

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

February 23, 2011 - 7:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Proclamation - Read Across America - March 2, 2011
Presentation - Certificate of Appreciation - Smeltzer & Sons Feed & Pet Supplies

Work Session

Manager's Report
Discussion on Citizen Advisory Board Ordinance for 1st reading
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes February 7, 2011
Res. #2011-65, Payment of Vouchers, \$
Res. #2011-66, Bid Acceptance and Contract Award for Holmes Avenue Outfall Reconstruction, Contract M-4 (Channel Marine Construction, Inc. \$29,800)
Res. #2011-67, Resolution to Accept Wissahickon Avenue Between Seventh Avenue and the Cape May Canal as Suitably Improved for Development
Res. #2011-68, A Resolution Requesting Release of Performance Guarantee and Maintenance Guarantee for Lawrence A. Pray Builders, Inc.; Block 748, Lot 7, Escrow #P99-08-08; Cape May Estates, Phase I
Res. #2011-69, Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower For Engineering Services Related to Construction Observation Holmes Avenue Outfall Reconstruction (Contract \$5,600 - Observation of construction, daily construction reports, inspections and final inspection)

Regular Agenda

Res. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc. As the Provider of Emergency Medical Services in Lower Township (previously tabled)
Ord. #2011-05, An Ordinance Amending Chapter 340 of the Code of the Township of Lower to Provide for the Inspection of Fireworks Loaded Onto Barges or Vessels in the Township of Lower, 2nd rdg.
Ord. #2011-06, An Ordinance Amending Chapter 3 Administration of Government, Article VII, Section 3-41 of the Code of the Township of Lower, 1st rdg. (Change from Mayor's Adv. Board to Citizen Adv. Board, increasing members & method of appointment)

Administrative Reports

Personnel Action Report
January Reports Animal Control, Clerk, Construction, Court, Dog Licenses, Tax Collector, Vital Statistics,

Council Comments

Call to the Public

Closed Session

Res. #2011-70 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)

Adjournment

Proclamation
Read Across America - NJ
March 2, 2011

WHEREAS, the citizens of Lower Township stand firmly committed to promotion reading as the catalyst for our students' future academic success, their preparation for America's job future, and their ability to compete in a global economy; and

WHEREAS, Lower Township has provided significant leadership in the area of community involvement in the education of our youth, grounded in the principle that educational investment is the key to the community's well-being and long-term quality of life; and

WHEREAS, NEA'S **Read Across America**, a national celebration of reading, will be conducted on March 2, 2011, which would have been the 107th birthday of Theodor Seuss Geisel, better known as Dr. Seuss; and

WHEREAS, **Read Across America - NJ** is being conducted statewide by the New Jersey Education Association, in partnership with the New Jersey State League of Municipalities, the New Jersey Library Association, and their local affiliates across the state to promote reading and adult involvement in the education of our community's students:

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Council calls on the citizens of Lower Township to assure that every child is in a safe place reading together with a caring adult on March 2, 2011.

AND BE IT FURTHER RESOLVED that this body enthusiastically endorses NEA'S Read Across America and Read Across America-NJ and recommits our community to engage in programs and activities to make America's children the best readers in the world.

Michael E. Beck, Mayor

Regular & Work Session Meeting Minutes -February 7, 2011

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

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

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

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

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

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

Mayor Beck presented the Arrow of Light Certificates to Jason Long and Joshua Kampmeier and said he would see them again when they made Eagle Scouts.

WORK SESSION

Review of Consent and Regular Agenda Items

Mayor's Advisory Board

Councilmember Conrad said he had changes presented to Council which were a name change and changing to two members from each ward. He said it would be two year terms and staggering expiration dates.

Councilmember Simonsen said he had no comment because it was the first he was seeing it.

Councilmember Douglass said he was good with the changes and felt it was self explanatory.

Mayor Beck said it was a shock to him and he asked where the ordinance came from?

Councilmember Conrad said it came from a discussion at the last meeting and they approached the Solicitor to make the change.

Mayor Beck asked who knew about it?

Councilmember Conrad said he believed they all did.

Mayor Beck said they had an open meeting and at no time was a vote taken to draw up an ordinance. He asked who on Council knew the ordinance was being prepared.

Councilmember Conrad said only he did.

Mayor Beck asked who else had dialogue with the Solicitor. He said it should be removed from the agenda and done correctly.

Councilmember Conrad said how much more open did they have to be.

Mayor Beck said he and Councilmember Simonsen were reading it for the first time, it had been nineteen days since

Regular & Work Session Meeting Minutes -February 7, 2011

the last meeting and he saw it in his email two hours before the meeting. He said Council must act as a body. He felt it should be removed and put on the next agenda. He said they would get their way.

Councilmember Conrad said there was a consensus of Council to make the changes and done at an open meeting. Mayor Beck said by doing that it removed his right to argue against moving forward with the ordinance.

Mayor Beck again said it should have been done the right way and polled Council to see if they wanted to move forward.

Deputy Mayor Lare said he did poll Council at the last meeting and there was ample discussion at the last two meetings.

A brief discussion ensued on the ordinance being placed on the agenda.

Deputy Mayor Lare said he didn't speak to the Solicitor and said there were three other ordinances on the agenda and how did they get there?

Mayor Beck said certain things were on there that were discussed and it could be another department had it put on. He did agree there had been ample time and even the paper said no decision had been made. He said he wanted it moved off the consent agenda.

Councilmember Conrad referred to Resolution #2011-62 that the Mayor said he would go back and discuss it with Council and it was in the minutes if agreed it would be put on the agenda. He said it was the same thing, if he did it that was wrong, but if the Mayor did it that was fine.

Deputy Mayor Lare said they were splitting hairs, the last meeting it was discussed for about an hour. The Mayor then took a straw vote and he knew there was a consensus among Council or at least the majority.

Mayor Beck said he could infer that, but there was never a decision to reach out to the Solicitor and have him start to work on the ordinance. He again said he would like it moved off the agenda and he wouldn't vote for it. He said there was no need to rush on it.

Councilmember Douglass felt the consensus was there to move forward.

Mayor Beck said he would say what he had been say and that was they had the votes; just do it the right way and wanted it moved off the consent agenda.

Councilmember Simonsen agreed with the Mayor as far as needing more time and he was for adding people. He didn't understand some of the wording and he didn't know anything about it. He said he felt like he was put on the spot and wanted more time to do his homework.

Mayor Beck said he would like it off the agenda.

Public Questions on Consent Agenda and/or Regular Agenda Items

Joe Winters of Florida Avenue said Council should read what the Township law stated, the agenda should be ready four days prior to the meeting. He said he went to the meeting and there were others changes.

Mayor Beck said if there was a need for something, he said there had been an effort to reach out to the department heads to have their agenda items to the Clerk ahead of time.

Mr. Winters said if there were an emergency he understood that. He asked the Manager for an explanation on Resolutions 47 & 48

Manager Voll said they were requested by the engineer for additional engineering services related to the Delaware Outfall Extension project.

Councilmember Conrad said the contract used the wrong wood and it had to be replaced.

Manager Voll said the contractor would pay for the repairs.

Mayor Beck said they needed additional pilings because the pipe went from 42" to 48".

Ed Butler asked if there was any grant money allocated for the outfall work.

Colleen Crippen, Grants Coordinator said there was a pending application for additional outfalls, but those outfalls were not under grant money.

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Frank Serraco of Tampa Avenue asked why the outfall pipe on St. Johns Avenue wasn't included.

Mayor Beck said they would find out for him.

Mr. Serraco asked for an explanation of Res. #2011-52.

Colleen Crippen said the Energy Efficiency Block Grant was part of the stimulus money. She said in order to participate in the grant you had to be involved in the Direct Install Program and other programs. She further explained the program and said they would be getting thousands of dollars worth of work for about \$80,000.00.

Joe Winters asked about the ordinance pertaining to the barges and thought it was done last year.

The Clerk said it was never adopted.

Mayor Beck closed the public portion.

