

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

March 21, 2011 - 7:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Eagle Scout - Steven D. Church, Jr.

Work Session

Discussion - Request to MUA for funds
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes March 7, 2011
Res. #2011-86, Payment of Vouchers, \$3,221,623.01
Res. #2011-87, Authorization for Refund of Taxes (Paid twice in error)
Res. #2011-88, Resolution Awarding Concession Stand Lease for the Lower Township Swimming Pool(2 yrs. Melo Concession - payment to Twp of \$1500 for 2011 & 2012)
Res. #2011-89, Authorization fr 2010 Incentive Award for Insurance Waiver (J Saunders - \$2,076.92)
Res. #2011-90, Rejection of Proposals for Concession for 2011 Independence Day Festival Rides (over budget)
Res. #2011-91, Resolution Approving Project Proposal Between hatch Mott MacDonald and the Township of Lower for Engineering Services Related to Permitting & Engineering for 2011 Delaware Bay Shore Outfall Extensions (\$99,000 for survey, NJDEP CAFRA/WFD permits, NJ Tidelands App, Army Corps Permit, Permit, Engineering & Construction Documents)
Res. #2011-92, Authorization for Waiver of Fees for Calvary Chapel Cape May Associated With Their Use Variance Application (Applying to relocate their ministry to a unit in Breakwater Center)
Res. #2011-93, A Resolution Approving A Management Agreement by and Between the Township of Lower and Friends of the Fishing Creek School, Inc.
Res. #2011-94, A Resolution Authorizing the Formation of a Minutes Review Committee (to review Exec. Session Minutes for release on as needed or annual basis)
Res. #2011-95, Issuance of Ice Cream Peddling Licenses for the Year 2011 to Summer Daze Ice Cream (Annual Renewal)
Ord. #2011-09, An Ordinance of the Township of Lower Authorizing the Acceptance of Land Donated to the Township of Lower by the Nature Conservancy, 1st rdg. (Donation of .0385 acres on Beach Drive) 2nd rdg. Apr. 4th

Regular Agenda

Res. #2011-96, Resolution Authorizing Request to the Lower Township MUA (if approved at work session)
Ord. #2011-06, An Ordinance Amending Chapter 3 Administration of Government, Article VII, Section 3-41 of the Code of the Township of Lower, 2nd rdg. (Change from Mayor's Adv. Board to Citizen Adv. Board, increasing members & method of appointment)

Administrative Reports

Safety Report

February Repots

Animal Control, Construction (WCM & Lower) Dog License, Engineer, Municipal Clerk, Municipal Court, Tax Collector, Vital Statistics

Council Comments

Call to the Public

Closed Session

Res. #2011-97,

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.a (Employment Matters - Police)

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

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

RESOLUTION #2011-96

TITLE: RESOLUTION AUTHORIZING REQUEST TO THE LOWER TOWNSHIP MUA

WHEREAS, the Lower Township MUA budget for Fiscal Year December 1, 2010 through November 30, 2011 for both water and sewer contains a line item entitled "Maximum Allowable for Appropriation to Municipality/County", and

WHEREAS, the amount listed on the Supplement Schedule as "Maximum Allowable for Appropriation to Municipality/County" in the sewer budget is \$203,173 and the amount listed in the water budget is 124,131 for a total of \$327,304, and

WHEREAS, Council would like to officially request one-half of the total \$327,304 be appropriated to the Township.

NOW, THEREFORE, BE IT RESOLVED the Township Council hereby requests the Lower Township MUA appropriate one half of the amounts listed in the "Maximum Allowable for Appropriation to Municipality/County" as listed in the Supplemental Schedules from the sewer & water budget to the Township of Lower for a total of \$163,652.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 2, 2011.

Claudia R. Kammer, Township Cler

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Township of Lower Municipal Utilities Authority

**AUTHORITY BUDGET
SUPPLEMENTAL SCHEDULES**

124,131.0000 0+
203,173.0000 0+
327,304.0000 0+

FISCAL YEAR: FROM DECEMBER 1, 2010 TO NOVEMBER 30, 2011

(1) PY UNRESTRICTED NET ASSETS PY AUDIT *

ADJUSTMENTS DURING CURRENT YEAR

(a) EST. NET INCOME OR (LOSS) ON CURRENT YEAR'S RESULTS OF OPERATIONS * *

(Include unbudgeted use of unrestricted net assets)

(b) ADJUSTMENTS: OTHER (Attach list): * *

(2) **SUBTOTAL - ADJUSTMENTS** (ADD AMOUNTS ON LINES a-b) * *

(3) **ADD LINES 1 AND 2** * *

CURRENT YEAR ESTIMATED CHANGES IN RESTRICTIONS
(attach documentation)

(c) DEBT SERVICE * INC/(DEC.) *

(d) MAINTENANCE RESERVE * *

(e) OPERATING REQUIREMENT * *

(f) OTHER LEGAL RESERVATIONS * *

(4) **SUB-TOTAL - RESTRICTIONS** (ADD AMOUNTS ON LINES c-f) * *

DESIGNATIONS (attach documentation)

(g) NON-OPERATING IMPROVEMENTS & REPAIRS (CB-4&5) * *

(h) CONTRIBUTION TO RATE STABILIZATION PLAN (#) * *

(i) OTHER BOARD DESIGNATION * *

(j) ADJUSTMENTS /OTHER (Attach list): * *

(5) **SUBTOTAL - DESIGNATIONS** (ADD AMOUNTS ON LINES g-i) * *

(6) **ADD LINES 4 and 5** * *

(7) **UNRESTRICTED NET ASSETS AVAILABLE FOR USE IN PROPOSED BUDGET**
(SUBTRACT LINE 6 FROM LINE 3) * *

PROPOSED UTILIZATION OF AVAILABLE UNRESTRICTED NET ASSETS

(8) AS REVENUE IN ANNUAL BUDGET (PAGE 6, LINE R-3b) * *

(9) FOR CURRENT YEAR CAPITAL BUDGET (PAGE CB-3) * *

(10) **SUBTOTAL - U/R NET ASSETS UTILIZED** (ADD AMOUNTS ON LINES 8-9) * *

(11) **MAXIMUM ALLOWABLE FOR APPROPRIATION TO MUNICIPALITY/COUNTY**
(Budget Item B-2 times 5%)

(12) **AS APPROPRIATED TO MUNICIPALITY/COUNTY (PAGE 6, LINE R-3a)** * *

(13) **TOTAL UNRESTRICTED/UNDESIGNATED NET ASSETS**
(SUBTRACT LINES 10 AND 12 FROM LINE 7) * *

609-886-7146 x201
Phone # (extension) / Fax#

CERTIFIED BY: C. Mike DeMascantone
EXECUTIVE DIRECTOR

DATE: 10-6-10
PAGE SS-9

(#) Explain in detail in the Budget Message

Township of Lower Municipal Utilities Authority

**AUTHORITY BUDGET
SUPPLEMENTAL SCHEDULES**

**SEWER
(OPERATION)**

FISCAL YEAR: FROM DECEMBER 1, 2010 TO NOVEMBER 30, 2011

(1) PY UNRESTRICTED NET ASSETS PY AUDIT * *

ADJUSTMENTS DURING CURRENT YEAR

(a) EST. NET INCOME OR (LOSS) ON CURRENT YEAR'S RESULTS OF OPERATIONS *

*

(Include unbudgeted use of unrestricted net assets)

(b) ADJUSTMENTS: OTHER (Attach list): *

*

(2) SUBTOTAL - ADJUSTMENTS (ADD AMOUNTS ON LINES a-b) * *

(3) ADD LINES 1 AND 2 * *

CURRENT YEAR ESTIMATED CHANGES IN RESTRICTIONS

(attach documentation)

(c) DEBT SERVICE *

*

(d) MAINTENANCE RESERVE *

*

(e) OPERATING REQUIREMENT *

*

(f) OTHER LEGAL RESERVATIONS *

*

(4) SUB-TOTAL - RESTRICTIONS (ADD AMOUNTS ON LINES c-f) * *

DESIGNATIONS (attach documentation)

(g) NON-OPERATING IMPROVEMENTS & REPAIRS (CB-4&5) *

*

(h) CONTRIBUTION TO RATE STABILIZATION PLAN (#) *

*

(i) OTHER BOARD DESIGNATION *

*

(j) ADJUSTMENTS /OTHER (Attach list): *

*

(5) SUBTOTAL - DESIGNATIONS (ADD AMOUNTS ON LINES g-l) * *

(6) ADD LINES 4 and 5 * *

(7) UNRESTRICTED NET ASSETS AVAILABLE FOR USE IN PROPOSED BUDGET (SUBTRACT LINE 6 FROM LINE 3) * *

PROPOSED UTILIZATION OF AVAILABLE UNRESTRICTED NET ASSETS

(8) AS REVENUE IN ANNUAL BUDGET (PAGE 6, LINE R-3b) * *

(9) FOR CURRENT YEAR CAPITAL BUDGET (PAGE CB-3) * *

(10) SUBTOTAL - U/R NET ASSETS UTILIZED (ADD AMOUNTS ON LINES 8-9) * *

(11) MAXIMUM ALLOWABLE FOR APPROPRIATION TO MUNICIPALITY/COUNTY (Budget Item B-2 times 5%)

(12) AS APPROPRIATED TO MUNICIPALITY/COUNTY (PAGE 6, LINE R-3a) * *

(13) TOTAL UNRESTRICTED/UNDESIGNATED NET ASSETS (SUBTRACT LINES 10 AND 12 FROM LINE 7) * *

609-886-7196 x401

Phone # (extension) / Fax#

CERTIFIED BY: C. M. D. M...
EXECUTIVE DIRECTOR

(#) Explain in detail in the Budget Message

DATE: 10-6-10
PAGE SS-9

Regular & Work Session Meeting Minutes -March 7, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 7, 2011 at 6:00 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

Budget Work Session Review

Mayor Beck thanked Leon Costello, Auditor and Lauren Read, CFO for being present for the budget review and appreciated all their hard work on the budget.

Mr. Costello said it was the budget introduction and they needed three votes to introduce it. He said the public hearing would be on April 4th and at that time any line item that could be changed. He noted if anything were changed by more than 10% it Council would not be able to adopt that night. If it was less than 10% it could be amended and adopted that night. The Auditor noted the Township didn't lose any State Aid; they would receive the same as amount as last year. He said the proposed budget had a 1.7% tax increase which was 4.1% increase in the levy. He said the budget met the levy CAP and was under by \$150,000.00 leaving plenty of room to spend as long as taxes were not increased. Mr. Costello said the Township had declining revenues the last few years but managed to hold stable for the year 2010 with all allowable fund balance being used in the proposed budget. He said the real increases for this year were the two pensions and health care. Mr. Costello said the 2012 pension numbers were out and there would be an increase of \$160,000 in the pension costs with two reforms on the table. Senator Sweeney had introduced a bill that would require a health care payment of the premium paid by the employees but there had been no action on the bill yet. He said the Governor wanted it phased in over four years and noted there was pension reform bill to change the calculation to years of service over 60 as compared to the current years of service over 55. The auditor said that would provide some relief in 2013. He said if union contracts were open they would qualify otherwise it would take effect when the contracts expired. Mr. Costello said the Sweeney Bill introduced made it mandatory that five health plans be available, so he was making cheaper plans be part of the system and gave different examples of how the plans would be. Mr. Costello noted there was a small loss in rateables but the collection rate was basically the same as last year. He said the Township needed to watch the tax appeals filed because if an appeal was successful, the loss would out of the Township's pocket. He said it was a good budget so far and the purpose was to get it on the table and they could make changes. He said between now and April 4th they could meet and discuss the budget but no action could be taken until after the public hearing on April 4th. He said debt service was under control and salaries were down. Mr. Costello mentioned Lower

Regular & Work Session Meeting Minutes -March 7, 2011

Township was in much better shape than other communities such as Atlantic City and Camden where there were massive layoffs just to get their budgets legal for introduction.

Councilmember Conrad said he felt Lauren and Leon had done a wonderful job with the budget.

Councilmember Simonsen also commended them on the good job they had done and said he was happy with it.

Deputy Mayor Lare commended everyone involved in the budget process and but felt they could do better. He said he wouldn't support it with a 1.7 cent increase. His goal was to get it to zero but that wasn't realistic so he would like to see it at a penny.

Mayor Beck said he felt it was a doable item and felt the toolkit was no help at all. He said the only help was \$50,000 on a \$ 25 million-dollar budget. He felt Council achieved stability by seeing the train coming down the tracks a few years ago and through attrition as the Township had 144 employees and now was now down to 129. He added they couldn't keep losing employees.

Mayor Beck opened the meeting for public comment.

Budget

Fred Long of Cold Spring asked Mr. Costello how the amount was for the local purpose tax to be raised.

