

RESOLUTIONS ADOPTED MARCH 21, 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. #2011-91, 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. #2011-94, 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)
Res. #2011-96, Resolution Authorizing Request to the Lower Township MUA (if approved at work 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)

The following resolutions were tabled and will be reconsidered at the Apr. 4, 2011 mtg.

- *Res. #2011-90 *Rejection of Proposals for Concession for 2011 Independence Day Festival Rides (over budget)*
*Res. #2011-93 *A Resolution Approving A Management Agreement by and Between the Township of Lower and Friends of the Fishing Creek School, Inc.*

03/17/11
09:30:51

Lower Township
Bill List By Vendor Id

Page No: 2

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*					

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09:30:51

Lower Township
Bill List By Vendor Id

Page No: 3

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 UTILIL. 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			X		
SECOND	X				
AYES	X	X	X	X	Y
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

 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2011-88

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			X		
SECOND	X				
AYE	X	X	X	X	X
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
Amount in numbers
One thousand five hundred dollars
Amount in words

2012 SEASON: \$ 1,500.00
Amount in numbers
One thousand five hundred dollars
Amount in words

Melo Concessions
Company Name
154.58.6210
Federal I.D. # or Social Security #

208 Lennox Ave Fishing Creek, NJ 08204
Address

Holly 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 31, 2011.**

Claudia R. Kammer
Claudia R. Kammer, RMC, Township Clerk

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

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
 C-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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					



**Hatch Mott
MacDonald**

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

March 2, 2011
Via email: mvoll@townshipof lower.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
FY2011 Small Cities Grant Outfalls			
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
Additional Outfalls			
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

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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)

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

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

RESOLUTION #2011-94

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

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

RESOLUTION #2011-95

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

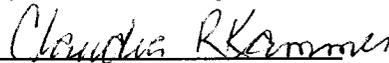
John W. Frame - Summer Daze
Steven R. Lerch - Summer Daze
Michael J. Flannery - Summer Daze
Brett Reilly
Donna Vaughan

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

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

RESOLUTION #2011-96

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
 Claudia R. Kammer, Township Cler

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

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

RESOLUTION # 2011-97

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 8:45, 2011 that an Executive Session closed to the public shall be held on this date at approximately 8:45 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
 Claudia R. Kammer, Township Clerk

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