pile installation, and also includes a time extension request of seven weeks with a final completion date of March 1, 2011, and

WHEREAS, the Engineer has reviewed and recommended payment of Change Order No. 1 and approved the time extension request and the CFO has certified the availability of funds as evidenced by her signature appended hereto:

Account # C-04-55-398-110


 Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that Change Order No. 1 for the Delaware Bay Shore Outfall Extensions, Contract M-3 is hereby, and

FURTHER RESOLVED, the original contract amount of \$134,500.00 shall be increased pursuant to Change Order #1 and decreased by the amount required for Hatch Mott MacDonald to perform the additional inspections necessary for the remediation of the defective work.

BE IT FURTHER RESOLVED that R.A. Walters, Inc. is authorized to proceed with the changes and complete them in accordance with the terms of the original Contract Documents.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

CONTRACT CHANGE ORDER

CHANGE ORDER NO.: 1
DATE: January 21, 2011
PROJECT DESCRIPTION: Delaware Bay Shore Outfall Extensions, Contract No. M-3 , Township of Lower, Cape May County, New Jersey

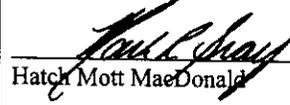
REASON FOR CHANGE ORDER: See Below.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	ADDITIONS	DEDUCTIONS
1	Furnishing and Installing 12" Diameter, Class "B" Piles, 30' Long at Beverly Road	6	\$1,000.00	\$6,000.00	
Sub-Total:				\$6,000.00	
Total Change Order No. 1 Value:				\$6,000.00	

ACCEPTED:

 1-24-11
 Contractor Date

APPROVAL RECOMMENDED:

 1/24/11
 Hatch Mott MacDonald Date

APPROVED:

 Owner Date

ORIGINAL CONTRACT BID PRICE:
 \$134,500.00

CHANGE ORDER NO. 1:
 \$6,000.00

REVISED CONTRACT PRICE INCLUDING CHANGE ORDER NO. 1:
 \$140,500.00



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 24, 2011
Via email: gdouglasslowertownship@comcast.net

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

**RE: Change Order No. 1
Delaware Bay Shore Outfall Extensions, Contract M-3
Township of Lower, Cape May County, New Jersey
HMM No. 281711**

Dear Mr. Douglass:

Please find enclosed herewith a change order request in the amount of \$6,000 for the additional piles required at the Beverly Road outfall extension for the above referenced project.

The above referenced contract called for utilizing sixteen previously installed piles at the Beverly Road location to support the new outfall extension. As you are aware when the existing pipe was fully uncovered and exposed at this location it was measured and identified to be a 48-inch diameter corrugated metal pipe instead of the 42-inch diameter pipe that prior plans and record information had indicated. Due to the existing (and deficient) pile spacing it was determined that sixteen (16) existing piles had to be removed and replaced with new piles at a larger spacing to accommodate the 48-inch outfall pipe extension.

As part of the contract we had incorporated a line item for the installation of ten (10) piles, if and where directed. The above change required the removal and installation of six (6) more piles than were included in the contract. At the unit cost bid per pile installation of \$1,000, the six additional piles represent a contract change order of \$6,000.

Should you have any questions regarding the above change order or should you require additional information, 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

cc (via Email): Michael J. Voll, Township Manager
Margaret A. Vitelli, RPPS, QPA
Bernard W. Kirkland, Hatch Mott MacDonald
Rich Walters, R.A. Walters & Son, Inc.

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

RESOLUTION #2011-49

**TITLE: APPOINTING CONTACT PERSONS FOR THE EMPLOYMENT PRACTICES LIABILITY
HELPLINE ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Governing Body of Lower Township, hereinafter referred to as "MUNICIPALITY", is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has purchased Employment Practices Liability coverage from XL Insurance Company; and

WHEREAS, XL Insurance has arranged for the Fund members to have access to an EPL HELPLINE service and;

WHEREAS, the HELPLINE will provide the following services;

- Attorneys will answer *specific* HR and Employment Law questions
 - Confidential and timely responses
 - Attorney client privilege
 - Via Website/E-mail
 - By Telephone with written follow up response

- On Line Training
 - Managers/Supervisors
 - Slides, Audio, File Downloads
 - Small Chapters
 - Certificates of Completion

- Additional On Line Resources
 - Question of The Month
 - Case of The Month
 - HR Alerts via e-mail and posted on website
 - Federal/State News Updates
 - HR Posters
 - Model Policies/Handbook

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have access to the HELPLINE;

NOW, THEREFORE, be it resolved that the governing body of Lower Township does hereby appoint Michael J. Voll, Manager as its Contact Person.

BE IT FURTHER RESOLVED that the governing body does hereby appoint Claudia Kammer, Municipal Clerk as their additional Contact Person.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-50

TITLE: RENEWAL OF TRAILER PARK LICENSES FOR THE YEAR 2011

WHEREAS, the following applicants have submitted applications for renewal of their trailer park licenses for the year 2011, and,

WHEREAS, the appropriate license fees have been received and the real estate taxes on subject properties are current; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the renewal of trailer park licenses for the year 2011 are hereby approved for the following applicants:

<u>NAME</u>	<u>LOCATION</u>
Cape Meadows Inc. t/a Cape Meadow	306 Route 9
Victor & Patricia Major t/a Broadway Mobile Park	901 Broadway
Jeffrey VanMourik t/a Cape May Mobile Estates	753 Route 9
Inter Coastal Enterprises, Inc. t/a Shawcrest Mobile Home Park	5200 Shawcrest Road
NHC-NJ 102, LLC t/a Cape May Crossings	840-882 Route 109 South

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Res. #2011-50

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

RESOLUTION #2011-51

TITLE: A resolution requesting RELEASE of Demolition Bond for Block 289, Lot 20, 141 Woodland Avenue, Villas, NJ 08251

WHEREAS, Timothy Tygh posted a Demolition Bond with the Township of Lower, in the amount of \$3,000.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued December 15, 2010, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond 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 \$3,000.00 plus any accrued interest for payment of the above released demolition bond.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of February 7, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

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

DATE: January 21, 2010

RE: Release of Demolition Bond
Timothy Tygh
141 Woodland Avenue
Villas, NJ 08251
Block 289, Lot 20
Resolution #2011-51

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued on December 15, 2010. Thank you.

WJG:las

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

RESOLUTION #2011-52

TITLE: SUBMISSION OF AN ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT APPLICATION, \$50,000

WHEREAS, the Township of Lower desires to apply for and obtain a Energy Efficiency and Conservation Block Grant from the New Jersey Clean Energy Program for \$50,000 to carry out a project for the purpose of subsidizing the purchase and installation of energy efficient measures at the Public Safety Building; and

BE IT THEREFORE RESOLVED,

- 1) that the Mayor and Township Council does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Program may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Clean Energy Program, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement form the Program, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Clean Energy Program.

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

 (signature)
 Michael Beck

 Mayor

 (signature)
 Michael J. Voll

 Township Manager

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



Energy Efficiency and Conservation Block Grant 2011 Program Application Form

Application Information							
Name of Local Government Entity Township of Lower				Federal ID Number 21 6005700			
D-U-N-S Number 004227872				Applicant has registered with the Central Contractor Registration www.bpn.gov/ccr/default.aspx <input checked="" type="checkbox"/> Yes (required) CAGR Code 4ND57 <input type="checkbox"/> No			
Contact Information (enter the primary contact at the applicant organization)							
Applicant Primary Contact Name Colleen Crippen				Applicant Primary Contact Title Coord. for Federal & State Aid			
Address Bayshore Road		City Villas		State NJ	Zip Code +4 08251-1300	County Cape May	
Office Phone 609-886-2005, ext 134		Cell Phone		Fax 609-886-1694		E-Mail Address ccrippen@townshipoflower.org	
Incentive Payment to <input type="checkbox"/> Customer <input checked="" type="checkbox"/> Approved Contractor (Provide Information Below)				Please assign payment to contractor or other indicated below Customer Signature <i>[Signature]</i>			
Contractor/Vendor Information (If assigning payment to contractor)							
Company		Contact Name		Incorporated? <input type="checkbox"/> Yes <input type="checkbox"/> No		Email Address	
Street Address		City		State	Zip	Telephone No. ()	Fax No. ()
Physical Location of Project (enter the physical location of the project - for projects with multiple locations, use the location with the largest dollar amount of measures)							
Location Name Public Safety Building							
Address 405 Breakwater Road		City Erma		State NJ	Zip Code +4 08204-4537		
Historic Sites							
A. The property which is the site of the energy efficiency or renewable energy upgrade or installation covered by this application is a US or NJ Registered Historic Site under N.J.A.C. 7:4-2. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
B. If the property upon which the energy efficiency or renewable energy upgrade or installation covered by this application is located in a US or NJ Registered Historic Site, the property owner has received from NJDEP a determination that the upgrade or installation complies with all applicable requirements of N.J.A.C. 7:4. <input type="checkbox"/> Yes <input type="checkbox"/> No							
Waste Management							
By signing this application, the applicant certifies that all applicable requirements of the NJDEP's Solid Waste rules at N.J.A.C. 7:26 will be met.							
Applicant Eligibility Checklist (you are not eligible to participate unless all boxes are checked Yes)							
Applicant is a Local Government Entity located in New Jersey <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (applicant is not eligible)							
Applicant is one of the 612 non-formula-eligible municipalities and counties that did not receive a Direct Block Grant Visit website at NJCleanEnergy.com/EECBG to view lists of eligible entities. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (applicant is not eligible)							
Submission Directions							
Submit one (1) paper copy of your application to the address below. The paper copy must have original signatures. Eligible entities may receive up to \$50,000 through EECBG on a first-come, first-served basis while funding is available.							
<p>New Jersey's Clean Energy Program c/o TRC Energy Services - EECBG 900 Route 9 North, Suite 404 Woodbridge, NJ 07096</p> <p>Please direct questions to 866-667-6278 X-4, or visit NJCleanEnergy.com/EECBG or the Department of Energy Block Grant website at http://www.eecbg.energy.gov/about/faq.html</p>							

Energy Conservation Program Selection

Please select the program in which you will participate. Select ONE program only. To apply to participate in more than one program, submit a separate EECBG application form for each program in which you intend to participate.

Direct Install - administered by NJBPU

Please Check One (required)

- I am attaching a new application for Direct Install.
- My Participating Contractor has already submitted an application for Direct Install, but no measures have been installed. My application reference number is SJ02018.

Please Check (required)

- My application for Direct Install covers only measures eligible under the EECBG program and complies with all the terms and conditions of the EECBG program including Buy American and Davis-Bacon prevailing wage requirements.

Pay For Performance - administered by NJBPU

Please Check One (required)

- I am attaching a new application for Pay for Performance.
- I have already submitted an application for Pay for Performance, but no measures have been installed. My application reference number is _____.