Mr. Costello said \$18,424,177.72.

Mr. Long asked Mr. Costello what percentage rate was assumed for the reserve for uncollected taxes.

Mr. Costello said 96.53%.

Ed Butler asked how much surplus was used in the proposed budget.

Mr. Costello responded \$1,850,000.00 and the maximum was \$1.9 million.

Mr. Butler said their "toolbox" should be opened and Council should do what was needed to be done.

Mr. Costello said the schools hadn't come out with their budget yet and the County budget increase was very minimal.

Mayor Beck reminded all the Township had a zero tax increase last year.

Mr. Butler said he was interested in right now and the future.

Frank Serraco, Villas asked Mr. Costello not to raise taxes in any way. He asked Mr. Costello to explain what becoming "legal" meant?

Mr. Costello said there were two CAPS that had to be met; the 2% tax levy and the 3.5% on spending. The Township was under those caps and so the budget was legal.

Mr. Serraco asked Mr. Costello if he had said other areas where employees were being laid off was not to lower the taxes.

Mr. Costello replied when he mentioned other towns laying off employees, it was so they could get to the 2% levy CAP and 3.5% spending CAP to have a legal budget.

Robert Rizzo asked Council to consider the totality of the situation, the County, Schools and Fire District and said even if taxes went up a little bit it would be a lot for some people.

No further questions, Mayor Beck closed the public comment portion.

WORK SESSION

Request of Timothy Dwyer, Esq. Re: Block 410.01 Lot 71.03 - Encroachment

Mayor Beck asked Solicitor Donohue to explain the encroachment issue.

Solicitor Donohue said in the context of a land use issue the Planning and/or Zoning Boards look to protect the Township. He said an application filed by Corino and Dwyer on behalf of a client for xxx a fence along Greenwood Avenue encroached in the right of way by 2.7 feet. The Solicitor said Township could handle it several different

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ways, the Township could issue a directive to move the fence, but it appeared the fence had been there for about 40 years. He said the attorneys for the applicant were suggesting they would acknowledge the encroachment through an encroachment agreement and record the fact that they weren't going to claim adverse possession against the Township. Solicitor Donohue said the Township could proceed with an agreement or give the applicant notice to move the fence.

Council had no objection to an encroachment agreement.

Solicitor Donohue said he would get in touch with Mr. Dwyer and prepare the necessary document for Council's approval.

Mayor Beck said he was concerned with the potential liability and repair issues on the portions of the fence that encroached onto the Township's property and suggested that be addressed in the agreement.

Solicitor Donohue said the agreement could require that if repairs were made to any part of the fence on the Township's property it would then be moved off Township property.

All agreed.

Request to Amend Increase Class II Officers

Captain Marker said he was representing the Chief. He said the Department had 10 Class II Officers, eight were hired and one was in the academy, however, some of them were being interviewed by the Department of Corrections and other agencies. Captain Marker said the Chief was asking Council to change the ordinance which permitted 10 Class II's to 12 now, so additional officers could be trained for the summer season/

Councilmember Conrad said as long as the Chief understood Class II's were not to be used to replace full time officers.

Deputy Mayor Lare and Mayor Beck were in agreement to change the ordinance to permit 12 Class II officers instead of 10.

All were in agreement with it.

Review of Consent and Regular Agenda Items

No Council Comments.

Public Questions on Consent Agenda and/or Regular Agenda Items

Ed Butler asked what Resolution #2011-84, the contract award was for?

Mayor Beck said it was for fertilizing and maintaining areas of the Bennette's field.

Deputy Mayor Lare said the vendor would oversee the weed, feed and maintenance of the fields and common areas.

Mr. Butler asked if that service was awarded in a previous contract.

Deputy Mayor Lare said it was an annual contract.

Mr. Butler asked if it was a no bid contract.

Deputy Mayor Lare said it had been put out to bid.

Mayor Beck asked Margaret Vitelli the Purchasing Agent to explain.

Mrs. Vitelli said any service or item over \$17,500 was on pay to play requirement which was done with this contract.

She said they included everything so they would have one full contract and there would be no additional applications. She further explained the bid process, advertising on the website and taking phone quotes.

Mayor Beck closed the public portion.

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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)
- Ord. #2011-08, An Ordinance Amending Chapter 90, Article II of the Code of the Township, Entitled, Police Department (Permitting increase in Class II officers from 10 to 12) 1st rdg. (2nd rdg Mar. 21)
- 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)

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", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Administrative Report

Township Manager's Annual Budget Message was received and accepted.

Regular & Work Session Meeting Minutes -March 7, 2011

Council Comments

Councilmember Simonsen said a good job had been done on the budget so far. He congratulated LCMR High School boys and girls basketball teams who made it to the state play-offs.

Deputy Mayor Lare said the Council approved the vendor for the fireworks to be held on July 3rd and he had the job of fund raising \$25,000 for the fireworks. He said it would be a private - public partnership and worked out well last year. The Councilman said he was aware everyone gave through their tax levy but said if anyone who wanted to donate toward the fireworks it would be appreciated.

Mayor Beck said the Fishing Creek School fund raiser continued and for everyone to stop and buy a pizza at Domino's Pizza in the Villas.

Mayor Beck said the demolition began at Ponder Lodge and the buildings would be down shortly. He mentioned some adjustments were made on the trails.

Call to the Public

Employee Contracts

Bill Greenfield of the Villas asked if there were any employee contracts being negotiated.

Mayor Beck said yes, two contracts had expired.

Mr. Greenfield said if he understood the Auditor correctly any contracts settled before the changes were made on the State level would not be subject to the State's changes.

Mayor Beck said he wasn't sure about that.

Budget

Fred Long said he wanted to make a suggestion regarding the budget, noting Mr. Costello indicated in the calculation used for the reserve for uncollected taxes was based on the same percentage as last year, 96.53 percent. He said last year when the budget was introduced, the 96.53 was an estimate. Mr. Long said the Township wound up with a rate of 96.80%. He said it the change in the rate used to calculate the Reserve for Uncollected Taxes could mean a difference of \$100,000 or so. Mr. Long said perhaps Council would want to consider changing the rate used to reduce the budget a bit more.

No further comments, Mayor Beck closed the public portion.

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) was presented at 6:45 p.m.

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

Return to Open Session

Councilmember Conrad made a motion to adjourn the Closed Session and return to the Open Meeting at approximately 7:23 p.m. seconded by Councilman Simonsen.

The motion was approved by the following roll call vote: Councilmember Conrad, "yes", Councilmember Simonsen, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

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**Comcast of Wildwood, LLC - Application for Renewal of Municipal Consent
Cable Franchise Renewal Hearing Public Hearing**

Manager Voll introduced Fred DeAndrea and Barry Taylor from Comcast Cable.
Mr. DeAndrea read the following statement:

My name is Fred DeAndrea and I am the southern New Jersey Director of Government Affairs for Comcast's cable systems. We appreciate the opportunity we have had to provide cable television service to Lower Township.

There are formalities associated with this process that are governed by both federal and state regulations. Comcast began that process by sending written notice to the township on or about October 16, 2008 indicating our intention to seek a renewal of our non-exclusive cable television franchise.

We filed an Application for Renewal of Municipal Consent on or about December 16 2010. That application is available for public examination in the Township Clerk's office.

Today's hearing is another step in the renewal process. No action is required today; this is an opportunity for both the governing body and Comcast to hear from the public. As the company learns your needs and concerns, they will be taken into consideration and addressed as we move forward. I am also available for informal discussions in the same regard.

Your attorney may have already told you that, under federal law, the governing body must base its franchise renewal decision on the answer to four fundamental questions:

1. Has the cable operator substantially complied w/ the material items of the existing franchise and applicable laws?
2. Has the quality of the operator's service, including signal quality, responsiveness to consumer complaints and billing practices, been reasonable in light of community needs?
3. Does the operator have the financial, legal and technical ability to provide the facilities and equipment it is proposing to provide?
4. Is the cable operator's franchise renewal proposal reasonable to meet the future cable related needs of the community, taking into account the cost of meeting such needs?

I would like to take this opportunity to remind the public that rates and channel selection are not subject to the franchise negotiation process, and are not governed by the local community or its governing body under the 1996 Telecommunications Act.

Thank you for your time and attention. We look forward, at the conclusion of this process, to your favorable consideration of our application for renewal. At this time, I join your elected officials and municipal staff in looking forward to hearing any comments by the public.

Regular & Work Session Meeting Minutes -March 7, 2011

Comcast Franchise Renewal - Public Comment

Deputy Mayor Lare apologized for making Mr. DeAndrea and Mr. Barry wait while Council was in closed session. He said his concern was the Public Education Government channel and the commitment of Comcast going forward.

Mr. DeAndrea said there were two access channels and it was something they could talk about through the negotiation process.

Deputy Mayor Lare said once Comcast converted to digital and specific boxes were needed there was limited access in the schools, which in his opinion, prohibited some valuable learning experiences.

Mayor Beck asked what was done in other towns?

Mr. Taylor said a number of boxes were provided to the schools.

Deputy Mayor Lare said he would like to see more boxes provided to the schools.

Mr. Taylor said the purpose of the hearing was to get comments from the public.

Solicitor Donohue said the current consent would expire in September 2011 and the purpose of the hearing was to get the public's comments. He said usually after a franchise renewal there would be a subsequent meeting with a representative of the cable provider and issues and concerns brought up by Council would be addressed the next consent. He said the process was somewhat flexible.

Deputy Mayor Lare said he wanted Council to consider at their next meeting to have some kind of give and take with Comcast.

Comcast representative, Mr. Barry that type of discussion wouldn't take place in public and was considered contract negotiations.

Mayor Beck said that would take place with the Manager and/or Solicitor and perhaps a representative of Council who would discuss their concerns.

Chris Kobik of 16 Freedom Drive - thanked Comcast for their support and service to educational system over the past 20 years. He said the access of the PEG channel was very important. He asked for assurances for ongoing maintenance and support of the internal and external access channel.

Colleen Hughes said she would like to see more local sports programs on the PEG channel and get the kids interested in joining the sports.

Mr. Barry said what was put on the PEG channel was decided by those who ran the PEG channel, Comcast had nothing to do with it.

Frances Montesano of Villas asked if they provided services to families who couldn't afford internet access for children.

Mr. DeAndrea said their representatives could work with them and see if there was a less expensive plan.

No further comments, Mayor Beck closed the public hearing for Comcast's Application for Municipal Consent.

There being no further comment, Deputy Mayor Lare motioned to adjourn the meeting, seconded by Councilmember Conrad the meeting was unanimously adjourned by verbal "ayes" at 7:40 p.m.

Mayor

Township Clerk

Approved: March 21, 2011

Closed Session

Res. #2011-96

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.a (Matter Relating to Employment Relationship - Police)

Adjournment

Public Information

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

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00501	02/23/11	PEST CONTROL FOR JAN. & FEB.	Open	40.00	0.00		
00403			BLUE WAVE EXPRESS CAR WASH*					
	11-00629	03/09/11	CAR WASH - PLANNING	Open	15.00	0.00		
	11-00634	03/09/11	CAR WASH	Open	245.00	0.00		

					260.00			
00432			MICHAEL BROGAN					
	11-00688	03/15/11	OVER 65 MEDICAL SUPP 01/2011	Open	186.59	0.00		
00499			BUILD.INSPECT.UNDERWRITERSINC					
	11-00500	02/23/11	ELEVATOR FINAL	Open	213.60	0.00		
00616			ANIMAL ALLIANCE OF CAPE					
	11-00660	03/11/11	TNR AND SPAY/NEUTER PROGRAM	Open	240.00	0.00		
	11-00661	03/11/11	PET SMART GRANT	Open	215.00	0.00		
	11-00694	03/16/11	2010 PETSMAART GRANT	Open	129.00	0.00		
	11-00695	03/16/11	TNR AND SPAY/NEUTER PROGRAM	Open	770.00	0.00		

					1,354.00			
00651			MUNICIPAL UTIL AUTH DUMP FEES					
	11-00623	03/07/11	TIPPING FEES/FEB 2011/DPW	Open	45,816.58	0.00		
00739			CAPE MAY VETERINARY HOSPITAL					
	11-00686	03/15/11	TNR PROGRAM	Open	44.00	0.00		
00784			CAPE MAY STAR & WAVE					
	11-00628	03/09/11	LEGALS	Open	50.84	0.00		
00820			COMCAST OF WILDWOOD* DPW					
	11-00607	03/04/11	INTERNET PROVIDER/FEB/MARCH	Open	198.18	0.00		
00825			COMCAST*					
	11-00655	03/11/11	INTERNET ACCESS - TOWNHALL	Open	95.11	0.00		
	11-00690	03/15/11	MONTHLY INTERNET ACCESS	Open	60.02	0.00		

