

RESOLUTIONS ADOPTED FEBRUARY 7 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"
- 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 & *Employment Relationship*)
- Res. #2011-64 Appointment of Fallon Associates (Investigative & Consulting Firm)

02/03/11
11:00:41

Lower Township
Bill List By Vendor Id

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 PETSMA RT 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 PETSMA RT GRANT	Open	86.00	0.00		
	11-00294	02/01/11	2010 PETSMA RT 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	LEGAL S	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*							

02/03/11
11:00:41

Lower Township
Bill List By Vendor Id

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			

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 LAWREN 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 NYSCA*	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		
G-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

 Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND	X				
AYES	X	X	X	X	X
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:

Position Name of Person Appointed
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
Claudia R. Kammer, Township Clerk

Table with 6 columns (CONRAD, SIMONSEN, DOUGLASS, LARE, BECK) and 6 rows (MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT). AYE row shows 'X' marks for all five names.

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

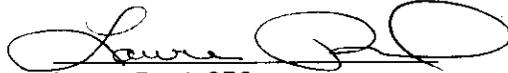
RESOLUTION #2011-47

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			X		
Second	X				
Aye	X	X	X	X	X
Nay					
Abstain					
Absent					



**Hatch Mott
MacDonald**

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

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

Eng
DLW

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

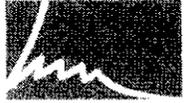
FURTHER RESOLVED, the original contract amount of \$134,500.00 shall be increased pursuant to Change Order #1 and decreased by the amount required for Hatch Mott MacDonald to perform the additional inspections necessary for the remediation of the defective work.

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					



**Hatch Mott
MacDonald**

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

January 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
Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-50

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-51

**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

Claudia R. Kammer, Township Clerk

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

Res. #2011-51

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

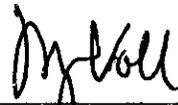
BE IT THEREFORE RESOLVED,

- 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			X		
SECOND	X				
AYE	X	X	X	X	X
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.bpu.gov/ccr/default.aspx <input checked="" type="checkbox"/> Yes (required) CAGE 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		
<input type="checkbox"/> Customer <input checked="" type="checkbox"/> Approved Contractor (Provide Information Below)		Please assign payment to contractor or other indicated below Customer Signature			

Contractor/Vendor Information (if assigning payment to contractor)

Company		Contact Name		Incorporated? <input type="checkbox"/> Yes <input type="checkbox"/> No		E-Mail Address	
Street Address		City		State		Federal Tax ID#	
				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. Yes 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. Yes 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 Yes 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. Yes 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.

New Jersey's Clean Energy Program
c/o TRC Energy Services - EECBG
900 Route 9 North, Suite 404
Woodbridge, NJ 07095

Please direct questions to 866-657-6278 X 4, or visit NJCleanEnergy.com/EECBG
or the Department of Energy Block Grant website at <http://www.eecbg.energy.gov/about/faq.html>

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

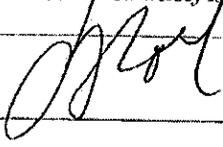
*Each eligible entity may receive no more than \$50,000 through this program. An eligible entity may submit one application requesting no more than \$50,000, or multiple applications that together request no more than \$50,000.

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. Vo11	Title Township Manager

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

RESOLUTION #2011-53

TITLE: A RESOLUTION AUTHORIZING AN APPLICATION TO THE 2011 DIRECT INSTALL PROGRAM

WHEREAS, the New Jersey's Clean Energy Program and the New Jersey Board of Public Utilities offers the Direct Install Program to offset sixty percent of the cost to install high efficiency equipment, and

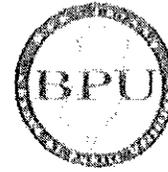
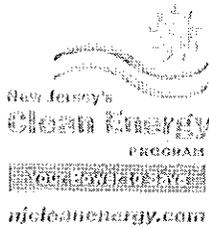
WHEREAS, Lower Township is eligible and desires to submit an application for this program, and

NOW, THEREFORE, BE IT RESOLVED, the Township Manager and the Coordinator for Federal and State Aid are hereby authorized to complete and submit an application under the Direct Install Program.

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


Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
PRESENTED			X		
SECONDED	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					



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 BECBG 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: **Township of Lower**

Company Address: **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 **4 16 51 0020 1 0**

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@SJESERVICE.COM** Contractor Assigned Project Number: **5502018**

Peak Electric Demand: **800+** 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 (NJBPUI).

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, NJSA 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.

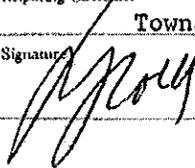
PROGRAM OFFER - The Program covers services rendered on or after January 1, 2011. Program Incentives are available to non-residential retail electric and/or gas service customers of the New Jersey Utilities.

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.