Please Check (required)

- My application for Pay for Performance covers only measures eligible under the EECBG program and complies with all the terms and conditions of the EECBG program including Buy American and Davis-Bacon prevailing wage requirements.

NJ SmartStart Buildings - administered by NJBPU

For measures recommended in a Local Government Energy Audit report or an equivalent audit (as defined in Appendix A)

Please Check One (required)

- I am attaching a new application(s) for a NJ SmartStart Buildings technology. Be sure to mark the box in the checklist section above the Signature Acknowledgement on page 2 of the NJSSB application to note that you are applying for an ARRA Block Grant.
- I have already submitted an application(s) for a NJ SmartStart Buildings technology, but no measures have been installed. My application reference number is _____.

Please Check (required)

- My application for NJ SmartStart Buildings covers only measures eligible under the EECBG program and complies with all the terms and conditions of the EECBG program including Buy American and Davis-Bacon prevailing wage requirements.

Please Check One (required)

- I am attaching a copy of my Local Government Energy Audit report which was completed within the past 12 months.
- I am attaching a copy of my equivalent audit (as defined in Appendix A) which was completed within the past 12 months.

Independent Installation of Building Shell Measures

As recommended in a Local Government Energy Audit report or an equivalent audit (as defined in Appendix A)

Please Check One (required)

- I am attaching a copy of my Local Government Energy Audit report which was completed within the past 12 months.
- I am attaching a copy of my equivalent audit (as defined in Appendix A) which was completed within the past 12 months.

Please Check (required)

- I am attaching a Project Description in which I detail which of the measures from the audit I plan to install. No measures have been installed.

Please Check One (required)

- The measures I plan to install from the audit are eligible measures under the EECBG program and comply with all the terms and conditions of the EECBG program including Buy American and Davis-Bacon prevailing wage requirements.

An Eligible Utility Energy Efficiency Incentive Program

Name of Utility _____

Name of Utility Energy Efficiency Incentive Program _____

Please Check One (required)

- I have not yet submitted my application to the Utility.
- I have submitted my application to the Utility, and my approval is pending. I am attaching a copy of my application to the Utility Energy Efficiency Incentive Program.
- I have submitted my application to the Utility and have been approved. I am attaching a copy of my application to the Utility Energy Efficiency Incentive Program.

Please Check (required)

- I am attaching a Project Description detailing the measures to be installed. No measures have been installed.

Please Check (required)

- My application for the Utility Energy Efficiency Incentive Program covers only measures eligible under the EECBG program and complies with all the terms and conditions of the EECBG program including Buy American and Davis-Bacon prevailing wage requirements.

Funding Requested

Estimated cost of measures including equipment and labor	(a) 184,801.81
Anticipated rebates from the energy conservation programs selected above	(b) 50,000.00
Requested funding from the EECBG program*	(a-b) 50,000.00

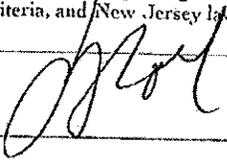
*Each eligible entity may receive no more than \$50,000 through this program. An eligible entity may submit one application requesting no more than \$50,000, or multiple applications that together request no more than \$50,000.

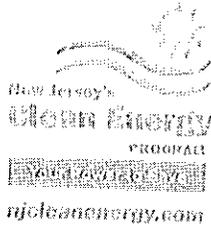
Authorizing Signature

I have read, understand and am in compliance with all rules and regulations concerning this program. I certify that all information provided is correct to the best of my knowledge, and I give the Program Manager permission to share my records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate New Jersey's Clean Energy Program, including the release of electric and natural gas utility billing information. I allow reasonable access to my property to inspect the installation and performance of the technologies and installations that are eligible for incentives under the guidelines of New Jersey's Clean Energy Program. This arrangement supersedes all other communications and representations.

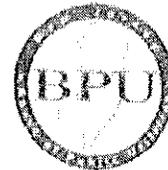
Furthermore, I understand that the project is to be funded under American Recovery and Reinvestment Act (ARRA) and that additional reporting and other requirements will apply, including, but not limited to: jobs reporting requirements, Buy American, and Federal Davis-Bacon prevailing wage requirements; and other requirements as may be imposed by Federal or State oversight entities. I agree to provide to New Jersey's Clean Energy Program any and all required materials, documentation, access to facilities, and other required information, on the schedule required by New Jersey's Clean Energy Program to meet all requirements. I understand that this project may be audited for compliance with the requirements of this application. I understand that failure to comply with ARRA requirements and to complete the Project by August 1, 2012 may result in loss of funding.

Only duly authorized public official(s) should execute the application and/or make the determination regarding ultimate distribution of the funds. The EECBG application package submitted should include a statement of the signatory party's authority to execute the application and evidence that the determination regarding distribution of the funding is consistent with the entity's particular form of government, EECBG program criteria, and New Jersey law. Service providers or vendors may not sign this application.

Signature 	Date 1/25/2011
Printed Name Michael J. Voll	Title Township Manager



SmartStart



2011 Direct Install Program Application and Participation Agreement

Utility(ies) Serving Customer:

- Atlantic City Electric
 Jersey Central Power & Light
 PSE&G
 New Jersey Natural Gas
 Elizabethtown Gas
 Rockland Electric Co.
 South Jersey Gas
 Other Utility

Instructions

- Fill out all applicable sections below.
- Provide a completed Application and signed Participation Agreement to the Participating Contractor serving your area, along with copies of utility billing demonstrating peak electric demand does not exceed 100 kW in the preceding 12 months. The 100 kW eligibility requirement is waived for local government entity projects for local entity projects that utilize ARRA ERCBG funds.
- Your Contractor will confirm program participation eligibility, perform the Energy Assessment, and arrange for final approval by the Program Manager prior to installing eligible measures.

Customer Information

Legal Name: _____

Company Address: Township of Lower

2600 Bayshore Road City: Villas State: NJ Zip: 08251

Project Contact: Colleen Crippen Phone: 609-886-2005, ext. 134 E-Mail: ccrippen@townshipoflower.org

Customer to provide: a) Copies of required gas and electric billing Check if attached

Facility Information (Facility on which Energy Assessment is to be conducted and measures provided)

Facility Address: 405 Breakwater Road City: Erma State: NJ Zip: 08204

County: Cape May Utility Account Number(s): Electric: 0128 3059 9986 Gas: 4 16 51 0148 0 9
1232 9339 9978

Facility Name and Brief Type/Occupancy Description: Public Safety Building, approx. 48,000 sq. ft., occupied 24/7

Does the facility contain refrigeration equipment? Yes No If yes, check which type(s): Cases Walk-In Coolers Walk-In Freezers

For Participating Contractor Use Only

Company Name: South Jersey Energy Service Contact: Timothy

Contact Phone: 609-204-9023 Contact E-mail: T.Lillard@SJTINDUSTRIALS.COM Contractor Assigned Project Number: 5502018

Peak Electric Demand: 200+ kW (based on preceding 12 months) Project Name: LOWER PUBLIC SAFETY

For Program Managers Use Only

Application Date Received	Application Approved By
Application Package Date Received	Application Package Approved By

DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENT

DEFINITIONS:

ADMINISTRATOR - The New Jersey Board of Public Utilities (NJBPU).

APPLICATION - Page 1 of this Application and Participation Agreement.

APPLICATION PACKAGE - Consists of the entirety of an executed Application and Participation Agreement, utility billing demonstrating, if required, peak electric demand not exceeding 100 kW in the preceding 12 months, and completed Energy Assessment with Scope of Work Attachment. Measures may not be installed and Incentives shall not be paid until after the Application Package is approved by the Program Manager.

COMPLETION AND ACCEPTANCE OF MEASURES - Work performed by Participating Contractor shall be deemed completed and accepted upon the signing of a Measure Acceptance Form by the Participating Customer and Program Manager.

ENERGY ASSESSMENT - An inventory of existing energy consuming equipment and analysis of possible replacement Measures generated by the Program-approved energy assessment tool to determine estimated energy savings, in addition to costs and Incentives eligible under the Program.

ENERGY-EFFICIENT MEASURES (or "Measures") - Any device or grouping of devices eligible to receive an Incentive through the Program.

INCENTIVE - An amount paid by the Direct Install component of New Jersey's Clean Energy Program through the Program Manager to the Participating Contractor in connection with the installation of a Measure. Incentives are available to cover up to 60% of the cost of installed Measures. Incentives are subject to change without notice prior to the Program Manager approving the Application Package.

MEASURE ACCEPTANCE FORM - A document providing the means by which the Contractor and Customer confirm and accept the installation of Measures.

NEW JERSEY UTILITIES - The regulated electric and/or gas utilities in the State of New Jersey. They are: Atlantic City Electric, Jersey Central Power & Light, Rockland Electric Company, New Jersey Natural Gas, Elizabethtown Gas, PSE&G, and South Jersey Gas.

PARTICIPATING CONTRACTOR (or "Contractor") - An entity under contract to the Program Manager which performs Energy Assessments and installation of Measures in connection with the Program.

PARTICIPATING CUSTOMER (or "Customer") - Those non-residential electric and/or gas service customers of the New Jersey utilities, municipal utilities or rural electric cooperatives who participate in the Program.

PRE-INSTALLED MEASURES - Measures installed before the application approval date shall not be included in the work scope and will not receive Program Incentives.

PROGRAM - New Jersey's Clean Energy Direct Install Program offered herein by the New Jersey Board of Public Utilities pursuant to state regulatory approval under the New Jersey Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49, et seq, and subject to change without notice and subject to funding availability.

PROGRAM MANAGER - TRC Energy Services.

PROGRAM SCOPE - Services to be provided under the Program are limited to those directly associated with the evaluation and installation of Measures and shall in no way include work by the Contractor in connection with the correction of apparent or hidden safety issues or code violations. Contractor shall not perform work where, in its sole discretion, it is determined such safety issues or code violations exist. All work shall be performed during normal business hours, Monday through Friday unless the Customer and Contractor agree otherwise, in which case the Contractor shall not receive additional compensation for work performed outside of such normal business hours.

PROJECT - The Measure(s) to be installed in the facility listed under the Facility Information section of the application.

SCOPE OF WORK ATTACHMENT - A document generated by the Energy Assessment tool which lists the Measures eligible for installation, their Incentive Amounts and costs to be paid by the Customer. Once countersigned by the Customer and Contractor indicating the Measures to be installed in the Project and approval by the Program Manager, the Scope of Work Attachment shall be part of this Participation Agreement.