					155.13			
00925			DONALD PAUL CLARK JR.					
	11-00659	03/11/11	CONTRACTUAL REIMBURSEMENTS	Open	229.00	0.00		
01171			VERIZON WIRELESS - TOWNHALL					
	11-00653	03/09/11	CELL PHONE SERVICE - TOWNHALL	Open	1,615.74	0.00		
01501			PAMELA M FELDER					
	11-00687	03/15/11	CONTRACTUAL REIMBURSEMENT	Open	147.92	0.00		
01660			GENERAL SPRING SERVICE*					
	11-00297	02/01/11	PARTS FOR R-4 RECYCLING TRUCK	Open	1,842.39	0.00		
01690			GRANTURK EQUIPMENT CO*					

03/17/11
09:30:51

Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
10-03321	12/29/10	CHASSIS MOUNT 25 YD LEAF LOADE	Open	36,087.00	0.00			
01781 HATCH MOTT MACDONALD, LLC*								
11-00614	03/04/11	ESCROW BILLING	Open	1,580.02	0.00			
11-00656	03/11/11	ESCROW BILLING	Open	3,162.30	0.00			

					4,742.32			
01806 ANTHONY J HARVATT, II, ESQ								
11-00413	02/14/11	BOARD SOLICITOR SALARY	Open	300.00	0.00			
01834 RICHARD HOOYMAN								
11-00632	03/09/11	CONTRACTUAL REIMBURSEMENT	Open	11.00	0.00			
01912 GRUCCIO, PEPPER, DESANTO & RUTH PA								
11-00157	01/14/11	2011 CONTRACT EXPENSES DNE	Open	3,108.25	0.00			B
01971 IACP, TRAINING KEYS DIVISION*								
11-00445	02/16/11	ANNUAL MEMBERSHIP DUES 2011	Open	120.00	0.00			
02108 KEEN COMPRESSED GAS CO*								
11-00313	02/03/11	BOTTLED GAS FOR GARAGE/DPW	Open	256.20	0.00			
02125 KDI*								
11-00394	02/10/11	COPIER OVERAGES 11/1/10-1/31/11	Open	526.16	0.00			
11-00562	03/01/11	COPIER MAINT 2/01/11-01/31/12	Open	2,583.24	0.00			

					3,109.40			
02140 KINDLE FORD LINC/MERC., INC.*								
11-00316	02/03/11	PARTS FOR POLICE VEH/DPS	Open	720.28	0.00			
02223 LANDSMAN UNIFORMS*								
11-00330	02/03/11	UNIFORMS	Open	390.00	0.00			
02320 LOWER TOWNSHIP BRD OF EDUCATN								
11-00705	03/16/11	SCHOOL TAX DUE 04/01/11	Open	1,437,188.90	0.00			
02349 ROBERT LUBBERMAN								
11-00625	03/07/11	REFEREE FEE FOR 7/8 GRADE	Open	50.00	0.00			
11-00639	03/09/11	BASKETBALL OFFICIAL PAYMENT	Open	1,048.00	0.00			

					1,098.00			
02402 MGL PRINTING SOLUTIONS								
11-00147	01/13/11	HOMESTEAD BENEFIT FORMS	Open	297.00	0.00			
11-00443	02/16/11	VITAL STATISTIC SUPPLIES	Open	70.00	0.00			

					367.00			
02417 MAGELLAN HILL TECHNOLOGIES*								
11-00611	03/04/11	PHONE SERVICE MARCH, 2011	Open	2,957.14	0.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00446	02/16/11	2011 DUES	Open	100.00	0.00		
03803 TONY'S MARINE SUPPLY*	11-00411	02/14/11	SUPPLIES FOR OUTFALL PROJECT	Open	936.48	0.00		
03820 MUNICIPAL UTIL. AUTH ON CALL	11-00528	02/25/11	ONE-CALL MESSAGES/DPW	Open	103.62	0.00		
03821 TRANS AXLE*	11-00438	02/16/11	PARTS FOR RDS VEHICLE/DPW	Open	1,370.83	0.00		
03985 VILLAS NAPA AUTO PARTS	11-00578	03/01/11	PARTS FOR RDS/SANT/RECY/DPW	Open	1,788.71	0.00		
03992 VAL-U AUTO PARTS LLC*	11-00315	02/03/11	PARTS FOR RDS/SANT/RECY/DPW	Open	3,800.41	0.00		
04030 WEST PUBLISHING PAYMENT *	11-00707	03/16/11	ANNUAL UPDATES- NJ SEARCH & SE	Open	134.00	0.00		
04082 USA MOBILITY WIRELESS INC*	11-00698	03/16/11	PAGER BILL/DPW	Open	6.24	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	902.00	0.00		
04300 W B MASON CO INC*	11-00334	02/04/11	SUPPLIES	Open	118.60	0.00		
04301 SEASHORE ASPHALT CORPORATION*	11-00530	02/25/11	PATCH/RDS/DPW	Open	262.50	0.00		
BARB BARBARAS SEA SHELL FLORIST*	11-00473	02/23/11	DOUGLASS MEMORIAL WREATH	Open	49.00	0.00		
BOSNA KAREN MANETTE BOSNA	11-00708	03/16/11	YOGA INSTRUCTOR	Open	80.00	0.00		
CISNER OMAR CISNEROS	11-00691	03/15/11	SOCCER REFUND FOR M.CISNEROS	Open	15.00	0.00		
FBINA FBINAA NJ CHAPTER*	11-00444	02/16/11	ANNUAL DUES 2011	Open	80.00	0.00		
GOMES OLIVIA GOMES	11-00610	03/04/11	SOCCER REFUND FOR	Open	10.00	0.00		
HERMANN'S CHRISTOPHER HERMANN'S	11-00658	03/11/11	RESOLUTION 2011-87 REF 2ND QT	Open	809.03	0.00		
HILLM MICHELE HILL	11-00626	03/07/11	LACROSSE REFUND FOR RYAN HILL	Open	15.00	0.00		

**Lower Township
Bill List
03/21/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
Tom Thaler	11-00619	1 st Installment	44516	03/09/11	\$ 2,900.00
State of NJ Div of Pensions	11-00699	2011 Annual Pension - PERS due 4/01/11			\$ 585,186.00
		2011 Annual Pension - PFRS due 4/01/11			\$ 1,025,942.00
Municipal Utility Authority	11-00706	Sewer Billing due 4/01/11			\$ 1,160.00
Total Manual Checks					\$ 1,615,188.00
Total brought forward from computer generated bill list					\$ 1,606,435.01
TOTAL BILL LIST					<u>\$ 3,221,623.01</u>

I certify the foregoing to be a Resolution adopted by the Township Council on March 21, 2011.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-87

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund has been requested.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer be and the same is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
441	2.02	Christopher Hermanns	paid twice	809.03

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on March 21, 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 #2011-88

TITLE: RESOLUTION AWARDING CONCESSION STAND LEASE FOR THE LOWER TOWNSHIP SWIMMING POOL

WHEREAS, the Township of Lower advertised on February 23, 2011 for the Pool Concession Stand Lease on and accepted bids on March 10, 2011 at 11:00 a.m. to operate a concession stand located at the Lower Township Swimming Pool, Winslow Avenue, North Cape May, New Jersey (the "Swimming Pool Concession"); and

WHEREAS, one bid was received and reviewed by the QPA and Assistant Treasurer and it was determined that Melo Concessions was the successful bidder and had provided all required documentation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Swimming Pool Concession is awarded to Melo Concessions as follows:

1. For 2011 One Thousand Five Hundred Dollars (\$1500) payable upon award of the lease.
2. For 2012 One Thousand Five Hundred Dollars (\$1500) payable on June 1, 2012.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the Township Council at a meeting held on March 21, 2011.

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

2011-04 PROPOSAL FORM

2011 and 2012 Pool Season- Lower Twp Pool Concession Bid

The undersigned proposes to furnish and deliver the above goods/services pursuant to the bid specification and made part hereof:

2011 SEASON:

\$ 1,500.00

one thousand five hundred dollars

Amount in numbers
Amount in words

2012 SEASON:

\$ 1,500.00

one thousand five hundred dollars

Amount in numbers
Amount in words

Melo Concessions

Company Name

154.58.6210

Federal I.D. # or Social Security #

208 Lennox Ave Fishing Creek, NJ 08204

Address

Douglas Melo

Signature of Authorized Agent

Holly Melo

Type or Print Name

Title:

609 425-4254

Telephone Number

2/24/2011

Date

Fax Number

melo50@verizon.net

E-mail address

*Upon award of contract Vendor must provide:

Business Registration Certificate

Insurance Certificate

Hold Harmless Agreement

Lower Township Mercantile License

Total Payment of Lease

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011-89**

**Title: AUTHORIZATION FOR 2010 INCENTIVE AWARD FOR INSURANCE
WAIVER**

WHEREAS, the employee listed below has waived health insurance and is due an incentive amount per AFSCME Union Contract, Article VII, Section F, 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 Assistant Treasurer as evidenced by signature *Colleen Cooper* that adequate funding is available for such payment in the prior year's budget for Health Insurance.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to Jennifer Saunders in the amount of \$2,076.92 is authorized and chargeable to the 2010 Budget account 0-01-23-220-412.

**I hereby certify the foregoing to be a resolution adopted by the
Township Council on March 21, 2011.**

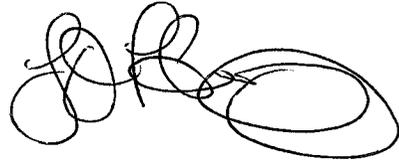
Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

To Whom it May Concern

6/22/10

My Jennifer Saunders were my
medical and dental benefits with the Township
of Lower.

A handwritten signature in black ink, consisting of several loops and flourishes, likely representing the name Jennifer Saunders.

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

RESOLUTION #2011-90

TITLE: REJECTION OF PROPOSALS FOR CONCESSION FOR 2011 INDEPENDENCE DAY FESTIVAL RIDES

WHEREAS, the Township advertised for proposal on February 16, 2011 for Concession for 2011 Independence Day Festival Rides and one (1) proposal was received on March 2, 2011 at 11:00 a.m., and

WHEREAS, one proposal was submitted and reviewed by the Township QPA and Assistant Recreation Superintendent, and

WHEREAS, the proposal exceeds the budget appropriation; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Lower the proposal is hereby rejected.

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

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSENT					
ABSTAIN					

**2011-03 Request for Proposal Concession
Lower Township Independence Day Festival Rides**

The undersigned proposes to furnish and deliver the above goods/services pursuant to the Bid specification and made part hereof:

Option #1

Flat fee concession payment from the Contractor to the Township of Lower, due upon contract award. A proposed wristband fee to be collected by the Contractor from the public at the event.

a. Concession Payment Option #1

N/A - We cannot participate under Option #1 terms.

b. Wristband Fee for Event Option #1

N/A - We cannot participate under Option #1 terms.

Option #2

Concession Payment waived from the Contractor to the Township with a REDUCED Proposed wristband fee to be collected by the Contractor from the public who attend the event.

a. Wristband Fee for Event Option #2

N/A - We cannot participate under Option #2 terms.

Option #3

Flat fee payment from the Township of Lower with the REDUCED proposed wristband fee to be collected from the public by the Contractor from the public who attend the event.

a. Payment from Township of Lower Option #3

Five-Thousand Dollars (US) + \$4,500 (US) Additional if rain date is used on July 5, 2011.

Amount in words

\$ \$ 5,000.00 (US) + \$ 4,500 (US) Additional if rain date is used.

Amount in numbers

b. Wristband Fee for Event Option #3

Ten Dollars (US)

Amount in words

\$ \$ 10

Amount in numbers

Wizard's Festival of Fun Inc.
Company Name
22 Monroe Drive, Laurel Springs, NJ 08021
Address

22-2977470 Federal EIN
Federal I.D. # or Social Security #

Signature of Authorized Agent
(609) 206-5244
Telephone Number

Albert M. Belmont Jr., PRESIDENT
Type or Print Name and Title
ALBERT M. BELMONT JR. 2/20/2011
Date

LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:

- 1. ERRORS & OMISSIONS/PROFESSIONAL LIABILITY INSURANCE WITH LIMITS OF LIABILITY NOT LESS THAN \$500,000:** This coverage is not available to our firm because unlike a lawyer, architect or doctor, we are not licensed professionals. Our equipment is licensed and inspected by the DCA. Should we not perform per our contract, we would be subject to breach of contract litigation - not malpractice or professional malfeasance. Professional Liability Insurance is inapplicable to this situation because we are simply providing rides and attractions as specified in the RFP.
- 2. HOLD HARMLESS:** We will consent to a hold harmless in the form outlined below. It is a standard form that has been provided to us by the MEL-JIF for past contracts.
- 3. SCOPE:** Per attached APPENDIX A. Wizard's will provide 6 rides, 2 games and 1 concession.
- 4. CERTIFICATE OF EMPLOYEE INFORMATION:** We have provided a past Certificate of Employee Information. We will reregister if we are awarded your project.
- 5. RIGHT TO EXTEND - TIME FOR AWARD:** We cannot offer this privilege. Due to the high demand for our attractions, we cannot give holds on services. We must continue to solicit business for the items in this RFP until you approve and accept our proposal. No dates or services will be reserved and Wizard's will have no obligation to provide the above until we receive your purchase order accepting our proposal as outlined.

