

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

MARCH 7, 2011 - 6:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum

Budget Work Session & Review

Leon Costello, Auditor - Budget Overview

Public Hearing

Comcast of Wildwood, LLC - Application for renewal of Municipal Consent (Required hearing pursuant to cable franchise process)

Work Session

Request of Timothy Dwyer, Esq. Re: Block 410.01, Lot 71.03 - Encroachment
Request to Amend Increase Class II Officers (possible 1st. rdg.)
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes	February 23, 2011
Approval	NJ State Fireman's Association Applications - Mark Becica, Joshua Donohue & John R. Kendrick, for Villas Volunteer Fire Co.
Ord. #2011-07,	An Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A. 40A:4-15.14) (Annual resolution done with budget introduction)
Res. #2011-71,	Payment of Vouchers, \$1,631,235.40
Res. #2011-72,	A Resolution Requesting Release of Demolition Bond for Block 19, Lot 43, 33 East Florida Avenue, Villas, NJ 08251
Res. #2011-73,	Authorization for Payout of Accumulated Compensatory Time (M. Perry - \$5,991.)
Res. #2011-74,	A Resolution Requesting Release of Demolition Bond for Block 221, Lot 21, 244 Maryland Avenue, Villas, NJ 08251 (demolition completed)
Res. #2011-75,	Approval of Holy Spirit Lutheran Church's Application to Conduct a Flea Market on June 11
Res. #2011-76,	Approval of Change Order #1, Maintenance of Grounds & Parks for the 2011 Season (Adding additional township properties to contract for 2011)
Res. #2011-77,	A Resolution of the Township of Lower Approving an Agreement with S. Vitale Pyrotechnic Industries, Inc. to Provide Fireworks Display (\$40,000 for July 3 event)
Res. #2011-78,	Authorization for Payout of Accumulated Compensatory Time (D. Fisher, - \$1,452.78)
Res. #2011-79,	Authorization for Waiver of Fees for St. John of God/St. John Neumann Church (for Minor Site Plan & Building Permit Fee)
Res. #2011-80,	Transfer of Appropriations, \$800 (from gasoline to natural gas)
Res. #2011-81,	Resolution Supporting NJ DOT Recommendation for No Passing Zone on US Route 9 in the Vicinity of Walnut Street
Res. #2011-82,	Authorization for the Township of Lower to Apply for an Emergency Management Agency Assistance Subgrant (Application for \$10,000 Subgrant - \$5,000 Federal Award & \$5,000 Township match)
Res. #2011-83,	Introduction of 2011 Municipal Budget (Public Hearing & Scheduled adoption April 4, 2011)
Res. #2011-84,	Acceptance and Contract Award for 2011 Freeman Douglass Field Maintenance Contract (\$14,250 fields & common areas)

CONTINUED ON OTHER SIDE

Regular Agenda

Administrative Report

Township Manager's Annual Budget Message

Council Comments

Call to the Public

Closed Session

Res. #2011-85,

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." (Personnel)

Adjournment

PUBLIC INFORMATION

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

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

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

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

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

Regular & Work Session Meeting Minutes -February 23, 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 23, 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
Deputy Mayor Kevin Lare
Mayor Michael Beck

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

Absent: Councilmember Douglass

Read Across America - March 2, 2011

Mayor Beck read the proclamation stating March 2nd would be a national day of Reading Across America.

Certificate of Appreciation - Smeltzer & Sons Feed & Pet Supply

Mayor Beck presented Bob & Susan Smeltzer a Certificate of Appreciation for the work they had done by providing food and various items for animals in need throughout the Township. It was also mentioned that they had donated toward the 4th of July Celebration.

Work Session

Manager's Report

Manager Voll said he met with Joe Versaggi the Superintendent of the County Roads and discussed a clean up after the rough winter. He said the work on Bayshore Road had been delayed but spoken to Dale Foster, County Engineer and the work should start by the end of next week. The project on Seashore Road and Route 9 had started and was moving right along. The permits were received for the Holmes Avenue project and the balance of the outfall line were being applied for by the Engineer. Manager Voll said the Township would be receiving 75% of the cost for the project due to the November 2009 storm from FEMA. The Township also received \$700,000 in grant money to rehabilitate nine low income homes in the Township. He said \$500,000 was also received to help eliminate some of the flooding in the Villas through extensions and reconstruction of outfall lines. He had received a request from the County Administrator, Steve O'Connor to cut through the parking lot behind the Senior Center on Bayshore Road it would help with parking and be a safer route for the school buses. He said there would be a shredding day on May 21st and the machine would be in the front parking lot. He mentioned on the same day there would be a bike rodeo and bike auction held in the parking lot behind the Municipal

Regular & Work Session Meeting Minutes -February 23, 2011

Building.

Manager Voll said he and Council had attended a ceremony for the anniversary of the death of Officer David Douglass. He said the employees of the Township were holding a food drive to help replenish the shelves at the local food banks and churches. He said Randy Duley a Township employee at Public Works had fallen on the ice and was currently at a rehabilitation facility and wished him well.

Discussion on Citizen Advisory Board Ordinance for 1st reading

Councilmember Conrad said he was happy with the way it was written and he was ready to go forward with it.

Councilmember Simonsen said he had reviewed the ordinance since the last meeting and was all for expanding and making it a stronger board. He said he would like a couple amendments to it. He said it stated the chairman be chosen from the ten members; he would like the secretary chosen from the members also. He said the secretary did a lot of work and wasn't a member.

Mayor Beck said he wished it could be postponed until after the budget. He said he didn't initiate it and would oppose it and gave his reasons. He wished they could disregard the board for the year and push it off for a couple months and then come back and look at it. He said it was ill-fated from the beginning. He said in the paper it said high hopes for the board were not met, he said the board had done phenomenal work. He said the Faulkner Act was listed as a reason yet everyone voted for it, communication was listed as an issue yet the minutes were on the website. It had been acknowledge that every Councilmember was a defacto member of the board and never attended a meeting over a two-year period except him and Eric who were on the board at the time.

Mayor Beck said it was the only board that came before Council and gave a report; no other board had done that. He offered a compromise to create individual boards for each Councilperson and leave the MAB alone. He felt with everyone having two picks he saw it being inundated with politics. He said the ordinance said each Councilmember had to choose two people from the ward they represented and he asked Councilmember Conrad why it was set up that way.

Councilmember Conrad said to make sure all areas were represented. He said it was a carryover from the MAB.