PARTICIPATION PROCESS:

1. Customer completes Application and provides necessary utility usage and demand data.
2. Contractor performs the Energy Assessment using the program-approved energy assessment tool. The Energy Assessment generates a Scope of Work Attachment for countersignature by the Customer to indicate which eligible Measures are to be included in the Project.
3. Contractor countersigns the Scope of Work Attachment and submits a full Application Package to the Program Manager for approval.
4. Upon Program Manager's approval, Contractor performs retrofit work to remove existing equipment and install Measures, and submits documentation of Project completion in the form of a Measure Acceptance Form signed by the Customer. Contractor invoices the Program Manager for the Incentive portion and the Customer for the balance.
5. Customer pays outstanding balance of costs, less any prior payment or deposit, to Contractor according to amounts listed on the Scope of Work Attachment.

The Program Manager, or agent thereof, reserves the right to conduct inspections of the Project prior to or after the installation of Measures. To be eligible for Incentives, the Application Package must be approved by the Program Manager prior to Measure installation.

CHANGES TO THE PROGRAM - The Program and/or Participation Agreements may be changed by the Program Manager or Administrator at any time without notice, however, approved Application Packages will be processed to completion under the terms in effect at the time of approval.

ELIGIBILITY - Program services and Incentives are available to existing non-residential, commercial and industrial buildings with a peak electric demand that did not exceed 100 kW in the preceding 12 months and served by at least one of the New Jersey utilities, municipal utilities or rural electric cooperatives who participate in the Program. If the Participant is a municipal electric company customer, and a customer of a regulated gas New Jersey utility, only gas Measures will be eligible under the Program. The 100 kW eligibility requirement is waived for local government entity projects.

Customers of New Jersey utilities who have not contributed to the Societal Benefits Charge during the calendar year in which the Application Package is received by the Program Manager may not be eligible for Incentives offered through the Program.

NO ENDORSEMENT - The Program Manager and Administrator do not endorse, support or recommend any particular manufacturer, product or system design.

INCENTIVE AMOUNTS - Incentive amounts will be listed in the Scope of Work Attachment which, when completed and countersigned by the Customer and approved by the Program Manager, will be part of this Participation Agreement. The Customer will be responsible for paying the remaining balance of costs listed in the Scope of Work Attachment upon receipt of Contractor's invoice.

Incentives will be offered for eligible and qualifying Measures as determined from the Energy Assessment and listed on a separate Scope of Work Attachment. The Scope of Work Attachment shall be countersigned by the Customer to indicate eligible and qualifying Measures to be included in the Project. All Incentive payments shall be paid by the Program Manager on behalf of the Program directly to the Contractor. The Program is not bound to pay any Incentive unless the Application Package associated with the Incentive payment is approved by the Program Manager prior to Measure installation.

INCENTIVE CAP - Program Manager reserves the right to limit the amount of Incentives on a per-Project or Program basis. Any such caps on individual projects will be disclosed to Customers on the Scope of Work Attachment.

INSTALLATION AGREEMENT - Following completion of the Energy Assessment, but prior to commencement of any installation work, the Customer will be presented a separate Installation Agreement in the form of a Scope of Work Attachment which shall become part of this Agreement. By executing the Scope of Work Attachment, the Customer agrees to allow the Contractor to install the eligible Measures identified in the Scope of Work Attachment.

DIRECT INSTALL PROGRAM PARTICIPATION AGREEMENT

WARRANTIES - THE PROGRAM MANAGER AND ADMINISTRATOR DO NOT EXPRESSLY OR IMPLIEDLY WARRANTY THE PERFORMANCE OF INSTALLED EQUIPMENT, AND/OR SERVICES RENDERED AS PART OF THIS PROGRAM. NO WARRANTIES OR REPRESENTATIONS OF ANY KIND, WHETHER STATUTORY, EXPRESS, OR IMPLIED, INCLUDING, WITHOUT LIMITATIONS, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE REGARDING EQUIPMENT OR SERVICES ARE PROVIDED BY ANY PARTY, INCLUDING THE PROGRAM MANAGER UNDER THE PROGRAM. CONTRACTOR SHALL EXTEND TO CUSTOMER FULL EQUIPMENT, MATERIALS AND LABOR WARRANTIES WITH AN EXPIRATION DATE OF THE LATER OF EITHER ONE YEAR FROM THE DATE OF INSTALLATION OR THE MANUFACTURER'S STANDARD WARRANTY EXPIRATION. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WARRANTY ISSUES RELATING TO EQUIPMENT AND MATERIALS INSTALLED UNDER THE PROGRAM FOR A PERIOD OF ONE YEAR.

In no way shall the reviews, inspections, approvals and all other actions performed by the Program Manager under the Program be construed as a determination or acceptance of performance, applicability, dollar savings, or energy savings. The Program Manager and Administrator offer no guarantee or warranty of performance for equipment or labor provided in connection with the Program. The Contractors assume full responsibility and liability for the removal and installation of all equipment, including but not limited to design, specification, all permits, installation, maintenance, performance, and proper disposal of equipment removed, including lamps and ballasts.

LIMITATION OF LIABILITY - By virtue of participating in the Program, Participating Customer agrees to waive any and all claims or damages against the Program Manager, and the Administrator. Participating Customers agree that the Program Manager's and Administrator's liability, in connection with the Program, is limited to paying the Program Incentives specified directly to the Participating Contractor, for the value of the work performed/Measures installed, as identified in the Installation Agreement. Under no circumstances shall the Program Manager, its representatives, or subcontractors, or the Administrator be liable for any lost profits, special, punitive, consequential

or incidental damages or for any other damages or claims connected with or resulting from participation in this Program. Further, any liability attributed to the Program Manager or its subcontractors under this Program shall be individual, and not joint and/or several.

INDEMNIFICATION - As part of agreeing to participate in the Program, which includes financial incentives to reduce the customer's net project costs, the Participating Customer agrees to indemnify and hold harmless the Program Manager and Administrator and their respective staffs with respect to the Project.

INSPECTION - Customer agrees to grant Program Manager reasonable access to Customer's Facility to inspect both pre-existing equipment (if applicable) and the Measures installed under this Program, either prior to issuing Incentives or at a later time.

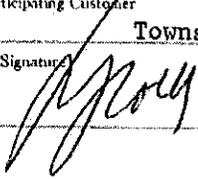
PROGRAM OFFER - The Program covers services rendered on or after January 1, 2011. Program Incentives are available to non-residential retail electric and/or gas service customers of the New Jersey Utilities.

TAX LIABILITY - Neither the Program Manager nor Contractor shall be responsible for any tax liability that may be imposed on any Customer as a result of the payment of Program Incentives.

TERMINATION - The Administrator reserves the right to extend, modify (this includes modification of Program Incentive levels) or terminate this program without prior or further notice.

CUSTOMER ACKNOWLEDGEMENT - I have read, understood and am in compliance with all rules and regulations concerning this incentive Program. I certify that all information provided is correct to the best of my knowledge, and I give the Program Manager permission to share my records with the New Jersey Board of Public Utilities, and contractors it selects to manage, coordinate or evaluate New Jersey's Clean Energy Programs, including the release of electric and natural gas utility billing information. I allow reasonable access to my property to inspect the installation and performance of the technologies and installations that are eligible for incentives under the guidelines of New Jersey's Clean Energy Program. This Participation Agreement supersedes all other communications and representations.

The Parties signing below certify they are duly authorized to enter into this agreement and hereby accept the above terms:

PARTICIPATING CUSTOMER	
Name of Participating Customer	
Township of Lower	
Authorized Signature	Date
	1/25/2011

CONTRACTOR'S COUNTERSIGNATURE

By signing, below, I certify that I have received the Customer's Application Package and will, in connection with the Project, perform my obligations as Participating Contractor as outlined in the separate Program Contractor Agreement executed between the Contractor below and the Program Manager.

PARTICIPATING CONTRACTOR	
Name of Participating Contractor	
South Jersey Energy Service Plus	
Authorized Signature	Date
	1/25/2011

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

RESOLUTION #2011-54

TITLE: ISSUANCE OF 2011 LIMOUSINE, TAXI AND OPERATOR'S LICENSES

WHEREAS, applications have been submitted by High Roller Limousine, Inc., Aart's Transportation Service Corp. and AA plus Cab, LLC. Shore Limousine, Off Shore Cab, A Sharper Limousine and Ocean Cab pursuant to Ord. #2000-4 for Taxi, Limo and Operator Licenses, and

WHEREAS, the applicants submitted the appropriate fees, provided the required documentation, and the Police have reviewed and approved the application packet.

NOW, THEREFORE BE IT RESOLVED, the Clerk is hereby authorized to issue the following:

High Roller Limousine

<u>License Type</u>	<u>Description</u>	
Limousine	2005 Dodge Caravan	Vin# 1D4GP24R55B201485
Limousine	2000 Dodge Caravan	Vin# 1B4GP86G0YB806796
Operators	Arthur Wolf, Karen Wolf & Joseph Pallotta	

Aart's Transportation Service

<u>License Type</u>	<u>Description</u>	
Taxi	1997 Plymouth Voyager,	Vin #1P4GP44ROVB425333
Taxi	2001 Dodge Caravan,	Vin# 2B8GP44G91R106832
Taxi	2002 Chrysler Town & Country,	Vin #2C4GP74L332RTT1037
Limousine	1997 Mercury Marquis,	Vin# 2MELM74W2VX626603
Operators	William Garner, James Volpe, Thomas Fontannaz Roy Wolf, Keith Bancroft	

AA Plus Cab, LLC.

<u>License Type</u>	<u>Description</u>	
Taxi	2001 Ford Taurus,	Vin #1FAFP52231A291399
Operator	Barry Felice	

Shore Limousine Services, LLC

<u>License Type</u>	<u>Description</u>	
Limousine	1998 Lincoln Town Car,	Vin#1LNFM81W4W4684783
Limousine	2000 Ford ,	Vin# 1FDXE45F2YHA14588
Limousine	2007 Lincoln Town Car,	Vin #1L1FM88W274616586
Operators	Paul Quinn, Michael Shapley	

Off Shore Cab

License Type Description
Taxi 1996 Chevy Caprice Vin#1G1BL52WXTR182846

Operator Joseph Conforto

A Sharper Limousine

License Type Description
Limousine 1999 Lincoln Vin#1L1FM81W1XY645037
Limousine 2001 Lincoln Vin#1LNHM82WX1Y636723
Limousine 2002 Ford Vin#1FMNU40S12EB96857
Limousine 2004 Lincoln Vin#1L1FM81W04Y655151

Operator Ernest Harper, Lawrence Anderson

Ocean Cab Services

License Type Description
Taxi 1998 Ford Windstar Vin#2FMDA5149WBB96522

Operator Irma Guy

BE IT FURTHER RESOLVED, all licenses shall expire on December 31, 2011

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-55

TITLE: APPROVAL OF 2011 ROTARY TOWING LICENSES

WHEREAS, Section 22-1 requires any contractor providing towing and storage services for the Township of Lower be licensed by the Township, and

WHEREAS, the following contractors have completed the required application, paid the fee and provided all documentation required by ordinance, and

WHEREAS, the Police have reviewed said applications as required by Section 22-4 (d) of the General Ordinances and have no objection to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following applicants shall be issued Rotary Towing Licenses for the year 2011.

