

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

APRIL 4, 2011 - 6:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Proclamation - Autism Month

Work Session

Budget Presentation, Leon Costello, Township Auditor
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes March 21, 2011
Res. #2011-90, Rejection of Proposals for concession for 2011 Independence Day Festival Rides (**WITHDRAWN**)
Res. #2011-98, Payment of Vouchers, \$1,461,184.07
Res. #2011-99, Authorizing Special Item of General Revenue (\$15,000 from each of the 3 fire districts to be added to Misc. Revenue Section of the budget for Uniform Fire Safety Act)
Res. #2011-100, Click It or Ticket 2011 Mobilization (annual application for funds, \$4,000)
Res. #2011-101, A Resolution Requesting Release of Performance Guarantee for CVS Pharmacy - Feinberg & McBurney Realty; Block 216, Lot 32-34 Escrow #P08-08-02 (Releasing Perf. Guarantee & retaining Maintenance Guarantee)
Res. #2011-102, Renewal of 2011 Campground Licenses (Annual renewal - 6 licenses)
Res. #2011-103, A Resolution Requesting Release of Performance Guarantee for Conifer Realty, LLC; Block 741, Lot 2.07, Escrow #Z05-01-06 (Releasing Perf. Guarantee & retaining Maintenance Guarantee)
Res. #2011-104, Authorization for Refund of Taxes
Res. #2011-105, Award of Contract for Concession for 2011 Independence Day Festival Rides (Wizard's Festival of Fun - \$10,000 total - \$5,000 of which is from MUA donation)
Res. #2011-106, Resolution authorizing a Professional Services Contract with Jon Batastini, Esquire of Loveland & Garrett, P.A. (Not to exceed \$15,000)

Regular Agenda

Public Hearing 2011 Municipal Budget
Res. #2011-107, Adoption of 2011 Municipal Budget (Resolution is a part of the budget document) OR
Res. #2011-108, *Resolution to Increase Temporary Budget (only if budget is not adopted)*
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), 2nd rdg.
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), 2nd rdg.
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, 2nd rdg. (Donation of .038 acres on Beach Drive)

Administrative Reports

Department Reports January - Police, February - CFO & Police
1st Quarter Auction Report

Council Comments

Call to the Public

OVER

Closed Session

Res. #2011-109,

Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Matters Relating to Employment Relationship)

Adjournment

Public Information

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. Late fee begins May 2.

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.

PROCLAMATION

APRIL 2011, AUTISM AWARENESS MONTH

WHEREAS, autism is a complex pervasive developmental disorder that affects a person's social, learning and behavioral skills and manifests itself uniquely in each affected individual and;

WHEREAS, we can now estimate that one in every 94 individuals in New Jersey is likely to be diagnosed with autism and;

WHEREAS, the Autism Spectrum Disorder knows no racial ethnic or social boundaries and includes High Functioning Autism Asperger's Syndrome and Pervasive Developmental Disorder;

WHEREAS, as Autism manifests itself in the first three years of life, acute early diagnosis accompanied by appropriate education is vital to the growth and development of the affected individual and;

WHEREAS, autism affects not only the diagnosed individual but the entire family and community at large and;

WHEREAS, throughout the State of New Jersey various organizations offer a wide range of services to support programs, such as FACES Autism Support Groups, to ensure that all people with autism receive appropriate effective services to maximize their growth potential and to enhance the overall awareness of autism in the general public.

NOW, THEREFORE BE IT RESOLVED, the Township of Lower hereby proclaims the month of April 2011 as Autism Awareness Month in Lower Township and joins in the efforts to educate parents, professionals and the general public about autism and its effects.

Michael E. Beck, Mayor

Regular & Work Session Meeting Minutes - March 21, 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 21, 2011 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

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

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

Certificate of Recognition - Eagle Scout - Steven D. Church, Jr.

Mayor Beck congratulated Steven Church, Jr. on his accomplishment and asked him to explain his project that he did.

Steven said he had done a raised garden so that people in wheel chairs could still enjoy gardening.

WORK SESSION

Discussion - Request to MUA for Funds

Deputy Mayor Lare said in light of the current budget and the goal to get the tax rate lower the proposal was on the table to ask the MUA to provide some assistance with the budget. He said it was an excess surplus fund account and it was 5% of that fund which was \$327,000.00 and the proposal before Council was to ask the MUA board for half of that which was \$163,652.00.

Councilmember Conrad said he didn't like asking but he saw it as a necessary evil.

Councilmember Simonsen said he believed asking for half was reasonable and not taking all of it. He said it would help get the budget down this year.

Councilmember Douglass said it had been discussed a few years ago and knew the possibility was there. He said the request wasn't for the full amount available and it had to go before the MUA board for approval.

Mayor Beck said he wished he could agree and he would list his reason why not. He thought it was a bad idea last year and an easy way to solve the budget not the correct way. He said if they took money out of the MUA it would only cause the water and sewer rates to go up. He said not all taxpayers belonged to the MUA only about half; many people didn't have sewer and water. He said the people who belonged to the MUA would be helping subsidized the taxes of those who didn't. He said the surplus was there for a specific reason and the MUA was a separate authority.

Mayor Beck said the Township was already below the CAP, they were at 1.7 cents and it didn't make sense to do it. He supported what was said in the papers from the people at the MUA and it was said the Township couldn't keep using attrition they had to make some tough choices. He said Mr. DeMarcantonio said the Township needed to

Regular & Work Session Meeting Minutes - March 21, 2011

clean their house like the MUA did. He said the MUA had their first balanced budget in ten years and they worked hard to get there. He said the MUA managed to get their financial house in order even though some people didn't agree with what had taken place. His feeling was it was the Township's house and if there was a budget problem they had to fix it just the same as if the MUA had a budget problem they would fix theirs. He said Council had worked hard over they last few years to bring the budget down. He felt they needed to make decisions and choices to bring the budget down and he didn't think taking the MUA's money was the answer.

Deputy Mayor Lare said he had some counterpoints. He said as far as the taxpayers vs ratepayers the Township had secured over 1.5 million in grants on behalf of the MUA. He mentioned a street restoration grant that the Township provided the cash match on \$880,000 which was \$30,000.00. He said that was real taxpayer money that was put into that grant. He said the MUA wouldn't exist without the Township because the Township guaranteed their bonds. He said as far as Mr. DeMarcantonio's comments he was retiring and it was the boards decision and the goal was to reduce the burden to the taxpayers.