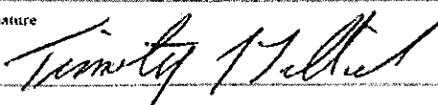
CUSTOMER ACKNOWLEDGEMENT - I have read, understood and am in compliance with all rules and regulations concerning this incentive Program. I certify that all information provided is correct to the best of my knowledge, and I give the Program Manager permission to share my records with the New Jersey Board 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

Police

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

Police

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
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-56

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.

LINE ITEM		ACCT. NUMBER	TO	FROM
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
 Claudia R. Kammer, Township Clerk

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

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-58

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-59

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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-60

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			X		
SECOND	X				
AYE	X	X	X	X	X
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

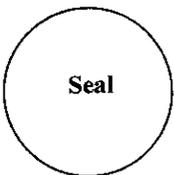
Therefore, the governing body resolves that Michael E. Beck or the successor to the office of
(print name)
Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute
(print title of authorized official)
a grant agreement with the State for a grant in an amount not less than \$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, Claudia R. Kammer, municipal clerk county clerk utilities Authority Clerk
(print name)
 (other, specify) _____ of Lower Township _____
(print Grantee's name)

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

at a meeting duly held on the 7th day of Feb. 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
(signature) *

Claudia R. Kammer
(print name)
Municipal Clerk
(print title)

Date: February 7, 2011 **

* 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 #2011-61

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
 Claudia R. Kammer, Township Clerk

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



Proposal Rates for Township of Lower Effective April 1, 2011

Transients

AFSCME Supervisor

Police

	Subgroups 01 & 11	Subgroups 02 & 22 HORIZON DENTAL	Subgroup 03 & 33
RATES		OPTION PLAN	
Single		\$48.03	
E + 1		\$83.68	
E + 2		\$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
BENEFITS	OPTION PLAN
Preventive & Diagnostic	100%
Treatment & Therapy	85%
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 April 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.

Services and products provided through Horizon Healthcare of New Jersey or Horizon Blue Cross Blue Shield of New Jersey. Each of which is an independent licensee of the Blue Cross and Blue Shield Association.

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Three Penn Plaza East, Newark, New Jersey 07105

Accepted By: *Michael Beck* Title: Mayor

Date: February 7, 2011

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
Claudia R. Kammer, Township Clerk

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

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

RESOLUTION # 2011-63

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 8:12 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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-64

TITLE: APPOINTMENT OF FALLON ASSOCIATES

WHEREAS, the Township of Lower ("Township") has a need to acquire Investigating & Consulting Services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the anticipated term of this contract is three months ; and

WHEREAS, James Fallon of Fallon Associates has submitted a proposal indicating they will provide the goods or services described hereinabove for a total price not to exceed \$15,000; and

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

Appropriation # 1-01-20-155-299 Signature [Signature]
Solicitor's OE

WHEREAS, Fallon Associates has submitted a Business Entity Disclosure Certification certifying they have not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit the from making any reportable contributions through the term of the contract and provided a Business Registration Certificate.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby appoints James Fallon of Fallon Associates and approves the attached contract for the goods and services described above.

BE IT FURTHER RESOLVED that a notice of Award of Professional Contract for the above appointment shall be published in the official Township paper.

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

[Signature]
 Claudia R. Kammer, Township Clerk

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



Major James Fallon (Ret.), New Jersey State Police
P.O. Box 315 • Sea Girt, NJ 08750-0315
Tel: 732-974-2322 • Fax: 732-974-2333 • Cell: 732-616-7204
jfallon@fallonassociates.com • www.fallonassociates.com

PROFESSIONAL SERVICES CONTRACT FOR INVESTIGATING AND CONSULTING SERVICES

This Investigating and Consulting Services Agreement ("Agreement") is entered into by and between (Township of Lower, New Jersey) (referred to as the client) and Fallon Associates, LLC (hereinafter referred to as the "Expert")

WITNESSETH:

WHEREAS, Client wishes expert to (investigate/consult) regarding (Internal Investigation of Township of Lower, N.J. Police Department employees). The (client) contracts with Fallon Associates, LLC to conduct a comprehensive (investigation/review) of (circumstances involved in the use of confidential informants by Township of Lower, N.J. Police Department members). The (investigation/consultation) shall include but not be limited to;

- a. Examination of documentation essential to the (investigation)
- b. Services as appropriate to pursue the (investigation/consultation)
- c. Interviews of witnesses
- d. Preparation of an (investigative/consulting) report detailing the conclusions and results of the comprehensive (investigation/consultation)

WHEREAS, Expert has the potential to provide (investigative/consultation) services and testimony at the trial of any subsequent litigation related to the Action as an expert witness and/or to render an expert report on behalf of the client;

NOW, THEREFORE, Client and Expert hereby agree as follows:

Compensation. Client shall compensate Expert for the services provided by him and described above at the hourly rate of \$100.00, portal to portal. This hourly rate per agent would be billed for any and all investigative/consultation activity conducted by Fallon Associates, LLC, while assisting the (client).