**Jerry Mancuso - Cape Harbor Auto Repair, Inc.
Barney Linn - Cape May Exxon
Jesse J. Clark - Clark's Auto & Towing, LLC
John Harron - Off Shore Getty
Louis H. Altobelli - South Jersey Towing
Edward Cooper - Eddie's Auto Body
Stephen Lewis - Just in Time Towing**

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
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ABSTAIN					
ABSENT					

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

RESOLUTION #2011-56

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 \$5,100.00 be made between the 2010 budget appropriation reserves.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
TAX ASSESSOR	S&W	0-01-20-150-101	1,500.00	
PLANNING	S&W	0-01-20-170-101	800.00	
BOCA	S&W	0-01-22-195-101	800.00	
FIRE SAFETY OFFICIAL	S&W	0-01-25-265-101	2,000.00	
FIRE SAFETY OFFICIAL	OE	0-01-25-265-299		2,000.00
TAX ASSESSOR	OE	0-01-20-150-299		1,500.00
PLANNING	OE	0-01-20-170-299		800.00
BOCA	OE	0-01-22-195-299		800.00
			<u>5,100.00</u>	<u>5,100.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

Resolution #11-56
Transfer 2010 Appropriations

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

RESOLUTION #2011-57

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund has been requested.

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>
426.02	22	Jacqueline Paglione	paid by mortgage company	547.56
508.01	8.12	Robert Newman	veteran deduction	250.00
513	11	Alan Stein	veteran deduction	250.00

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-58

TITLE: RESOLUTION SUPPORTING CONTINUED OPEN SPACE "PILOT" FUNDING

WHEREAS, the preservation of Open Space benefits all New Jersey citizens; and

WHEREAS, it does, however, impose costs on the citizens of the host municipality, denying them the economic, budgetary and property tax rate benefits of a developed ratable; and

Whereas, in recognition of these facts, the State of New Jersey has pledged to provide host municipalities with Payments In Lieu Of Taxes (PILOTs); and

WHEREAS, these PILOTs then serve two crucial public policy purposes - first providing property tax relief and second, promoting environmental protection; and

WHEREAS, in recognition of those dual benefits and of the lost opportunity costs imposed on the host municipalities, a long line of Governors, Legislatures and Commissioners of Environmental Protection have seen the fairness of consistently making the promised Payments In Lieu of Taxes; and

WHEREAS, the policy has been ratified by the citizens of New Jersey, who have, consistently approved ballot questions that would provide funding to meet Open Space PILOT needs; and

WHEREAS, in order to address other priorities, State policy makers have decided to impose immediate cuts in PILOT funding;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lower as follows:

1. That this Board does hereby call on all State policy makers to reaffirm their commitment to property tax relief, environmental protection and fiscal fairness by reversing the decision to cue Open Space PILOT funding.

2. That copies of this Resolution shall be forwarded to Governor Christie, Lieutenant Governor Guadagno, Environmental Protection Commissioner Martin, Community Affairs Commissioner Grifa, to the representatives of the 1st Legislative District and to the New Jersey League of Municipalities.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



AMERICAN LITTORAL SOCIETY

16 North High Street, Millville, NJ 08332

January 28, 2011

The Honorable Michael Beck
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Dear Mayor Beck:

RE: Request for town to pass a resolution supporting the continuation of the state's open space in-lieu-of tax payments

The American Littoral Society is a non-profit, membership-based, environmental group working to promote conservation of the coast. An essential part of this effort is the conservation of lands critical to the protection of natural resources, wildlife and water quality of the Delaware Bay and its tributaries. For many years, we have advocated for those programs and funding mechanisms that make open space protection possible and equitable at the local level.

To that end, we are writing to bring an important issue to your attention. The Governor's 2011 Budget calls for significant cuts to the state's Payments In-lieu of Taxes (PILOT) program, which are made to municipalities that have, within their borders, state and non-profit-owned preserved, and tax-exempt open space. This plan will undermine future open space and farmland preservation efforts and place a greater fiscal burden on local municipalities that host the majority of the state's tax-exempt open space.

If these proposed cuts and the Governor's plan to phase out the program completely become a reality, future preservation efforts and long-term state open space and farmland preservation funding will suffer greatly.

This year alone, statewide PILOT funding is scheduled to decrease by \$3.5 million, while towns that received less than \$5,000 in the past will no longer receive anything.

Moreover, if the PILOT program is ended, it may result in many towns becoming less supportive of future preservation efforts due to the complete loss of revenue on preserved state and non-profit-owned land. This would have a chilling effect on efforts to preserve important remaining open spaces in the state and impact efforts to come up with a future long-term source of funding for open space and farmland preservation.

The PILOT program was started in 1961, and during the negotiations leading up to the creation of the Garden State Preservation Trust (GSPT) in 1999, state lawmakers from rural areas successfully argued that the payments were not adequately offsetting lost tax revenue in towns where 30-70% or more of the land represents tax-exempt open space. As a result, when the GSPT act was passed, it not only continued the declining payments, but enhanced the level of permanent payments from \$1 per acre to up to \$20 depending on the percentage of preserved land within a town.

For the past ten years the enhanced PILOT funding formula has provided an important incentive for towns to preserve land, which is reflected by consistent voter approval of statewide open space ballot measures (2007 and 2009), and the increasing number of towns (232 municipalities) in the state with locally approved dedicated funding.

The PILOT program returns huge benefits for very little money invested. Cutting and possibly phasing out the program breaks trust with the municipalities that agreed to support efforts to see prized natural areas from which all New Jersey residents benefit preserved in their communities.

The governor needs to hear how important the PILOT program is to our communities and statewide efforts to preserve the best remaining open space and farmland.

The American Littoral Society urges Lower Township to pass a resolution calling on the Governor to keep the PILOT program in place. Copies of this resolution should be forwarded to Governor Christie, Lieutenant Governor Guadagno, Environmental Protection Commissioner Martin, Community Affairs Commissioner Grifa, to the representatives of your Legislative District, and to the New Jersey League of Municipalities. Additional information and sample resolution is available on our website at www.littoralsociety.org.

Please don't hesitate to contact me if you would like to discuss this issue or if you would like me to discuss the issue with your town at an upcoming meeting.

Sincerely,

Matt Blake, Manager
Delaware Bayshore Program

**CAPE MAY COUNTY
PLANNING DEPARTMENT**

Leonard C. Desiderio
Freeholder

Leslie L. Gimeno, PP, AICP
Planning Director

4 Moore Road
Cape May Court House, N.J. 08210-1601
(609) 465-1080 □ Fax: 465-1418
planningbd@co.cape-may.nj.us



Established 1953

**CAPE MAY COUNTY PLANNING BOARD
RESOLUTION 1-2011
RESOLUTION SUPPORTING CONTINUED OPEN SPACE "PILOT" FUNDING**

WHEREAS, the preservation of Open Space is a key factor in maintaining and preserving a high quality of life in the State of New Jersey and all of its municipalities; and

WHEREAS, the County of Cape May, with its wealth of natural resources and its resort economy, is particularly attuned to the need to maintain large tracts of land in their natural states in order to provide valuable wildlife habitat, watershed protection, and recreational opportunities for current and future populations; and

WHEREAS, it is recognized that the preservation of open space can impose certain direct and indirect costs to host municipalities; and

WHEREAS, the State of New Jersey has recognized the impact of State conservation and preservation efforts and has established the PILOT (Payment in Lieu of Taxes) Program; and

WHEREAS, the PILOT Program was established in 1971 as part of the initial Green Acres Bond Issue and was expanded in 1999 via the Garden State Preservation Trust, and thus has been directly approved by the citizens of the State of New Jersey; and

WHEREAS, the PILOT Program provides financial benefits to municipalities in two forms: 1) a 13-year declining payment to enable the municipality to adjust to the removal of the property from the tax rolls; and 2) a permanent "per acre" payment to compensate for state-owned parks and forests; and

WHEREAS, the PILOT Program benefits a large number of municipalities in the State of New Jersey, including 11 of our 16 local municipalities – three of which receive annual payments in excess of \$100,000; and

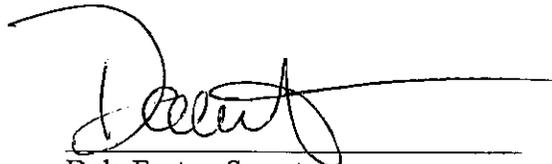
WHEREAS, the Governor's proposed 2011 budget calls for a three-year phase out of the PILOT program, with 1/3 of the funding being cut in each of the next three years, eliminating the program entirely by 2014; and

WHEREAS, the elimination of this funding from the municipal budgets will put further stress on the abilities of local governments to continue to provide quality services

to their residents, particularly given the new 2% levy cap that has been instituted by the State of New Jersey;

NOW, THEREFORE BE IT RESOLVED BY THE CAPE MAY COUNTY PLANNING BOARD, that the Board strongly recommends that the State policy makers reaffirm their commitment to property tax relief, environmental protection and fiscal fairness by reversing the decision to cut Open Space PILOT funding;

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the Cape May County Board of Chosen Freeholders, Environmental Protection Commissioner Martin, Community Affairs Commissioner Grifa, the representatives of the First Legislative District of the State of New Jersey, and the Mayors of municipalities in Cape May County.



Dale Foster, Secretary
Chairperson Pro-Temp



Leslie L. Gimeno, PP, AICP
Planning Director

DATE: JANUARY 18, 2011

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

RESOLUTION #2011-59

TITLE: GRANT AGREEMENT, PF11-065, BETWEEN LOWER TOWNSHIP AND THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the governing body of Township of Lower desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project at 2011 Green Communities Grant, Community Forestry Management Plan.

NOW, THEREFORE BE IT RESOLVED, the governing body resolves that Michael E. Beck or the successor to the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00 and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Township Council authorizes and hereby agrees to match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules and regulations in its performance pursuant to the agreement.

I hereby certify this is the original resolution adopted by the Township Council on February 7, 2011; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

**GRANT AGREEMENT
BETWEEN
LOWER TOWNSHIP**

**(Name of Grantee)
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: PF11-065

GOVERNING BODY RESOLUTION

The governing body of Township of Lower (print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000.00 to fund the following project:

2011 Green Communities Grant

Community Forestry Management Plan

Therefore, the governing body resolves that Michael E. Beck or the successor to the office of (print name)

Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official)

a grant agreement with the State for a grant in an amount not less than \$3,000.00 and not more than \$3,000.00, and (c) to execute any amendments thereto any amendments thereto which do not increase the Grantee's obligations.