Deputy Mayor Lare said it was \$160,000 and it was done throughout the state and it could provide relief for the taxpayers. He said it was similar to what the Governor had done with the schools last year. He felt it should be considered.

Mayor Beck said the Township didn't need the money they were already under the CAP. He said the MUA hadn't had a balanced budget in ten years and they got that way by making tough decisions. He again said it wasn't necessary to do to balance the budget and bring cost down. He said it was rejected last year and felt it should be rejected this year.

He said public comment on the resolution could be made at the regular meeting part.

Review of Consent and Regular Agenda Items

Councilmember Simonsen asked that Resolution #2011-90 be tabled because there were possible revisions ~~to that~~. Councilmember Simonsen motioned to table the resolution, seconded by Deputy Mayor Lare the resolution was tabled by verbal "ayes".

Deputy Mayor Lare said he had some questions regarding the management agreement for the Fishing Creek School. He thought it was a great idea but he had some questions. He said the Township would maintain the funds for the trust account which had a lot of restrictions on it. He wanted to make sure that was what they wanted to do. He said the trust money was funds that were donated and raised by the Friends of the Fishing Creek School.

Mayor Beck said he thought there had been a trust account for them before.

Mayor Beck asked for a motion to table resolution #2011-93.

Deputy Mayor Lare motioned to table the resolution, seconded by Councilmember Douglass. The resolution was tabled by verbal "ayes".

Mayor Beck asked Solicitor Donohue if meeting annually was enough for the Minutes Review Committee.

Solicitor Donohue said it was the minimum, but if Council wanted they could meet quarterly.

Mayor Beck asked if it could be changed to quarterly. He said there was a backlog of closed session minutes that needed to be looked at.

Solicitor Donohue said the resolution should be corrected to state they would meet quarterly.

Public Questions on Consent Agenda and/or Regular Agenda Items

Ed Butler of Villas said since the camera broke at the meeting he requested that Council table everything on the agenda until the camera was fixed except the bill list.

Councilmember Simonsen said it was an open meeting and anyone could be present if they chose and there was no ordinance that stated the meetings had to be taped. He said everyone had the right to be there.

Joe Winters of Florida Ave. asked how many people were on the Minutes Review Committee.

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Mayor Beck said it was the Solicitor, Clerk and Manager.

Mr. Winters asked how much would it cost.

The Solicitor said there was no charge it was part of his duties.

Mr. Winters asked what did the electric and propane cost at the pool. He also asked if the money from the people who leased the concession stand covered the costs to operate it?

Mayor Beck said it didn't the lease was \$1,500.00.

A brief discussion ensued about the pool lease and cost incurred and the potential money that was made there.

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) **TABLED**
- 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. **TABLED**
- 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

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

Regular Agenda

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Res. #2011-96, Resolution Authorizing Request to the Lower Township MUA

Bob Rizzo, President of Mickles Run Landowners Association said they were all water and sewer ratepayers and understood they wanted to reduce the tax rate. He said the MUA had done some amazing things to keep their increases to a minimum. He said the MUA had received the largest grant in the State which was over 8 million for the Townbank area. He said to take the MUA surplus, which they might need some day to reduce the tax rate was inconceivable. He said to ask the ratepayers to pay for all the taxpayers was unfair. He said to reduce the taxes in another way.

Steve Sheftz said the Association of Municipal Authorities produce a Commissioner's handbook with important information. He said each member of Council had an obligation to know what the responsibility of the commissioners were. He said an intense background check was done on each member. He said the book went over the commissioners responsibility. He said the commissioners had a responsibility to develop long range plans, formulate operating procedures and financial plans, etc.

Mr. Sheftz said Council had a responsibility to protect the taxpayers and the assets of the Township. He said in 1990 the former Executive Director promised water from the northern end of the Villas to Englewood Road in one year. He said that never happened. He said when he was a board member in 1998 he was asked to help people in three areas that had raw sewage in their yards.

Mr. Sheftz reviewed some of the plans and things that had happened while he was a MUA boardmember. He said they had provided water and sewer to 130 homes in less than two years. He said much of the infrastructure was over forty years old. He told Council they were elect officials and there was nothing more important than the health of the residents and water was the lifeline of our being. He wanted to remind Council that many of the residents and senior citizens were on fixed incomes and didn't get raises. Colleen Hughes of Villas said she had contaminants in her water and was still waiting for clean water. She said she spent thousands of dollars every year on purchasing clean water. She asked Council to consider the residents.

Joe Winters said it wasn't a good thing they wanted to do. He said the MUA did what needed to be done and now the Township wanted to take their money. He told Council to get their house in order.

Janet Pitts, Villas said the reasons he gave for denying it last year were still valid. She told Deputy Mayor Lare he was right in saying other towns did it, but it was like an addiction and it would continue until the MUA was dissolved. She brought up that Council wanted to have the budget approved by April 4th, if they were asking the MUA for money their meeting was April 6th after the Township meeting.

Mayor Beck said point well made.

Deputy Mayor Lare said if the resolution passed then the Township would have to adjust their budget approval.

Jack Sparks said Mrs. Pitts brought up the idea to Council last year and you didn't bring things up unless you thought it was a good idea. He said the reason it didn't pass last year was because the budget got to zero so there wasn't any need for it. He said he heard about six months ago that the budget was one million dollars over the CAP. He asked where the money went that they were in the hole for and how did they correct it. He asked if it was a ploy.

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Mr. Sparks said the Township said the MUA had their house in order and where Mr. DeMarcantonio came from in Deptford they took \$500,000 a year from the MUA. He didn't feel the MUA's house was in order, he saw people laid off there.

Mayor Beck said he felt Mr. DeMarcantonio did a good job there. He said if the Township was facing a five cent tax increase, he would join the parade. He said the Township was under the CAP.

Mr. Sparks said \$160,000 wasn't going to clean up the water.

Mayor Beck said the Township had done well as a Council over the years they had been in office. He said they received no help from the toolkit that was promised.

Jack Sparks said going from 4% to 2% was a big deal.

Mayor Beck said it was two years later and they were still waiting for the toolkit. He said they starting cutting sooner than other towns did.

Councilmember Douglass said he thought he recalled the taxpayers group bringing the idea to Council. He said it was a request to the MUA for the funds, they had to approve it. He said he was a ratepayer and taxpayer and it was a matter of helping each other and felt it was a viable option.