Mayor Beck said at a previous meeting someone stated that a majority of the board members were from the Villas and was that true?

Councilmember Conrad said he didn't say that but someone may have. He believed that there were three people from the Villas.

Mayor Beck asked Councilmember Conrad how many members were on the Zoning Board.

Councilmember Conrad said he wasn't there to be questioned about all the boards.

Mayor Beck said there were eleven and from Ward 1- one alternate, Ward 2 - one member and Ward 3 - 9 members. He said when the Zoning and Planning Board were added together there were twenty-two members. He said there were 4 members from Ward 1, 4 members from Ward 2 and 14 were from Ward 3. He felt the whole concept showed how they were focusing on the MAB.

Councilmember Conrad said he was just trying to get the board in line as quickly as possible.

Mayor Beck said the MAB got the solar project up and running. He asked the board to look into economic development and the board moved on it and had a meeting with the DRBA which led to dialogue with the

Regular & Work Session Meeting Minutes -February 23, 2011

County about getting jobs at the airport. He said in January when the new board met they would have had an economic subcommittee whose purpose was to look into the airport and try to develop it. He reached out to someone in the business community and were more than willing to come on board of the MAB to chair a subcommittee on economic development. He said after the person saw the article in the Herald about the disappointment in the MAB the person backed out because it was getting political. Mayor Beck said he didn't know of a single person that was on the MAB that would apply to be on the CAB. He said the whole thing had caused a lot of damage. He said it was politics, and he was the only one in the town that didn't have republican stamped on his foot. He said unless they could give him a good reason for doing it he believed they were trying to put him in a box. He felt the whole thing had been concocted and that was his belief.

Councilmember Simonsen said Council needed some counseling. He said he didn't have a problem with getting more people on and spreading out through the Township. He didn't care about the name they needed ten good people and maybe some of it would be political. He said the Faulkner Act said no one had power. He saw it as a reconstruction of the board and he and the ones who had served on the board were caught in the middle.

Mayor Beck said as far as getting more people involved they were talking about going from nine to ten. He said his compromise would have brought more people in at the ward level. He said there would have been more committees within the ward. He said the previous MAB had twenty-five members each appointed by the Mayor.

Deputy Mayor Lare said the twenty-five member board had been established prior to the Faulkner Act form of government which existed now. He said he didn't attend any meetings but he dialogued with Erik about it. He felt if a Councilmember was present at the meeting the board couldn't speak freely. He said as far as the airport he had attended a meeting with the previous Manager and Solicitor they all shared the same concerns about the airport and wanted to see a viable industrial park there.

Mayor Beck said the twenty-five member board was in effect during Mayor Conroy's term which was under this form of government.

Review of Consent & Regular Agenda Items

Joe Winters asked about Resolution #2011-67 and how many sites that included.

Mayor Beck said the resolution was done for fire service, and was done for one home.

Consent Agenda

- | | |
|---------------------|--|
| Approval of Minutes | February 7, 2011 |
| 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 |

Regular & Work Session Meeting Minutes -February 23, 2011

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)

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

Regular Agenda

Res. #2011-43, Resolution Designating the Lower Township Rescue Squad, Inc. As the Provider of Emergency Medical Services in Lower Township (previously tabled)

Mayor Beck opened the meeting for comment on the Resolution.

Joe Winters asked if the Rescue Squad paid the electric and heating bills at the airport building and if so did it come out of the Township contribution.

Mayor Beck said he wasn't sure.

Mr. Winters asked if they could find out what they paid and what the Township paid.

Manager Voll said he would find out about the electric.

Tony Kapurelos said he maybe could answer some of the questions he had worked for the rescue squad for 21 years. He said as far as the money spent; up until 1997 they were a Township entity. He said the Township paid out about \$575,000 for salary and benefits. He said since then the amount had changed and bills had increased. He said the Rescue Squad had been here since 1950 and in 1997 they started to provide non-emergency services to the residents to help finance the service. He said a subscription program was provided to the residents and they maintain three vehicles at all times.

Mr. Kapurelos said at times there were six or seven ambulances on the road. He said all EMT's were certified through the State and the vehicles were certified. In 2010 they responded to 3,653 emergency calls in the Township; out of that they received 2.1 million from all sources and their operating expenses for the year were \$2,168,174.00 so they actually had a loss. He said the medicare reimbursement rates had gone down to near what was paid in 2008. He said Medicaid no longer paid the 20% co-pay for Medicare and that was a huge loss for the Rescue Squad. He said the average bill was \$850.00. He said they also provide assists and stand-bys which they receive no money for. He said they also are on stand-by when the Township had an event such as the fireworks.

Mr. Kapurelos said they provide CPR training and also had a food bank.

Janet Pitts asked what the Main Street facility was used for.

Mr. Kapurelos said it was a substation and they did maintenance work on the vehicles and equipment.

Mrs. Pitts asked about the Scott Avenue building.

Mr. Kapurelos said it was used for CPR training.

Colleen Hughes of Villas asked if the buildings were rented out.

Mr. Kapurelos said no they were not.

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

Regular & Work Session Meeting Minutes -February 23, 2011

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, was presented for 2nd rdg. and final adoption.

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

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

No comments.

Councilmember Conrad motioned to adopt the ordinance, seconded by Councilmember Simonsen. The ordinance 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 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) 2nd rdg. March 7th

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

Administrative Reports

Personnel Action Report

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

Council Comments

Councilmember Conrad said he attended a Blue & Gold Dinner for the Scouts and it was nice to see the young families out.

Councilmember Simonsen congratulated LCMR wrestlers who advanced to the Regional 8 Tournament. He wished them the best of luck in the tournament. He wished they all could get along.

Deputy Mayor Lare wished the boys basketball good luck in the tournament. He said there was good news that the Township Municipal Aid would remain flat. He said the budget would be at 1.6% or 1.7% range but he felt they could do better. He read a letter to Chief Donohue from a family whose father died on December 28th in his sleep. The police showed professionalism on the call and the family felt they should be recognized for that.

Mayor Beck said the budget message would be on March 7th the meeting would begin at 6:00 p.m. and the Auditor would be there. He said the State Aid Certification would be the same. He said over the years they had slowly reduced the workforce it wasn't something they just started a few months ago. He said the patriotic flag would be at the Wildwood Convention Center March 30th the flag was designed to honor the men and women who died in the September 11th attack. He said the Fishing Creek School and Dominos were having a fund raiser March 6th - 8th 11:00 a.m. until midnight and a portion of the sales would go toward the repair of the school.