The _____ authorizes and hereby agrees to (print name of Grantee's governing body, e.g., board of chosen freeholders) match 33.3% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

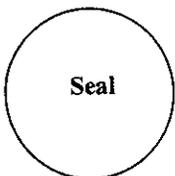
The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed _____

Ayes: _____

Noes: _____

Absent: _____



* The portion of this form between the asterisks should only be completed if matching funds are required under the terms of the agreement. Where in-kind services are allowed and are stipulated by the Grantee, an attachment must be provided and appended hereto, breaking out the in-kind services to be provided by the Grantee.

CERTIFICATION*

I, _____, municipal clerk county clerk utilities Authority Clerk
(print name)

(other, specify) _____ of _____
(print Grantee's name)

certify that this resolution was duly adopted by _____
(print name of Grantee's governing body)

at a meeting duly held on the _____ day of _____, _____; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature. **

(signature) *

(print name)

(print title)

Date: _____ **

* Certification must be signed by an official other than the individual authorized to execute the agreement.

** This date must be no more than sixty (60) days prior to the Grantee's execution of the agreement. If the original certification expires prior to the Grantee's execution, Grantee must submit a currently certified copy of this Attachment C when it returns the executed agreement to the Department.

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

RESOLUTION #2011-60

TITLE: RESOLUTION REQUESTING THE NJ DEPARTMENT OF TRANSPORTATION INVESTIGATE EXTENDING THE NO PASSING ZONE ON ROUTE 9 AS RECOMMENDED BY THE LOWER TOWNSHIP POLICE DEPARTMENT

WHEREAS, the New Jersey Department of Transportation is engaged in a condemnation action wherein a small portion of land is being taken along Route 9 in front of Cape Island Resort, and

WHEREAS, during the summer months this area is prone to heavy traffic both ingressing and egressing the resort and the taking of the land by the State DOT eliminates an egress lane, and

WHEREAS, Cape Island Resort has requested the No Passing Zone along the northbound lane of Route 9 be extended south to begin at Cold Spring Village, and

WHEREAS, the Lower Township Police have investigated the request and further recommend the No Passing Zone be established on both the northbound and southbound lanes of Route 9 from the high school to the entrance of Cold Spring Village with a No Passing Zone for Northbound traffic only approaching the entrance to Cold Spring Village.

NOW, THEREFORE, BE IT RESOLVED the governing body of Lower Township hereby requests the NJ Department of Transportation investigate this request for the continuation of the No Passing Zones along the portions of Route 9 outlined in the attached diagram prepared by the Lower Township Police.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

LOWER TOWNSHIP POLICE DEPARTMENT**SPECIAL REPORT**

TO: Detective Lieutenant William Mastriana
FROM: Sergeant Martin R. Biersbach
DATE: January 07, 2011
SUBJECT: Route 9 Passing lanes near Cape Island Campgroup

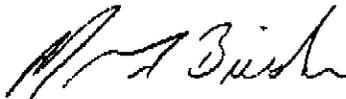
Sir,

Today I reviewed the travel and passing lines on Route 9 between Lower Cape May Regional High School and Cold Spring Village to investigate a request by Cape Island Campground to extend the no passing lanes in the area of the High School to the area of the campground as a result of the New Jersey Department of Transportation (DOT) condemning a portion of the land in front of the campground currently used as an egress lane for traffic to exit the campground.

I believe this to be in the best interest of safety for all motorists and would take this one step further to include no passing in both directions all the way from the High School to the entrance of Cold Spring Village. Additionally I believe there should be a section of no passing for North Bound Traffic ONLY approaching the Cold Spring Village entrance. I have enclosed two diagrams for your review with one showing the existing layout of the traffic lanes and another showing the proposed changes.

I have witnessed traffic on this section of roadway for many years and have seen little if any congestion problems due to the 50 MPH speed limit but feel these changes will make it safer for traffic coming and going from the entrances of both Cape Island Campground and Cold Spring Village, as well as motorists traveling past these entrances.

Respectfully Submitted,



Martin R. Biersbach
Sergeant Badge 157

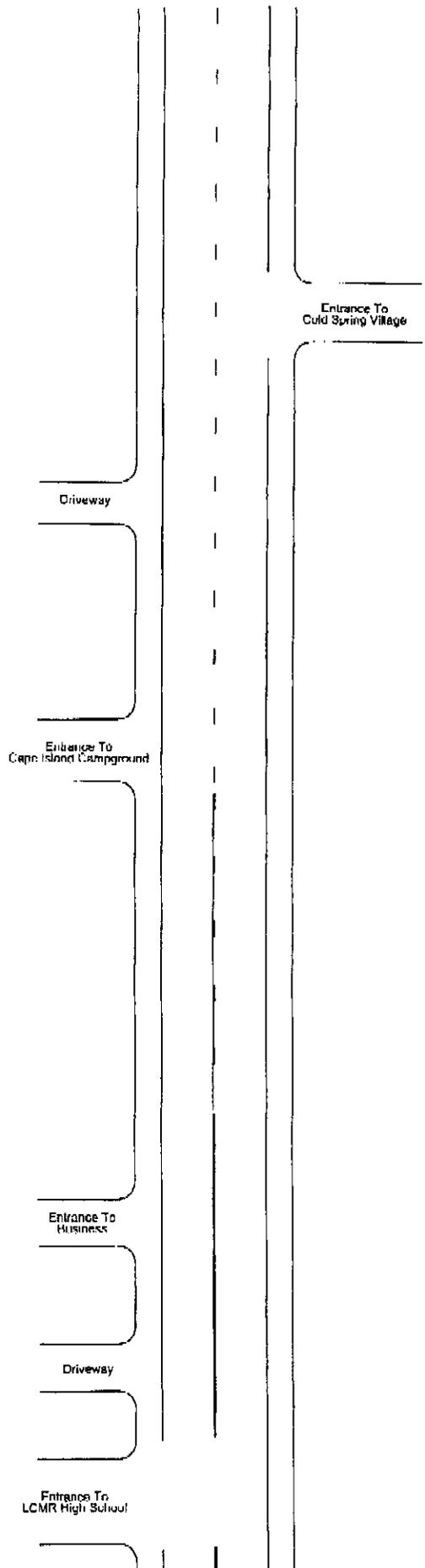


Existing Layout Of Traffic Lanes For Route 9

Passing Both Lanes _ _ _

Passing Southbound Only _____

No Passing _____

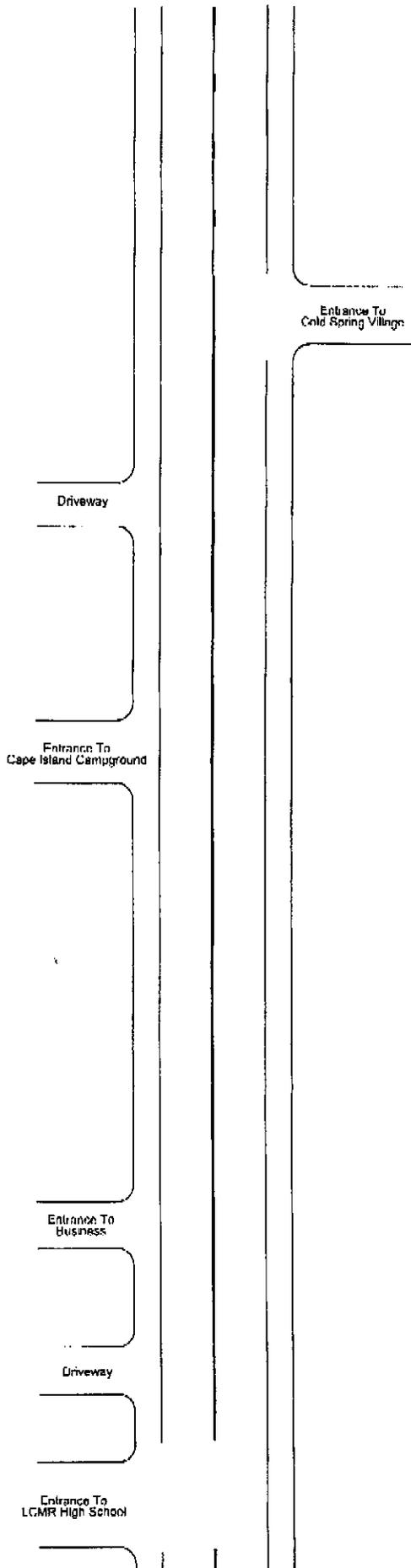




Proposed Changes
To Traffic Lanes
For Route 9

Passing Southbound Only

No Passing



Corino & Dwyer

LOUIS C. DWYER, JR.
DOREEN Y. CORINO
TIMOTHY D. DWYER

COUNSELORS AT LAW
Professional Building, Suite 101
9700 Pacific Avenue
P. O. Box 849
Wildwood, New Jersey 08260

Telephone: 609/729-5572
Facsimile: 609/523-1042
corinoanddwyer@comcast.net

December 8, 2010

Honorable Michael E. Beck
and Lower Township Committee
2600 Bayshore Road
Villas, New Jersey 08251

Re: Cape Island Resort

Dear Mayor Beck and Township Committee:

I represent Bob Lepor/Cape Island Associates, who has for many years owned and operated the Cape Island Resort, which contains 430 campsites. Currently, the New Jersey Department of Transportation (hereinafter "DOT") is engaged in a condemnation action wherein a small portion of land is being taken along Route 9 in front of the aforesaid campground. The campground is large with many patrons and much traffic ingressing and egressing the site seasonally.

The taking by the DOT eliminates an egress lane from the campground onto Route 9. As part of a settlement dialog with the DOT, my client is requesting that the no passing zone, which exists near the high school, be extended north of Cold Spring Village to the campground which would then extend into the no passing zone at the high school. We believe that this would create a much safer situation.

The response that I received from the DOT indicated DOT would need a letter from the Township requesting an investigation by the DOT of the need for the extension of the no passing zone. This letter is requesting that the Township review this matter and if you agree, send the requested letter. I have annexed a highlighted copy of the DOT's letter. If you require myself and my client to appear to further document the reasons for this request, please advise. I look forward to your review and response.

Very truly yours,

CORINO & DWYER

Louis C. Dwyer, Jr., Esquire

LCD/jmm
enc.
cc: Robert Lepor



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 114
TRENTON, NJ 08625-0114

PAULA T. DOW
Attorney General

ROBERT M. HANNA
Director

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

October 21, 2010

Louis C. Dwyer, Jr., Esq.
Corino & Dwyer
9700 Pacific Avenue
P.O. Box 849
Wildwood, New Jersey 08260

Re: State of New Jersey, by the Commissioner of
Transportation v. Cape Island Associates, et al.
Docket No. CPM-L-260-10

Dear Mr. Dwyer:

This letter is sent as a follow-up to my letter dated
October 14, 2010, which responded to your October 12, 2010 letter.