Consent Agenda

Approval of Minutes	January 19, 2011
Res. #2011-45	Payment of Vouchers, \$4,277,512.95
Res. #2011-46	Resolution Amending Resolution #2011-10 Entitled "Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (Change in Alt. Fund Commissioner to current Manager)
Res. #2011-47,	Resolution Approving Project Proposal Amendment Between Hatch Mott MacDonald and the Township of Lower for Additional Engineering Services Related to Delaware Bay Shore Outfall Extensions, Contract M-3 (\$5,000 increase to original contract for additional inspections which will be paid for by the contractor)
Res. #2011-48,	Approval of Change Order #1, Delaware Bay Shore Outfalls, Contract M-3 (\$6,000 for removal and replacement of six additional piles)
Res. #2011-49,	Appointing Contact Person for the Employment Practices Liability Helpline Atlantic County Municipal Joint Insurance Fund (Authorizing Manager & Clerk as contact persons)
Res. #2011-50,	Renewal of Trailer Park Licenses for the Year 2011 (Annual renewal 5 Trailer Park Licenses)
Res. #2011-51,	A Resolution Requesting Release of Demolition Bond for Block 289, Lot 20, 141 Woodland Avenue, Villas, NJ 08251 (Project completed, \$3000 bond to be released)
Res. #2011-52,	Submission of an Energy Efficiency and Conservation Block Grant Application, \$50,000
Res. #2011-53,	A Resolution Authorizing an Application to the 2011 Direct Install Program
Res. #2011-54,	Issuance of 2011 Limousine, Taxi & Operator's Licenses (Annual renewal)
Res. #2011-55,	Approval of 2011 Rotary Towing Licenses (Annual renewal of 7 vendors, used for Police towing)
Res. #2011-56,	Transfer of Appropriations, \$5,100.00 (From Fire Safety, Assessor, Planning & BOCA OE to Salary & Wage Line for each)
Res. #2011-57,	Authorization for Refund of Taxes (3 properties - 2 received veteran's deduction & 1 duplicate payment)

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- Res. #2011-58, Resolution Supporting Continued Open Space "PILOT" Funding (Payment in Lieu of Taxes program)
- Res. #2011-59, Grant Agreement , PF11-065 Between Lower Township and the State of New Jersey Department of Environmental Protection (\$3,000 Community Forestry Management Plan)
- Res. #2011-60, Resolution Requesting the NJ DOT Continue the Northbound No Passing Zone on Route 9 South to Cold Spring Village
- Res. #2011-61, Resolution Approving contract with Blue Cross/Blue Shield Dental for Extraordinary Unspecifiable Services (2 yr. Contract for employee dental insurance - change in carrier for a cost savings of \$9,337.44)
- Res. #2011-62, A Resolution Supporting SCR60 A Concurrent Resolution Memorializing the Congress and President of the United States to Enact H.R.2429, the "Consumer Price Index for Elderly Consumers Act of 2009"
- Ord. #2011-05, An Ordinance Amending Chapter 340 of the Code of the Township of Lower to Provide for the Inspection of Fireworks Loaded Onto Barges or Vessels In the Township of Lower, 1st rdg. (2nd rdg. Feb. 23)
- Ord. #2011-06, An Ordinance of the Township of Lower Amending Chapter III Administration of Government Article VII, Section 3-41 of the Code of the Township of Lower (2nd rdg. Feb. 23) **TABLED**

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

Regular Agenda

Ord. #2011-01 Salary and Benefit Ordinance for the Township of Lower, 2nd rdg. (Annual ordinances establishing salary ranges, longevity, reimbursement for use of private cars, benefits etc.) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Joe Winters asked about non-union Police Personnel and the Chief's salary was \$11,000.00 more than the prior ordinance. He said they were asking the people in the Township to take cuts and hold down the salaries.

He mentioned he wanted the Director of Personnel removed from the ordinance since the Manager was supposed to be the Director of Personnel.

Mayor Beck said it didn't cost to sit there.

Councilmember Conrad said if it was taken off it couldn't be filled.

The Clerk said the person holding the title was still on the payroll.

Mayor Beck closed the public portion.

Councilmember Conrad motioned to adopt the resolution, seconded by Councilmember Simonsen. The resolution

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was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

Ord. #2011-02, An Ordinance of the Township fo Lower Amending Chapter 345, Fire Zones, Lanes and Areas, of the Code of The Township of Lower, (Increase in for Plan Review by Fire Safety Bureau) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

There were no comments.

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

Ord. #2011-03, An Ordinance of the Township of Lower Amending Chapter 340, Fire Prevention, of the Code of the Township of Lower, (Increase in fees for fire inspection by Fire Safety Bureau) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

There were no comments.

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

Ord. #2011-04, An Ordinance of the Township of Lower Amending Chapter 3, Administration of Government, of the Code of the Township of Lower, (Amendment to Section 3-15 which permits Council to waive requirement that Solicitor maintain an office or residence in the Township) was presented for second reading and final adoption.

The Clerk announced the ordinance was posted and published to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Joe Winters said he had a problem with Council appointing a Solicitor instead of changing the ordinance first prior to appointing him according to Township law. He said the code books were available at the library and Township building for them to read.

Solicitor Donohue said he had gone over the provisions that dealt with appointment of non residents and a one year time limit to comply and within the Township ordinances there was an exception to the residency requirement for anyone who held a state certificate.

Mr. Winters asked why was it Township law.

Solicitor Donohue said he didn't know, he said most of the residency ordinances went back generations to when towns were much smaller.

Mr. Winters said they violated the laws they passed.

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Mayor Beck said it looked like that on paper but there was another section in the ordinance that exempted him from that. He felt it was settled and they were going to move ahead. He said the ordinance needed to be clarified so they don't keep going over it. He said Mr. Winters point was well taken.

Mayor Beck closed the public portion.

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

Ord. #2011-06, An Ordinance of the Township of Lower Amending Chapter III Administration of Government Article VII, Section 3-41 of the Code of the Township of Lower (2nd rdg. Feb. 23)

Deputy Mayor Lare said in a effort to satisfy everyone he offered to table the ordinance, seconded by Councilmember Conrad.

Councilmember Conrad asked if they had a consensus to put it on for the next meeting.

Deputy Mayor Lare said he wanted to amend his motion that it was tabled that night and put on the agenda for the next meeting. He asked how to handle changes to the ordinance.

Solicitor Donohue asked if it was Council's policy that no ordinance be put on the agenda before a vote was taken. Deputy Mayor Lare said "no".

Mayor Beck said there were a couple issue with it. He said the ordinance was received a couple hours before the meeting and the second issue was there was a long discussion at the last meeting and ample opportunity and clarification. He said the Solicitor needed clear direction from Council as to what they wanted.

Solicitor Donohue said assuming the ordinance was on the agenda as it was, a member of Council could suggest some changes after it had a motion and second it could move forward with the amendments to it. He said it could be done from the dias and sometime it could be complicated, but it could be done.

Deputy Mayor Lare wanted to motion to table it an reintroduce it next meeting with any changes taken place at the next meeting.

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

Mayor Beck said the "no" part was the reintroducing it next meeting, the tabling part was he just wanted it to go away.

Councilmember Simonsen said the ordinance should be worked out ahead of time and not brought up there and wasting people time by arguing about it. He felt they should rework it between now and the next meeting.

Solicitor Donohue said Council had to be careful of not having an unofficial meeting where three of them were discussing business. He said they could send their changes to him and he could draft something up.

Mayor Beck said it could be done at a work session and at the end of it they take a vote to more forward or not.

Deputy Mayor Lare said the inference that Councilmember Conrad violated the law was patently dishonest. He said things in the proposal were discussed last month. He said he took objection to him inferring he did anything wrong.

Mayor Beck said he didn't think anyone inferred he broke any laws. He said there was ample time to take a vote and it was never taken. He said there was no direction given to the Solicitor to draw up any kind of ordinance. He said there had been nineteen days since the last meeting and why did he get the copy two hours before the meeting.

Councilmember Conrad said he would take the blame for it.

Deputy Mayor Lare asked if the anyone had the email the Solicitor had sent that day.

Mayor Beck said to Deputy Mayor Lare he would point out anytime he felt something had gone wrong in the building.

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Councilmember Conrad said that was his opinion, he sent something to the Solicitor two weeks ago and it was sent to the wrong email and it didn't get to him in time. He had wanted it on the consent agenda last Thursday and it was his fault.

Mayor Beck said if it was something that was an emergency or something relevant that would be alright. He said he spent a lot of time preparing for the meetings and to receive the ordinance two hours ahead wasn't enough time to compare to the old ordinance. He said he would never give up his right to fight.

Administrative Reports

Department Reports 2010 YE Tax Collector

Manager Voll gave his Manager's Report and said the road construction from Weber to Miami Avenues which was a County project would be starting soon and the utilities would be put in first before the paving. He said the work on Seashore between Breakwater and Route 9 also Tabernacle and Seashore Rds. had been started and should be completed by July 2012. He said Sally Marshall Crossing and Bennetts Crossing would be closed.