Regular & Work Session Meeting Minutes -February 23, 2011

Manager Voll said they were delight the state aid would be the same and also increased would be the state aid to the school which would also be helpful.

Call to the Public

Colleen Hughes of Villas asked Deputy Mayor Lare what would be happening at the airport and could he enlighten the residents.

Deputy Mayor Lare said he couldn't at that time.

Mayor's Advisory Board Changes

Ms. Hughes asked if they were reconstructing the MAB then they should do that to all the boards and felt that was the fair thing to do. She asked Solicitor Donohue while the Mayor was talking about economic development she asked what was he doing on his laptop and she hoped he was working on her OPRA request.

Solicitor Donohue said he was looking up statutes that pertained to a question he was asked before the meeting.

Janet Pitts asked Councilmember Conrad why they were making the Citizen Advisory Board different from other boards and they were required to come before Council four times a year.

Councilmember Conrad said it was something that was newly formed two years ago and they were just tweaking it. He said Council wasn't getting the information.

Ms. Pitts asked if all the boards were going to be required to give an annual report that would be fair.

Deputy Mayor Lare said there was merit to the suggestion of considering combining the planning and zoning board many towns did that. He said there were pros and cons that should be considered. He said he would like to see the Recreation Advisory Board come and give a report to Council.

Councilmember Simonsen said while on the MAB one of their projects were to upgrade the ordinance for board appointments.

Doug Henderson of North Cape May wanted to urge Council to vote on it and change the MAB; they weren't a dictatorship. He asked the Mayor why he didn't want representation from every area.

Mayor Beck said he was more concerned with the quality of people on the board not so much the area. He said Council had voted unanimously for the board.

Mr. Henderson asked as a taxpayer why wouldn't he want the board equally represented. He said there were problems in the Township and they had talked about the MAB for hours on end. He was upset as a taxpayer they were wasting so much time on the issue.

Mayor Beck asked Mr. Henderson why he wasn't present two years ago when they spoke about it.

Mr. Henderson said it didn't make sense.

Colleen Hughes said to Mr. Henderson if they did the math there were three republicans even though Deputy Mayor Lare was voted in as an independent they knew where his loyalty lied with the republican party. She said there would be eight members on the CAB with a republican agenda and two with an independent agenda so what were they able to accomplish as a Township being ran by a party.

Deputy Mayor Lare said he ran as an independent republican.

Brian McEwing of Townbank Road he didn't feel it was a republican or democrat issue; it was an issue of the Councilmembers believing the board wasn't working and needed a change.

Councilmember Simonsen felt it had been working but it was an effort to improve it by giving more

Regular & Work Session Meeting Minutes -February 23, 2011

representation to the people in the Township.

Trash Pick-Up

John Skowronski of North Cape May said Feb. 11th was a holiday and his trash day. He said people had put out their trash and it wasn't picked up. He said it was windy and the trash had blown all over the streets. He said the DRBA had picked up the trash along Lincoln Boulevard. He asked when they had bad weather could they get a call at home like the reverse 911 calls so it didn't occur again. Manager Voll said he could look into it. He mentioned that he would have the Recreation Board give a report the second council meeting of the month.

Ponder Lodge

Joe Winters asked what was being done about Ponder Lodge?

Mayor Beck said the contract was awarded and the demolition should begin any day. He said he heard the State accepted some of the Township's suggestions about the pathways.

Mr. Winters asked if Fish and Wildlife would contribute toward the cost of police and fire protection?

Manager Voll said "no", every State owned property in the Township had the same situation. He said there was property in Diamond Beach that they were going to ask for help within the summertime with rescue and a police substation.

Manager Voll said the demolition at Ponder Lodge should start any day and they did say the fence along Bayshore Road would be replaced.

Townbank Volunteer Fire Company Fire Boat

Mr. Winters said Townbank Fire Company had in their budget about a fire boat and he asked if anyone could elaborate on that?

Councilmember Conrad said that was a fire district issue.

Arthur Treon of North Cape May and a member of Townbank Volunteer Fire Co. for 35 years said he didn't know who put it in the paper but, "no" it wasn't in the budget for a \$600,000.00 fire boat. He said keep in mind the marina owners and people who lived along the water deserved the same fire protection.

Councilmember Conrad asked Mr. Treon to explain that the Coast Guard did not put out fires.

Mr. Treon said the Coast Guard didn't participate in firefighting, all they provided was life safety they would get you off the boat. He said they didn't put out dock fires. He said firefighting fell upon the local fire departments. He said they had a boat and it had problems so they were trying to seek grants to get a boat.

Township Manger's Vehicle

Joe Will of Fishing Creek asked the Manager why he had the Township seal removed from his car.

Manager Voll said there were municipal plates on the car.

Mr. Winters asked if it was going to be put back on because the taxpayers paid for it.

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)

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

Regular & Work Session Meeting Minutes -February 23, 2011

Simonsen, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Councilmember Conrad motioned to authorize the Solicitor to proceed as discussed in closed session, seconded by Deputy Mayor Lare. Council approved by verbal "ayes".

There being no further comment, Deputy Mayor Lare motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting unanimously adjourned by verbal "ayes" at 8:50 p.m.

Mayor

Township Clerk

Approved: March 7, 2011

448	02	
ASSOC. NO.	COMP. NO.	LINE NO.
FOR STATE OFFICE USE ONLY		

N.J. STATE FIREMEN'S
ASSOCIATION
MEMBERSHIP APPLICATION

Form 100
Rev. 2/04

Date 12/13/10

LOWER TWP Relief Assn. Lower Twp Municipality

Department Villas Volunteer Fire Company

Name Mark H. Becica
First Initial Last

Address 3005 Bayshore Rd Street

N. Cape May 08204 For 7 Years
Town Zip Code

Birth date 11/10/78 Birthplace Cape May Court House SS# 136702760

Regular Occupation Fire Fighter / EMT

Have you ever applied to be a member of the New Jersey State Firemen's Assoc.? Yes No

If so, when 2005 Where Town Bank Vol. Fire Company

The signature below certifies that I have received and read the attached PRIVACY NOTICE.