Councilmember Simonsen again said it was a request of Council to the MUA. He felt requesting half was reasonable. He said it didn't mean that the rates would go up. He said they were trying to find ways to lower the rate and this was one option.

Councilmember Conrad said he didn't like the idea either. He said he didn't want to see any services cut, but if they made any more cuts in the 1.7 cents some services may be affected. He said he also was buying bottled water and had been promised water since 1993.

Ed Butler, Villas said about three years ago a discussion came up about dissolving the MUA. He said the taxpayers group starting attending the meetings. He said they voted to get a professional in to straighten things out. He said the MUA did what it had to do and worked hard to get to where they were.

Steve Sheftz reminded Council that the plans for expanding the water infrastructure would move quickly and they had to keep in mind there were a lot of poor people in the Township. He said they would have to pay \$1,600.00 plus the plumbers fee.

Bob Rizzo said once they started taking the money from the MUA they wouldn't stop. He said Council appointed the MUA board every year and what was to keep them from appointing people who agreed with them. He said most areas throughout the state the people were both ratepayers and taxpayers.

Jack Sparks said not 100% of the people in Deptford were ratepayers.

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

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)

Councilmember Douglass said he was fine with the ordinance, he reviewed the information from the last two meetings.

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Mayor Beck said they had been around with it and it had been a distraction. He stated his main reasons at the last meeting and stood by his comments. He told the members of the MAB they had done a good job. He had spoken to some of the members and he didn't want them to turn their back on the board and hoped they would reconsider to get involved with the CAB. He said he hoped it would be a success. He said he was against it from the beginning and was now.

Joseph Winters said he would like the same thing done for all the boards.

Tom Conrad said he would agree for the same things for advisory boards.

Joe Winters again said to include every board including planning, zoning and recreation.

Councilmember Simonsen said some of the other boards certifications were needed.

Mr. Winters asked about qualifications for the Recreation Advisory Board.

A brief discussion ensued regarding equal representation for the boards.

Councilmember Conrad said no one said they did a bad job, the problem was communication with Council.

Mr. Winters said Council could have communicated with each other to avoid conflict.

Councilmember Simonsen said everything the MAB had done was very well documented and it wasn't one of the reasons as far as he was concerned.

Janet Pitts said she didn't agree that the other boards were different. She said she didn't see anything in the ordinance that said you had to be involved in sports to be on the RAB. She request Council have the RAB report four times a year as they were asking the CAB to do.

Ed Butler said he felt they were setting a precedent and to keep it away from the political field and go by the qualifications. He said to do it for all the boards it would be a good move.

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

Administrative Reports

Safety Report

February Reports

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

Council Comments

Councilmember Conrad congratulated Steve Church for advancing to Eagle Scout. He said he had received a complaint about the leaf pick-up and they had to be more accountable and do a better job.

Councilmember Simonsen asked everyone to keep the Donohue family and the Mayor's family in their prayers.

Councilmember Douglass thanked the Manager for keeping him updated in his absence. He congratulated the Church family on raising a young gentleman.

Request for MUA Funds

Deputy Mayor Lare wanted to reiterate the request was only 5% of the excess surplus that was available. He said whether they received the money or not, there would be additional cuts. He said the Township's house was in order. He took exception to the comments in the paper. He said the Township had done a

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cash match grant for the MUA which provided \$264,00 of taxpayer funds for that grant. He said the Township guaranteed their bonds, the MUA could not borrow money without the Municipality guaranteeing the bonds.

He said the toolkit had not been enacted only five items of the proposed thirty items had been enacted. In his opinion the 2% CAP would restrict the growth in spending in government and that was good.

April 1st at the Freeman Douglass Park; Lower Cape May vs Middle Township Boys and Girls High School double header in Lacross.

Mayor's Announcements

Mayor Beck thanked Dominos in the Villas for their participation in a fund raiser for the Fishing Creek School. He announced the patriot flag would be a Wildwood Convention Hall on March 30th.

Call to the Public

David Shank of the Calvary Baptist Church thanked Council for waiving the fees on their variance application.

Township Vehicles

Joe Winters asked about the Township vehicles going home with some employees and said it had been stopped. He asked how many were going home and what was the purpose of that. He asked the Manager if the decal had been put back on the car.

Mayor Beck said originally three cars had been going home until recently he thought there were nine now. Manager Voll said the Chief, Captain and two Lieutenants, two Resource Officers, Manager and DPW Director.

Mr. Winters said it was a waste of money.

Councilmember Conrad said it was a managerial decision.

Mayor Beck said the policy was set by Council and allowing six more vehicles to go home at night. He said the gas budget was up to \$67,000. He said the people who were taking the cars home were at the higher end of the pay scale.

Deputy Mayor Lare said the previous Manager took the cars away on her own.

Mayor Beck said it wasn't who gave them out, they were out. He said after there was a change in Managers the cars were going home and that was his opinion.

Mr. Winters said it became a burden to the taxpayers, if the Township was flushed it would be no problem.

MUA

He said a lot of the sewers were forty years or older and if the MUA had a problem would the Township pay.

Township Vehicles

Doug Henderson of North Cape May, he didn't know all the ins and out of where people lived, but one of the Resource Officers lived near the school. If he had to go to the police station for a car and then back to the school it was a waste of money.

Budget

Janet Pitts had a couple questions on the budget and asked if the Township was at 1.7cents.

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Mayor Beck said yes, it was tentative. He told her to hold her questions on the budget until the next meeting.

Commercial Trash Collection

Mrs. Pitts said last year the Township decided to stop trash collection for businesses so how much money was saved.

Deputy Mayor Lare said they started charging and the savings were in tipping fees.

Councilmember Douglass said they budgeted \$130,000.00 for the year.

Mayor Beck said that was an estimate.

Councilmember Douglass said they hadn't completed a full year yet.

A discussion ensued back and forth on the savings in tipping fees and it wouldn't be known until the end of the year.

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)

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

Council returned to open session.

Deputy Mayor Lare motioned for the Manager and Mayor to proceed as discussed in closed session, seconded by Councilmember Conrad. The motion was carried by verbal "ayes".

Solicitor Donohue said if more two members attended a MUA meeting that wasn't a problem.

Deputy Mayor Lare asked if the MUA asked them to attend their closed session was that a problem?

Solicitor Donohue said "yes".