On your client's behalf, you request that the Department
of Transportation ("DOT") extend the no passing zone along Route 9.
According to the construction plans for the project, the area in
front of the parcel acquired from the subject property is already
in a no passing zone. If your clients request a no passing zone
north of the Cold Springs Village area to Cape Island Resorts, that
area is outside the project limits.

Please note that no passing zones are enforceable through
Traffic Regulation Orders, which are generated by municipal
support. As such, the DOT's Traffic Engineering and Safety Unit
requires a letter from the municipality requesting that the DOT



October 21, 2010

Page 2

investigate the potential need for a no passing zone beyond the area currently depicted in the construction plans. I can obtain and provide the specific contact information for the Traffic Engineering and Safety Unit should you require it.

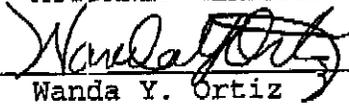
Please contact me should you have any questions.

Thank you for your attention.

Sincerely yours,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By:


Wanda Y. Ortiz
Deputy Attorney General

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

RESOLUTION #2011-61

TITLE: RESOLUTION APPROVING CONTRACT WITH BLUE CROSS/BLUE SHIELD DENTAL FOR EXTRAORDINARY UNSPECIFIABLE SERVICES

WHEREAS, there exists a need for a group dental plan beginning April 1, 2011, for a twenty-four month contract, and

WHEREAS, the maximum amount of the contract is based on the premium schedules attached, the number of covered employees and funds have been certified by the Chief Financial Officer, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection, and

WHEREAS, the Chief Financial Officer has certified that this meets the statute and regulations governing the award of said contracts,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council as follows:

1. The Township Manager is hereby authorized and directed to execute the agreement as follows:

- A. Group Dental Plan - Blue Cross/Blue Shield Dental pursuant to the rates set forth on Schedule A attached. Effective date April 1, 2011 through March 31, 2013.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



Proposal Rates for Township of Lower

Effective March 1, 2011

Revised to: April 1, 2011

	Subgroups 01 & 11	Subgroups 02 & 22 HORIZON DENTAL OPTION PLAN	Subgroup 03 & 33
RATES			
Single			
E + 1		\$48.03	
E + 2		\$83.68	
		\$134.66	
ASSUMED ENROLLMENT			
Single	10	11	13
E + 1	16	19	20
E + 2	17	19	35
MONTHLY PREMIUM			
	\$3,968.60	\$4,676.77	\$6,853.85
ANNUAL PREMIUM			
	\$47,623.20	\$56,121.20	\$82,246.16

	HORIZON DENTAL OPTION PLAN
BENEFITS	
Preventive & Diagnostic Treatment & Therapy	100%
Periodontia	85%
Oral Surgery	85%
Prosthodontia	85%
Onlays & Crowns	85%
Orthodontia	85%
Deductible (3 per family)	None
Benefit Period Maximum	\$1,500
Orthodontia Maximum	\$3,150

Dependent Children of enrolled employees covered to age 23. All percentages apply to eligible services.

Proposal Assumptions:

- This proposal assumes an Effective March 1, 2011 date.
- **All rates are guaranteed for two years.**
- We reserve the right to adjust rates if actual enrollment varies by 10% or more for the assumed employees.
- One month's premium must be submitted with this acceptance.
- This contract is prospectively rated.
- Under the Dental Option Plan (or PPO Plan) offering, the standard level of benefits for routine cleanings and exams is three per year.
- Groups may elect to waive the three per year benefit. Rates will not be impacted.
- We require 75% total employee participation and minimum employer contribution equal to the Single rate or 50% of premium.
- Proposed rates assume Orthodontic benefits are for adults and child dependents (up to age 23).
- Under the Dental Option Plan offering, out of network covered services will be paid at the 80th percentile of MDR.
- The Horizon Dental Option Plan (or PPO Plan) assumes a duplication of the group's existing level of benefits.
- If you don't apply for coverage when first eligible, you must wait for an open enrollment period that is at least 18 months after the last time you could have obtained coverage. Exceptions include life event changes, i.e. marriage, newborns.
- Rates include broker commission of 10% of the first \$5,000 in Premium, 4% of the next \$95,000 in Premium and 3% thereafter.

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Three Penn Plaza East, Newark, New Jersey 07105

Accepted By:

Title:

Date:

STANDARD CERTIFICATION DECLARATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICE

TO: Members of the Governing Body

FROM: Lauren Read, CFO
Township of Lower

DATE: February 7, 2011

SUBJECT: This is a contract for health, prescription drug and dental insurance

This is to request your approval of a resolution authorizing a contract to be executed as follows:

Firm: Horizon Blue Cross/Blue Shield
Cost: See attached
Duration: 4/1/11 – 3/31/13
Purpose: To provide dental insurance

This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service (NJSA 40A: 11-5(1)(a)(ii) and NJAC 5: 34-2.3(b). I do hereby certify to the following:

1. Provide a clear description of the nature of the work to be done: Dental insurance will be provided to the qualified employees of Lower Township
2. Describe in detail why the contract meets the provisions of the statute and rules: Insurance contracts satisfy the criteria for an EUS
3. The service is of such a specialized and qualitative nature that the performance of the service cannot be reasonable described by written specification because: N/A- Insurance is considered a statutory EUS and does not require supporting reasons for its action beyond citing the statutory reference.
4. Describe the informal solicitation of quotations: Requests for proposals were received by Marsh & McLennan Agency, LLC.
5. I have reviewed the rules of the Division of the Local Government Services pursuant to NJAC 5: 34-2.1 et seq. and certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.

Respectfully,

CFO, Township of Lower

(Original to be retained by governing body's Clerk with the affirmed copy of the resolution; signed duplicate to be kept by appropriate official)

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

RESOLUTION #2011-62

TITLE: RESOLUTION SUPPORTING SCR 60, A CONCURRENT RESOLUTION MEMORIALIZING THE CONGRESS AND PRESIDENT OF THE UNITED STATES TO ENACT H.R.2429, THE "CONSUMER PRICE INDEX FOR ELDERLY CONSUMERS ACT OF 2009"

WHEREAS, Senator Van Drew has sponsored SCR60, "A Concurrent Resolution memorializing the Congress and President of the United States to enact H.R. 2429, the "Consumer Price Index for Elderly Consumers Act of 2009" , and

WHEREAS, the senior citizens rely on the COLA to compensate for the inflationary increases in the cost of goods and services purchased by senior citizens and the COLA has been tied to the CPI which measures changes over time in a set of goods and services consumed by the average American worker, and

WHEREAS, the CPI does not accurately reflect the increases faced by senior citizens such as health care and medicines, and

WHEREAS, SCR 60 memorializes the Congress and President enact H.R.2429, the "Consumer Price Index for Elderly Consumers Act of 2009", and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lower as follows:

1. The governing body of Lower Township endorses and supports SCR 60 as sponsored by Senator Jeff VanDrew.
2. The governing body urges all municipalities in Cape May County to pass similar resolutions supporting SCR 60.
3. Copies of this resolution be sent to N.J. State Senator Jeff Van Drew, United States Senators Robert Menendez and Frank Lautenberg, United States Congressman Frank LoBiondo, and President Barack Obama.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 7 , 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

A CONCURRENT RESOLUTION memorializing the Congress and President of the United States to enact H.R.2429, the “Consumer Price Index for Elderly Consumers Act of 2009.”

WHEREAS, Since 1975, Social Security payments have increased every year to compensate for inflationary increases in the cost of goods and services purchased by senior citizens who depend upon these annual adjustments to maintain their quality of life; and

WHEREAS, These increases, known as Social Security cost of living adjustments (COLAs), are tied to the Consumer Price Index (CPI), a measure of inflation calculated by the United States Bureau of Labor Statistics that considers the change over time in a set of goods and services consumed by the average American worker; and

WHEREAS, Because of a drop in energy prices from near record highs last year, the CPI has decreased more than two percent in the past year, and as a result, Social Security benefits are expected to be frozen in 2010 for the first time in nearly 35 years; and

WHEREAS, Some economists have argued that the CPI is not a good measure of the actual costs borne by senior citizens who tend to spend more on health care, which has continued to increase in price despite the overall decrease in the CPI, than energy, which is driving the recent reduction in the CPI; and

WHEREAS, A freeze in benefits will negatively impact the 51 million Americans who depend upon Social Security benefits to make ends meet, and will be especially burdensome on elderly Americans who rely on these benefits for approximately 40% of their incomes; and

WHEREAS, H.R.2429, the “Consumer Price Index for Elderly Consumers Act of 2009,” introduced in Congress by Representative Charles Gonzalez, would tie Social Security COLAs to a newly created Elderly Consumer Price Index designed to more accurately capture the mix of goods and services typically consumed by older Americans; compared to the current CPI, the index would focus more on the costs of insurance, medical care and prescription medication and less on items such as cars, houses, and energy prices; and

WHEREAS, It is of the utmost concern to the citizens of New Jersey that the State’s older residents are able to meet their increasing expenses and maintain their quality of life, and it is in the best interests of the State Legislature to support the enactment of H.R. 2429, the “Consumer Price Index for Elderly Consumers Act of 2009;” now, therefore,

BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring):*

1. The Congress and President of the United States are respectfully memorialized to enact H.R.2429, the “Consumer Price Index for Elderly Consumers Act of 2009,” which creates a Consumer Price Index for Elderly Consumers to which Social Security cost of living adjustments

would be tied.

2. Duly authenticated copies of this concurrent resolution signed by the President of the Senate and the Speaker of the General Assembly, and attested to by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Majority and Minority leaders of the United States Senate and House of Representatives, and every member of Congress elected from this State.

STATEMENT

This concurrent resolution memorializes the Congress and President of the United States to enact H.R.2429, the "Consumer Price Index for Elderly Consumers Act of 2009," which creates a Consumer Price Index for Elderly Consumers to which Social Security cost of living increases would be tied.

Since 1975, Social Security payments have increased every year to compensate for inflationary increases in the cost of goods and services purchased by senior citizens. These increases, known as Social Security cost of living adjustments (COLAs), are tied to the Consumer Price Index (CPI) which measures the change in price of certain goods and services consumed by the average American worker. Because of a decline in the CPI in the past year, largely due to decreasing energy prices, Social Security benefits are not expected to increase in 2010, negatively impacting those who rely on those benefits for a significant part of their incomes.

Some economists have argued that the CPI is not an appropriate index of the costs borne by senior citizens who, for example, spend less on energy and more on health care, which has continued to increase in price, than the average consumer.

H.R.2429, introduced in Congress by Representative Charles Gonzalez, ties COLAs to a newly created Elderly Consumer Price Index designed to more accurately capture the goods and services consumed by senior citizens.