Home Phone No. 609 602 8404 [Signature]
Signature of Applicant

STATE OF NEW JERSEY COUNTY OF Cape May
Mark Becica being duly sworn, doth depose and says that the above statements are
Applicant's Name true to the best of their knowledge and belief. Sworn to before me this 21 day of Feb. 2011

CARRISE L. MORNICK
Notary Public of New Jersey
My Commission Expires April 10, 2012
Expiration Date

[Signature]
SIGNATURE OF NOTARY PUBLIC

MUNICIPAL APPROVAL

We hereby certify that this applicant was admitted to active membership in the department and has been approved by the governing body of Lower Township on the 7th day of March 2011

[Signature]
SIGNATURE OF SECRETARY - RELIEF ASSOCIATION

SIGNATURE OF MUNICIPAL CLERK/ BOARD OF FIRE COMMISSIONERS

[Signature]
SIGNATURE OF CHIEF - FIRE DEPARTMENT

IMPORTANT: APPLICATION MUST BE FILLED OUT AND CHanneled ACCORDINGLY

- A. APPLICATION SHOULD BE FILLED OUT BY APPLICANT WITH TYPEWRITER OR PRINTED. (DO NOT WRITE)
- B. Application must be filled out by applicant and notarized. They must then present themselves before a doctor for physical examination.
- C. Application must be returned by applicant to Local Relief Secretary whose address is listed on back of this form.
- D. Local Relief Secretary will sign and secure chief's signature if application is in order, and forward to municipality for confirmation.

When applicant is admitted to membership by the Municipal Officer's, the signed ORIGINAL application is to be filed at the office of the New Jersey State Firemen's Association, by the secretary of the local association.

448	02	
ASSOC. NO.	COMP. NO.	LINE NO.
FOR STATE OFFICE USE ONLY		

N.J. STATE FIREMEN'S
ASSOCIATION
MEMBERSHIP APPLICATION

Form 100
Rev. 2/04

Date 1-25-11

LOWER TOWNSHIP Relief Assn. Lower Township. Municipality

Department Villas Volunteer Fire Company

Name Joshua A -Donohue
First Initial Last

Address 314 Cloverdale Avenue
Street

Villas 08251 For 1 Years
Town Zip Code

Birth date 1/5/1979 Birthplace CMCH, NJ SS# 155-68-2104

Regular Occupation Lawyer

Have you ever applied to be a member of the New Jersey State Firemen's Assoc.? Yes No

If so, when _____ Where _____

The signature below certifies that I have received and read the attached PRIVACY NOTICE.

Home Phone No. 609-770-3008 [Signature]
Signature of Applicant

STATE OF NEW JERSEY COUNTY OF Cape May
Joshua Donohue being duly sworn, doth depose and says that the above statements are
Applicant's Name
true to the best of their knowledge and belief. Sworn to before me this 21 day of Feb. 2011

CARRISE L. MORNICK
Notary Public of New Jersey
My Commission Expires April 10, 2012
Expiration Date

[Signature]
SIGNATURE OF NOTARY PUBLIC

MUNICIPAL APPROVAL

We hereby certify that this applicant was admitted to active membership in the department and has been approved by the governing body of Lower Township on the 7th day of March 2011

[Signature]
SIGNATURE OF SECRETARY - RELIEF ASSOCIATION

SIGNATURE OF MUNICIPAL CLERK/ BOARD OF FIRE COMMISSIONERS

[Signature]
SIGNATURE OF CHIEF - FIRE DEPARTMENT

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448	02	
ASSOC. NO.	COMP. NO.	LINE NO.
FOR STATE OFFICE USE ONLY		

**N.J. STATE FIREMEN'S
ASSOCIATION
MEMBERSHIP APPLICATION**

Form 100
Rev. 6/10

Date 2-24-2011

Lower Twp Relief Assn. LOWER TWP Municipality

Department VILLAS VOLUNTEER FIRE Company

Name John First Robert Initial Kendrick Last

Address 33 Kentucky Ave. Street

Villas Town 08251 Zip Code For 4 Years

Birth date 05-27-1986 Birthplace Philadelphia, PA SS# 171-74-8731

Regular Occupation Deli

Have you ever applied to be a member of the New Jersey State Firemen's Assoc.? Yes No

If so, when _____ Where _____

The signature below certifies that I have received and read the attached PRIVACY NOTICE.

Home Phone No. _____
[Signature]
Signature of Applicant

STATE OF NEW JERSEY COUNTY OF Sape May
John Kendrick being duly sworn, doth depose and says that the above statements are true to the best of their knowledge and belief. Sworn to before me this 21 day of Feb. 2011

CARRISE L. MORNICK
Notary Public of New Jersey
My Commission Expires April 10, 2012

[Signature]
SIGNATURE OF NOTARY PUBLIC

MUNICIPAL APPROVAL

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[Signature]
SIGNATURE OF SECRETARY - RELIEF ASSOCIATION

SIGNATURE OF MUNICIPAL CLERK/ BOARD OF FIRE COMMISSIONERS

[Signature]
SIGNATURE OF CHIEF - FIRE DEPARTMENT

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- A. APPLICATION SHOULD BE FILLED OUT BY APPLICANT WITH TYPEWRITER OR PRINTED. (DO NOT WRITE)
- B. Application must be filled out by applicant and notarized. They must then present themselves before a doctor for physical examination.
- C. Application must be returned by applicant to Local Relief Secretary whose address is listed on back of this form.
- D. Local Relief Secretary will sign and secure chief's signature if application is in order, and forward to municipality for confirmation.

When applicant is admitted to membership by the Municipal Officer's, the signed ORIGINAL application is to be filed at the office of the New Jersey State Firemen's Association, by the secretary of the local association.

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

ORDINANCE #2011-07

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lower in the County of Cape May finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lower hereby determines that a 3.5% increase in the budget for said year, amounting to \$657,929.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cape Law is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lower, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2011 budget year, the final appropriation of the Township of Lower shall, in accordance with this ordinance and N.J.S.A. 40A: 4-15.14, be increased by 3.5% amounting to \$657,929.50, and the CY 2011 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinafter that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

Ordinance #2011-07

To Exceed the Municipal Budget Appropriation Limits and to
Establish a Cap Bank (NJSA 40A: 4-15.14)

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

ORDINANCE #2011-07

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14) continued

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Thomas Conrad, Councilman

Erik K. Simonsen, Councilman

Glenn Douglass, Councilman

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Clerk

Adopted: _____

Ordinance #2011-07
To Exceed the Municipal Budget Appropriation Limits and to
Establish a Cap Bank (NJSA 40A: 4-15.14)