Investigative services and fees would typically include but not be limited to, review and preparation of any documentation and correspondence, meetings with counsel and client (s), interviews of any potential witnesses, conducting surveillances, assembling

investigative data and reports, attendance at depositions and trial, traveling to and from any and all investigative assignments and all reasonable out of pocket expenses including but not limited to mileage @ .55 per mile, telephone expenses, Dunn & Bradstreet and other types of computer generated background investigative reports, hotel lodging, meals, cabs fares, airplane tickets and any other expenses directly related to investigative travel. Additional investigators, if needed, will be billed at an hourly rate of \$100.00 per hour, with the exception of technical specialists, (computer forensic examiners, polygraph examiners, certified fraud examiners, and other technical investigators) who may bill at a higher hourly rate. Please be further advised that the State of New Jersey requires that Fallon Associates, LLC charge a 7% tax for all Investigative and Consulting Services performed by the firm, unless the client is tax exempt.

Termination. This contract may be terminated without cause by either party upon giving thirty (30) days written notice to the other party. It may be terminated immediately for cause by either party upon providing written notice to the other party.

Results. The parties expressly agree that Expert is retained to provide an independent analysis. It is understood that Expert will not be rewarded monetarily or otherwise for reaching conclusions favorable to the positions taken by the Client or for reaching any particular conclusions whatsoever.

Independent Contractor Status. Expert shall perform all services as an independent contractor and shall not be considered in any respect as an employee of the Client.

Limitations on Disclosure. Expert shall not, without the express prior written approval of the Client, either during the term of this agreement or at any time thereafter, directly or indirectly disclose or give to any person, entity, firm, corporation, or agency or political subdivision of the state or federal government, or anyone else, any information acquired in the performance of this agreement. Such work product, whether in the form of information or documents, shall constitute the work product of the Expert on behalf of the Client and shall not be disclosed to anyone. The only exception to these limitations on disclosure shall be the Expert may honor any lawful subpoena, discovery request, or court order. Any requests for such information or documents by the way of subpoena, discovery request or court order shall be immediately referred to Client by Expert prior to disclosure.

Assignment. Neither this Agreement, nor any other rights or obligations under this Agreement, shall be assigned or otherwise transferred by the Expert without the express prior consent of the Client.

Work Authorized. As an independent contractor, Expert shall be completely unfettered in the manner in which he performs his assigned tasks. The Client shall be entitled to reasonable estimates, in advance, of the time likely to be incurred in connection with the Expert's services on behalf of the Client. The total cost of work authorized in this Agreement for professional expert services shall not exceed (\$15,000.00) unless specifically agreed to in writing between both the Client and Expert.

Warranties. Expert makes no warranties or guarantees as to the outcome of the case or action and payment of his invoices shall be in no way contingent on any particular outcome. On the other hand, Expert warrants that he will use his best efforts and will perform the services rendered pursuant to this contract in a professional manner in accordance with generally accepted standards established for such work.

Equal Opportunity. The parties hereby incorporate the attached Exhibit A, "Mandatory Equal Employment Opportunity Language", into this Agreement as if fully set forth herein.

Political Contribution Disclosure. This contract has been awarded to the Expert based on the ability and expertise of the Expert. This contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:A-20.5. As such, the undersigned Expert does hereby attest that he/she will not make a contribution that is reportable pursuant to the Election Law Enforcement Commission, and N.J.S.A. 19:44A-8 or N.J.S.A. 19:44-A-16, during the term of the contract, to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate or candidate committee of any person serving in an elected public office of that municipality when the contract is awarded, or to any candidate or candidate committee who will seek such office in the municipality during the term of this contract. The required Business Entity Disclosure Certification is attached hereto in furtherance of N.J.S.A. 19:44A-1 et seq.

IN WITNESS WHEREOF, Client and Expert have executed this agreement on the dates indicated below.

Dated:

James Fallon, President
Fallon Associates, LLC

Dated:

Client

Acknowledged, accepted and agreed this ____ day of _____, 2009

BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF LOWER, NEW JERSEY

Part I - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the Fallon Associates (Investigations and Consulting), LLC has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding February 7, 2011, to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, New Jersey, as defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Michael Beck	Mayor
Kevin Lare	Deputy Mayor
Thomas Conrad	Council Member
Erik Simonsen	Council Member
Glenn Douglas	Council Member

Part II - Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
James Fallon	309 11 th Avenue, Spring Lake Heights, New Jersey 07762

Part 3 - Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Fallon Associates LLC
 Signature of Affiant: *James Fallon* Title: President
 Printed Name of Affiant: JAMES FALLON Date: 2/2/2011

Subscribed and sworn before me this ____ day of _____, 2____.

My Commission expires: _____

(Witnessed or attested by)

(Seal)

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 252
TRENTON, N J 08646-0252

TAXPAYER NAME:

FALLON ASSOCIATES LLC

TRADE NAME:

ADDRESS:

309 ELEVENTH AVENUE
SPRING LAKE HEIGHTS NJ 07762

SEQUENCE NUMBER:

1370022

EFFECTIVE DATE:

11/18/07

ISSUANCE DATE:

11/20/07



Acting Director
New Jersey Division of Revenue

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.