Manager Voll said Court days would be moved from Tuesday to Thursday. He said Lower Township's population was now 22,866 up 1,317 residents over the 2000 Census.

Council Comments

Councilmember Conrad said Mike Force had earned his Eagle Scout Award and he was a local resident. Councilmember Simonsen congratulated the LCMR Wrestling Team who at the moment was wrestling against Buena. He also congratulated the Jersey Cape Shore Thing a dance group who made it on national TV. He said they did a great job and commended the parents, kids, coaches and all others who gave their support to the group.

Councilmember Douglass said it was great to see the project on Seashore and Tabernacle Rds. begin and he asked the people to be patient with the traffic changes as it would take care of the bad intersections at the crossings.

Mayor Beck said he had been at Conifer Village for the dedication and what a great development it was.

Call to the Public

Mayor's Advisory Board

Ed Butler said he was concerned about what had been happening over the MAB. He said they did violate Township law regarding the agenda changes. He said it would be nice for transparency and open government to let the residents come and speak about it. He said it wasn't a good thing, they weren't showing unity and it was going to ruin the Township and the taxpayers were paying the freight. He said he spoke for himself and a lot of other residents in the Township.

Township Budget

Mr. Butler also commented that no one even mentioned the budget.

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Mayor Beck said they had been working hard on the budget.

Mr. Butler asked what the shortfall was?

Deputy Mayor Lare said they didn't have the state figures yet.

Councilmember Simonsen said they couldn't give any figures until they receive the state aid figure from the state.

Open Public Meetings Act

Mr. Winters asked if using email or computers violate the OPMA.

Mayor Beck said if three people were together discussing an issue or have a meeting it was a violation.

Solicitor Donohue said a law was being developed that the same rules applied as meeting in person or by phone and email.

South Jersey Gas Company

Mr. Winters asked if the Township received money from South Jersey Gas for putting in the gas mains.

Mayor Beck said he would find out.

Mr. Winters said they never sealed around the openings.

Ponder Lodge

Mr. Winters asked for an update on Ponder Lodge.

Mayor Beck said they accepted a bid to start tearing down the buildings.

Councilmember Douglass said it was projected for the work to begin around March.

Manager Voll said the first bid was thrown out.

Ponder Lodge Wetlands

Steve Sheftz of Town Bank said last week Barbara Skinner of Cape May wrote a letter to the editor in the Herald about creating wetlands at Ponder Lodge so land could be developed in Cape May. He said they should be very opposed to it and people should be vocal about it. He said many people here had wetland and couldn't build. He said back in 1950 Cape May's population was 3,709 and the Township's was 2,739. He said in 1980 Cape May's population reach 4,853 they grew 1,100 but in that time frame Lower Township grew 15,000 to 17,105. He said in 2000 Cape May was at 4,034 and Lower Township was at 22,945 and this year there was a reduction in our population to 22,866.

Mr. Sheftz said Cape May had more houses than residents and they were people who had great wealth. He showed a chart going back a few years showing the PCI and school taxes. He said the Township could not afford to take on more poor people and more children without some sort of relief. He said taxes should be based on the ability to pay.

Councilmember Douglass said Mrs. Skinner came in to see him and was going to check into the issue with Cape May.

Mr. Sheftz said many people in the area of Ponder Lodge were having trouble with flooding as it was.

Mayor Beck said they were working on the Cox Hall Creek project to alleviate the flooding.

Councilmember Conrad said he spoke to Lee Widgeskog and he said the project wasn't approved yet.

Mayor Beck said they did express their concerns to him when they met.

Council Meeting

Dan Anderson said he was upset from the things that transpired from the meeting in January that he had been a republican for 47 years and he was no longer a republican or a democrat he said he hoped they learned from their mistakes.

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Lee Marcott of Beach Drive said he paid \$9,000.00 in real estate taxes and was upset to see Council going in two different directions.

Closed Session

Res. #2011-63 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.
(Matters related to Collective Bargaining & Purchase, Lease & Acquisition of Real Property)

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

Open Session

Res. #2011-64 Appointment of Fallon Associates (Investigative and Consulting Firm)
Councilmember Conrad motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck "yes".

Council returned to open session and there being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 9:12 p.m.

Mayor

Township Clerk

Approved: February 23, 2011

02/17/11
09:27:26

Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-00367	02/08/11	TNR AND SPAY/NEUTER PROGRAM	Open	340.00	0.00			
11-00369	02/08/11	2010 PETSMART GRANT	Open	86.00	0.00			
11-00429	02/16/11	TNR AND SPAY/NEUTER PROGRAM	Open	370.00	0.00			

					796.00			
00640	CAPE MAY COUNTY CLERKS OFFICE							
11-00200	01/24/11	CANCEL TAX SALE CERTIFICATE	Open	20.00	0.00			
00651	MUNICIPAL UTIL AUTH DUMP FEES							
11-00417	02/15/11	TIPPING FEES-JAN. 2011	Open	57,524.68	0.00			
00739	CAPE MAY VETERINARY HOSPITAL							
11-00418	02/15/11	TNR PROGRAM	Open	40.00	0.00			
00772	CAPE VETERINARY HOSPITAL							
11-00340	02/04/11	STRAY SPAY/NEUTER PROGRAM	Open	45.00	0.00			
00784	CAPE MAY STAR & WAVE							
11-00419	02/15/11	LEGALS	Open	50.84	0.00			
00807	CDW-GOVERNMENT INC*							
11-00040	01/07/11	SCANNERS - TAX OFFICE	Open	583.72	0.00			
00820	COMCAST OF WILDWOOD* DPW							
11-00349	02/04/11	INTERNET PROVIDER/DPW	Open	95.11	0.00			
00825	COMCAST*							
11-00356	02/08/11	INTERNET ACCESS - TOWNHALL	Open	95.11	0.00			
11-00408	02/14/11	MONTHLY INTERNET ACCESS	Open	60.02	0.00			

					155.13			
01110	COLLEEN CRIPPEN							
11-00373	02/08/11	REIMB HOSTWAY WEBSITE CHARGE	Open	239.40	0.00			
01130	GAYLE HADLEY							
11-00379	02/09/11	ZUMBA INSTRUCTOR	Open	165.00	0.00			
01170	VERIZON WIRELESS* F/S							
11-00370	02/08/11	CELL SVC. FIRE SAFETY	Open	79.14	0.00			
01171	VERIZON WIRELESS - TOWNHALL							
11-00309	02/03/11	CELL PHONE SVC12/24/10-1/23/11	Open	1,449.27	0.00			
01267	EDWARD DONOHUE							
11-00431	02/16/11	REIMBERSMENT	Open	20.00	0.00			
01340	EAGLE POINT GUN*							
10-01300	05/27/10	AMUNITION	Open	7,087.43	0.00			
01399	ENFORSYS POLICE SYSTEMS INC*							
10-01715	07/02/10	DISPATCH COMPUTER MAINT	Open	2,475.20	0.00			