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					115.00			
01340 EAGLE POINT GUN*	11-00404	02/14/11	AMMO	Open	24.36	0.00		
01425 PAPER CLIPS, INC*	11-00215	01/25/11	OFFICE SUPPLIES - VARIOUS	Open	106.30	0.00		
	11-00307	02/03/11	OFFICE SUPPLIES /CALC TAPE	Open	61.98	0.00		
					168.28			
01598 DEARBORN NATIONAL	11-00535	02/28/11	MARCH, 2011 LIFE INSURANCE	Open	538.67	0.00		
01641 GALL'S INC*	11-00169	01/18/11	PATROL OP SUPPLIES	Open	117.50	0.00		
01653 GENTILINI FORD*	11-00343	02/04/11	PARTS FOR RDS/DPS/DPW	Open	584.21	0.00		
01771 HD SUPPLY WATERWORKS LTD*	10-02639	10/19/10	PIPE AND PIPE SUPPLIES/DPW	Open	2,093.00	0.00		
01781 HATCH MOTT MACDONALD, LLC*	09-02321	08/24/09	BAYSHORE ESTATE STORM WATER RE	Open	842.00	0.00		B
	10-00906	04/22/10	STORM DAMAGE @ HOLMS AVE	Open	67.50	0.00		B
	10-02236	09/02/10	PRELIMINARY SITE INVESTIGATION	Open	75.50	0.00		B
	10-02407	09/23/10	OUTFALL PROJECT/DEL. BAY	Open	4,705.90	0.00		B
	10-02579	10/13/10	PKE LOT PHASE 2 - RES 2010-250	Open	5,142.50	0.00		B
	10-03145	12/08/10	ROOFING SYSTEM - REC CENTER	Open	5,940.00	0.00		B
	11-00192	01/21/11	HOLMES AVENUE PROJECT/DPW	Open	2,058.00	0.00		B
	11-00505	02/23/11	OUTFALL EXTENSIONS/RES#2011-47	Open	1,162.00	0.00		B
					19,993.40			
01804 HOLTZ LEARNING CENTERS, LTD*	11-00390	02/09/11	TRAINING	Open	2,855.00	0.00		
01859 HESS CORPORATION	11-00532	02/28/11	ELECTRICITY 1/20/11-2/17/11	Open	6,640.54	0.00		
01912 GRUCCIO, PEPPER, DESANTO&RUTH PA	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
01964 INTERNATIONAL ASSOC ARSON INVS	11-00182	01/21/11	2011 CHAPTER MEMBER #2011-001	Open	35.00	0.00		
02025 HUNTER JERSEY PETERBILT*	11-00345	02/04/11	PARTS FOR RECYCLING/DPW	Open	106.70	0.00		
02108 KEEN COMPRESSED GAS CO*	11-00332	02/03/11	12/31/10 INVOICE#R724896	Open	105.51	0.00		

03/02/11
15:16:32

Lower Township
Purchase Order Listing By Vendor Id

Page No: 5

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00090	01/10/11	LETTER HEAD	Open	145.00	0.00		
03226	OLD DOMINION BRUSH CO.*							
	11-00081	01/07/11	PARTS FOR LEAF TRUCK/DPW	Open	3,310.47	0.00		
03279	PARDO'S TRUCK PARTS WHSE*							
	11-00070	01/07/11	PARTS FOR RDS/SANT/REC/DPW	Open	463.20	0.00		
03285	PARA PLUS TRANSLATIONS, INC.*							
	11-00385	02/09/11	INTERPRETER	Open	282.54	0.00		
03293	BLAINE PAYNTER							
	11-00568	03/01/11	CONTRACTUAL REIMBURSEMENTS	Open	30.00	0.00		
03305	PEDRONI FUEL*							
	11-00287	01/31/11	ANNEX FUEL	Open	788.29	0.00		
	11-00517	02/25/11	FUEL OIL REC CTR/MILLMAN 2/16	Open	5,083.30	0.00		

					5,871.59			
03366	AMERI-GAS*							
	11-00434	02/16/11	PROPANE FOR REC/BENNETTS	Open	417.58	0.00		
	11-00475	02/23/11	PROPANE FOR BENNETTS 2/10/11	Open	628.59	0.00		
	11-00509	02/24/11	PROPANE FOR REC CENTER 2/4/11	Open	39.12	0.00		
	11-00515	02/25/11	PROPANE FOR BENNETTS	Open	613.35	0.00		
	11-00516	02/25/11	PROPANE FOR BENNETTS 1/24/11	Open	871.19	0.00		

					2,569.83			
03427	POLAR BEAR*							
	11-00337	02/04/11	MISC. REPAIRS TO BOILER	Open	130.00	0.00		
03453	QUILL CORPORATION*							
	11-00272	01/28/11	OFFICE SUPPLIES - FIRE SAFETY	Open	116.86	0.00		
03518	RIGGINS, INC.*							
	11-00529	02/25/11	OFF-HIGHWAY DIESEL/DPW	Open	1,323.24	0.00		
03611	SERVICE TIRE TRUCK CENTERS*							
	11-00065	01/07/11	TIRES FOR RDS/SANT/RECY/DPW	Open	4,142.32	0.00		
03691	SJ COURT ADMINISTRATOR'S ASSN*							
	11-00467	02/18/11	DUES	Open	80.00	0.00		
03692	SOUTH JERSEY GAS CO*							
	11-00498	02/23/11	FEBRUARY, 2011	Open	7,318.22	0.00		
03723	STAPLES, INC.*							
	11-00306	02/02/11	CULLEY BLACK LUXURA CHAIR	Open	202.97	0.00		
03810	MUNICIPAL UTIL AUTH USAGE COST							
	11-00461	02/17/11	WATER SERVICE DUE 3/15/11	Open	1,270.31	0.00		
	11-00462	02/17/11	SEWER SERVICE DUE 3/15/11	Open	163.69	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOSNA KAREN MANETTE BOSNA	11-00583	03/02/11	YOGA CLASS INSTRUCTOR	Open	75.00	0.00		
BRITB BRUCE BRITTON	11-00457	02/17/11	REFEREE FEE FOR BASKETBALL	Open	40.00	0.00		
	11-00572	03/01/11	BOYS TRAVELING BASKETBALL	Open	40.00	0.00		
					80.00			
CAPIZ KATHI CAPIZOLA, CMCA - SECY	11-00442	02/16/11	JUDGE'S - DUES	Open	75.00	0.00		
FATH WILLIAM FATH	10-02977	11/19/10	YOUTH SOCCER OFFICIAL	Open	90.00	0.00		
HITCH ALVIN & ELEANOR HITCHNER	11-00563	03/01/11	RELEASE DEMO BOND RES#2011-75	Open	500.00	0.00		
MCAA MCAA OF NEW JERSEY	11-00440	02/16/11	DUES	Open	90.00	0.00		
PRUSZ BOBBIE PRUSZINSKI	11-00550	02/28/11	WRESTLING REFUND FOR ERIK	Open	10.00	0.00		
REINHART DEREK REINHART	11-00456	02/17/11	REIMBURSEMENT FOR BACKGROUND	Open	51.25	0.00		
RUTHERF WILLIAM RUTHERFORD	11-00458	02/17/11	REFEREE FEE FOR TRAVELING	Open	40.00	0.00		
UMSCHL LISA UMSCHIED	11-00527	02/25/11	REIMBURSEMENT FOR BACKGROUND	Open	51.25	0.00		
VALLECON VALLE CONSTRUCTION, LLC	11-00512	02/25/11	RELEASE DEMO BOND RES 2011-72	Open	1,500.00	0.00		