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

RESOLUTION #2011-91

TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO PERMITTING & ENGINEERING FOR 2011 DELAWARE BAY SHORE OUTFALL EXTENSIONS

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 Permitting and Engineering for 2011 Delaware Bay Shore Outfall Extensions which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

WHEREAS, the Township Council desires to approve 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:


Colleen Crippen, Assistant Treasurer

ORD # 05-13 Roads
0-04-55-384-106
Account(s)

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 \$99,000, 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 March 21, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



**Hatch Mott
MacDonald**

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

March 2, 2011
Via email: mvoll@townshipoflower.org

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

**RE: Permitting and Engineering Proposal
FY2011 Small Cities Grant Outfalls
2011 Delaware Bay Shore Outfall Extensions
Township of Lower, Cape May County, New Jersey**

Dear Mr. Voll:

As a follow-up to your request, please find enclosed herewith our proposal to complete the professional surveying, engineering and environmental permitting required to secure the Federal and State permits necessary for the Township to extend five (5) Township-owned storm sewer outfalls located at or adjacent to five (5) street-end locations along the Delaware Bayshore as part of the FY2011 Small Cities Grant (Site Nos. 1-5). Also included is the cost for the additional surveying and engineering required to permit the four additional outfalls listed in the Table below as Site Nos. 6-9.

The following is a list of outfall locations that we have identified at this time along with the current tax map identification number and owner of the lands on which the proposed work will take place.

Site	Roadway	Tax Id No.	Ownership
<u>FY2011 Small Cities Grant Outfalls</u>			
1	St. John's Avenue	Block 1, Lot 2	¹ Township
2	Greenwood Avenue	Block 298, Lot 1	¹ Township
3	Cloverdale Avenue	Block 319, Lot 1.03 (10' Twp. Easement)	Kelly, William D. & Grace ¹ Township Easement
4	Arbor Road	Block 349.07, Lot 3	² Gonnella, Joseph S.
5	Wildwood Avenue	Block 350.03, Lot 1	² Pacher, Frank & Mary
<u>Additional Outfalls</u>			
6	Sandalwood Avenue	Block 512.06, Lot 1 Block 512.14, Lot 23.02	^{1,2} New Jersey Natural Lands Trust ^{1,2} Unknown Owner - 10' Wide Walkway (Per Tax Map)
7	Springtime Road	Block 512.06, Lot 1 Block 512.14, Lot 13.02	^{1,2} New Jersey Natural Land Trust ^{1,2} 10' Wide Drainage Easement and Walkway (Per Tax Map)
8	Washington Boulevard	Block 631.02, Lot 1	¹ Township
9	Whittier Avenue	Block 631.02, Lot 1	¹ Township

¹ To be confirmed by the Township Tax Assessor

² A stormwater easement or evidence of existing stormwater easement will be required



The following is a description of the tasks that we have identified at this time to complete the additional design and permitting required for the outfall extensions:

Task 1	Topographic Survey
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Field surveys will be performed for the purposes of identifying topographic features and boundary information as required at the various outfall locations to satisfy permit application and construction requirements. The following outlines our proposed scope of services for work included under Task 1 for the project:

- HMM will establish survey control for the site utilizing GPS equipment. The Horizontal Datum will be NAD83 (NJ State Plane Coordinate System) and the Vertical Datum will be NAVD 88.
- Undertake a specific topographic survey of each of the outfall locations identifying all features required. The outfalls shall be located by reference to State Plane coordinates. The survey will detail existing spot elevations recorded in the field and contours at an appropriate interval.
- Where existing outfalls are not located on Township owned property or subject to an existing Township stormwater easement, it is our understanding that the Township will arrange access with the owners of those private properties prior to our surveyor entering the property to complete the required surveys.
- Map the following tidal areas associated with the site including: Tidelands Claim Lines, High Tide Line, Mean High Water Line, Mean Low Water Line & High Tide Line.
- HMM will prepare a base map for each of the outfall alignments to be used as the permit plan which will be forwarded to the NJDEP and USACE (See Tasks 2, 3 & 4) as part of the permit applications.
- If available we request that the Township please provide HMM with the following information:
 1. Copies of any existing title reports, title information or easements associated with any of the outfall locations;
 2. Information regarding any known title issues (i.e. survey overlaps, gores, etc.); and
 3. Any existing tidelands grant or license information.

We propose to complete the scope of work outlined above **Task 1** for the five (5) outfalls covered under the FY2011 Small Cities Grant (Site Nos. 1-5) for the lump sum amount of **\$21,500**. Should the Township wish to include the four (4) additional outfall locations (Site Nos. 6-9) in the proposed permitting, additional survey and base map preparation will be required. We propose to complete the additional survey and base map preparation for the lump sum amount of **\$13,000**.



Task 2	NJDEP Individual CAFRA/Waterfront Development Permit Application
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Under the NJDEP Coastal Permit Program Rules N.J.A.C. 7:7-2.1(a)1, a CAFRA permit shall be required for any development in the CAFRA area located on a beach or dune. Under N.J.A.C. 7:7-2.3(a)2, a Waterfront Development (WFD) permit shall be required for any activities in any tidal waterway up to and including the mean high water line. The location of these outfalls meets both of the above criteria; therefore a combined CAFRA/Waterfront Development permit will be required for the proposed activities. The following outlines our proposed scope of services for work included under Task 2 for the project:

- Research existing site conditions to obtain necessary information in support of the preparation of a CAFRA/WFD permit application to the NJDEP;
- Assemble documents and prepare materials required for the preparation of a Coastal Zone Management (CZM) rules or Compliance Statement and CAFRA/WFD application submission;
- Preliminary review indicates that potential Endangered or Threatened Wildlife or Plant Species are on or abutting the project site. Therefore, an Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessment will be prepared in accordance with N.J.A.C. 7:7-C.4 to demonstrate that identified species habitat would not be adversely affected by the proposed project;
- Request a certified Adjoining Property Owners list from the municipality and prepare public notifications to governmental agencies, newspaper and adjacent property owners as required;
- Communication, coordination and review of information to be submitted to the NJDEP with Township representatives;
- Monitor and respond to NJDEP information requests to deem application complete for final review and review of permit and conditions with the Township.

We propose to complete the scope of work outlined above **Task 2** for the five (5) outfalls covered under the FY2011 Small Cities Grant (Site Nos. 1-5) for the lump sum amount of **\$10,600**. Should the Township authorize the additional surveying and engineering for the four (4) additional outfall locations (Site Nos. 6-9), HMM will include those sites in the NJDEP CAFRA/WFD permitting at no additional cost.

This lump sum cost for **Task 2** is based on the following:

1. The lump sum cost, as outlined above, is for the initial submittal of the project plans to the NJDEP Land Use Regulation Program, and includes all work required to fulfill general CAFRA/WFD submittal requirements. Our scope of work does not include the cost for any additional requests from regulatory and governmental agencies not previously specified or identified, or subsequent revisions to the CAFRA/WFD application based on 1) major project revisions or modifications; 2)



issues resulting from public comment; or 3) responses to permit conditions. Any work associated with the above additional requests, revisions or modifications will be considered outside the scope of work included herein.

2. The Township will pay all of the permit application fees required for the project.

Task 3 New Jersey Tidelands Twenty-Four Year Utility License Application

A Tidelands License is a rental agreement from the State of New Jersey for the use of tidelands, which are all lands currently and formerly flowed by the mean high tide. The State may rent tidelands by issuance of a Tidelands License. Licenses for permanent utility related structures such as storm sewer outfalls fall under the category of a "Twenty-Four Year Utility" license. This license is a 24-year term license for the outfall structures that, under current regulations, will require annual re-licensing fees.

It is our intent to prepare a single application for a single license that will cover all of the outfalls subject to this proposal. If circumstances require any additional applications, these will be considered out of scope. The following outlines our proposed scope of services for work included under Task 3 for the project:

- Assemble documents and prepare materials required for the preparation of a NJDEP Bureau of Tidelands Management "Twenty-Four Year Utility" application submission for the project outfalls.
- Communication, coordination and review of information to be submitted to the NJDEP in support of the License application with Township representatives.

We propose to complete the scope of work outlined above **Task 3** for the five (5) outfalls covered under the FY2011 Small Cities Grant (Site Nos. 1-5) for the lump sum amount of **\$4,900**. Should the Township authorize the additional surveying and engineering for the four (4) additional outfall locations (Site Nos. 6-9), HMM will include those sites in the NJ Tidelands License Application at no additional cost.

The lump sum cost for Task 3 does not include any costs associated with the acquisition of stormwater easements on private property. Since we are unable to determine that work effort at this time we propose to perform those services as requested by the Township on a reimbursable basis under Task 6.

Task 4 USACE Nationwide Permit Application

The USACE regulates activities that take place in navigable waters under Section 10 of the Rivers and Harbors Act of 1899. This Act prohibits the obstruction or alteration of navigable waters of the US without a permit from the Corps of Engineers. The proposed outfall reconstruction activities that will take place below the high tide line for the extension of the project outfalls will require authorization for USACE Nationwide Permits 7 and 12. As a requirement of these Nationwide Permits the Township must submit a pre-construction notification to the district engineer prior to commencing work on the project.



The following outlines our proposed scope of services for work included under Task 4 for the project:

- Assemble documents and prepare materials required for the preparation of a USACE Nationwide Permit Pre-construction Notification application and submission.
- Communication, coordination and review of information to be submitted to the NJDEP in support of the USACE application with Township representatives.

We propose to complete the scope of work outlined above **Task 4** for the five (5) outfalls covered under the FY2011 Small Cities Grant (Site Nos. 1-5) for the lump sum amount of **\$8,500**. Should the Township authorize the additional surveying and engineering for the four (4) additional outfall locations (Site Nos. 6-9), HMM will include those sites in the USACE Nationwide Permit Application at no additional cost.

Task 5	Permit/Engineering Plans & Construction Documents
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An updated set of permit/engineering plans will be prepared for Site Nos. 1-9 which will include all of the required information to secure the above referenced permits. Under this Task, HMM will prepare the construction bid documents for the public bidding of Site Nos. 1-5 only. Permits will be secured for Site Nos. 6-9; however the cost to put those outfalls out to bid at a later date under a separate contract is not included in this scope of work:

Site	Roadway	Tax Id No.	Ownership
<u>FY2011 Small Cities Grant Outfalls</u>			
1	St. John's Avenue	Block 1, Lot 2	¹ Township
2	Greenwood Avenue	Block 298, Lot 1	¹ Township
3	Cloverdale Avenue	Block 319, Lot 1.03 (10' Twp. Easement)	Kelly, William D. & Grace ¹ Township Easement
4	Arbor Road	Block 349.07, Lot 3	² Gonnella, Joseph S.
5	Wildwood Avenue	Block 350.03, Lot 1	² Pacher, Frank & Mary
<u>Additional Outfalls</u>			
6	Sandalwood Avenue	Block 512.06, Lot 1 Block 512.14, Lot 23.02	^{1,2} New Jersey Natural Lands Trust ^{1,2} Unknown Owner - 10' Wide Walkway (Per Tax Map)
7	Springtime Road	Block 512.06, Lot 1 Block 512.14, Lot 13.02	^{1,2} New Jersey Natural Land Trust ^{1,2} 10' Wide Drainage Easement and Walkway (Per Tax Map)
8	Washington Boulevard	Block 631.02, Lot 1	¹ Township
9	Whittier Avenue	Block 631.02, Lot 1	¹ Township

¹ To be confirmed by the Township Tax Assessor

² A stormwater easement or evidence of existing stormwater easement will be required



HMM will provide the following services under Task 5:

- Coordinate with the Public Works Department the division of work that will be publicly bid and work that will be constructed utilizing Township forces;
- Prepare Construction Drawings for the public bidding of the project (Site Nos. 1-5);
- Prepare Construction Specifications for the public bidding of the project (Site Nos. 1-5); and
- Prepare an Engineer's Estimate of Construction.

We propose to complete the scope of work outlined above **Task 5** for the five (5) outfalls covered under the FY2011 Small Cities Grant (Site Nos. 1-5) for the lump sum amount of **\$19,500**. Should the Township wish to include the four (4) additional outfall locations (Site Nos. 6-9) in the proposed permitting, additional permit/engineering plan preparation will be required. We propose to complete the additional permit/engineering plan preparation for the lump sum amount of **\$11,500**.