02/17/11
09:27:26

Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00069	01/07/11	PARTS FOR DPS VEHICLES	Open	891.86	0.00		
02200 KOHLER'S AUTO GLASS*	11-00187	01/21/11	WINDSHIELD FOR M5/DPW	Open	245.00	0.00		
02223 LANDSMAN UNIFORMS*	10-02335	09/15/10	UNIFORMS	Open	542.50	0.00		
02247 LAWSON PRODUCTS, INC.*	11-00075	01/07/11	SUPPLIES FOR GARAGE/DPW	Open	1,104.92	0.00		
02248 LAWMEN SUPPLY*	10-03094	12/01/10	OUTTER VEST CARRIERS	Open	264.00	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN	11-00433	02/16/11	SCHOOL TAX DUE 3/01/11	Open	1,437,188.90	0.00		
02334 LOWER TWP CHAMBER OF COMMERCE	11-00372	02/08/11	LUNCHEON 2/10/11	Open	30.00	0.00		
02402 MGL PRINTING SOLUTIONS	11-00042	01/07/11	#10 WINDOW ENVELOPES - TAX COL	Open	315.00	0.00		
02417 MAGELLAN HILL TECHNOLOGIES*	11-00393	02/10/11	PHONE SERVICE - FEBRUARY	Open	3,030.10	0.00		
02541 ROBERT D. MARTIN, JR	11-00391	02/10/11	CONTRACTUAL REIMBURSEMENTS	Open	39.30	0.00		
02714 MITCHELL HUMPREY*	11-00218	01/25/11	MAINT FEE - 2/1/11 - 1/31/2012	Open	3,655.00	0.00		
02947 DONALD MURPHY	11-00352	02/07/11	OVER 65 MED FUND 1/10-12/10	Open	720.00	0.00		
03285 PARA PLUS TRANSLATIONS, INC.*	11-00130	01/12/11	TRANSLATOR	Open	186.00	0.00		
03305 PEDRONI FUEL*	11-00284	01/31/11	FUEL OIL - MILLMAN CTR	Open	3,753.58	0.00		
	11-00348	02/04/11	NO LEAD GAS/DPW 1/28/11	Open	445.25	0.00		
					----- 4,198.83			
03366 AMERI-GAS*	11-00382	02/09/11	PROPANE FOR BENNETTS	Open	417.42	0.00		
03435 PUBLIC ENGINES INC*	11-00078	01/07/11	2011 MAINT. CONTRACT	Open	1,188.00	0.00		
03453 QUILL CORPORATION*	11-00183	01/21/11	CUSTOM CUT SHEET PAPER	Open	116.90	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03465 R&R ELECTRONICS, INC.*	11-00261	01/26/11	RADAR MAINT. CONTRACT 2011	Open	3,510.21	0.00		
03466 R & R SPECIALTIES	11-00296	02/01/11	REPLACEMENT NAME PLATE	Open	10.00	0.00		
03518 RIGGINS, INC.*	11-00350	02/04/11	OFF-HIGHWAY DIESEL/DPW	Open	957.60	0.00		
03552 THOMAS PLANNING ASSOCIATES, LLC	09-03074	11/10/09	COAH	Open	72.50	0.00		B
03814 UNIVERSAL COMPUTING SERV., INC*	11-00128	01/12/11	NOTICES	Open	353.70	0.00		
03920 RAYMOND GARRISON	11-00451	02/16/11	CONTRACTUAL REIMBURSEMENT	Open	255.60	0.00		
03953 VESPIA TIRE CENTERS, INC.*	11-00073	01/07/11	TIRES FOR DPS VEHICLES/DPW	Open	827.89	0.00		
03960 VECTOR SECURITY*	11-00260	01/26/11	LOCKS AT COURT - FIRE BUREAU	Open	179.00	0.00		
03971 VERIZON WIRELESS	11-00329	02/03/11	MDT MAINT	Open	534.14	0.00		
03985 VILLAS NAPA AUTO PARTS	11-00067	01/07/11	PARTS FOR RDS/SANT/RECY/DPS	Open	2,520.59	0.00		
03992 VAL-U AUTO PARTS LLC*	11-00064	01/07/11	PARTS FOR RDS/SANT/RECY/DPW	Open	2,554.52	0.00		
	11-00205	01/24/11	PARTS FOR AIR COMPRESSOR	Open	2,760.00	0.00		

					5,314.52			
03995 VITAL COMMUNICATIONS, INC.*	11-00371	02/08/11	ASSESSMENT NOTICES	Open	2,614.71	0.00		
04039 TIMOTHY WHITTINGTON	11-00400	02/14/11	uniform	Open	40.00	0.00		
04075 BARBER CONSULTING SERVICES LLC	11-00416	02/15/11	PLANNING SWITCH	Open	89.99	0.00		
04085 CHRISTOPHER WINTER	11-00396	02/14/11	CONTRACTUAL REIMBURSEMENTS	Open	29.00	0.00		
	11-00428	02/16/11	CONTRACTUAL REIMBURSEMENTS	Open	5.00	0.00		

					34.00			
04097 CINTAS FIRST AID AND SAFETY*	11-00072	01/07/11	FIRST AID KIT SUPPLIES/DPW	Open	208.88	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04218 CAPE MAY PAL	11-00144	01/13/11	DONATION - ALS BASKETBALL TOUR	Open	150.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	11-00378	02/09/11	STATE DOG LICENSE FEE JAN,2011	Open	1,024.20	0.00		
04300 W B MASON CO INC*	11-00084	01/07/11	HP 96 BLACK INK CARTRIDGES	Open	259.93	0.00		
04301 SEASHORE ASPHALT CORPORATION*	11-00223	01/25/11	ASPHALT - NOV/DEC, 2010	Open	178.52	0.00		
04356 AMERICAN SOLUTIONS BUSINESS*	10-02990	11/19/10	TAX REMINDER STICKERS	Open	59.80	0.00		
	10-03278	12/22/10	PURCHASE ORDERS PER QUOTE	Open	686.64	0.00		

					746.44			
AMENH TOM AMENHAUSER	11-00425	02/16/11	BASKETBALL REFEREE FEES	Open	80.00	0.00		
BASILE FRANK BASILE	11-00423	02/16/11	VARSITY BASKETBALL REFEREE	Open	40.00	0.00		
BOSNA KAREN MANETTE BOSNA	11-00339	02/04/11	YOGA CLASS INSTRUCTOR	Open	75.00	0.00		
	11-00422	02/16/11	YOGA INSTRUCTOR	Open	50.00	0.00		

					125.00			
BRITB BRUCE BRITTON	11-00426	02/16/11	BASKETBALL REFEREE FEES	Open	80.00	0.00		
OBRIENH HARLEY & DEBORAH OBRIEN	11-00410	02/14/11	JUDO REFUND FOR HARLEY	Open	40.00	0.00		
PERLIS JOE PERLIS	11-00424	02/16/11	VARSITY BASKETBALL REFEREE	Open	40.00	0.00		
SAUNDERS ROBERT & JENNIFER SAUNDERS	11-00409	02/14/11	BASKETBALL REFUND FOR JALEN	Open	15.00	0.00		
SEAGE SEAGEAR MARINE SUPPLY*	11-00235	01/26/11	SUPPLIES FOR RDS/DPW	Open	368.74	0.00		
Total Purchase Orders: 106					Total P.O. Line Items: 244	Total List Amount: 1,595,718.94	Total Void Amount: 0.00	

** Check # 44337 replaccd voided check # 44274 for \$1,166,160.70 to Lower Regional School District.

I hereby certify the foregoing to be a resolution adopted by the Township Council on Feb. 23, 2011.

Claudia R. Kammer, Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-66

TITLE: BID ACCEPTANCE AND CONTRACT AWARD FOR HOLMES AVENUE
OUTFALL RECONSTRUCTION, CONTRACT M-4

WHEREAS, the Notice to Bidders for Holmes Avenue Outfall Reconstruction, Contract M-4 was advertised on January 26, 2011 and bids were accepted on February 8, 2011 at 10:00 a.m., and

WHEREAS, two proposals were submitted and reviewed by the Engineer, the Public Works Manager and the QPA, and

WHEREAS, the lowest bidder has complied with the specifications and supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation Ord. #2010-09, C-04-55-398-110

CFO Signature _____

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

AWARD TO: CHANNEL MARINE CONSTRUCTION, INC.

TOTAL: \$29,800.00

BE IT FURTHER RESOLVED, upon approval of the resolution and execution of the contract, the bid bonds shall be returned to the unsuccessful bidders.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on February 23, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



Hatch Mott MacDonald

Hatch Mott MacDonald

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

February 8, 2011

Via Email (mvoll@townshipoflower.org) & 1st Class Mail

Michael J. Voll, Township Manager
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Report on Bids
Holmes Avenue Outfall Reconstruction, Contract M-4
Township of Lower, Cape May County
HMM No. 288796**

Dear Mr. Voll:

On February 8, 2011 at 10:00 A.M. sealed bids were received for the above referenced project. Two (2) contractors picked up bid documents during the bidding period, all of which submitted bids for the project. The bids are summarized below from the lowest to highest bid.

Bidder's Name	Bid Amount
Channel Marine Construction, Inc.	\$29,800.00
R.A. Walters & Son, Inc.	\$38,000.00

The close range of the bids indicate that the bid was competitive, and that the low bid is favorable to the Township. Therefore, subject to the availability of Township funds and a review of the bid/contract documents by the Township Purchasing Agent, we recommend the Township award the contract to Channel Marine Construction, Inc. of Clermont, New Jersey, for the amount of **\$29,800.00**.