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

ORDINANCE NO. 2011-05

AN ORDINANCE AMENDING CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF LOWER TO PROVIDE FOR THE INSPECTION OF FIREWORKS LOADED ONTO BARGES OR VESSELS IN THE TOWNSHIP OF LOWER

WHEREAS, the Township of Lower permits fireworks to be loaded onto barges or vessels for discharge.

WHEREAS, the Township wishes both to protect its people and their property from the dangers posed by fireworks and to comply with the New Jersey Uniform Fire code, National Fire Protection Association Standard 1123.

WHEREAS, the Township acknowledges the many hours required by the Lower Township Bureau of Fire Safety (Fire Bureau) personnel to properly inspect and witness the necessary safety practices required for these loadings.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May and the State of New Jersey as follows:

Section 1. Chapter 340 of the Township Code, entitled "FIRE PREVENTION", is hereby amended by adding the following Section 340-17, to be titled "Inspection of Fireworks Loading onto Barges or Vessels".

- A. The Bureau of Fire Safety shall inspect fireworks being loaded onto barges or vessels in the Township of Lower. Said inspection shall include but not be limited to: all pre-loading site inspections, United States Coast Guard required port and barge inspections, equipment storage and loading, storage and handling of explosive materials.
- B. A Type 3 Permit is required by the Lower Township Bureau of Fire Safety, as well as a \$50.00 (fifty dollars) per hour standby fee with \$300.00 (three hundred dollars) payable upon application. Said fee in excess of \$300.00 (three hundred dollars) must be paid to the Bureau of Fire Safety within five (5) business days following the event.
- C. Said permit fee and a Bureau of Fire Safety Personnel Standby contract must be executed fifteen (15) days prior to each event.
- D. Site security must be provided by the Lower Township Police Department at the expense of the permit applicant.
- E. The Bureau of Fire Safety may prevent the loading of fireworks onto a barge or vessel in the Township of Lower if any of the applicable codes, standards or general safety practices are not in compliance, or if any unsafe act is committed.

SECTION 3. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 4. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

1st 1-19-11
2nd 2-7-11

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

ORDINANCE #2011-01

SALARY AND BENEFIT ORDINANCE FOR THE TOWNSHIP OF LOWER

Be It Ordained by the Township Council, the governing body of the Township, County of Cape May, State of New Jersey that the following ranges and rates of pay are established as follows, exclusive of longevity:

TOWNSHIP COUNCIL

Mayor	15,000.00	to	15,500.00
Councilmembers	12,000.00	to	12,500.00

NON-UNION ADMINISTRATIVE/MANAGEMENT PERSONNEL

Township Manager	85,000.00	to	120,000.00
Township Clerk	74,000.00	to	85,000.00
Chief Financial Officer	77,000.00	to	85,000.00
Assistant Township Clerk	46,000.00	to	53,000.00
Director of Personnel	70,000.00	to	90,000.00

NON-UNION POLICE PERSONNEL

Chief of Police	107,584.00	to	120,000.00
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SUPERIOR OFFICERS - POLICE

Police Captain	100,034.00	to	107,886.00
Police Lieutenant	94,000.00	to	101,393.00

SUPERVISORS UNION

Tax Assessor	75,590.00	to	81,288.00
Tax Collector	74,402.00	to	80,010.00
Construction Official	64,610.00	to	69,481.00
Supt. Recreation Parks	66,456.00	to	71,465.00
Supt. Of Public Works	74,476.00	to	80,090.00
Planning Director	71,631.00	to	77,030.00
Court Administrator	66,642.00	to	71,666.00
Coordinator Fed. & State Aid	54,000.00	to	58,200.00
Deputy Court Administrator	42,134.00	to	45,311.00
Supervisor of Garage Services	63,111.00	to	67,868.00
Supervisor Building, Grounds	60,358.00	to	64,908.00
Qualified Purchasing Agent	54,000.00	to	58,200.00
Purchasing Agent	54,000.00	to	58,200.00

AFSCME

Cashier	26,966.00	to	38,000.00
Clerk Typist	26,966.00	to	38,000.00
Clerk	26,966.00	to	38,000.00
Assessing Clerk	26,966.00	to	38,000.00
Assessing Clerk Typist	26,966.00	to	38,000.00
Tax Clerk	26,966.00	to	38,000.00
Building Maintenance Worker	26,966.00	to	38,000.00
Building Service Worker	26,966.00	to	38,000.00
Account Clerk-Typing	26,966.00	to	38,000.00
Computer Operator	26,966.00	to	38,000.00
Senior Tax Clerk	30,567.00	to	41,000.00
Senior Police Records Clerk	30,567.00	to	41,000.00

Senior Account Clerk	30,567.00	to	41,000.00
Senior Assessing Clerk	30,567.00	to	41,000.00
Senior Clerk Typist	30,567.00	to	41,000.00
Senior Clerk Stenographer	30,567.00	to	41,000.00
Senior Telephone Operator/Receptionist	30,567.00	to	41,000.00
Senior Computer Operator	30,567.00	to	41,000.00
Code Enforcement Officer	30,567.00	to	41,000.00
Registrar of Vital Statistics	30,567.00	to	41,000.00
Assessing Aide	34,168.00	to	52,000.00
Senior Code Enforcement Officer	34,168.00	to	52,000.00
Principal Clerk	34,168.00	to	52,000.00
Principal Account Clerk	34,168.00	to	52,000.00
Principal Assessing Clerk	34,168.00	to	52,000.00
Principal Clerk Stenographer	34,168.00	to	52,000.00
Principal Clerk Typist	34,168.00	to	52,000.00
Supervising Computer Operator	34,168.00	to	52,000.00
Building Inspector	37,769.00	to	52,000.00
Building Subcode Official	37,769.00	to	52,000.00
Plumbing Subcode Official	37,769.00	to	52,000.00
Electrical Subcode Official	37,769.00	to	52,000.00
Assistant Zoning Officer	37,769.00	to	52,000.00
Assistant Tax Collector	37,769.00	to	52,000.00
Assistant Treasurer (FT)	37,769.00	to	52,000.00
Assistant Superintendent of Recreation	37,769.00	to	52,000.00
Public Safety Telecommunicator or Trainee	35,853.00	to	50,000.00
Relief Public Safety Telecommunicator or Trainee	16.74 hr.	to	17.33 hr.
Violations Clerk	30,567.00	to	41,000.00

POLICE PERSONNEL

Police Sergeant	86,051.00	to	92,627.00
Police Officer	44,140.00	to	85,523.00
Special Law Enforcement Officer (Class I)	7.25 hr.	to	10.00 hr.
Special Law Enforcement Officer (Class II)	11.00 hr.	to	16.00 hr.
Special Law Enforcement Officer - without Police Academy Certification	Applicable Minimum Wage Established by Department of Labor		

PUBLIC WORKS PERSONNEL

Equipment Operator	22.96	to	23.81 hr.
Supervising Equipment Operator	24.90	to	25.82 hr.
Motor Broom Driver	21.78	to	22.58 hr.
Mechanic	25.55	to	26.50 hr.
Mechanics Helper	23.28	to	24.14 hr.
Senior Mechanic/Diesel	27.24	to	28.25 hr.
Maintenance Repairer	22.24	to	23.06 hr.
Laborer	19.13	to	21.83 hr.
Supervising Laborer	22.99	to	23.84 hr.
Rec. Parks Maintenance Worker/Groundskeeper	16.80	to	17.42 hr.
Electrician	21.83	to	22.64 hr.
Sign Maker/Wood & Metal	21.38	to	22.17 hr.
Senior Groundskeeper	18.35	to	19.03 hr.
Temporary Laborers	14.85	to	15.40 hr.
Animal Control Officer	21.05	to	21.83 hr.

OTHER EMPLOYEES

Deputy Manager	2,600.00	to	3,500.00
Court Attendant	8,000.00	to	8,500.00
Township Prosecutor	18,500.00	to	20,500.00
Municipal Judge	40,000.00	to	45,000.00
Public Defender	11,000.00	to	12,000.00
Recording Secretary Planning/Zoning Board	3,500.00	to	4,000.00
Fire Subcode Official	12,000.00	to	15,000.00
Safety Coordinator	3,000.00	to	4,000.00
District Recycling Coordinator	250.00	to	500.00
Emergency Management Coordinator	6,900.00	to	8,000.00
Dep. Emergency Management Coordinator	2,000.00	to	3,000.00
Code Enforcement Officer Trainee	9.00 hr.	to	12.00 hr.
Assistant Treasurer (PT)	6,900.00	to	8,000.00
Tax Search Officer	3,000.00	to	3,500.00
Terminal Agency Coordinator	1,500.00	to	1,500.00
Animal Control (PT)	4,000.00	to	10,000.00

HOURLY EMPLOYEES

Lifeguard/Swimming Instructor	10.00	to	13.00 hr.
Recreation Aide	9.76	to	12.95 hr.
Senior Citizen Program Aide	9.76	to	12.95 hr.
Ticket Taker	7.25	to	10.00 hr.

BUREAU OF FIRE SAFETY

Fire Official	72,000.00	to	76,000.00
Fire Inspector	30,000.00	to	42,000.00
Fire Prevention Specialist (FT)	30,000.00	to	42,000.00
Fire Inspector (PT)	4,000.00	to	30,000.00
Fire Prevention Specialist (PT)	8.00	to	12.00 hr.
Fire Safety Board Members	1,000.000	Annually	

Section 2. Township employees shall receive longevity pay as follows in accordance with their years of service and pursuant to negotiated contracts. Permanent employees not included in any bargaining unit shall also receive longevity pursuant to established policy.

Section 3. Owners of private automobiles that are used for travel in connection with Township business shall be reimbursed for the use of said automobiles in accordance with the business use mileage rate established by the Internal Revenue Service in the year in which the travel occurred. All employees who do use their personal cars for Township business must furnish the Department of Revenue & Finance with a Certificate of Insurance supplied by the employees insurance agent.

Section 4. Whenever a salary range is provided in this ordinance, the Township Council pursuant to the Lower Township Administrative Code and pursuant to contract shall determine the salary of the employees involved in the range, such determination to be made on the basis of time holding the position, experience, ability and performance. The Township shall not be obligated with respect to any employee to grant an increase in any year, except as may be provided by contract.

A. The Township Clerk shall be granted the same salary increase as shall be agreed for the Township Chief Financial Officer/Treasurer, Township Tax Assessor and Township Tax Collector pursuant to contract and New Jersey State Statute.

B. Permanent managerial/confidential employees not part of any bargaining unit by nature of their position shall continue to be governed by and receive the same benefits pursuant to the union contract which governs their annual increase.

C. All other non-union personnel shall be granted such salary increases as approved by the Township Council.

Section 5. The Chief Executive Official is hereby authorized to adopt a group hospitalization plan and other insurance plans pursuant to contract and to provide that such premiums be paid the Township of Lower.