Task 6	Direct Expenses
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The scope of work under this section includes the following services and direct expenses that will be spent during our scope of work for the entire project (Tasks 1 thru 5):

- Attendance at Meetings (NJDEP, USACE, Township, etc. if required)
- Travel, Postage, Public Notifications
- Reproduction of plans and applications for all permit applications (NJDEP CAFRA, USACE Nationwide Permits, Tidelands License)
- Work required for stormwater easement acquisition. Stormwater easements for existing outfalls not located on Township property or within a Township stormwater easement will be required prior to receiving the required Tidelands License and to allow future access to the outfalls for maintenance activities. Additional survey and coordination with the Township/Township Solicitor may be necessary to create easement plans and legal descriptions (if required). Since we are unable to determine the level of effort required for this work at this time, we recommend that the work be performed on a reimbursable basis, as authorized by the Township, under this Task. It is our understanding that the Township will provide the necessary property and title research as required for those outfalls that require verification of an existing stormwater easement or preparation of new stormwater easements.

For budgeting purposes, we estimate meeting attendance and printing costs of **\$3,500** and costs associated with the preparation of stormwater easement plans/legal descriptions and coordination of stormwater easement production with the Township/Township Solicitor of **\$6,000**.

We propose to perform the work under Task 6 based upon a **reimbursable method of compensation for the actual time required** and at the actual hourly rates for the individual(s) employed in accordance with our current rate schedule.



FEE SUMMARY				
<u>Scope Of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget For Five Outfalls (Small Cities Grant) Site Nos. 1-5</u>	<u>Additional Cost/Budget For Four Addl. Outfalls Site Nos. 6-9</u>
Task 1	Topographic Survey	Lump Sum	\$21,500	\$13,000
Task 2	NJDEP Individual CAFRA/WFD Permit Application	Lump Sum	\$10,600	No Addl. Cost
Task 3	NJ Tidelands 24 Year Utility License Application	Lump Sum	\$4,900	No Addl. Cost
Task 4	US Army Corps of Engineers Nationwide Permit Application	Lump Sum	\$8,500	No Addl. Cost
Task 5	Permit/Engineering Plans & Construction Documents	Lump Sum	\$19,500	\$11,500
Task 6	Reimbursable Services & Direct Expenses	Reimbursable (Budget)	\$6,500	\$3,000
TOTAL			\$71,500	\$27,500

As indicated above the total fees for surveying, engineering and permitting for the five (5) outfalls included under the FY2011 Small Cities Grant (Site Nos. 1-5) is **\$71,500**. Should the Township wish to include the four (4) additional outfalls (Site Nos. 6-9) in the permits, the additional fees for the surveying, engineering and plan preparation required at those locations would be **\$27,500** for a total fee of **\$99,000**.

We thank you for the opportunity to provide this Scope of Work for the 2011 Bayshore Storm Sewer Outfall Extensions project. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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

Steven C. Morey, CEP
Associate
T609.465.9377 F 609.465.5270
steven.morey@hatchmott.com

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



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 800
TRENTON, NJ 08625-0800

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

February 17, 2011

[Via Email: mbeck@townshipoflower.org]
The Honorable Michael E. Beck
Mayor, Lower Township
2600 Bayshore Road
Villas, New Jersey 08251-1397

Dear Mayor Beck:

On behalf of Governor Chris Christie and the New Jersey Department of Community Affairs, I am pleased to inform you that Lower Township will receive the following grants from Small Cities CDBG.

GRANT DESCRIPTION	AMOUNT
to rehabilitate approximately 9 units of low-income, owner-occupied, single-family housing	\$200,000
to eliminate flooding in the Villas neighborhood through extension and reconstruction of five storm water beach outfalls	\$500,000

Provision of such financial assistance is subject to appropriate execution of grant/loan agreements with the Department and compliance by Lower Township with the terms, conditions and requirements set forth therein. Expenditures incurred prior to receipt of the executed grant agreement are incurred solely at the risk of the grant recipient should funding not be available to support this award. If you have any questions regarding this funding, please do not hesitate to contact the Department of Community Affairs' Division of Housing and Community Resources at (609) 633-6283.

I would like to extend my best wishes for these most worthwhile projects and their successful completion.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lori Grifa', with a stylized flourish at the end.

LORI GRIFA
Commissioner

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

RESOLUTION #2011-92

TITLE: AUTHORIZATION FOR WAIVER OF FEES FOR CALVARY CHAPEL CAPE MAY ASSOCIATED WITH THEIR USE VARIANCE APPLICATION

WHEREAS, Calvary Chapel Cape May, located at 902 Washington Boulevard, North Cape May is applying for a minor site plan to relocate their ministry to unit in the Breakwater Center, and

WHEREAS since the building is not zoned for assembly Calvary Chapel of Cape May will be applying for a use variance, and

WHEREAS, Calvary Chapel Cape May is a charitable non- profit organization and the Pastor David J. Schenk has requested the Township waive any and all application, professional and permit fees, and

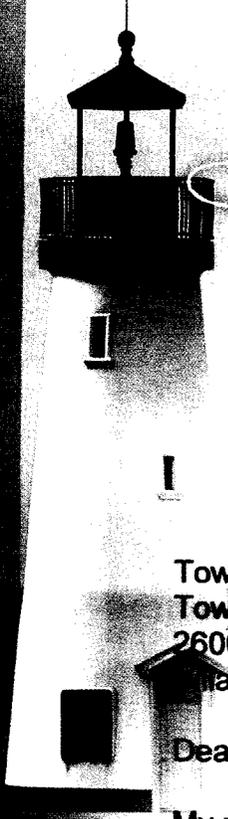
WHEREAS, the Township Council has reviewed their request and deems it appropriate to support local charitable organizations and non-profit organizations that support and enhance the township and its community.

NOW, THEREFORE, BE IT RESOLVED that all permissible Township application, professional service & permit fees associated with the use variance and relocation be waived for Calvary Chapel Cape May .

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 21, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



The Lord is my light and my salvation.

Psalm 27:1

Calvary Chapel Cape May
PO Box 1075
North Cape May, NJ 08204
609-884-5821

Township Council
Township of Lower
2600 Bayshore Road
As, NJ 08251

Dear Council Members:

My name is David Schenk; I am the Pastor of Calvary Chapel Cape May. We are currently meeting at 902 Washington Blvd., North Cape May. The building we now occupy is getting too small for us and we would like to move our location.

We are in contract negotiations with Breakwater Center, Breakwater and Bayshore Roads, to lease a 5500 square foot building within the complex. Since the building is not zoned for assembly, we need to apply for a use variance.

I am writing you this letter to request that the application fees be waived. We are a non-profit corporation named, "Produce Ministries" trading as Calvary Chapel Cape May. Currently we have applied to the state of New Jersey for a legal name change. This amendment has been filed with the Secretary of State's office.

We appreciate your time and consideration in this matter.

Respectfully,



David J. Schenk
Pastor, Calvary Chapel Cape May

Enclosure: State of New Jersey Corporation Certificate, 2001
Letter from the Internal Revenue Service approving tax exemption status.

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

RESOLUTION #2011-93

TITLE: A RESOLUTION APPROVING A MANAGEMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF LOWER AND FRIENDS OF FISHING CREEK SCHOOL, INC.

WHEREAS, the Township of Lower is the lessee of a property known as the Fishing Creek School in the Township of Lower in accordance with a lease with the State of New Jersey upon the property designated as Lot 5, Block 334.01; Lot 3, Block 334.02 on the official Tax Map of the Township of Lower; and

WHEREAS, the Fishing Creek School holds historical significance for the citizens of the Township of Lower and of the State of New Jersey; and

WHEREAS, the Township is desirous of entering into an agreement for the stewardship of this historic site through the effective management of say by Friends of Fishing Creek School, Inc., a not-for-profit corporation of the State of New Jersey whose purpose is the maintenance and management of the Fishing Creek School; and

WHEREAS, a management agreement has been proposed to govern the management of the Fishing Creek School facility by Friends of Fishing Creek School, subject to the oversight of the Township Council and a copy of the agreement is attached hereto; and

WHEREAS, the Township is given certain express and implied powers for the upkeep and management of museum and museum-like facilities under N.J.S.A. 40:23-6.22 and other laws,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower duly assembled in public session this 21st day of March, 2011, as follows:

1. The preamble of this Resolution is incorporated here by reference;
2. The Mayor and Clerk are hereby authorized and directed to execute the aforementioned agreement, which is hereby approved, which shall govern the management of the Fishing Creek School by Friends of Fishing Creek School, Inc.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 21, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MANAGEMENT AGREEMENT

THIS MANAGEMENT AGREEMENT (the "Agreement") is entered into as of the _____ day of March, 2011, (the "Effective Date") by and between FRIENDS OF FISHING CREEK SCHOOL, INC., a New Jersey nonprofit corporation ("FOFCS") and TOWNSHIP OF LOWER, a New Jersey municipal corporation (the "Township").

WITNESSETH:

WHEREAS, the Township is the tenant of certain real property known as Lot 5, Block 334.01 and Lot 3, Block 334.02 on the Official Tax Map of the Township, on which there is located a structure known as the Fishing Creek School (the "Premises"); and

WHEREAS, the Township intends to utilize the Premises as a local historical center operating as a museum, welcome center, meeting place, passive recreation area and headquarters for the Township Historical Commission, FOFCS and the Township Chamber of Commerce (the "Planned Uses"); and

WHEREAS, FOFCS is a New Jersey non-profit corporation, that was created to promote interest in the history of the Township, to sponsor and cooperate with groups to preserve, protect and restore the Fishing Creek School; and

WHEREAS, the Township desires to contract with FOFCS to manage the Premises, as provided herein, and FOFCS desires to contract with the Township for such purpose.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

ARTICLE 1

RELATION OF PARTIES

1.1 The Township and FOFCS share the common goal of establishing and maintaining the Premises as an historical center for the Planned Uses.

1.2 The Township leases the Premises from the State of New Jersey by way of a lease agreement entered into in November of 2003. (the "Lease Agreement"). A copy of the lease agreement, which is incorporated herein by this reference, is attached hereto as EXHIBIT A. FOFCS, by this Agreement, shall manage the Premises. The Township will review operational policies and procedures provided by FOFCS and, if approved, will adopt such policies and procedures for the Premises. FOFCS shall manage the Premises in accordance with the Lease Agreement.

1.3 The Township and FOFCS are separate and independent entities. This Agreement shall not constitute nor be construed to be or to create a partnership or joint venture between the Township and FOFCS. The relationship of FOFCS to the Township is that of an independent contractor.

ARTICLE 2

RESPONSIBILITIES OF FOFCS

2.1 Scope. The Premises shall be utilized as an historical center for the Planned Uses. FOFCS shall develop and manage the Premises in accordance with policies and procedures adopted by FOFCS with the consent of the Township (“Policies and Procedures”).

2.2 Management Services. FOFCS shall provide day-to-day management of the Premises. FOFCS shall offer management consultation to the Township for any marketing plans and advertising which the Township decides to perform in connection with the Premises. FOFCS recognizes that the Premises is listed on the State and National Register of Historic Places and must be maintained in accordance with the Secretary of the Interior’s standards.

2.3 Operations of the Premises.

(a) Designated Operations. FOFCS shall be responsible for all day-to-day operations in maintaining the common goal outlined in Section 1.1 of this Agreement. FOFCS shall recognize, establish and maintain the Fishing Creek School for such purposes.

(b) Museum. FOFCS shall maintain the Fishing Creek School as a museum dedicated to the history and development of the Township.

(c) Community Groups. FOFCS shall maintain schedules and calendars for community groups to utilize the Fishing Creek School for regular meetings.

(d) Community Center. FOFCS shall allow local residents to gather together as a community in accordance with the Policies and Procedures agreed to by both parties.

(e) Passive Recreation Area. FOFCS shall allow passive recreational activities in accordance with the Policies and Procedures.

(f) Headquarters. The Premises shall serve as headquarters for FOFCS. FOFCS shall manage the calendar with respect to the scheduling of meetings for the three organizations.

(g) Other Operations. FOFCS agrees to manage and operate the Premises under the direction of the Township. If FOFCS desires to operate the facility in any manner not agreed to within this Agreement, FOFCS must have direct consent of the Township. FOFCS shall adhere to the desires of the Township to incorporate other uses of the Premises or to discontinue or modify any of the operations designated within this Agreement.

2.4 Compliance with Law. FOFCS is a validly formed and duly existing New Jersey non-profit corporation, in good standing under the laws of the State of New Jersey and is exempt from federal tax under Internal Revenue Code Section 501 (c)(3). If, at any time during the term of this Agreement, FOFCS's charter is revoked or its status as an Internal Revenue Code Section 501 (c)(3) organization is terminated, it shall be deemed a material breach of this Agreement entitling the Township to terminate this Agreement immediately.