We recommend that the contract be awarded at the February 23, 2011 Council Meeting in order to meet the proposed construction schedule. Should you have any questions or require additional information, please feel free to contact our 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): Claudia R. Kammer
Margaret A. Vitelli, RPPS, QPA
Gary Douglass, CPWM
Steven C. Morey, CEP

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

RESOLUTION # 2011-67

TITLE: RESOLUTION TO ACCEPT WISSAHICKON AVENUE BETWEEN SEVENTH AVENUE AND THE CAPE MAY CANAL AS SUITABLY IMPROVED FOR DEVELOPMENT

WHEREAS, the Township of Lower has received a request from the owner of a property on Wissahickon Avenue, more specifically known as Block 771, Lots 33 through 38, for the Township to accept Wissahickon Avenue between Seventh Avenue and the Cape May Canal and to certify such as suitably improved for development pursuant to N.J.S.A. 40:55D-35;

WHEREAS, although the portion of Wissahickon Avenue between Seventh Avenue and the Cape May Canal is currently an unimproved street, it has been reviewed by the Lower Township Bureau of Fire Safety which has determined that such street is acceptable for fire service as an accessible street for the properties it serves;

WHEREAS, the Township of Lower Director of Planning, Zoning and Code Enforcement has also determined that such unimproved street satisfies the conditions for development set forth in N.J.S.A. 40:55D-35;

WHEREAS, the Township Council of the Township of Lower therefore desires to certify Wissahickon Avenue between Seventh Avenue and the Cape May Canal as being suitably improved to its satisfaction as adequate in respect to the public health, safety and general welfare in accordance with N.J.S.A. 55D-35.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Wissahickon Avenue between Seventh Avenue and the Cape May Canal, which is an unimproved street, is hereby certified as being suitably improved and adequate in respect to public health, safety and general welfare in accordance with N.J.S.A. 40:55D-35.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on February 23, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



BUREAU OF FIRE SAFETY - TOWNSHIP OF LOWER

Public Safety Building
1389 Langley Road
Cape May County Airport
Phone: (609) 889-0404
Fax: (609) 889-8876

Mailing Address:
407 Breakwater Road
Erma, NJ 08204

February 9, 2011

To: Michael Voll, Township Manager

From: David Perry, Fire Official

C: Chief Megonigal

Re: Wissahickon Avenue by Seventh Avenue

On Friday, February 4, 2011, I conducted a site inspection of the section of Wissahickon Avenue by Seventh Avenue to evaluate the site improvements requested by this office on August 18, 2010. On Wednesday, February 9, 2011, Fire Chief Lewis Megonigal of the Town Bank Volunteer Fire Company also made a site inspection Wissahickon Avenue, by Seventh Avenue.

In my opinion, all of the requested site improvements made by this office on August 18, 2010 have been met and this site presently meets the requirements of a Fire Apparatus Access Road.

Attached please find photographs that I had taken on February 4, 2011 of the roadway in question



04/02/2011

MEMORANDUM

To: Michael Voll, Manager
From: Gary Douglass, CPWM
Date: February 17, 2011
Subject: Wissahickon Avenue between 7th and Cape May Canal

Please be advised the above portion of Wissahickon Avenue is now acceptable for trash and recycling collection.

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

RESOLUTION #2011-68

TITLE: A resolution requesting RELEASE of Performance Guarantee and Maintenance Guarantee for Lawrence A. Pray Builders, Inc.; Block 748, Lot 7, Escrow #P99-08-08; Cape May Estates, Phase I

WHEREAS, Lawrence A. Pray Builders, Inc. posted a Performance Guarantee with the Township of Lower, in the amount of \$33,600.00; and

WHEREAS, the Township Engineer has recommended that the Performance & Maintenance Guarantee be released in his February 7, 2011 correspondence, attached; and

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

I hereby certify this is the original resolution adopted by the Township Council at the meeting of February 23, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: February 15, 2011

RE: Performance & Maintenance Guarantee Release
Cape May Estates, Phase I subdivision
Block 748, Lot 7
Resolution # 2011-69

The Land Development Ordinance of the Township of Lower, Chapter, XVI, Subsection 400-81E, requires that, "The governing body shall by resolution, release or declare in default each Performance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution # 2011-69 is required to **release** the Performance Guarantee and Maintenance Guarantee held in trust by the Township of Lower for Cape May Estates, Phase I, Block 748, Lot 7. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends complete **release** of the retained \$33,600.00.

The inspection and construction costs of the bonded improvements have been paid for by the developer. All mandated improvements must be completed for the project's final approval.

cc: financial file



**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 7, 2011

Mr. William J. Galestok, PP, AICP
Lower Township Planning Director
2600 Bayshore Road
Villas, NJ 08251

**RE: Cape May Estates Subdivision – Phase I
Lower Township, Cape May County
HMM Project No. 284694.CM.10**

Dear Mr. Galestok:

Per your request, we have reviewed the plans and correspondence provided by the applicant in support of his request to release the performance guarantee for Phase I of the above referenced project.

Phase I was to consist of the construction of seepage pits to handle stormwater for the eight (8) proposed Phase I lots. The applicant provided the attached Lower Township Planning Board Resolution No 02-16, which states that the Phase I drainage system was to be an interim measure to account for the possibility of the overall Phase II drainage system not being built. However, as you are aware, the Phase II drainage system was built in accordance with the Phase II Planning Board approval. Therefore, Hatch Mott MacDonald recommends that the performance bond for Phase I of the project be released. Furthermore, there is no need to establish a maintenance bond for this project since it was never constructed.

Should you have any questions or require additional information, please feel free to contact our 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

MRS/trt
encl.

cc: Gary Playford, Construction Official
Lisa Schubert, Planning & Zoning Clerk
Lawrence A. Pray, Lawrence A. Pray Builders
Richard E. Oberman, Jr., PE
Thomas R. Thornton, PE, CME, Planning Board Engineer
Bernard W. Kirkland, Hatch Mott MacDonald

Sub 1199

RESOLUTION NO. 02-16

**FINDINGS AND CONCLUSIONS OF
THE LOWER TOWNSHIP
PLANNING BOARD**

WHEREAS, George Ewing has applied to the Lower Township Planning Board for a final major subdivision of Phase I for the creation of eight (8) newly described lots plus the remainder lot to be known as Bayshore and New England Roads, for the property known and identified as Block 748, Lot 7, as such appears on the Lower Township Tax Map and which property is situated in the R-1 District; and

WHEREAS, a hearing on this Application was held before the Lower Township Planning Board on March 21, 2002 at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

WHEREAS, the Planning Board, after carefully considering the evidence presented by Applicant and all interested parties, has made the following factual findings and conclusions:

1. The Applicant has received preliminary major subdivision approval for 24 lots.

WHEREAS, the Planning Board has determined that the requested final major subdivision of Phase I approval for the creation of eight (8) newly described lots plus the remainder lot should be granted for the following reasons:

1. All terms and conditions of preliminary major subdivision approval for the lots in Phase I have been met.

NOW, THEREFORE, BE IT RESOLVED by the Lower Township Planning Board that the requested final major subdivision of Phase I for the creation of eight (8) newly described lots plus the remainder lot be and is hereby granted subject, however, to the following conditions:

1. Compliance with Board Engineer's Comment C.1. to provide final lot grading and drainage plan per Ordinance requirement 16-9.2.c.3.t on page 1756.
2. Compliance with Board Engineer's Comment C.3. that the 8 lots on this proposed final subdivision (7.01, 7.03, 7.04, 7.05, 7.08, 7.11, 7.12 and 7.13) must be designed to take care of drainage now to provide for the possibility that the entire drainage system may not be built.
3. Compliance with Board Engineer's Comment D.1. to make any required revisions to the plan.
4. Compliance with Board Engineer's Comment D.2. that the Board Solicitor is to review Homeowners Association documents.

5. Compliance with Board Engineer's Comment D.3. to install monuments per the Map Filing Law.

6. Compliance with Board Engineer's Comment D.4. to provide performance guarantee estimates.

7. Compliance with Board Engineer's Comment D.5. to post performance guarantee and inspection escrow before any construction.

8. Compliance with Board Engineer's Comment D.6. that any other approvals that may be required.

Dated: 4/18/02


WILLIAM J. GALESTOK, SECRETARY
TOWNSHIP OF LOWER PLANNING BOARD

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

RESOLUTION #2011-09

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

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

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to Construction Observation for the Holmes Avenue Outfall Reconstruction which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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

Lauren Read, CFO C-04-55-384-106, Ord. 2005-13 Account

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

- 1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, in the form attached hereto as EXHIBIT A, for a total amount of \$\$5,600 is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on February 23, 2011.

Claudia R. Kammer, Township Clerk

Table with 6 columns (CONRAD, SIMONSEN, DOUGLASS, LARE, BECK) and 6 rows (MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT).