Total Purchase Orders:		125	Total P.O. Line Items:	248	Total List Amount:	1,631,235.40	Total Void Amount:	0.00

I certify the foregoing to be a Resolution adopted by the Township Council on March 7, 2010.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-72

**TITLE: A resolution requesting RELEASE of Demolition Bond for Block 19,
Lot 43, 33 East Florida Avenue, Villas, NJ 08251**

WHEREAS, Valle Construction, LLC posted a Demolition Bond with the Township of Lower, in the amount of \$1,500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued February 23, 2011, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond be and hereby is **released**,

AND HEREBY BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$1,500.00 plus any accrued interest for payment of the above released demolition bond.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Res. #2011-72

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

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

DATE: February 24, 2011

RE: Release of Demolition Bond
Valle Construction, LLC
118 Summerbrooke Court
Sicklerville, NJ 08081
Block 19, Lot 43
Resolution #2011-72

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued February 23, 2011. Thank you.

WJG:las

att.

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011- 73**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Michael Perry in the amount of **\$5,991.00** is authorized and chargeable to the 2010 Budget account 0-01-25-240-127.

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

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					

LOWER TOWNSHIP POLICE DEPARTMENT
SPECIAL REPORT

TO: Chief Edward Donohue
FROM: Patrolman Michael Perry
DATE: January 18, 2011
SUBJECT: Comp. Time Pay Out

0-01-25-2011-127
5991.00

5991.00

I'm submitting this special as a request to cash in 150 hours comp. time. This request is being made so I can repair storm damage to my residence.

Respectfully Submitted,


Michael Perry

Patrolman Badge #178

* APPROVED SENE
JANUARY 21, 2011

Chief
Donohue

2/22 ok chg to 2010
nm

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

RESOLUTION #2011-74

TITLE: A RESOLUTION REQUESTING RELEASE OF DEMOLITION BOND FOR BLOCK 221, LOT 21, 244 MARYLAND AVENUE, VILLAS, NJ 08251

WHEREAS, Alvin W. Hitchner & Eleanor M. Hitchner posted a Demolition Bond with the Township of Lower, in the amount of \$500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued February 16, 2011, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond be and hereby is **released**,

AND HEREBY BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$500.00 plus any accrued interest for payment of the above released demolition bond.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Res. #2011-74

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

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

DATE: February 28, 2011

RE: Release of Demolition Bond
Alvin & Eleanor Hitchner
244 Maryland Avenue
Villas, NJ 08251
Block 221, Lot 21
Resolution #2011-75

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued February 16, 2011. Thank you.

WJG:las

att.

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

RESOLUTION #2011-75

TITLE: APPROVAL OF HOLY SPIRIT LUTHERAN CHURCH'S APPLICATION TO CONDUCT A FLEA MARKET ON JUNE 11

WHEREAS, Section 359-13 of the Code of Lower Township prohibits outdoor flea markets within the confines of Lower Township except as provided for in Section 359.13b, and

WHEREAS, Section 359-13 of the General Ordinances of the Township of Lower permits non-profit, charitable, civic and religious organizations to conduct four (4) outdoor flea markets within the confines of the Township if approved by the Township Council.

WHEREAS, the Township Council has reviewed the application of Holy Spirit Lutheran Church to conduct a flea market on June 11, 2011 with a rain date of June 18, 2011 at 1220 Bayshore Road, and

WHEREAS, the Council has determined the applicant meets the ordinance requirements of a non-profit, charitable, civic and/or religious organization.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that approval is hereby granted.

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on March 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

APPLICATION FOR OUTDOOR FLEA MARKET
NO FEE LICENSE

Name of Organization: HOLY SPIRIT LUTHERAN CHURCH

Name of Applicant (Responsible Party): FRAN GREEN

Address & Phone Number: SAVALON RD

N. CAPE MAY, NJ 08204

609 886 0550

Location of Event: 1220 BAYSHORE RD. VILLAS NJ 08251

Proceeds to Benefit: HOLY SPIRIT LUTHERAN CHURCH

Dates of Flea Market: JUNE 11 2011

(Two Days Only)

Rain Date: JUNE 18 2011

State Applicable Status: Non-Profit

Civic

Charitable

Religious

Fran Green

Signature of Person in Charge

FOR TOWNSHIP USE ONLY

Date Approved by Council: _____

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

RESOLUTION #2011-76

TITLE: APPROVAL OF CHANGE ORDER NO. 1 MAINTENANCE OF TOWNSHIP GROUNDS & PARKS FOR THE 2011 SEASON

WHEREAS, Bayshore Landscaping was previously awarded a contract in the amount of \$55,450,000 for the Maintenance of Township Grounds & Parks for 2010 and 2011, and

WHEREAS, during the course of the work on this project it was determined that additional properties and duties would be required for 2011; and

WHEREAS, the additional total cost to the Township for this change in the scope of work is \$9,580.00 as per the attached quote, and

WHEREAS, the Recreation Director has reviewed and recommended payment of Changer Order No. 1 and the CFO has certified the availability of funds as evidenced by her signature appended hereto

Account # Recreation OE
1-01-28-370-281


Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that Change Order No. 1 for the Maintenance of Township Grounds & Parks for 2010 and 2011 is hereby approved and the total contract amount for this project including Change Order No. 1 is \$65,030. , and

BE IT FURTHER RESOLVED that Bayshore Landscaping is authorized to proceed with the changes and complete them in accordance with the terms of the original Contract Documents.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-77

TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER APPROVING AN AGREEMENT WITH S. VITALE PYROTECHNIC INDUSTRIES, INC. TO PROVIDE FIREWORKS DISPLAY

WHEREAS, a Request for Proposals for the Fireworks Display including Barge was advertised on October 21, 2010 and proposals were accepted on November 10, 2010 at 11:00 a.m., and

WHEREAS, one proposal was submitted and reviewed by the Solicitor, the Assistant Recreation Director and the QPA, and

WHEREAS, the 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 2011-01-30-420-299 Celebration of Public Events
1-01-28-370-200 Recreation CE

CFO Signature *James Deal*

Whereas, the Township therefor desires to enter into an Agreement(the "Agreement") with S. Vitale Pyrotechnic Industries, Inc. for the Fireworks Display in accordance with the terms and conditions set forth on EXHIBIT A attached hereto; and

Now, Therefore, Be It Resolved, the Township Council of the Township of Lower, County of Cape May, State of New Jersey, as follows:

1. The proposal shall be awarded to S. Vitale Pyrotechnic Industries, Inc. in the amount of \$40,000.00
2. The Township hereby approves the Agreement with S. Vitale Pyrotechnic Industries, Inc. for the services and upon the terms and conditions set forth on EXHIBIT A attached hereto.

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

Claudia R. Kammer, Township Clerk

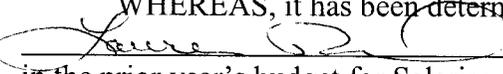
	Conrad	Simonsen	Douglass	Lare	Beck
Motion					
Second					
Aye					
Nay					
Abstain					
Absent					

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011-78**

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to David Fisher in the amount of \$1,452.78 is authorized and chargeable to the 2010 Budget account 0-01-25-240-124.

**I hereby certify the foregoing to be a resolution adopted by the
Township Council on _____.**

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					

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

RESOLUTION #2011-79

TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR ST. JOHN OF GOD/ ST. JOHN NEUMANN CHURCH

WHEREAS, St. John of God/St. John Neumann Church is applying for a minor site plan to reconstruct the damaged screen room in the back of the Rectory, and

WHEREAS the project will require a minor site plan and a building permit, and

WHEREAS, St. John of God/St. John Neumann is a charitable non- profit organization and the Rev. Ernest Soprano has requested the Township waive any and all application, professional and permit fees, and

WHEREAS, the Township Council has reviewed their request and deems it appropriate to support local charitable organizations and non-profit organizations that support and enhance the township and its community.

NOW, THEREFORE, BE IT RESOLVED that all permissible Township application, professional service & permit fees be waived for St. John of God/St. John Neumann.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

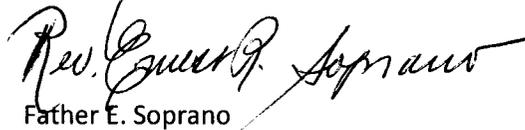
Township of Lower
Bayshore Road
Villas, New Jersey 08251
March 1, 2011

To Members of the Lower Township Planning and Zoning Board:

I am making a request to replace a porch of the St. John of God (now known as St. John Neumann) rectory. I would refer to it as a three season room, more correctly, with doors and windows. I would like to expand from 16' X 12' to 18' X 16".

As a non- profit organization, I am requesting the Township to waive all fess associated with the project.

Sincerely,


Father E. Soprano

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

RESOLUTION #2011-80

Title: Transfer of 2010 Appropriations

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers, and totaling \$800.00 be made between the 2010 budget appropriation reserves.

<u>LINE ITEM</u>		<u>ACCT. NUMBER</u>	<u>TO</u>	<u>FROM</u>
NATURAL GAS	OE	0-01-31-446-299	800.00	
GASOLINE AND FUEL	OE	0-01-31-460-299		800.00
			<u>800.00</u>	<u>800.00</u>

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

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

Resolution #11-80
 Transfer 2010 Appropriations

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

RESOLUTION #2011-81

TITLE: RESOLUTION SUPPORTING NJ DOT RECOMMENDATION FOR NO PASSING ZONE ON US ROUTE 9 IN THE VICINITY OF WALNUT STREET

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route US 9 in the Township of Lower, and

WHEREAS, NJDOT recommends a revision to the centerline pavement markings to create a No Passing Zone along Route US 9 in the vicinity of MP 6.5 (Walnut Street), and

WHEREAS, the project will create safer driving conditions in this area.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, and State of New Jersey that it supports the use of a "No Passing Zone" on US Route 9 as recommended by the NJ DOT in their letter of February 15, 2011.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O.Box 600
TRENTON, NEW JERSEY 08625-0600

CHRIS CHRISTIE
Governor

JAMES S. SIMPSON
Commissioner

KIM GUADAGNO
Lt. Governor

**No Passing Zone
Route US 9 (vic of MP 6.5 / Walnut St)
Lower Township, Cape May County**

February 15, 2011

Claudia R. Kammer, Clerk
Township of Lower
2600 Bay Shore Road
Villas, NJ 08251-1399

Dear Ms. Kammer:

This is in reference to an investigation conducted by the New Jersey Department of Transportation to inventory the existing centerline markings along Route US 9, the Township of Lower, County of Cape May.

Staff of the Bureau of Traffic Engineering and Investigations (BTEI) has completed an investigation. Based on this investigation, it has been recommended to revise the centerline pavement markings to a "No Passing Zone" along Route US 9 in the vicinity of MP 6.5 (Walnut Street).

In order to legally establish the "No Passing Zones", the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO). An initial step in the TRO process is to receive a Resolution of Support from the municipal governing body. It is, therefore, requested that a certified adopted Resolution of Concurrence be submitted to this office for the item discussed above. Please note that NJSA 39:4-8.4c establishes that a resolution is to be received from the municipality rather than an ordinance.

Once this office is in receipt of the certified adopted Resolution of Concurrence from the Lower Township governing body, a Traffic Regulation Order will be promulgated. The centerline markings will then be revised by NJDOT forces to reflect the "No Passing Zones"

Should you have any questions, please feel free to contact Robert Smetanka, Principal Traffic Investigator, at 609-530-2657.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Mihalic".