2.5 Renovations and Improvements. All renovations and improvements must be approved in writing by the Township and may be subject to the Local Public Contracts Law. The Premises remains the property of the State of New Jersey. Therefore, any permanent renovations or improvements shall become part of the Premises and owned by the State of New Jersey at the termination of this Agreement. If renovations or improvements are made without written consent of the Township or in non-compliance with all requirements and permits of governmental authorities, then FOFCS shall remove said renovations or improvements upon the demand of the Township.

(a) All renovations and improvements must be in accordance with the Secretary of the Interior's standards as the Premises is listed on the State and National Register of Historic Places.

(b) FOFCS shall not post any signs or advertisements without approval in writing by the Township.

2.6 Maintenance. The Township shall maintain the grounds of the Premises as a Township Park under the direction of the Superintendent of Parks and Recreation. Grounds keeping will be maintained on a routine basis and funded under the current Township budget. Building maintenance shall be provided by the Township Supervising Maintenance Repairer in the Department of Public Works. Expenditures for maintenance of the building will be made from a Trust fund established by the Township with funds received from FOFCS through its donations and fund raising activities.

2.7 Facilities. FOFCS shall adhere to, maintain, observe, perform all of the covenants in the Lease Agreement, except the covenant for the payment of rent, and do nothing to otherwise breach the Lease Agreement.

2.8 Insurance. FOFCS shall maintain general liability insurance in an amount to be mutually agreed upon by FOFCS and the Township.

2.9 Township Park. FOFCS shall maintain the Premises in accordance with this Agreement and The Lower Township Code Section 475.

ARTICLE 3

RESPONSIBILITIES OF THE TOWNSHIP

3.1 Facilities. The Township shall provide the Premises for FOFCS. The Township shall maintain, observe, perform all of the covenants, and not do anything to otherwise breach the Lease Agreement. The Premises shall be maintained by the Township. The grounds shall be

maintained as a Township Park under the direction of the Superintendent of Parks and Recreation. Grounds keeping will be maintained on a routine basis and funded under the current Township budget. The building maintenance shall also be provided by the Township, but expenditures for maintenance of the building will be made from a Trust fund established by the Township with funds received from FOFCS through its donations and fund raising activities.

3.2 Park. The Premises shall be maintained by the Township as a Township Park. The Township will provide benches, tables, receptacles, and signs, which recite rules and regulations for use of the Park.

3.3 Utilities. The Township shall be responsible for payment of all electricity, water and/or other services or utilities used in or assessed against the Premises.

3.4 Renovations and Improvements. The Township shall obtain written approval, as needed, from the State of New Jersey, for any renovations or improvements.

3.5 Trust Fund. The Township shall establish a trust fund to be funded by FOFCS from proceeds acquired through donations and fund raising activities. The trust fund is to be for improving and maintaining the Fishing Creek School building.

3.6 General Responsibility. The Township shall have general responsibility for assisting and directing, as necessary, FOFCS in accordance with establishing and maintaining an historical center.

3.7 Insurance. The Township shall provide insurance for the Premises; covering both the grounds and the buildings. Comprehensive general liability insurance, with combined single coverage for bodily injury and property damage in an amount not less than One Million Dollars (\$1,000,000.00). The Township shall name FOFCS as an additional insured against any and all claims for personal injury, death or property damage arising from the use or actions of the Lessee.

3.8 Planning and Development. The Township shall assist and direct, as necessary, FOFCS in establishing and implementing plans to provide an historical center for the Planned Uses. The Township may modify the Planned Uses and operations of the Premises but must remain in accordance with the Secretary of the Interior's standards for properties listed on the State and National Register of Historic Places and the Lease Agreement.

ARTICLE 4

INDEMNIFICATION

4.1 Indemnification. Each party agrees to indemnify and hold harmless the other from claims for damages, costs or expenses including, but not limited to, costs of defense incurred by such other party, which may be caused by any breach, negligent acts or omissions by it or its directors, officers, or employees in connection with the breach or the performance or failure to perform obligations under this Agreement, but only in proportion to the extent such damages, costs or expenses are caused by or result from any breach, negligent acts or omissions of this Agreement by any thereof.

ARTICLE 5

TERM AND TERMINATION

5.1 Term. This Agreement shall commence on the Effective Date, as defined above, and shall continue in effect for a term of five (5) years (the "Initial Term"), unless sooner terminated pursuant to this Article 5. Thereafter, this Agreement shall continue in effect on a year to year basis, unless either party notifies the other in writing no less than thirty (30) days in advance of termination, with or without cause.

5.2 Events of Default.

(a) The Township can terminate this Agreement on 7 days notice for any breach.

(b) Either party can terminate this Agreement on 90 days written notice.

5.3 Duties Upon Termination or Expiration of this Agreement. If this Agreement is terminated upon expiration of its term, or earlier as provided in Section 5, or Section 6.8:

(a) Neither party shall be released or discharged from any obligation, debt or liability which has previously accrued or been incurred and remains to be performed upon the date of termination or expiration;

(b) Any sums of money owing by one party to the other shall be paid immediately; including without limitation;

(c) Damages and any other remedies available at law or in equity may be sought and collected from the Breaching Party in the event of a termination resulting from an Event of Default.

ARTICLE 6

6.1 Waiver. Neither the waiver by any party to this Agreement of any breach of any term or condition of this Agreement, nor the failure of the parties to enforce any provisions of this Agreement or to exercise any right hereunder, will be construed as a waiver of any subsequent breach or default, or as a waiver of any other provision hereunder.

6.2 Notices. If at any time after the execution of this Agreement, it shall become necessary or convenient for one of the parties to serve notice, demand, or communication upon the other party, such notice, demand or communication shall be in writing and shall be served personally, by facsimile transmission with voice confirmation and receipt confirmed, by overnight courier which provides confirmation of delivery, or by depositing the same in the United States mail, registered or certified, return receipt requested, postage paid, and the notice shall be addressed as follows:

If to FOFCS:

If to the Township:

Township Manager
Lower Township Municipal Building
2600 Bayshore Road
Villas, New Jersey 08251

6.3 Assignment. This Agreement is binding upon and inures to the benefit of the parties hereto and their respective successors and assigns; provided however that neither party may sell, transfer, assign or otherwise convey its rights or obligations under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld.

6.4 Successors and Assigns. Subject to the provisions of Section 5.3, hereinabove, the terms, covenants, and conditions contained herein shall be binding upon and inure to the benefit of the successors and permitted assigns of the parties hereto.

6.5 Severability. Nothing contained in this Agreement shall be construed to require the commission of an act contrary to law, and whenever there is a conflict between any provision of this Agreement and any statute, law, ordinance or regulation, the latter shall prevail. In such event, and in any case in which any provision of this Agreement is determined to be in violation of a statute, law, ordinance, or regulation, the affected provision(s) shall be limited only to the extent necessary to bring it or them within the requirements of the law and, insofar as possible under the circumstances, to carry out the purposes of this Agreement. The other provisions of this Agreement shall remain in full force and effect, and the invalidity or unenforceability of any provision hereof shall not affect the validity and enforceability of the other provisions of this Agreement, nor the availability of all remedies in law or equity to the parties with respect to such other provisions.

6.6 Headings. The headings used in this Agreement are for convenience of reference only and shall have no force or effect in the construction or interpretation of the provisions of this Agreement.

6.7 Governing Law. This Agreement shall be interpreted in accordance with and governed by the laws of the State of New Jersey, to the jurisdiction of which each of the parties hereby submits.

6.8 Contract Modifications for Prospective Legal Events. In the event any state or federal laws or regulations, now existing or enacted or promulgated after the Effective Date of

this Agreement, are interpreted by judicial decision, a regulatory agency, or legal counsel of both parties in such a manner as to indicate that the structure of this Agreement may be in violation of such laws or regulations, FOFCS and the Township shall amend this Agreement to the maximum extent possible to preserve the underlying arrangements between FOFCS and the Township. If an amendment is not possible, either party shall have the right to terminate this Agreement.

6.9 Language Construction. The language in all parts of this Agreement shall be construed in all cases according to its fair meaning, and not for or against either party hereto. The parties acknowledge that each party and its counsel have reviewed this Agreement and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.

6.10 Communications. FOFCS and the Township agree that good communication between the parties is essential to the successful performance of this Agreement, and each therefore pledges to communicate fully and clearly with the other on matters relating to the successful operation of the historical center.

6.11 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior agreements, understandings, negotiations and discussion, whether written or oral, between or among the parties, regarding the subject matter of this Agreement.

6.12 Amendments Only in Writing. This Agreement may not be amended or modified in any respect whatsoever, except by an instrument in writing, signed by the parties hereto.

6.13 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be considered an original, and all of which shall constitute one and the same Agreement. This Agreement shall not become effective until it has been executed by all of the parties hereto.

6.14 Commercial Impracticability. No party to this Agreement shall be liable for any failure to perform its obligations hereunder where such failure results from any cause beyond that party's reasonable control, including, for example, an act of God, labor disturbance such as a strike or walkout, war, riot, fire, storm, accident, government regulation or interference, or mechanical, electronic, or communications failure.

6.15 Election of Remedies. The respective rights of the parties to this Agreement shall be cumulative. Each party shall have all other rights and remedies not inconsistent with this Agreement as law and equity may provide. No exercise by any party of any one right or remedy shall be deemed to be an exclusive election of rights or remedies.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the day and year first above written.

ATTEST:

THE TOWNSHIP OF LOWER, a New Jersey
municipal corporation

Claudia R. Kammer, Township Clerk

BY: _____
Michael Beck, Mayor

ATTEST:

FRIENDS OF FISHING CREEK SCHOOL,
INC., a New Jersey nonprofit corporation

BY: _____
, President

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

RESOLUTION #2011-94

TITLE: A RESOLUTION AUTHORIZING THE FORMATION OF A MINUTES REVIEW COMMITTEE

WHEREAS, the Township Council of the Township of Lower in the County of Cape May and State of New Jersey is empowered by law to conduct from time to time certain executive sessions not open to the public; and

WHEREAS, the Township Clerk maintains certain written minutes of the proceedings of those executive sessions; and

WHEREAS, recent developments in the law require the Township to make periodic review of those executive session minutes and to release certain portions no longer deemed confidential; and

WHEREAS, the Township Council desires to have an established process for the review and release of such minutes and the Council is authorized under RGO 3-8(B)(4)(c) to create certain committees necessary for the effectuation of the administration of government;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Lower, duly assembled in public session this 21st day of March, 2011, as follows:

1. The preamble of this Resolution is incorporated here by reference;
2. There shall be and is hereby created a Minutes Review Committee ("MRC") consisting of the Township Clerk, the Township Manager and the Township Solicitor, for the purpose of periodically reviewing the executive session minutes of the Township and making a recommendation on the release of such minutes to the Township Council;
3. The MRC shall have no power to take action on behalf of the Township and shall not be a "Public Body" within the meaning of the Open Public Meetings Act;
4. The MRC shall be governed in its activities by the provisions of this Resolution;
5. The MRC shall meet on an "as needed" basis to comply with certain records requests but shall meet at least annually in order to review executive session minutes and make recommendations to the Township Council on the release of certain portions thereof;
6. The decision to reclassify the minutes of any executive session shall be made only by the Township Council on motion in open session after reviewing the recommendation of the MRC in executive session and shall be based on the finding that public disclosure of such minutes will not be detrimental to the public interest under applicable exceptions to the Open Public Meetings Act allowable or executive sessions

7. Where more than one matter was discussed during an executive session, it may be appropriate to reclassify certain items and others, provided that all materials required to be reclassified are included in released minutes.

8. Reclassified minutes will be included in the regular minutes once released and treated as other open session minutes.

I hereby certify that this is the original Resolution adopted by the Township Council at a meeting held on March 21, 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 #2011-95

TITLE: ISSUANCE ICE CREAM PEDDLING LICENSES FOR THE YEAR 2011 TO SUMMER DAZE ICE CREAM

WHEREAS, John W. Frame and Donna Vaughan t/a Summer Daze have submitted an application for an Ice Cream Peddling licenses for the year 2011 and have also submitted Ice Cream Salesman's Applications, and

WHEREAS, the applicants have paid the required fees and provided all necessary documents.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the Clerk be authorized to issue the following licenses for the year 2011 pending approval of the inspection of the vehicles by the Lower Township Police.