Mayor Beck said he didn't want anyone representing Council at an MUA meeting.

Manager Voll said he could send the resolution and request. He said he would attend the MUA meeting and represent the Township.

There being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 9:25 p.m.

Mayor

Township Clerk

Approved: April 4, 2011

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00739	CAPE MAY VETERINARY HOSPITAL							
	11-00761	03/25/11	TNR PROGRAM	Open	80.00	0.00		
	11-00807	03/29/11	TNR PROGRAM	Open	35.00	0.00		
	11-00814	03/29/11	VETERINARIAN FOR RABIES CLINIC	Open	125.00	0.00		

					240.00			
00784	CAPE MAY STAR & WAVE							
	11-00758	03/25/11	LEGALS	Open	208.94	0.00		
	11-00811	03/29/11	LEGALS	Open	88.66	0.00		

					297.60			
00825	COMCAST*							
	11-00764	03/25/11	INTERNET ACCESS - FIRESAFETY	Open	100.07	0.00		
00991	COLONIAL ELECTRIC SUPPLY*							
	11-00547	02/28/11	LIGHTS	Open	44.20	0.00		
01009	EPLUS TECHNOLOGY INC*							
	11-00474	02/23/11	PRINTER RIBBON GENICOM 2280+	Open	137.00	0.00		
01130	GAYLE HADLEY							
	11-00810	03/29/11	PAYMENT TO ZUMBA INSTRUCTOR	Open	205.00	0.00		
01162	D.R. MYERS DISTRIBUTING CO*							
	11-00672	03/11/11	US IDENTIFICATION MANUAL	Open	82.50	0.00		
01170	VERIZON WIRELESS* F/S							
	11-00715	03/18/11	CELL SERVICE - FIRE SAFETY	Open	79.14	0.00		
01200	DELTA DENTAL PLAN OF NJ							
	11-00759	03/25/11	APRIL, 2011 INV#201120109303	Open	166.54	0.00		
01499	JOSEPH FAZZIO, INC*							
	11-00593	03/04/11	BOLTS FOR OUTFALL PROJECT/DPW	Open	241.25	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	11-00809	03/29/11	SECURITY LIGHTS TOWNHALL	Open	275.00	0.00		
	11-00820	03/30/11	ELECTRTICAL WORK/GARAGE CEILIN	Open	500.00	0.00		
	11-00828	03/31/11	REMOVE OLD SPEAKERS & INSTALL	Open	325.00	0.00		

					1,100.00			
01598	DEARBORN NATIONAL							
	11-00798	03/28/11	APRIL, 2011 LIFE INSURANCE	Open	553.31	0.00		
01655	GANN LAW BOOKS*							
	11-00336	02/04/11	ZONING & LAW USE BOOK	Open	102.00	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	10-02579	10/13/10	PKE LOT PHASE 2 - RES 2010-250	Open	6,555.00	0.00		B
	10-03145	12/08/10	ROOFING SYSTEM - REC CENTER	Open	2,676.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-00192	01/21/11	HOLMES AVENUE PROJECT/DPW	Open	1,554.00	0.00		B
	11-00665	03/11/11	ENGINEERING SERVICES/HOLMES AV	Open	660.00	0.00		B
					----- 11,445.00			
01797	GROVE SUPPLY INC*							
	11-00421	02/16/11	SUPPLIES FOR WASH-BAY/DPW	Open	1,466.52	0.00		
	11-00755	03/23/11	MISC. PARTS FOR MEN'S PUBLIC	Open	104.70	0.00		
					----- 1,571.22			
01834	RICHARD HOOYMAN							
	11-00797	03/28/11	CONTRACTUAL REIMBURSEMENT	Open	33.00	0.00		
01859	HESS CORPORATION							
	11-00789	03/28/11	ELECTRICITY	Open	6,270.00	0.00		
01889	JOHN J HERMAN							
	11-00637	03/09/11	BASKETBALL OFFICIAL PAYMENT	Open	72.00	0.00		
01912	GRUCCIO, PEPPER, DESANTO&RUTH PA							
	11-00156	01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
02089	K-MART STORE #9133*							
	11-00779	03/25/11	DISPATCH TV	Open	619.97	0.00		
02136	TED KINGSTON INC*							
	11-00325	02/03/11	COMMUNICATIONS MAINT 2011	Open	500.00	0.00		
02247	LAWSON PRODUCTS, INC.*							
	11-00579	03/01/11	SUPPLIES FOR GARAGE/DPW	Open	1,378.85	0.00		
02351	LOWER CAPE MAY REGIONAL							
	11-00816	03/30/11	SCHOOL TAX DUE APRIL 15, 2011	Open	1,166,160.70	0.00		
02473	FRANCIS P. MAJANE							
	11-00793	03/28/11	CONTRACTUAL REIMBURSEMENT	Open	766.12	0.00		
	11-00799	03/28/11	CONTRACTUAL REIMBURSEMENT - V	Open	100.00	0.00		
					----- 866.12			
02538	MARSH & MCLENNAN AGENCY, LLC*							
	11-00704	03/16/11	GROUP ACCIDENT INSURANCE	Open	277.50	0.00		
02585	WILLIAM MASTRIANA							
	11-00730	03/22/11	training meals	Open	19.22	0.00		
02715	MODERN HANDLING EQUIP CO*							
	10-03237	12/17/10	REMOVE & REPLACE MISC. PARTS	Open	2,009.69	0.00		
03001	STATE TOXICOLOGY LABORATORY*							
	11-00447	02/16/11	APPLICANT TESTING	Open	35.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03026 NJ STATE HEALTH BENEFITS	11-00760	03/25/11	APRIL, 2011 HEALTH BENEFITS	Open	220,431.90	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	11-00602	03/04/11	PARTS FOR RDS/SANT/RECY/DPW	Open	1,046.53	0.00		
03177 OCEAN CREST PRINTING*	11-00399	02/14/11	2011 YARD SALE PERMITS	Open	447.00	0.00		
	11-00676	03/14/11	REGISTRATION FORMS	Open	1,574.00	0.00		

					2,021.00			
03305 PEDRONI FUEL*	11-00765	03/25/11	FUEL FOR REC CENTER	Open	4,482.19	0.00		
03366 AMERI-GAS*	11-00657	03/11/11	PROPANE FOR BENNETTS	Open	306.16	0.00		
	11-00709	03/16/11	PROPANE FOR BENNETTS	Open	528.04	0.00		
	11-00806	03/29/11	PROPANE FOR BENNETTS	Open	178.83	0.00		