Hatch Mott
MacDonald

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

February 11, 2011
Via email: mvoll@townshipoflower.org & 1st Class Mail

Mr. Michael J. Voll, Township Manager
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**RE: Professional Engineering Services Proposal
Holmes Avenue Outfall Reconstruction, Contract M-4
Township of Lower, Cape May County**

Dear Mr. Voll:

Please find enclosed herewith our proposal to complete the construction observation services for the Holmes Avenue Outfall Reconstruction project. HMM will provide the following services:

- Perform observation of the construction to be performed by the Contractor (i.e., demolition of existing structures, installation of piles and attachment of the lower horizontal cradles to the piles);
- Prepare daily construction reports and final punchlist; and
- Perform final inspection and project closeout services.

The contract period for the publicly bid portion of the outfall reconstruction project is 36 calendar days. During this time period we estimate that full-time observation of the Contractor's activities will be required for approximately eight (8) days or 64 hours. Based on this time period and our current rate schedule, we anticipate a **budget of \$5,600** will be required for construction observation purposes.

Compensation for construction observation shall be based upon a reimbursable method of compensation for the actual time required and at the hourly rates for the individual(s) employed in accordance with our current rate schedule. We thank you for the opportunity to provide this scope of work for the Construction Observation services for the Holmes Avenue Outfall Reconstruction project. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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

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

cc (via Email): Claudia R. Kammer
Margaret A. Vitelli, RPPS, QPA
Gary Douglass, CPWM
Robert C. Mainberger, PE, CME, HMM (File: 287118CM10-III-3)

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

RESOLUTION NO. 2011-43

TITLE: RESOLUTION DESIGNATING THE LOWER TOWNSHIP RESCUE SQUAD, INC. AS THE PROVIDER OF EMERGENCY MEDICAL SERVICES IN LOWER TOWNSHIP

WHEREAS, the Lower Township Rescue Squad ("Rescue Squad") , since its inception in 1950, had the purpose of providing high quality rescue and emergency medical services to the residents of and visitors to the Township of Lower ("Township"); and

WHEREAS, the Rescue Squad has provided these services for the Township and the Township desires to continue its relationship with the Rescue Squad and to look to the Rescue Squad for the provision of all of its ambulance, rescue and emergency medical services ("Emergency Services"), except as otherwise set forth herein; and

WHEREAS, the Township desires to formalize and clarify its relationship with the Rescue Squad to insure that it is conducted pursuant to all applicable laws, and to establish clear lines of responsibility and division of authority between the Township and the Rescue Squad, as well as to make clear that the Rescue Squad is an entity separate and apart from the Township.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lower, in the County of Cape May, State of New Jersey, that the Township hereby recognizes and designates the Rescue Squad as the primary provider of Emergency Services for the Township subject to the following terms and conditions:

1. Pursuant to N.J.S.A. 40:5-2, The Township will take all formal steps necessary to voluntarily contribute the sum of SEVENTY THOUSAND (\$70,000.00) DOLLARS per annum to the Rescue Squad retroactive to the beginning of the year 2011, which payment shall be in two (2) installments: one in the amount of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS due on or before June 3, 2011 and the second in the amount of THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS due on or before November 4, 2011. In the event the Township designates and recognizes the Rescue Squad as the provider of Emergency Services in the Township beyond one (1) year from the effective date of this Resolution, the payments will continue on or about the same days of the following year(s).

2. In addition to the financial contributions referenced in paragraph 1 above, the Township shall further provide gasoline and supplies for equipping the Rescue Squad's ambulance vehicles and facility in an amount not to exceed an additional THIRTY-FIVE THOUSAND (\$35,000.00) DOLLARS for each calendar year thereafter, subject to approval by Council at the beginning of each such year. Such amount will be paid from time to time over the course of the fiscal year based upon the submission of vouchers for either reimbursement to the Rescue Squad or payments directly to third party vendors, in accordance with the purchasing guidelines of the Township and subject to all other applicable laws.

3. Each year the Rescue Squad shall provide the Chief Financial Officer of the Township an audit performed by a certified public accountant or registered municipal accountant of the Rescue Squad's financial records which audit shall certify to the Governing Body of the Township that such records are being maintained in accordance with sound accounting principles, as also required by N.J.S.A. 40:5-2.

4. The Rescue Squad shall operate as an entity separate and apart from the Township. Except for the voluntary contribution referred to in Paragraph 1 above and the other in-kind contributions as set forth below, the Rescue Squad shall be responsible for all other financial and administrative matters regarding its operations including, without limitation, fund-raising, billing, training, bookkeeping, and management, which such matters shall not be the responsibility of the Township. Furthermore, the Rescue Squad shall maintain title to and ownership of all vehicles, as well as title to any other property and/or facilities it currently owns, or should hereafter acquire.

5. The Rescue Squad shall further provide the Township, the Lower Township Board of Education and any other agencies within the Township, upon the Township's request, with standby ambulance services at Township or other governmental functions such as parades, school sporting events, and the like, to the extent available.

6. It is the intention of this Resolution to express the parties' belief that the relationship between the Rescue Squad and Township continue in such a fashion that the relationship will provide the citizens of the Township with the highest quality of Emergency Services in the manner most efficient and most economical to the Township, and in the best interest of the public health, safety and welfare of the Township's citizens.

7. The Rescue Squad shall, at all times, conduct its business and provide the Emergency Services and other services hereunder in strict accordance with all applicable federal, state and local laws including, without limitation, Medicare, Medicaid and other applicable health and welfare laws.

8. The Rescue Squad must, at all times, maintain adequate insurance in such amounts and with such types of coverage as required by the State and/or Township pursuant to Chapter 115 of the Code of Lower Township and shall name the Township as an additional insured on all such policies, and shall provide proof of such insurance to the Township.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held Feb 23, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

ORDINANCE NO. 2011-05

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

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

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

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

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

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

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

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

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

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

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____

A. There is hereby created the Mayor's Citizens' Advisory Board of Lower Township, hereafter known as "MAB." "CAB."

B. The purpose of the MAB CAB shall be to provide advice to the Mayor and Council regarding short- and long-range planning for the improvement of Lower Township. The MAB CAB shall give consideration to and make recommendations with regard to the following matters:

(1) What goals should the Township seek to accomplish within the next 10 years?

(2) What is the best method to address concerns submitted by the Mayor and Council?

(3) What is the best method to address concerns submitted by residents?

(4) What steps or actions should the Township take to attain these goals?

C. The MAB CAB shall consist of nine ten members representing a cross section of the Township's various social and economic groups who shall serve without compensation. The Mayor and each member of Council shall each appoint five two members, one of whom shall be the Chairperson. ~~The remaining four members of Council shall each appoint one member.~~ All members of the MAB CAB shall be appointed for a two-year term expiring December 31 following each general election at which the Mayor and/or Council are elected.; ~~provided, however, that~~ The initial MAB CAB may be appointed at any time after the effective date of this section. for a term which shall expire at the reorganization meeting in January, 2014 One out of each of the two members appointed, respectively, by the Mayor or members of Council, shall be appointed for an initial term to expire on December 31, 2011 and one shall be appointed for an initial term to expire on December 31, 2012. At the end of these respective initial terms, CAB members shall then be reappointed or replaced and the subsequent terms shall be for two years for all members upon appointment or reappointment. The CAB members selected by members of Council elected from Wards shall be residents of those respective Wards. The selections of the Mayor and Deputy Mayor shall be residents of the Township. The CAB may invite and include in discussion, without any right to vote, any person the CAB feels will aid its mission, without regard to the residency of such person(s).

(1) Vacancies in any member's term shall be **filled** for the remainder of the appointee's term and shall be filled by the Mayor or Councilmember who originally made the appointment.

(2) Reappointment of any member shall be at the discretion of the Mayor or Councilmember who made the original appointment.

(3) The Mayor, Council and/or Township Manager shall be ~~ex-officio members of the MAB without the right to vote~~ **address questions or suggestions, upon the approval of the Mayor and Council, as a body, to the Chairperson of the CAB in writing or via email for potential action by the CAB, but are not members of the CAB and have no standing at CAB meetings greater than or less than any other member of the public. The Chairperson shall include such questions or suggestions on an agenda of the CAB within a reasonable time of submission to the Chairperson.**

D. The MAB **CAB** shall meet at least monthly but may conduct additional meetings **and shall conduct special meetings** if requested by the Mayor, a member of Council or Chairperson, **but only after notice either in writing or by email to CAB members at least 48 hours in advance.**

E. -MAB **CAB** members may have only two consecutive excused absences from the **regularly** scheduled meetings and must attend at least 70% of all **regularly** scheduled meetings. Failure to maintain the required attendance may result in removal from the Board at the discretion of the Mayor or Council member who made the appointment.