Section 6. The Township Council is hereby authorized to award overtime pay at the rate of one and one half of the regular rate, in accordance with the Federal Labor Standards Act applicable thereto, pursuant to contract for all employees.

Section 7. This ordinance shall take effect immediately upon final passage and publication according to law, retroactive to January 1, 2011.

Section 8. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Township Clerk

1st 1-11-11
2nd 2-1-11

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

ORDINANCE # 2011-02

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 345, FIRE ZONES, LANES AND AREAS, OF THE CODE OF THE TOWNSHIP OF LOWER,

BE IT ORDAINED by the Township Council of the Township of Lower, in the County of Cape May, and the State of New Jersey that Chapter 345 entitled Fire Zones, Lanes and Areas shall be amended as follows:

SECTION 1. Section 345-2 (C) shall be deleted in its entirety and replaced with the following:

PLAN REVIEW

The fees shall be as follows:

- (1) For any minor site plan \$95.00.
- (2) For any major site plan \$150.00
- (3) For any minor subdivision \$45.00.
- (4) For any major subdivision \$200.00.
- (5) For any resubmission and review, only after the initial application and one review of same has been undertaken \$60.00.

SECTION 2. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 4. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

1st 1-19-11
2nd 2-7-11

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

ORDINANCE # 2011-03

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 340, FIRE PREVENTION, OF THE CODE OF THE TOWNSHIP OF LOWER

BE IT ORDAINED by the Township Council of the Township of Lower, in the County of Cape May, and the State of New Jersey that Chapter 340, entitled Fire Prevention, shall be amended as follows:

SECTION 1. Any and all references previously made in this Chapter to N.J.A.C. 5:18 shall be amended to reference N.J.A.C. 5:70.

SECTION 2. Section 340-13 (B) Uses, 9 through 15 shall be deleted in its entirety and replaced with the following:

9. Where more than one additional use exists under one ownership at a given location, the highest use shall be registered at full fee and subsequent use at three-fourths of the scheduled fee.

Total Gross Floor Area Including Basement (square feet)	Fees
0 to 1,000	\$95.00
1,001 to 2,000	\$105.00
2,001 to 3,000	\$110.00
3,001 to 4,000	\$120.00
4,001 to 5,000	\$125.00
5,001 to 6,000	\$135.00
6,001 to 7,000	\$140.00
7,001 to 7,500	\$155.00
7,501 to 8,000	\$185.00
8,001 to 9,000	\$210.00
9,001 to 9,500	\$230.00
9,501 to 10,500	\$260.00
10,501 to 11,500	\$290.00
11,501 to 12,000	\$295.00

For each additional 1,000 square feet or more, the registration fee is an additional \$25.00.

10. Eating and drinking establishments/assembly uses with less than 50 occupants, the fee shall be one hundred (\$100.00) dollars.
11. Hotels and motels with 100 rooms or less and not defined as life hazard uses, the fee shall be one hundred fifty (\$150.00) dollars.
12. Buildings for the purpose of amusement, entertainment, recreation, strip malls, shopping centers, and health spas, which are not defined as a life hazard use, the fee shall be one hundred sixty (\$160.00) dollars.
13. The fee for multi-dwelling units with three (3) dwelling units or more shall be seventy (\$70.00) dollars, and twenty (\$20.00) dollars for each additional dwelling unit.
14. For the sale of properties, the fee shall be one hundred ten (\$110.00) dollars. This one hundred ten dollar fee shall include only the sale of property inspection applications received in the Fire Bureau office more than 10 working days from the settlement date. All sale of property inspection applications received in the Fire Bureau office with less than 10 working days to settlement, the fee shall be two hundred twenty (\$220.00) dollars. For rental properties, the fee shall be one hundred ten (\$110.00) dollars per unit. This one hundred ten (\$110.00) dollar fee shall include only the rental of property inspection applications received in the Fire Bureau office more than 10 working days from the occupancy date. All rental property inspection applications received in the Fire Bureau office with less than 10 working days to occupancy, the fee shall be two hundred twenty (\$220.00) dollars. This shall also include campground and mobile home park rental units such as, but not limited to, houses, cabins and trailers that are used for dwelling purposes. R-3 uses shall be inspected upon sale of property, and rental properties on change of tenant for yearly rentals, and prior to June 1 for seasonal rentals. The seasonal rental period shall be from June 1 through September 30 of any given year. There shall be a penalty of not less than \$250.00 and not more than \$1,200.00 for any rental property not registered and inspected as required by this ordinance. The Bureau of Fire Safety shall, upon the sale of property and occupancy of a rental property including one and two-family dwelling, conduct a fire inspection prior to settlement and/or occupancy for the purpose of:
 - (a) Establishing that the occupancy has not been changed unless the structure has been upgraded to the new use as required under the New Jersey Administrative Code 5:23-2.6(b), change of use group.
 - (b) Ensuring that the property is in compliance with the New Jersey Uniform Fire Code N.J.A.C. 5:70-4.19 and other Fire Safety requirements.
 - (c) Ensuring that the required fire extinguisher is properly located within the property and is maintained as per National Fire Protection Association standard #10.
 - (d) Ensuring that any heat-producing device is inspected and certified safe by a professional prior to the Fire Bureau inspection.
 - (e) Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.

SECTION 3. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 4. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 5. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

1st 1-19-11
3rd 2-7-11

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

ORDINANCE # 2011-04

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 3,
ADMINISTRATION OF GOVERNMENT OF THE CODE OF THE TOWNSHIP OF LOWER,

BE IT ORDAINED by the Township Council of the Township of Lower, in the County of Cape May, and the State of New Jersey that Chapter 3, Administration of Government shall be amended as follows:

SECTION 1. Article V, Office of the Township Solicitor, 3-15, Residency, shall be amended with the addition of the following at the end of the sentence *"The Township Solicitor shall maintain his or her domicile or main office in the Township of Lower."*

"however, Council may by resolution, at any time waive such residency requirement."

SECTION 2. Repeal. All other ordinances or sections of ordinances in conflict or inconsistent with this ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION 3. Severability. In the event any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional or invalid for any reason, the remaining portions of the ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION 4. Effective date. This ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

2010

TAX COLLECTOR'S ANNUAL REPORT

SUBMITTED BY: SUSAN JACKSON
TAX COLLECTOR

TOWNSHIP OF LOWER
CAPE MAY COUNTY

This report is submitted in compliance with N.J.S.A. 54:4-91---Collector's Annual Statement of Receipts.
This report is filed with the CFO/Treasurer and the Governing Body as prescribed by statute.

2010 CASH RECEIPTS

Township of Lower
Office of the Tax Collector

Receipts

Current year taxes (2010)	52,862,104.51
Prior year taxes (2009)	1,092,691.20
Future taxes (2011)	800,694.86
Arrears (2008)	2,508.74
6% Penalty	1,923.34
Bankruptcy (2008)	812.46
Bankruptcy (2007)	3,060.53
Bankruptcy (2006)	183.60
Tax Search Fees	150.00
Interest	237,815.95
Lot clearing	16,285.00
Demolition	8,913.50
Municipal Service Fees	66,720.00
Returned Check Fees	360.00
Duplicate Bills	1,305.00
MUA	181,859.29
Tax Sale Fees	9,992.63
Municipal Liens	11,068.92
Municipal Recording & Search	132.00
Trash	20,111.75

DEPOSITED COUNCIL CHECKING	55,318,693.28
TAX SALE PREMIUMS	41,200.00
OUTSIDE LIENS REDEEMED	411,679.74
TOTAL DEPOSITS	55,771,573.02
NSF Reversals	-36,249.93
TOTAL	55,735,323.09

01/11/11
12:39:05

Lower Township
Cash Receipts Totals from 01/01/10 to 12/31/10

Page No: 2

Code Description	Count	Arrears/Other	Principal			Interest	Total
			2010	2011	Future		
007 CONVERSION NSF Check	43	0.00	36,126.79-	0.04-	0.00	103.10-	36,229.93-
042 NSF CHARGE RETURNED	1	0.00	20.00-	0.00	0.00	0.00	20.00-
Tax NSF	44	0.00	36,146.79-	0.04-	0.00	103.10-	36,249.93-
Payments Total:	71310	1,687,658.07	52,946,373.01	820,806.61	0.00	316,735.33	55,771,573.02
NSF Reversals Total:	44	0.00	36,146.79-	0.04-	0.00	103.10-	36,249.93-
Total:	71354	1,687,658.07	52,910,226.22	820,806.57	0.00	316,632.23	55,735,323.09

Total Cash: 896,065.03

Total Check: 53,839,978.17

Total Credit: 999,279.89

CURRENT YEAR TAXES 2010

Current year tax levy	54,237,152.53	
Added & Omitted Taxes	<u>665,534.43</u>	
		54,902,686.96

Increased by:

Returned checks	42,254.80	
Adjustments	<u>46,701.97</u>	
		88,956.77

Decreased by:

Payments	53,690,558.12	
Transfer to lien	20,310.56	
Adjustments	<u>96,358.98</u>	
		53,807,227.66

Balance as of 12/31/10		<u>1,184,416.07</u>
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DELINQUENT TAXES 2009

Balance as of 12/31/2009		1,114,768.20
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Increased by:

Returned checks		
Adjustments	<u>11,205.06</u>	
		11,205.06

Decreased by:

Payments	1,093,743.16	
Adjustments	4,200.38	
Transferred to lien	4,036.14	
Transferred to arrears	<u>4,760.41</u>	
		1,106,740.09

Balance as of 12/31/2010		<u>19,233.17</u>
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ARREARS

Balance as of 12/31/2009		6,641.66
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Increased by:

Transfers from 2009 tax	4,760.41	
Transfers from 2010 tax	<u>2,380.21</u>	
		7,140.62

Decreased by:

Payments	<u>4,056.59</u>	
		4,056.59

Balance as of 12/31/2010		<u>9,725.69</u>
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Tax Title Liens

Balance as of 12/31/2009		109,482.63
MUA Charges	7,848.36	
Township Charges	<u>101,634.27</u>	
	109,482.63	

Increased by:

2010 taxes	20,310.56	
adjustment to lien	0.01	
Tax Sale	<u>5,400.57</u>	
		25,711.14

Decreased by:

Redemptions	<u>11,068.92</u>	
		11,068.92

Balance 12/31/10		<u>124,124.85</u>
MUA Charges	7,848.36	
Township Charges	<u>116,276.49</u>	
	124,124.85	

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

RESOLUTION # 2011-63

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

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

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

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

- (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- (5) Matters Relating to the Purchase, Lease 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.

_____ (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.

_____ (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 February 7, 2011 that an Executive Session closed to the public shall be held on this date at approximately _____ 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 February 7, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					