					1,013.03			
03427 POLAR BEAR*	11-00678	03/14/11	EMERGENCY SERVICE ON FURNACE	Open	346.85	0.00		
03692 SOUTH JERSEY GAS CO*	11-00794	03/28/11	MARCH, 2011	Open	4,600.61	0.00		
03717 DEPT OF COMMUNITY AFFAIRS	11-00633	03/09/11	SUBSCRIPTION RENEWAL	Open	50.00	0.00		
03733 JAMES D. STRICKLAND	11-00788	03/25/11	CONTRACTUAL REIMBURSEMENTS	Open	64.30	0.00		
03766 JOAN TAYLOR	11-00712	03/18/11	OVER 65 MEDICAL SUPP - 2011	Open	800.00	0.00		
03904 LOWE'S HOME CENTER INC*	10-01785	07/06/10	MATERIALS FOR PICNIC TABLES	Open	448.25	0.00		
	10-03283	12/27/10	12' STEP LADDER	Open	233.10	0.00		
	11-00398	02/14/11	FLOORING MATERIAL	Open	52.81	0.00		

					734.16			
03927 PRORIDER INC*	11-00617	03/04/11	HELMETS FOR KIDS BIKE DAY	Open	312.50	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	11-00214	01/25/11	OFFICE SUPPLIES - VARIOUS	Open	60.68	0.00		
	11-00277	01/28/11	PERSONNEL FILES	Open	46.20	0.00		

					106.88			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03960 VECTOR SECURITY*	11-00671	03/11/11	REKEY DOOR	Open	179.00	0.00		
03969 VERIZON	11-00733	03/22/11	PHONE SERVICE	Open	299.13	0.00		
04059 THOMAS WILL	11-00711	03/18/11	CONTRACTUAL REIMBURSEMENT	Open	15.00	0.00		
04075 BARBER CONSULTING SERVICES LLC	11-00795	03/28/11	UNLIMITED WEB - APRIL, 2011	Open	300.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*	11-00685	03/14/11	TOWNHALL/BOCA #105602644	Open	93.89	0.00		
04128 W. SMITH ASSOCIATE*	11-00376	02/09/11	ESP TRAINING REGISTRATION	Open	150.00	0.00		
04160 RONALD YOUNG	11-00821	03/30/11	SHOE ALLOWANCE FOR 2011/DPW	Open	112.30	0.00		
04313 MARIAN R RAGUSA	11-00466	02/18/11	SUBSTITUTE PROSECUTOR 1/18/11	Open	720.00	0.00		
04315 GLOBAL CONNECT*	11-00595	03/04/11	EMERGENCY NOTIFICATION SYSTEM	Open	5,650.00	0.00		
AMENH TOM AMENHAUSER	11-00635	03/09/11	BASKETBALL OFFICIAL PAYMENT	Open	68.00	0.00		
ANZE JENNIFER ANZELONE	11-00778	03/25/11	TRAINING MEALS	Open	32.93	0.00		
BENSON DOROTHY BENSON	11-00812	03/29/11	REFUND 1ST QTR 2011 TAX	Open	473.31	0.00		
BOSNA KAREN MANETTE BOSNA	11-00818	03/30/11	INSTRUCTOR - YOGA	Open	80.00	0.00		
CARROT CARROT-TOP INDUSTRIES, INC*	11-00452	02/17/11	FLAGS FOR VARIOUS BUILDINGS	Open	841.00	0.00		
CARTYW WALLACE CARTY	11-00636	03/09/11	BASKETBALL OFFICIAL PAYMENT	Open	68.00	0.00		
CHIRREL JAMES CHIRRELLI	11-00822	03/30/11	LACROSSE GAME OFFICIAL	Open	60.00	0.00		
DURHAM CARMEN DURHAM	11-00777	03/25/11	SOCCER REFUND FOR	Open	15.00	0.00		
FRAMEGEO GEORGE FRAME	11-00638	03/09/11	BASKETBALL OFFICIAL PAYMENT	Open	102.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
JOFFE JOHN JOFFE	11-00824	03/30/11	LACROSSE GAME OFFICIAL	Open	60.00	0.00		
LARKIN JIM LARKIN	11-00823	03/30/11	LACROSSE GAME OFFICIAL	Open	60.00	0.00		
NAGALO KATHY NAGALO	11-00825	03/30/11	LACROSSE GAME OFFICIAL	Open	60.00	0.00		
TILL TILL PAINT CO CORP*	11-00555	02/28/11	FIELD WHITE PAINT	Open	1,665.00	0.00		
Total Purchase Orders: 95			Total P.O. Line Items: 181	Total List Amount: 1,459,895.79	Total Void Amount: 0.00			

**Lower Township
Bill List
04/04/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
NJ Div Of Pension	11-00757	Life/Disability DCRP	44590	03/25/11	\$ 1,288.28
Total Manual Checks					\$ 1,288.28
Total brought forward from computer generated bill list					\$ 1,459,895.79
TOTAL BILL LIST					<u>\$ 1,461,184.07</u>

I certify the foregoing to be a Resolution adopted by the Township Council on April 4, 2011.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

2011-90
w: Independence 7/4

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.

22-2977470 Federal EIN

Company Name

Federal I.D. # or Social Security #

22 Monroe Drive, Laurel Springs, NJ 08021

Address

Signature of Authorized Agent

Albert M. Belmont Jr. , PRESIDENT
Type or Print Name and Title

(609) 206-5244

ALBERT M. BELMONT JR. 2/20/2011
Date

Telephone Number

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 #2011-99

Title: AUTHORIZING SPECIAL ITEM OF GENERAL REVENUE

WHEREAS, the Township of Lower and the Lower Township Fire Districts #1, #2 and #3 have actively participated in an interlocal agreement since July 11, 1990 and;

WHEREAS, the interlocal agreement authorizes the Office of the Fire Bureau Official to operate through the Township budget and;

WHEREAS, the fire districts have each budgeted \$15,000 in their 2011 budgets to be paid to the Fire Bureau in support of their operation and;

WHEREAS, it is in the best interest of the Township of Lower and the Office of the Fire Bureau Official to anticipate this amount in the Miscellaneous Revenue Section G: Uniform Fire Safety Act – Fire District Contributions.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the 2011 Budget Revenue “Miscellaneous Revenue Section G: Uniform Fire Safety Act – Fire District Contributions” be included with \$45,000 anticipated from Lower Township Fire Districts #1, #2 and #3 as posted in their respective 2011 budgets.