F. The Chairperson **and Secretary shall be selected by the members of the CAB** and shall have the authority to establish committees to consider specific issues which have been identified by the MAB **CAB**. Such committees shall make any reports as needed or requested by the MAB **CAB**.

G. The ~~Chairperson shall also appoint a non-member to serve, without compensation, as secretary to the MAB. The secretary shall prepare the MAB~~ **CAB** minutes after each meeting and submit them for approval at the next regular meeting. **A copy of the monthly minutes shall be delivered in writing or via email to the Township Clerk for distribution to the Manager, Mayor and Council.**

H. **The CAB shall send a representative to the second monthly meeting of Mayor and Council in the months of March, June and September and** shall present an annual report to the Mayor and Council at the first Council meeting in February, reflecting the MAB **CAB**'s work of the prior year.

I. Although not a "public body" under the Open Public Meetings Act,
Editor's Note: See N.J.S.A. 10:4-6 et seq. all meetings of the MAB **CAB** at which a quorum is present shall be advertised and held open to the public at the Township general meeting room under the same procedures and requirements of the Open Public Meetings Act.

J. Any member of the MAB **CAB, with at least 48 hours notice in writing or via email of the meeting at which such removal is to be acted upon,** may be removed without cause by a majority of the other MAB **CAB** members, **but only upon the request for such removal by the member of the governing body making such appointment.** In such event, the removed member's successor for the unexpired term shall be filled in the same manner as the original appointment under this section.

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

ORDINANCE #2011-06

**AN ORDINANCE AMENDING CHAPTER 3 ADMINISTRATION OF GOVERNMENT,
ARTICLE VII, SECTION 3-41 OF THE CODE OF THE TOWNSHIP OF LOWER**

SECTION 1. Section 3-41, Mayor's Advisory Board, of the Code of the Township of Lower shall be deleted in its entirety and replaced with the following:

3-41. Citizens' Advisory Board

A. There is hereby created the Citizens' Advisory Board of Lower Township, hereafter known as "CAB."

B. The purpose of the CAB shall be to provide advice to the Mayor and Council regarding short- and long-range planning for the improvement of Lower Township. The CAB shall give consideration to and make recommendations with regard to the following matters:

(1) What goals should the Township seek to accomplish within the next 10 years?

(2) What is the best method to address concerns submitted by the Mayor and Council?

(3) What is the best method to address concerns submitted by residents?

(4) What steps or actions should the Township take to attain these goals?

C. The CAB shall consist of ten members representing a cross section of the Township's various social and economic groups who shall serve without compensation. The Mayor and each member of Council shall each appoint two members, one of whom shall be the Chairperson. All members of the CAB shall be appointed for a two-year term expiring December 31 following each general election at which the Mayor and/or Council are elected. The initial CAB may be appointed at any time after the effective date of this section. One out of each of the two members appointed, respectively, by the Mayor or members of Council, shall be appointed for an initial term to expire on December 31, 2011 and one shall be appointed for an initial term to expire on December 31, 2012. At the end of these respective initial terms, CAB members shall then be reappointed or replaced and the subsequent terms shall be for two years for all members upon appointment or reappointment. The CAB members selected by members of Council elected from Wards shall be residents of those respective Wards. The selections of the Mayor and Deputy Mayor shall be residents of the Township. The CAB may invite and include in discussion, without any right to vote, any person the CAB feels will aid its mission, without regard to the residency of such person(s).

(1) Vacancies in any member's term shall be filled for the remainder of the appointee's term and shall be filled by the Mayor or Councilmember who originally made the appointment.

(2) Reappointment of any member shall be at the discretion of the Mayor or Councilmember who made the original appointment.

(3) The Mayor, Council and/or Township Manager shall address questions or suggestions, upon the approval of the Mayor and Council, as a body, to the Chairperson of the CAB in writing or via email for potential action by the CAB, but are not members of the CAB and have no standing at CAB meetings greater than or less than any other member of the public. The Chairperson shall include such questions or suggestions on an agenda of the CAB within a reasonable time of submission to the Chairperson.

D. The CAB shall meet at least monthly but may conduct additional meetings and shall conduct special meetings if requested by the Mayor, a member of Council or Chairperson, but only after notice either in writing or by email to CAB members at least 48 hours in advance.

E. CAB members may have only two consecutive excused absences from the regularly scheduled meetings and must attend at least 70% of all regularly scheduled meetings. Failure to maintain the required attendance may result in removal from the Board at the discretion of the Mayor or Council member who made the appointment.

F. The Chairperson and Secretary shall be selected by the members of the CAB and shall have the authority to establish committees to consider specific issues which have been identified by the CAB. Such committees shall make any reports as needed or requested by the CAB.

G. The secretary shall prepare the CAB minutes after each meeting and submit them for approval at the next regular meeting. A copy of the monthly minutes shall be delivered in writing or via email to the Township Clerk for distribution to the Manager, Mayor and Council.

H. The CAB shall send a representative to the second monthly meeting of Mayor and Council in the months of March, June and September and shall present an annual report to the Mayor and Council at the first Council meeting in February, reflecting the CAB 's work of the prior year.

I. Although not a "public body" under the Open Public Meetings Act, all meetings of the CAB at which a quorum is present shall be advertised and held open to the public at the Township general meeting room under the same procedures and requirements of the Open Public Meetings Act. (Editor's Note: See N.J.S.A. 10:4-6 et seq.)

J. Any member of the CAB, with at least 48 hours notice in writing or via email of the meeting at which such removal is to be acted upon, may be removed without cause by a majority of the other CAB members, but only upon the request for such removal by the member of the governing body making such appointment. In such event, the removed member's successor for the unexpired term shall be filled in the same manner as the original appointment under this section.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

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

SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.

Thomas Conrad, Councilman

Erik K. Simonsen, Councilman

Glenn Douglass, Councilman

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Clerk

Adopted: _____

PERSONNEL ACTIONS

Report for Council Meeting of 02/23/11

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
DPW	Szczur, Marc	2/14/11		new hire	temp laborer	yes
DPW	Doll, Frederick	2/14/11	Duley, Randy	new hire	interim laborer	yes

Date of report: 2/17/11

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File

ANIMAL CONTROL REPORT

MONTH OF JANUARY, 2011

ACO Stephen Flinch Off# 02340 DATE: 1/30/11

	DOGS	CATS	OTHER*
TOTAL	5	1	1
PICKED-UP	2	0	0
TO SHELTER	1	0	0
RETURNED	1	0	0
TO VET	0	0	0
DOA	0	1	0
WARNINGS	0	0	0
TICKETS	0	0	0
BITES	0	0	0
QUARANTINES	0	0	0

*OTHER includes snakes, squirrels, raccoons, opossums, birds and other wildlife

Additional Comments

1- RACCOON IN ATTIC RESET TRIPPED
LAT TRAP FOR ACI. ACI PICKED
UP TRAP FOLLOWING DAY.