Ice Cream Peddling Salesman License

John W. Frame - Summer Daze

Steven R. Lerch - Summer Daze

Michael J. Flannery - Summer Daze

Ice Cream Peddling Business License

1990 Ford E350 Vin# 2-1FDKE37G4LHB08833 - Summer Daze

1992 GMC G-3500 Vin# 4-2GDHG31K6N4521973 - Summer Daze

FURTHER, RESOLVED, that anyone selling in conjunction with this license will do so only upon proper application and license approval by the Township.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 21, 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 #2011-09

AN ORDINANCE OF THE TOWNSHIP OF LOWER AUTHORIZING THE ACCEPTANCE OF LAND DONATED TO THE TOWNSHIP OF LOWER BY THE NATURE CONSERVANCY

WHEREAS, The Nature Conservancy, a non-profit corporation, is the record owner of Block 585, Lot 6, 7, 8, 9, 10 and 11 in the Township of Lower, consisting of approximately .0385 acres of undeveloped property along Beach Drive in North Cape May (the "Property"); and

WHEREAS, The Nature Conservancy desires to donate the Property to the Township of Lower; and

WHEREAS, the Township Council of the Township of Lower (the "Township Council") desires to accept the donation of the Property; and

WHEREAS, N.J.S.A. 40A:12-1, et seq., the Local Lands and Buildings Law, authorizes municipalities to acquire real property by gift pursuant to a duly adopted ordinance.

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

SECTION 1. The Township Council hereby approves the acquisition of the Property.

SECTION 2. The Mayor and Clerk are hereby authorized to take all action necessary to effectuate the acquisition of the Property.

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

SECTION 4. 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 provision of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall become effective twenty (20) days after final passage and publication, according to law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

December 7, 2010

Ms. Heather Austin, Conservation Operations Manager
The Nature Conservancy
New Jersey Chapter
Delaware Bayshores Office
2350 Route 47
Delmont, N.J. 08314

Re: Block 585, Lots 6 - 11 - Donation of Land

Dear Ms. Austin:

I am writing to advise you that the Township Council agreed to accept the Nature Conservancy's offer to donate the above-mentioned property located on Beach Drive in Lower Township. This property will be included in our Recreation and Open Space Inventory. Please proceed with transferring ownership at your earliest convenience.

If you have any questions, please feel free to contact me.

Very truly yours,


Kathleen McPherson,
Township Manager

c: Claudia Kammer, Township Clerk

sent 2011-09

March 3, 2011

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

Re: Donation of Land

Dear Mr. Voll;

Enclosed you will find the draft deed for the transfer of Block 585 Lots 6-11 from The Nature Conservancy to the Township of Lower. Review the deed and if it acceptable, please have the council pass a resolution accepting the donation. Once we receive the resolution, we will record the deed and resolution at the Cape May County Clerk's Office and forward you a copy. If you have any questions, please contact me at 609-861-4122.

Sincerely yours,



Heather Austin
Conservation Operations Manager

Prepared By: _____
Tara Zadeh

DEED

This Deed is made on _____, 2011

BETWEEN THE NATURE CONSERVANCY, a non-profit corporation and existing under the laws of the District of Columbia referred to as the Grantor, whose post office address is 4245 North Fairfax Drive, Arlington, VA 22203-1606 with a New Jersey Field Office located at 200 Pottersville Road, Chester, NJ 07930

AND the **TOWNSHIP OF LOWER, a municipality of the State of New Jersey** referred to as the Grantee, whose post office address is 2600 Bayshore Road, Villas, New Jersey 08251.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantee listed above.

1) **Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property (called the "Property") described below. The transfer is made for the sum of \$1.00. Grantor acknowledges receipt of this money.

2) **Tax Map Reference.** (N.J.S.A. 46:15-2.1)
Township of Lower
Block No. 585 Lots 6, 7, 8, 9, 10 and 11.

3) **Property.** The Property consists of the land and all the buildings and structures on the land in the Township of Lower, County of Cape May and State of New Jersey. The legal description is:

ALL THOSE CERTAIN lots or pieces of ground, with the buildings and improvements thereon erected, described as follows:

FIRST, ALL THAT CERTAIN land and premises situate at North Cape May, in the Township of Lower, County of Cape May and State of New Jersey:

BEING LOT 6, BLOCK 585 in the Mayflower Section of Cape May Beach Estates, duly filed.

SECOND, ALL THAT CERTAIN tract or parcel of land and premises situate, lying and being in the Township of Lower, County of Cape May and State of New Jersey:

BEING LOTS 7, 8, 9, 10 and 11, BLOCK 585 in the Mayflower Section of the Cape May Beach Estates, duly filed.

BEGINNING in the Westerly line of Beach Drive, 199.98 feet Southwardly from the Southerly line of Washington Boulevard; extending Southwardly along the Westerly line of Beach Drive, 159 Feet; and of that width extending Westwardly between lines parallel with Washington Boulevard, 70 feet in length or depth.

BEING the same lands and premises as granted and conveyed to The Nature Conservancy by deed from Robert J. Dee dated December 18, 1986 and recorded January 8, 1987 in deed book 1674 page 700 in the Cape May County Clerk's Office.

UNDER AND SUBJECT, as to the first above described premises, to the following:

- 1) Covenants, conditions, reservations and restrictions of Philadelphia Development Corporation.
- 2) Easement of Atlantic City Electrical Company as in grant dated March 20, 1951, and recorded in Deed Book 758, page 473.
- 3) Easement of Atlantic City Electrical Company as in grant dated June 6, 1968, and recorded in Deed Book 1192, Page 166.

UNDER AND SUBJECT, as to the second above described premises, to all covenants, conditions, reservations, restrictions and easements of record.

FOR INFORMATION ONLY:

Commonly known as 208 Beach Drive, Township of Lower, County of Cape May
Block 585 Lots 6, 7, 8, 9, 10 and 11

The street address of the Property is 208 Beach Drive, North Cape May, New Jersey

4) Restrictions. This conveyance is made subject to the express condition and limitation that the premises conveyed shall forever be held as a nature preserve for scientific, educational and aesthetic purposes, and shall be kept entirely in its natural state, excepting only such fences, foot trails and property maintenance activities as may be appropriate to effectuate the foregoing purpose without impairing the essential natural character of the premises.

Grantor retains the right, but not the obligation, to monitor and manage the Property for natural communities and all species designated by the State of New Jersey as endangered, threatened or of special concern.

Should the Property cease to be used solely as provided herein, then the estate hereby granted to the Grantee shall cease to exist and shall revert to and vest in The Nature Conservancy, 200 Pottersville Rd., Chester, NJ 07930. Said reversion shall not be automatic, but in the nature of a right of entry for condition broken or executory interest, which right, if exercised by The Nature Conservancy, Inc., upon violation of the above conditions, is exercised by mailing a notice of violation by certified mail to the Grantee. Said notice shall describe the breach and shall declare that the power of termination will be exercised if the breach is not corrected within a period of ninety (90) days. A copy of the notice shall simultaneously be recorded on the appropriate land records. The Nature Conservancy shall have the right to enforce this restriction by an action in law or in equity before a court of competent jurisdiction.

5) Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the Property. This promise is called to "covenant as to grantor's acts" (N.J.S.A 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights

which affect the Property (such as by making a mortgage or allowing a judgment to be entered against the Grantor.)

6) Signatures. The Grantor signs this Deed as of the date at the top of the first page.

WITNESSED BY:

THE NATURE CONSERVANCY

Witness

Barbara Brummer, Ph.D.
State Director

STATE OF NEW JERSEY:

SS

COUNTY OF CUMBERLAND:

I certify that on _____, 2011 Barbara Brummer, State Director of The Nature Conservancy, personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- a) was the maker of this Deed
- b) executed this Deed as his or her own act; and
- c) made this Deed for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5.)

Signed and sworn to before me

On _____, 2011.

Notary Public

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

RESOLUTION #2011-96

TITLE: RESOLUTION AUTHORIZING REQUEST TO THE LOWER TOWNSHIP MUA

WHEREAS, the Lower Township MUA budget for Fiscal Year December 1, 2010 through November 30, 2011 for both water and sewer contains a line item entitled "Maximum Allowable for Appropriation to Municipality/County", and

WHEREAS, the amount listed on the Supplement Schedule as "Maximum Allowable for Appropriation to Municipality/County" in the sewer budget is \$203,173 and the amount listed in the water budget is 124,131 for a total of \$327,304, and

WHEREAS, Council would like to officially request one-half of the total \$327,304 be appropriated to the Township.

NOW, THEREFORE, BE IT RESOLVED the Township Council hereby requests the Lower Township MUA appropriate one half of the amounts listed in the "Maximum Allowable for Appropriation to Municipality/County" as listed in the Supplemental Schedules from the sewer & water budget to the Township of Lower for a total of \$163,652.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 2, 2011.

Claudia R. Kammer, Township Cler

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Township of Lower Municipal Utilities Authority

**AUTHORITY BUDGET
SUPPLEMENTAL SCHEDULES**

124,131.0000 0+
203,173.0000 0+
327,304.0000 0+

FISCAL YEAR: FROM DECEMBER 1, 2010 TO NOVEMBER 30, 2011

(1) PY UNRESTRICTED NET ASSETS PY AUDIT *

ADJUSTMENTS DURING CURRENT YEAR

(a) EST. NET INCOME OR (LOSS) ON CURRENT YEAR'S RESULTS OF OPERATIONS * 178,355 *

(Include unbudgeted use of unrestricted net assets)

(b) ADJUSTMENTS: OTHER (Attach list): * [] *

(2) SUBTOTAL - ADJUSTMENTS (ADD AMOUNTS ON LINES a-b) * 178,355 *

(3) ADD LINES 1 AND 2 * 2,167,952 *

CURRENT YEAR ESTIMATED CHANGES IN RESTRICTIONS (attach documentation)

(c) DEBT SERVICE * [] *

(d) MAINTENANCE RESERVE * [] *

(e) OPERATING REQUIREMENT * [] *

(f) OTHER LEGAL RESERVATIONS * [] *

(4) SUB-TOTAL - RESTRICTIONS (ADD AMOUNTS ON LINES c-f) * [] *

DESIGNATIONS (attach documentation)

(g) NON-OPERATING IMPROVEMENTS & REPAIRS (CB-4&5) * [] *

(h) CONTRIBUTION TO RATE STABILIZATION PLAN (#) * [] *

(i) OTHER BOARD DESIGNATION * [] *

(j) ADJUSTMENTS /OTHER (Attach list): * [] *

(5) SUBTOTAL - DESIGNATIONS (ADD AMOUNTS ON LINES g-i) * [] *

(6) ADD LINES 4 and 5 * [] *

(7) UNRESTRICTED NET ASSETS AVAILABLE FOR USE IN PROPOSED BUDGET (SUBTRACT LINE 6 FROM LINE 3) * 2,167,952 *

PROPOSED UTILIZATION OF AVAILABLE UNRESTRICTED NET ASSETS

(8) AS REVENUE IN ANNUAL BUDGET (PAGE 6, LINE R-3b) * [] *

(9) FOR CURRENT YEAR CAPITAL BUDGET (PAGE CB-3) * [] *

(10) SUBTOTAL - U/R NET ASSETS UTILIZED (ADD AMOUNTS ON LINES 8-9) * [] *

(11) MAXIMUM ALLOWABLE FOR APPROPRIATION TO MUNICIPALITY/COUNTY (Budget Item B-2 times 5%) * \$124,131 *

(12) AS APPROPRIATED TO MUNICIPALITY/COUNTY (PAGE 6, LINE R-3a) * [] *

(13) TOTAL UNRESTRICTED/UNDESIGNATED NET ASSETS (SUBTRACT LINES 10 AND 12 FROM LINE 7) * 2,167,952 *

609-886-7146 x201
Phone # (extension) / Fax#

CERTIFIED BY: *C. Mike De Marco*
EXECUTIVE DIRECTOR

DATE: 10-6-10
PAGE SS-9

(#) Explain in detail in the Budget Message

Township of Lower Municipal Utilities Authority

**AUTHORITY BUDGET
SUPPLEMENTAL SCHEDULES**

**SEWER
(OPERATION)**

FISCAL YEAR: FROM DECEMBER 1, 2010 TO NOVEMBER 30, 2011

(1) PY UNRESTRICTED NET ASSETS PY AUDIT * *

ADJUSTMENTS DURING CURRENT YEAR

(a) EST. NET INCOME OR (LOSS) ON CURRENT YEAR'S RESULTS OF OPERATIONS *

*

(Include unbudgeted use of unrestricted net assets)

(b) ADJUSTMENTS: OTHER (Attach list): *

*

(2) SUBTOTAL - ADJUSTMENTS (ADD AMOUNTS ON LINES a-b) * *

(3) ADD LINES 1 AND 2 * *

CURRENT YEAR ESTIMATED CHANGES IN RESTRICTIONS

(attach documentation)