I hereby certify the foregoing to be a resolution adopted by the Township Council on April 4, 2011.

Claudia R. Kammer, 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 #2011-100

TITLE: Click It or Ticket 2011 Mobilization

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$4000.00 to carry out a Click It or Ticket Seat Belt Campaign from May 23 – June 5, 2011.

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

(Signature)
Michael E. Beck, Mayor

(Signature)
Edward Donohue, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on April 4, 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 #2011-101

TITLE: A resolution requesting **RELEASE** of Performance Guarantee for CVS Pharmacy - Feinberg & McBurney Realty; Block 216, Lot 32-34 Escrow # P08-08-02

WHEREAS, N.J. CVS Pharmacy, LLC posted a Performance Guarantee with the Township of Lower, in the amount of \$535,412.16; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$535,412.16 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$66,926.52

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$66,926.52 on account as Maintenance Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of April 4, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: March 24, 2011

RE: CVS Pharmacy
Feinberg & McBurney Realty
Block 216, Lots 32-34
Resolution # 2011-101

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

Pursuant to the above referenced Subsection 400-81E, Resolution # 2011-101 is required to **release** the Performance Guarantee held in trust by the Township of Lower for CVS Pharmacy/Feinberg & McBurney Realty Development, LLC, Block 216, Lots 32-34. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends **release** of the retained \$535,412.16.

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

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$66,926.52, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

RESOLUTION #2011-102

TITLE: RENEWAL OF 2011 CAMPGROUND LICENSES

WHEREAS, Seashore Campsites, Inc., Beachcomber Campground, Inc., Robbro, LLC, Doug/Ted McPherson, Lake Laurie Inc. and Robert Lepor have applied for renewal of their Campground Licenses, and

WHEREAS, the applicants have paid the required license fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council the governing body of the Township of Lower that the Campground Licenses for the following are hereby renewed for the period of April 1, 2011 through March 31, 2012.

Seashore Campsites, Inc.
Beachcomber Campground Inc.
Robbro LLC
Doug/Ted McPherson
Robert Lepor
Lake Laurie Inc.

t/a Seashore Campsites Inc.
t/a Beachcomber Campground
t/a Holly Shores Campground
t/a Cold Spring Campground, Inc.
t/a Cape Island Campground
t/a Lake Laurie

I hereby certify this is the original resolution adopted by the Township Council at the meeting of April 4, 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 #2011-103

TITLE: A resolution requesting **RELEASE of Performance Guarantee for Conifer Realty, LLC; Block 741.01, Lot 2.07, Escrow #Z05-01-06**

WHEREAS, Conifer-LeChase Construction, LLC posted a Performance Guarantee with the Township of Lower, in the amount of \$671,734.32; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$672,734.32 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$83,966.79; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$83,966.79 on account as Maintenance Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of April 4, 2011

Claudia R. Kammer, Township Clerk

CONRAD SIMONSEN DOUGLASS LARE BECK

MOTION
SECOND
AYE
NAY
ABSTAIN
ABSENT

Res. #2011-103

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: March 29, 2011

RE: Conifer-LeChase Construction, LLC
Conifer Realty, LLC - Victoria Commons
Block 741.01, Lot 2.07
Twp. Escrow #Z05-01-06
Resolution # 2011-103

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

Pursuant to the above referenced Subsection 400-81E, Resolution # 2011-103 is required to release the Performance Guarantee held in trust by the Township of Lower for Conifer Realty, LLC, Block 741.01, Lot 2.07. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends release of the retained \$671,734.32.

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

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$83,966.79, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

RESOLUTION #2011-104

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>
405	5	Dorothy Benson	paid twice	473.31

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on April 4, 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 #2011-105

TITLE: AWARD OF CONTRACT FOR CONCESSION FOR 2011 INDEPENDENCE DAY FESTIVAL RIDES

WHEREAS, the request for proposals for the Concession for 2011 Independence Day Festival Rides was advertised on February 16, 2011 and due by March 2, 2011 at 11:00 a.m., and

WHEREAS, one (1) proposal was submitted and reviewed by the Assistant Recreation Superintendent, the Township Manager and the QPA, and

WHEREAS, the Lower Township MUA has donated Five Thousand Dollars (\$5,000) to the Township for this event, and

WHEREAS, the vendor has supplied all required documents and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation 11-01-30-420-299

CFO Signature



NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract for the above is hereby awarded as follows.

AWARD TO: WIZARDS FESTIVAL OF FUN INC.
TOTAL: \$10,000.00

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for the same.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on April 4, 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 #2011-106

TITLE: RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JON BATASTINI, ESQUIRE OF LOVELAND & GARRETT, P.A.

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law ; and

WHEREAS, given certain potential conflicts, the Township Solicitor has recommended to the Mayor and Council, Jon Batastini, Esquire of Loveland and Garrett, P.A. to serve as Special Council to represent the Township in certain matters as identified by the Solicitor; and

WHEREAS, Mr. Batastini is an experienced attorney and possesses knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction; and

WHEREAS, Mr. Batastini has previously represented the Township's Planning Board while with a predecessor firm and will serve as counsel of record in certain litigation; and

WHEREAS, the initial amount of the contract for Special Counsel shall be at the rate of \$125.00 per hour in an amount not to exceed \$15,000.00, which amount may only be exceeded by further Resolution of the governing body and approval of properly submitted and pre-approved purchase orders. Other members of the firm may provide assistance in the discretion of Mr. Batastini as deemed necessary to effectively represent the Township and those attorneys shall be compensated at the same rate. The firm shall also be reimbursed for reasonable out-of-pocket expenses typically associated with such representation; and

WHEREAS, the pay-to-play disclosure is not required at this time as the amount does not exceed the pay to play threshold, however, Mr. Batastini will complete all pay to play disclosures and provide them to the Township Clerk within ten days of the letting of this contract so that same will be on record if further Resolution of Council allows for the exceedance of the threshold.