ANIMAL CONTROL REPORT

MONTH OF Jan, 2011

ACO S. PHELPS PARKER

DATE: 1/31/11

	DOG\$ CALLS	CATS CALLS	OTHER*
TOTAL	7	0	
PICKED-UP	3	0	
TO SHELTER	1	0	
RETURNED	2	0	
TO VET	0	0	
DOA	1	0	1 - DEER
WARNINGS	0	0	
TICKETS	0	0	
BITES	0	0	
QUARANTINES	0	0	

*OTHER includes snakes, squirrels, raccoons, opossums, birds and other wildlife

Additional Comments DEER CALLS - 1 RACCOON - 3
Horse CALLS - 2

TOTAL CALLS - 13
 RESPECTFULLY SUBMITTED -
 S. PARKER - ACO

Register Report

1/1/2011 Through 1/31/2011

2/2/2011

Page 1

Account	Description	Memo	Category	Amount
INCOME				
	TOTAL Business Mercantile			125.00
	TOTAL Campgrounds & Trailers			128.00
	TOTAL Copies & Postage			2.60
	TOTAL Rental Merc. 2010-2011			1,675.00
	TOTAL Searches			30.00
	TOTAL Street Openings			170.00
	TOTAL Taxi & Limo			820.00
	TOTAL Towing			1,000.00
	TOTAL INCOME			3,950.60
TRANSFERS				
	TOTAL Council Checking			-3,950.60
	TOTAL TRANSFERS			-3,950.60
			OVERALL TOTAL	0.00

Township of Lower
 2600 Bayshore Road
 Villas NJ,08251
 609-886-1455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 01/01/2011 To 01/31/2011

February 04, 2011 9:06:11AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$630,125.00	Cubic Footage:	143018 Cu.ft	Permit Issued:	97
Cost Of Alteration:	\$401,160.00	Square Footage:	13368 Sq.ft	Updates Issued:	4
Cost Of Demolition:	\$8,100.00			All Fees Waived:	2
Total Cost:	\$1,039,385.00			Municipal Fees Waived:	1

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$12,807.00	Building:	\$0.00	Building:	\$110.00	Building Fees:	\$12,697.00
Electrical:	\$4,062.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$4,062.00
Fire :	\$3,824.00	Fire :	\$0.00	Fire :	\$50.00	Fire Fees:	\$3,774.00
Plumbing:	\$4,567.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$4,567.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00

Total Waived:

\$160.00

Technical Fees:

\$25,100.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$478.00	\$0.00	\$478.00
Alteration Training Fee:	\$685.00	\$2.00	\$683.00
DCA Minimum Fee:	\$9.00	\$1.00	\$8.00
Sub total Training Fee:	\$1,172.00	\$3.00	\$1,169.00

TECHNICAL ISSUES

Building Technical:	51
Electrical Technical:	53
Fire Protection Technical:	41
Plumbing Technical:	50
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$1,237.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$1,237.00

CERTIFICATE ISSUES

Certificate of Occupancy:	6
Certificate of Approval:	2
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$25,100.00
DCA FEES:	\$1,169.00
CERTIFICATE FEES:	\$1,237.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$27,506.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$150.00
GRAND TOTAL FEES:	\$27,656.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 01/01/2011 To 01/31/2011

February 4, 2011 9:07:31AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,385.00	\$26,271.00	\$0.00	\$27,656.00
LICENSE FEES	Sub Totals:	\$50.00	\$450.00	\$0.00	\$500.00
GRAND TOTALS:		\$1,435.00	\$26,721.00	\$0.00	\$28,156.00

OFFICE OF CONSTRUCTION OFFICIAL

2600 Bayshore Road

Villas NJ.08251

609-886-1455

Construction Permit Activity Report

RANGE: 01/01/2011 To 01/31/2011

February 04, 2011 8:49:38AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$326,400.00	Cubic Footage:	32896 Cu.ft	Permit Issued:	6
Cost Of Alteration:	\$96,300.00	Square Footage:	2576 Sq.ft	Updates Issued:	2
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$422,700.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$1,324.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$1,324.00
Electrical:	\$877.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$877.00
Fire:	\$214.00	Fire:	\$0.00	Fire:	\$0.00	Fire Fees:	\$214.00
Plumbing:	\$1,302.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$1,302.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
		Total Waived:	\$0.00	Technical Fees:	\$3,717.00		

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$110.00	\$0.00	\$110.00
Alteration Training Fee:	\$164.00	\$0.00	\$164.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$274.00	\$0.00	\$274.00

TECHNICAL ISSUES

Building Technical:	4
Electrical Technical:	4
Fire Protection Technical:	3
Plumbing Technical:	4
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$192.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$192.00

CERTIFICATE ISSUES

Certificate of Occupancy:	0
Certificate of Approval:	1
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$3,717.00
FEES:	\$274.00
CERTIFICATE FEES:	\$192.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$4,183.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$4,183.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 01/01/2011 To 01/31/2011

February 4, 2011 8:50:59AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$59.00	\$4,124.00	\$0.00	\$4,183.00
LICENSE FEES	Sub Totals:	\$0.00	\$300.00	\$0.00	\$300.00
GRAND TOTALS:		\$59.00	\$4,424.00	\$0.00	\$4,483.00

**LOWER TOWNSHIP MUNICIPAL COURT
MONTHLY DISBURSEMENTS**

TRAFFIC (All fines split w/ County)	\$ 2,803.00
TRAFFIC COSTS (We receive all costs)	\$ 1,652.50
CRIMINAL FINES (We receive both Criminal & Local Ordinance fines)	\$ 2,778.59
CRIMINAL COSTS	\$ 353.58
REINSTATED BAILS	\$ -
LOCAL PARKING	\$ 6.00
CONTEMPT CHARGES	\$ 108.00
PUBLIC DEFENDER FEES	
MISCELLANEOUS FEES (Spinal & Overpayments)	\$ 7.88
DWI SURCHARGE	\$ 336.46
JANUARY 2011* DISBURSEMENTS	

JANUARY 2011 COMPLAINTS ISSUED	CRIMINAL IND.	CRIMINAL DP	T RAFFIC	DUI	TOTAL
	26	51	90	6	173
TOTAL RECEIPTS	TOWNSHIP SHARE				
\$17,400.09	\$8,046.01				

COMPLAINTS IN WARRANT STATUS	CRIMINAL	T RAFFIC	TOTAL
	186	125	311

New Jersey State Department of Health and Senior Services
Infectious and Zoonotic Disease Program
PO Box 369
Trenton, New Jersey 08625-0360

FOR STATE USE ONLY	
Check # _____	Amount _____
Date of check _____	_____
Trans. Number _____	_____
Date of Trans. _____	_____

Monthly Dog License Report

A: IDENTIFICATION

Municipality : TOWNSHIP OF LOWER

County: CAPE MAY

Date: 2/7/2011

B: LICENSE DATA

1. Period Covered	From: 01/01/2011	To: 01/31/2011
2. First License # of this report	1	
3. Last License # of this report	635	
4. Last License # of last report	0	
5. Total Licenses issued this report	635	

C: LICENSES ISSUED FOR WHICH NO MONEY IS SUBMITTED

List individually all licenses issued for which no fee is submitted.

Replace License # 140 [143]; VOID License # 187 [187]; VOID License # 547 [547]; VOID License # 564 [564]

D: PILOT CLINIC FUND

Surcharge for all licenses issued except for seeing eye & hearing ear .

Numbers: 631 Amount : \$126.20

E: ANIMAL POPULATION CONTROL FUND

Additional surcharge for licenses issued for non-spayed & non-neutered dogs except for seeing eye and hearing ear.

Number: 89 Amount: \$267.00

F: FEE DATA

1. Total licenses reported with registration fee :	\$631.00
2. Total Amount due for pilot clinic fund (sec. D) :	\$126.20
3. Total Amount due for Animal population control fund (sec. E) :	\$267.00
4. Total Amount due for this report :	\$1,024.20

G: CERTIFICATION

I certify this report is a true and complete statement of licenses issued during the period indicated above.

Officer Name : Claudia R Kammer

Title : Township Clerk

Signature : *Claudia R Kammer*

Date: 2/7/11

Phone : 609-886-2005

**2011 CASH RECEIPTS
JANUARY**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Current year taxes (2011)	5,429,157.65	5,429,157.65
Prior year taxes (2010)	218,404.67	218,404.67
6% Penalty	2,370.93	2,370.93
Tax Search Fees	30.00	30.00
Interest	11,048.80	11,048.80
Lot clearing	320.00	320.00
Returned Check Fees	20.00	20.00
Duplicate Bills	85.00	85.00
Trash	8,001.00	8,001.00
DEPOSITED COUNCIL CHECKING	5,669,438.05	5,669,438.05
TOTAL DEPOSITS	5,669,438.05	5,669,438.05
NSF Reversals	-805.66	-805.66
TOTAL	5,668,632.39	5,668,632.39

Prepared by Susan Jackson

0. 8

**Vital Statistics
January Deposit
2011**

Marriage License Total	4
C.U. Lic. Total	0
D.P. Lic. Total	0
Total Burial Permits	0

State Marriage Fee	\$ 100.00
Twp. Marriage Fee	\$ 12.00
State C.U. Fee	\$ -
Twp. C.U. Fee	\$ -
State D.P. Fee	\$ -
Twp. D.P. Fee	\$ -
State Burial Permit Fee	\$ -
Twp. Burial Permit Fee	\$ -
Twp. Cert. Copy Fee	\$ 1,600.00

TOTAL	\$ 1,712.00
--------------	--------------------

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

RESOLUTION # 2011-70

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.
- X (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 23, 2011 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 23, 2011.

Claudia R. Kammer, Township Clerk