(c) DEBT SERVICE *

INC./(DEC.) *

(d) MAINTENANCE RESERVE *

*

(e) OPERATING REQUIREMENT *

*

(f) OTHER LEGAL RESERVATIONS *

*

(4) SUB-TOTAL - RESTRICTIONS (ADD AMOUNTS ON LINES c-f) * *

DESIGNATIONS (attach documentation)

(g) NON-OPERATING IMPROVEMENTS & REPAIRS (CB-4&5) *

*

(h) CONTRIBUTION TO RATE STABILIZATION PLAN (#) *

*

(i) OTHER BOARD DESIGNATION *

*

(j) ADJUSTMENTS /OTHER (Attach list): *

*

(5) SUBTOTAL - DESIGNATIONS (ADD AMOUNTS ON LINES g-l) * *

(6) ADD LINES 4 and 5 * *

(7) UNRESTRICTED NET ASSETS AVAILABLE FOR USE IN PROPOSED BUDGET (SUBTRACT LINE 6 FROM LINE 3) * *

PROPOSED UTILIZATION OF AVAILABLE UNRESTRICTED NET ASSETS

(8) AS REVENUE IN ANNUAL BUDGET (PAGE 6, LINE R-3b) * *

(9) FOR CURRENT YEAR CAPITAL BUDGET (PAGE CB-3) * *

(10) SUBTOTAL - U/R NET ASSETS UTILIZED (ADD AMOUNTS ON LINES 8-9) * *

(11) MAXIMUM ALLOWABLE FOR APPROPRIATION TO MUNICIPALITY/COUNTY (Budget Item B-2 times 5%)

(12) AS APPROPRIATED TO MUNICIPALITY/COUNTY (PAGE 6, LINE R-3a) * *

(13) TOTAL UNRESTRICTED/UNDESIGNATED NET ASSETS (SUBTRACT LINES 10 AND 12 FROM LINE 7) * *

609-886-7196 x401

Phone # (extension) / Fax#

CERTIFIED BY: C. M. D. M...
EXECUTIVE DIRECTOR

(#) Explain in detail in the Budget Message

DATE: 10-6-10
PAGE 88-9

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

ORDINANCE #2011-06

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

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

3-41. Citizens' Advisory Board

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

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

- (1) What goals should the Township seek to accomplish within the next 10 years?
- (2) What is the best method to address concerns submitted by the Mayor and Council?
- (3) What is the best method to address concerns submitted by residents?
- (4) What steps or actions should the Township take to attain these goals?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thomas Conrad, Councilman

Erik K. Simonsen, Councilman

Glenn Douglass, Councilman

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Clerk

Adopted: _____

ANIMAL CONTROL REPORT

MONTH OF Feb 1, 2011

ACO Donald R Montgomery DATE: Feb 28 2011

	DOGS	CATS	OTHER*
TOTAL	24	15	1- Seals
PICKED-UP	11	1	6- Barking dogs
TO SHELTER	3	1	10- Call about stray cats
RETURNED	7	3	10- Raccoons
TO VET	2	1	2- Skunks
DOA	4	10	8- Squirrels
WARNINGS	25	2	2- Neglect Case
TICKETS	10	0	4- Found dog's
BITES	1	0	2- Injury Birds
QUARANTINES	1	0	

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

Additional Comments:

10 Court case

ANIMAL CONTROL REPORT

MONTH OF FEB, 2011

ACO: STEPHEN PARKER

DATE: 2/28/11

	DOGS CALLS	CATS CALLS	OTHER*
TOTAL	10	2	
PICKED-UP	6	1	
TO SHELTER	3	1	1 - puppy
RETURNED	2	0	
TO VET	0	0	
DOA	0	0	1 - opossum 3 - raccoons
WARNINGS	0	0	
TICKETS	0	0	
BITES	0	0	
QUARANTINES	0	0	

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

Additional Comments

RACCOON CALLS - 4 bird call - 1 + 1 - 2

SKUNK CALL - 1 opossum call - 1

Good Intent CALLS - 2

TOTAL CALLS - 22

RESPECTFULLY SUBMITTED
S. PARKER - LTACO

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

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 02/01/2011 To 02/28/2011

March 02 , 2011 3:04:52PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$169,850.00	Cubic Footage:	23921 Cu.ft	Permit Issued:	73
Cost Of Alteration:	\$287,654.00	Square Footage:	2114 Sq.ft	Updates Issued:	3
Cost Of Demolition:	\$9,100.00			All Fees Waived:	0
Total Cost:	\$466,604.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$4,185.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$4,185.00
Electrical:	\$2,711.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$2,711.00
Fire :	\$3,228.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$3,228.00
Plumbing:	\$2,562.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$2,562.00
Elevator:	\$214.00	Elevator:	\$53.00	Elevator:	\$0.00	Elevator Fees:	\$267.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$12,953.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$80.00	\$0.00	\$80.00
Alteration Training Fee:	\$492.00	\$0.00	\$492.00
DCA Minimum Fee:	\$6.00	\$0.00	\$6.00
Sub total Training Fee:	\$578.00	\$0.00	\$578.00

TECHNICAL ISSUES

Building Technical:	32
Electrical Technical:	34
Fire Protection Technical:	34
Plumbing Technical:	40
Elevator Technical:	1
Mechanical Technical:	

CERTIFICATE ISSUES

Certificate of Occupancy:	5
Certificate of Approval:	4
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$314.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$314.00

PERMIT FEES:	\$12,953.00
DCA FEES:	\$578.00
CERTIFICATE FEES:	\$314.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$13,845.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$13,845.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 02/01/2011 To 02/28/2011

March 2, 2011 3:05:16PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,007.00	\$12,838.00	\$0.00	\$13,845.00
LICENSE FEES	Sub Totals:	\$75.00	\$1,250.00	\$0.00	\$1,325.00
GRAND TOTALS:		\$1,082.00	\$14,088.00	\$0.00	\$15,170.00

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 02/01/2011 To 02/28/2011

March 02 , 2011 2:55:28PM

SUMMARY

CONSTRUCTION COSTS

COUNT

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

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$0.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$0.00
Electrical:	\$58.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$58.00
Fire :	\$0.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$0.00
Plumbing:	\$112.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$112.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$170.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$0.00	\$0.00	\$0.00
Alteration Training Fee:	\$11.00	\$0.00	\$11.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$11.00	\$0.00	\$11.00

TECHNICAL ISSUES

Building Technical:	
Electrical Technical:	1
Fire Protection Technical:	
Plumbing Technical:	1
Elevator Technical:	
Mechanical Technical:	

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

CERTIFICATE ISSUES

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

PERMIT FEES:	\$170.00
FEES:	\$11.00
CERTIFICATE FEES:	\$0.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$181.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$181.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 02/01/2011 To 02/28/2011

March 2, 2011 2:56:02PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$0.00	\$181.00	\$0.00	\$181.00
	GRAND TOTALS:	\$0.00	\$181.00	\$0.00	\$181.00

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

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

Monthly Dog License Report

A: IDENTIFICATION

Municipality : TOWNSHIP OF LOWER

County: CAPE MAY

Date: 3/2/2011

B: LICENSE DATA

1. Period Covered	From: 02/01/2011	To: 02/28/2011
2. First License # of this report	636	
3. Last License # of this report	877	
4. Last License # of last report	635	
5. Total Licenses issued this report	242	

C: LICENSES ISSUED FOR WHICH NO MONEY IS SUBMITTED

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

Replace License # 71 [650]

D: PILOT CLINIC FUND

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

Numbers: 241 Amount : \$48.20

E: ANIMAL POPULATION CONTROL FUND

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

Number: 22 Amount: \$66.00

F: FEE DATA

1. Total licenses reported with registration fee :	\$241.00
2. Total Amount due for pilot clinic fund (sec. D) :	\$48.20
3. Total Amount due for Animal population control fund (sec. E) :	\$66.00
4. Total Amount due for this report :	\$355.20

G: CERTIFICATION

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

Officer Name : Claudia R Kammer

Title : Township CLerk

Signature : *Claudia R Kammer*

Date: 3/2/11

Phone : 609-886-2005



TOWNSHIP OF LOWER

Engineer's Report

Meeting Date: March 21, 2011

➤ Holmes Avenue Stormwater Outfall

Channel Marine Construction, Inc. was awarded the project at the February 23rd Council meeting. A preconstruction meeting was held on February 25th where the Notice to Proceed was issued to the Contractor. Work is to be completed by April 1, 2011.

➤ Fall 2010 Outfall Extension Project

The contractor has finished the remediation work at the Broadway outfall and is currently completing the work at the Beverly Road outfall. Upon completion of this work HMM will process the final payment application and closeout documents for the project.

➤ Municipal Parking Lot Improvements – Phase 2

HMM has completed the design work on Station Road and the Municipal Parking Lot Improvements. Plans and supporting documentation were forwarded to the NJDOT Local Aid office on March 14th for approval prior to bidding of the project.

➤ Lower Township Recreation Center Roof Replacement

HMM met with Recreation staff and performed an onsite investigation of the existing roof on December 22, 2010. HMM met with the Township Manager and Recreation Director on January 20th to discuss the concept plans and an anticipated schedule for bidding and construction. HMM is finalizing plans and specifications and is on schedule to have draft bid documents to the Township by the end of March.

MUNICIPAL CLERK'S REPORT
Register Report
2/1/2011 Through 2/28/2011

3/2/2011

Page 1

Account	Description	Memo	Category	Amount
INCOME				
	TOTAL Business Mercantile			150.00
	TOTAL Business Mercantile One Day Event			45.00
	TOTAL Campgrounds & Trailers			3,098.00
	TOTAL Copies & Postage			9.20
	TOTAL Pre-Paid Rental License 2011-2012			150.00
	TOTAL Rental Merc. 2010-2011			5,300.00
	TOTAL Searches			20.00
	TOTAL Street Openings			380.00
	TOTAL Yard Sales			10.00
	TOTAL INCOME			9,162.20
TRANSFERS				
	TOTAL Council Checking			-9,162.20
	TOTAL TRANSFERS			-9,162.20
	OVERALL TOTAL			0.00

*deduct \$50 from Merc Total
credit to top office
Sonia - 15 Pinewood*

**LOWER TOWNSHIP MUNICIPAL COURT
MONTHLY DISBURSEMENTS**

TRAFFIC (All fines split w/ County)	\$ 1,045.00
TRAFFIC COSTS (We receive all costs)	\$ 1,326.00
CRIMINAL FINES (We receive both Criminal & Local Ordinance fines)	\$ 3,104.00
CRIMINAL COSTS	\$ 665.00
REINSTATED BAILS	\$ -
LOCAL PARKING	\$ 19.00
CONTEMPT CHARGES	\$ 104.00
PUBLIC DEFENDER FEES	\$ 15.00
MISCELLANEOUS FEES (Spinal & Overpayments)	\$ 40.97
DWI SURCHARGE	\$ 191.24
2011 DISBURSEMENTS	

FEBRUARY 2011 COMPLAINTS ISSUED	CRIMINAL IND.	CRIMINAL DP	TRAFFIC	DUI	TOTAL
	15	19	76	4	114

TOTAL RECEIPTS	TOWNSHIP SHARE
\$20,195.25	\$9,410.21

COMPLAINTS IN WARRANT STATUS	CRIMINAL	TRAFFIC	TOTAL
	184	131	315

**2011 CASH RECEIPTS
FEBRUARY**

Township of Lower
Office of the Tax Collector

YEAR TO DATE

Receipts

Current year taxes (2011)	6,852,962.56	12,282,120.21
Prior year taxes (2010)	220,168.01	438,572.68
6% Penalty		2,370.93
Tax Search Fees	20.00	50.00
Interest	14,743.90	25,792.70
Lot clearing		320.00
Returned Check Fees	80.00	100.00
Duplicate Bills	65.00	150.00
Trash	1,333.50	9,334.50
DEPOSITED COUNCIL CHECKING	7,089,372.97	12,758,811.02
TOTAL DEPOSITS	7,089,372.97	12,758,811.02
NSF Reversals	-5,311.91	-6,117.57
TOTAL	7,084,061.06	12,752,693.45

Prepared by Susan Jackson

**Vital Statistics
February Deposit
2011**

Marriage License Total	3
C.U. Lic. Total	0
D.P. Lic. Total	0
Total Burial Permits	0
Twp. Cert. Copies	155

State Marriage Fee	\$ 75.00
Twp. Marriage Fee	\$ 9.00
State C.U. Fee	\$ -
Twp. C.U. Fee	\$ -
State D.P. Fee	\$ -
Twp. D.P. Fee	\$ -
State Burial Permit Fee	\$ -
Twp. Burial Permit Fee	\$ -
Twp. Cert. Copy Fee	\$ 1,550.00

TOTAL	\$ 1,634.00
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TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2011-96

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.

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. (Police)

 (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 _____, 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 21, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					