

RESOLUTIONS ADOPTED FEBRUARY 23 2011

- Res. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc. As the Provider of Emergency Medical Services in Lower Township (previously tabled)
- Res. #2011-65, Payment of Vouchers, \$1,595,718.94
- 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)
- 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)

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 on February 23, 2011.


 Claudia R. Kammer, Township Clerk

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

02/17/11
09:27:26

Lower Township
Bill List By Vendor Id

Page No: 2

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 PETSMAST 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			

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 replaced 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
Claudia R. Kammer, Clerk

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

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	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 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 #2011-68

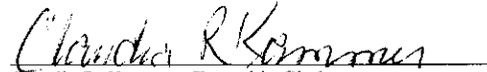
TITLE: A resolution requesting **RELEASE of Performance Guarantee and Maintenance Guarantee for Lawrence A. Pray Builders, Inc.; Block 748, Lot 7, Escrow #P99-08-08; Cape May Estates, Phase I**

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

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:

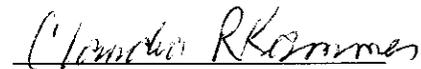

Lauren Read, CFO

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

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



**Hatch Mott
MacDonald**

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

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
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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.
- (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 8:10 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

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