WHEREAS, funds are available as evidenced by the Chief Financial Officer's Certification below:

1-01-20-155-200
Budget Account


Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lower, County of Cape May, State of New Jersey, duly assembled in public session this 4th day of April, 2011 as follows:

1. That the preamble of this Resolution is hereby incorporated by reference as if set forth here at length. The resolution shall serve as the contract and the appropriate affirmative action and nondiscrimination language shall be acknowledged and attached hereto;
2. That the Mayor and Clerk are authorized and directed to forthwith execute on behalf of the Township of Lower this Resolution for the purposes stated herein above, with this Resolution constituting the contract for professional services;

3. That the aforementioned contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law;

4. That the aforementioned contract is entered into under and subject to the equal opportunity, anti-discrimination and affirmative action laws and regulations of the State of New Jersey, which are hereby incorporated by reference;

5. That a notice of the letting of this Professional Services Contract be published in accordance with law within ten (10) days of its passage in an official paper of the Township as designated in accordance with law.

For the Township

Claudia Kammer, Clerk

Michael Beck, Mayor

Jon Batastini, Esquire

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on April 4, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Jon D. Batastini, Esquire
33 West 14th Street
Ocean City, New Jersey 08226
609 827 4786
batastj@comcast.net

Education: Rutgers School of Law – Camden, New Jersey.
May 2000 J.D. – NJ Bar Member and PA Bar Member (Inactive)
Temple University – College of Civil Engineering, Philadelphia, Pa.
M.S. Industrial Hygiene/Environmental Health – August 1995.
Rutgers University – New Brunswick, New Jersey
B.S. Environmental Science – January 1992
Dean’s List; President of Zeta Beta Tau – Beta Delta Chapter

**Clerkship/
Internship:** The Honorable John G. Himmelberger, Superior Court of New Jersey
Atlantic County, Law Division (September 2000- September 2001)
Atlantic County Counsel, Intern Summer 1999
Research Assistant – Professor Edward Chase, Rutgers School of Law (Property and Land
Use Issues)

Experience:

Loveland & Garrett, P.A. (Partner – January 2011)

General practice to include real estate, land use, commercial litigation, title litigation, election law (absentee), commercial transactions, Wills/Estates/Probate, estate litigation.

Serber Korschak LLP (Associate March 2005 to present)

Concentrated practice in commercial and residential real estate transactions, including franchises; real estate contract litigation; real estate title litigation; construction lien matters; commercial and residential construction negotiations, drafting and litigation; land use development applications and litigation; CAFRA, Pinelands and Wetlands regulatory compliance, contract negotiations and drafting.

Barker, Douglass & Scott, P.C. (Associate May 2002 – March 2005)

Concentrated practice in employment discrimination (NJLAD and NJCEPA), NJ Tort Claims Act and Section 1983 violations (employment discrimination, excessive force, search & seizure) and municipal court matters. Extensive brief writing and arguing, including appeals to the Supreme Court of New Jersey and Third Circuit Court of Appeals. Trial experience. Prepared motions. Drafted monthly reports for clients, releases, settlements, requests for and answers to interrogatories and notices to produce. Extensive legal research experience

Stagliano & DeWeese, P.A. (Associate September 2001 – May 2002)

General practice experience with concentration in the New Jersey Tort Claims Act and automobile insurance defense. Trial experience in tax foreclosures\appeals, collections and Landlord/Tenant matters.

Whitehall Robins Pharmaceutical Research and Development (1995 to 1998)

Environmental/Safety

Responsible for regulatory compliance regarding OSHA, EPA, NJDEP and other federal and state laws and regulations. Managed site shipping, safety, and environmental departments. Prepared and presented training programs (hazardous waste, shipping, workers compensation reporting and OSHA).

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

RESOLUTION #2011-103

TITLE: A resolution requesting **RELEASE of Performance Guarantee for Conifer Realty, LLC; Block 741.01, Lot 2.07, Escrow #Z05-01-06**

WHEREAS, Conifer-LeChase Construction, LLC posted a Performance Guarantee with the Township of Lower, in the amount of \$671,734.32; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$672,734.32 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Guarantee equals \$83,966.79; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$83,966.79 on account as Maintenance Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of April 4, 2011

Claudia R. Kammer, Township Clerk

CONRAD SIMONSEN DOUGLASS LARE BECK

MOTION
SECOND
AYE
NAY
ABSTAIN
ABSENT

Res. #2011-103

SECTION 2 - UPON ADOPTION FOR YEAR 2011
 (Only to be Included in the Budget as Finally Adopted)
RESOLUTION #2011-107

Be it Resolved by the LOWER TOWNSHIP COUNCIL of the CAPE MAY County of TOWNSHIP that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 18,424,177.72 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and, (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (c) \$ -
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE
 (Insert last name)

Ayes	Nays	Abstained	
[]	[]	[]	Absent []

SUMMARY OF REVENUES

1. General Revenues				
Surplus Anticipated		08-100	\$	1,850,000.00
Miscellaneous Revenues Anticipated		13-089	\$	3,234,757.15
Receipts from Delinquent Taxes		15-489	\$	1,000,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	\$	18,424,177.72
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:				
Item 6, Sheet 42	07-195	\$	-	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	-	
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY			\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:				
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191			
Total Revenues		13-299	\$	24,508,934.87

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

RESOLUTION #2011-

Title: RESOLUTION FOR EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, N.J.S.A. 40A: 4-20 authorizes the Governing Body of the Township of Lower to make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between January 1, 2011 and the date of the adoption of the 2011 budget; and

WHEREAS, the temporary budget includes monies to operate through March 31, 2011 and the Township requires an additional increase to allow for operations through April 30, 2011; and

WHEREAS, the total of the increase to appropriations, which shall not exceed 1/12th of the 2010 budget, exclusive of debt service and capital improvement fund appropriations, is \$1,804,763.44.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the 2010 Temporary Current Budget is set at an amount not to exceed \$7,489,768.28.

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the Director of the Division of Local Government Services upon adoption.