Michael E. Mihalic
Supervisor, Traffic Investigations
Traffic Engineering and Investigations

C: Chief of Police

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

RESOLUTION #2011-82

TITLE: AUTHORIZATION FOR THE TOWNSHIP OF LOWER TO APPLY FOR AN EMERGENCY MANAGEMENT AGENCY ASSISTANCE SUBGRANT

WHEREAS, the Lower Township Office of Emergency Management desires to apply for and obtain an Emergency Management Agency Assistance Subgrant. The Subgrant, consisting of a total amount of \$10,000.00, including \$5,000.00 Federal Award and \$5,000.00 local matching funds, is for the purpose of enhancing Lower Township's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the Subgrant award incorporates all conditions and representations contained or made in application; and

WHEREAS, the Lower Township Office of Emergency Management, designated by the New Jersey State Police, Office of Emergency Management, has submitted an Application for Subgrant Award that has been required by the said New Jersey State Police Office of Emergency Management; and

WHEREAS, the Application for Subgrant Award calls for a match in the amount of \$5,000.00 which the Lower Township Office of Emergency Management adequately satisfies through the 2011 Lower Township approved budget for salaries and wages and fringe benefits.

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey State Police, Office of Emergency Management, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey State Police, Office of Emergency Management.

BE IT FURTHER RESOLVED that Lauren Read, the Chief Fiscal Officer, Michael E. Beck, the Mayor and Richard Harron, Emergency Management Coordinator are authorized to sign the appropriate subgrant award documents; and

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to the New Jersey State Police, Office of Emergency Management; the Director of the Division of Local Government Services; Lauren Read, Chief Financial Officer; Richard Harron, Emergency Management Coordinator and the Office of the Treasury.

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-84

**TITLE: ACCEPTANCE AND CONTRACT AWARD FOR 2011 FREEMAN DOUGLASS
FIELD MAINTENANCE CONTRACT**

WHEREAS, proposals were solicited via the Township's website on February 16, 2011, and due on February 25, 2011 at 9:00 a.m. for the Freeman Douglass Field Maintenance Contract, and

WHEREAS, three proposals were submitted and reviewed by the QPA and the Assistant Superintendent of Recreation, and

WHEREAS, the CFO has certified available funds as indicated below by her signature,

Budget Year & Appropriation Recreation OE 1-01-28-370-298

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 bidders as follows:

AWARD TO: TRU GREEN, LLC
TOTAL: \$14,250 for Option 2 to include fields & common areas

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on March 7, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

ORDINANCE #2011-08

AN ORDINANCE AMENDING CHAPTER 90, ARTICLE II, OF THE CODE OF THE TOWNSHIP ENTITLED, POLICE DEPARTMENT

WHEREAS, Article II , Special Law Enforcement Officers, of the Code of the Township deal with Class I and Class II officers, and

WHEREAS, the Chief of Police has requested to increase the number of Class 2 officer from 10 to 12 which would require an amendment to Section 90-19, "Number of special law enforcement officers" of the Code of the Township of Lower.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Section 90-19 of the Code of the Township of Lower is deleted and replaced with the following:

Not more than 10 Class 1 and 12 Class 2 special law enforcement officers may be employed by the Township of Lower at any given time.

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, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____, 2011

**MANAGER'S ANNUAL BUDGET MESSAGE
2011 BUDGET INTRODUCTION – MARCH 7, 2011**

Council has received a copy of the proposed municipal budget for the year 2011. The total budget is \$24,508,934.87 compared to \$24,294,961.39 for 2010, an increase of \$213,973.48.

The increases in this year's budget come from several sources. These include:

Health Insurance (11.4%)	\$320,900
Liability Insurance (2.7%)	26,355
PERS (10.5%)	55,529
PFRS (21.3%)	180,226
Unemployment (15.9%)	10,000
Terminal Leave (38%)	50,000
Utilities (7.95%)	<u>82,150</u>
	\$725,160

The local tax rate for the year 2011 is 45 cents per \$100 of assessed value compared with the 2010 rate of 43.3 cents. The municipal purpose tax will be \$450 for every \$100,000 of assessed value, an annual increase of \$17.

The total assessed value of real property upon which the tax rate is based is \$4,090,589,040 compared to \$4,096,120,972 in 2010. The difference is (\$5,531,932) or a .14% decrease. The net decrease reflects increases in new property and construction valuations, lowered by successful tax appeals, adjustments in value made by the Tax Assessor and any lands transferred to public domain. Every \$409,059 of the amount to be raised by taxation for the 2011 budget equals one cent on the tax rate.

The Township completed 2010 with a surplus of \$2,813,008.27. Of that balance \$1,850,000 is being applied to this year's budget, leaving a balance of \$963,008.27.

The tax collection rate for 2010 was 97.77% compared with 97.71% in 2009. This budget uses 96.53% rate to compute the reserve for uncollected taxes in 2011.

The public hearing is scheduled for April 4th at 7:00 p.m. A budget summary will be published in the Cape May Star & Wave. Copies will be available on the Township website as well as in the Clerk's office at Town hall.

Respectfully submitted to Council,

Michael J. Voll
Township Manager

	<u>Total</u>	<u>Jan</u>
BEG. BAL. JAN. 1, 2011	4,995,207.31	4,995,207.31
RECEIPTS:		
Per Revenue Status	5,857,319.23	5,857,319.23
less: post cash surplus	0.00	
Interest due from- Dev. Escrow	(78.87)	(78.87)
Capital	(0.31)	(0.31)
	5,857,240.05	5,857,240.05
Grants Received		
JIF \$ Recd	3,050.00	3,050.00
TOTAL RECEIPTS:	5,860,290.05	5,860,290.05
DISBURSEMENTS:		
2010 Reserves	208,057.93	208,057.93
2011 Current	5,497,057.89	5,497,057.89
2011 Capital	6,120,401.21	170,864.57
Appropriation Refunds:	(4,926.62)	(4,926.62)
TOTAL DISBURSEMENTS	11,820,590.41	5,871,053.77
END. BAL. DEC. 31, 2011	(965,093.05)	4,984,443.59
Total Appropriation Refunds	(4,926.62)	(4,926.62)

Bank Balance	
Checking	5,729,594.93
MBIA	1,060,645.01
Total Bank Balance	6,790,239.94
ADD: Deposits in Transit	989,748.32
LESS: Outstanding Checks	(2,798,594.67)
Adjusted Bank Balance	4,981,393.59
	3,050.00

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

RESOLUTION # 2011-85

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. (Teamsters & AFSCME)
- _____ (5) Matters Relating to the Purchase, Lease or 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.
- X (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. (Contract Negotiation)

X (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. (Personnel)

 (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 March 7, 2011 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

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

Claudia R. Kammer, Township Clerk