I hereby certify the foregoing to be a resolution adopted by the Township Council on April 4, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

ORDINANCE #2011-07

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

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

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

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

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

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

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

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

Ordinance #2011-07

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

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

ORDINANCE #2011-07

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

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

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

Thomas Conrad, Councilman

Erik K. Simonsen, Councilman

Glenn Douglass, Councilman

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Attest: _____
Claudia R. Kammer, Clerk

Adopted: _____

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

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

ORDINANCE #2011-08

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

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

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

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

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

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

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

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

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael Beck, Mayor

Attest: _____
Claudia R. Kammer, Township Clerk

Adopted: _____, 2011

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



**Lower Township Police Department
Monthly Activity Report
PRESS RELEASE**

JANUARY

General Complaints and Service Calls	2621
Emergency Medical Calls with L. T. Rescue	119
Fire Alarm Call Outs (Total)	51
Villas Fire Company	20
Town Bank Fire Company	15
Erma Fire Company	16
Assaults	7
Robbery	0
Domestic Violence Complaints	36
Domestic Violence with Assaults	1
Motor Vehicle Accidents	46
Traffic Warnings	18
Traffic Summons	81
Motor Vehicle Stops	281
Local Ordinance Warnings	0
Local Ordinance Complaints	6
Assaults on Police Officers	0
Residential and Commercial Alarm Calls	58
Property Checks	1042
Death Investigations	7
Burglaries / Includes Motor Vehicles	9
Thefts	38
Criminal Mischief Complaints	34
Disorderly Conduct Complaints	50
Animal Control Complaints	207
Adult Arrests	33
Juvenile Arrests	5
D.W.I Arrests	4
Drug Possession Arrests	9
Investigation Reports Completed	105
Supplemental Investigation Reports Completed	57

Prepared by:

Chief Edward P. Donohue

Edward P. Donohue

Date: 1/31/2011



**Lower Township Police Department
Monthly Activity Report
PRESS RELEASE**

FEBRUARY

General Complaints and Service Calls	2,467
Emergency Medical Calls with L. T. Rescue	111
Fire Alarm Call Outs (Total)	38
Villas Fire Company	15
Town Bank Fire Company	12
Erma Fire Company	11
Assaults	5
Robbery	1
Domestic Violence Complaints	20
Domestic Violence with Assaults	3
Motor Vehicle Accidents	25
Traffic Warnings	49
Traffic Summons	71
Motor Vehicle Stops	370
Local Ordinance Warnings	1
Local Ordinance Complaints	0
Assaults on Police Officers	0
Residential and Commercial Alarm Calls	32
Property Checks	978
Death Investigations	5
Burglaries / Includes Motor Vehicles	4
Thefts	19
Criminal Mischief Complaints	39
Disorderly Conduct Complaints	44
Animal Control Complaints	235
Adult Arrests	26
Juvenile Arrests	6
D.W.I Arrests	4
Drug Possession Arrests	3
Investigation Reports Completed	75
Supplemental Investigation Reports Completed	22

Prepared by:

Chief Edward P. Donohue

Edward P. Donohue

Date: 2/28/2011

	<u>Total</u>	<u>Jan</u>	<u>Feb</u>
BEG. BAL. JAN. 1, 2011	4,995,207.31	4,995,207.31	4,981,393.59
RECEIPTS:			
Per Revenue Status	12,991,130.08	5,854,274.77	7,136,855.31
Interest due from- Dev. Escrow	(135.26)	(78.87)	(56.39)
Capital	(11.19)	(5.85)	(5.34)
	12,990,983.63	5,854,190.05	7,136,793.58
Grants Received			
JIF \$ Recd	3,050.00	3,050.00	
OLUA \$ Recd	4,850.00		4,850.00
TOTAL RECEIPTS:	12,998,883.63	5,857,240.05	7,141,643.58
DISBURSEMENTS:			
2010 Reserves	352,786.38	208,057.93	144,728.45
2011 Current	11,795,650.82	5,497,057.89	6,298,592.93
2011 Capital	426,440.87	170,864.57	255,576.30
Appropriation Refunds:	(13,712.94)	(4,926.62)	(8,786.32)
TOTAL DISBURSEMENTS	12,561,165.13	5,871,053.77	6,690,111.36
END. BAL. DEC. 31, 2011	5,432,925.81	4,981,393.59	5,432,925.81

Bank Balance		
Checking	5,729,594.93	6,962,142.73
MBIA	1,060,645.01	6,952.27
Total Bank Balance	6,790,239.94	6,969,095.00
ADD: Deposits in Transit	989,748.32	100,090.83
LESS: Outstanding Checks	(2,798,594.67)	(1,636,260.02)
Adjusted Bank Balance	4,981,393.59	5,432,925.81
	0.00	0.00

Michael Voll

From: Margaret Vitelli <mvitelli@townshipoflower.org>
Sent: Thursday, March 31, 2011 3:25 PM
To: Mike Voll
Subject: Auction Results
Attachments: ~OTE4P000F.PDF

Mike,

The auction results are attached for the first quarter of 2011. I am putting on 7 more vehicles and other items from the Police Department today or tomorrow.

Total Proceeds: \$23,685.99

GOV DEALS AUCTION PROCEEDS - First Qtr 2011

Asset ID	Inventory / Short Desc	Category	Sold Amount
9 2011-01	1994 PAK-MOR RECYCLING TRUCK SPLIT (BOE Trucks, Heavy Duty 1 ton & over	Trucks, Heavy Duty 1 ton & over	\$2,421.00 Final
9 2011-01	1994 PAK-MOR RECYCLING TRUCK SPLIT (BOE Trucks, Heavy Duty 1 ton & over	Trucks, Heavy Duty 1 ton & over	(\$910.00) re-auction
10 2011-02	1992 Chevy S10 Pickup w/cap	Trucks, Light Duty under 1 ton	\$862.00
11 2011-03	HP 9100 SCANNER/PRINTER/FAX MACHINE	Office Equipment/Supplies	\$22.00
12 2011-04	1981 FORD C8000 CHASSIS ONLY	Trucks, Heavy Duty 1 ton & over	\$1,475.99
13 2011-05	1992 JEEP CHEROKEE	Trucks, Light Duty under 1 ton	\$1,520.00
14 2011-06	JOHN DEER BACK HOE 4X4	Equipment, Heavy	\$15,009.00
15 2011-07	TRINCO DRY BLAST MACHINE	Machinery	\$500.00
16 2011-08	Variety of Filing Cabinets	Office Equipment/Supplies	\$5.00
17 2011-09	MEYERS SNOW PLOW	Snow Removal Equipment	\$361.00
18 2011-10	YAMAHA 4 WHEEL ATV	All Terrain Vehicles	\$1,660.00
19 2011-11	ACCU TURN 3500 TIRE MACHINE	Machinery	\$760.00
Total			\$23,685.99

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

RESOLUTION # 2011-109

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. (Union contracts)
- (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.

