

RESOLUTIONS ADOPTED APRIL 4, 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(WITHDRAWN)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)
- Res. #2011-107, Resolution to Amend Budget
- Res. #2011-108, 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, Collective Bargaining, Litigation)

W. withdrawn 7/4

W. withdrawn 4-4-11

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					

W. withdrawn 4-4-11

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

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

Option #1

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

a. Concession Payment Option #1

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

b. Wristband Fee for Event Option #1

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

Option #2

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

a. Wristband Fee for Event Option #2

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

Option #3

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

a. Payment from Township of Lower Option #3

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

Amount in words

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

Amount in numbers

b. Wristband Fee for Event Option #3

Ten Dollars (US)

Amount in words

\$ 10

Amount in numbers

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

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

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

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

LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:

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

P.O. Type: A77
Range: First to Last
Format: Condensed

Include Project Line Items: Yes

Open: N Rcvd: Y Paid: N
Held: Y Aprv: N Void: N
Bid: Y State: Y Other: Y

Vendor # Name							
PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00094		ANI SAFETY INC					
11-00545	02/28/11	PERSONAL PROTECTION KITS	Open	558.45	0.00		
00110		ANCO HOME CENTER*					
11-00320	02/03/11	ANCO MONTHLY EXPENSES	Open	29.94	0.00		
00153		ATLANTIC CITY ELECTRIC*					
11-00791	03/28/11	MARCH, 2011	Open	8,574.40	0.00		
00233		ROBERT BAILEY					
11-00624	03/07/11	REIMBURSEMENT FOR TRAINING/DPW	Open	100.00	0.00		
11-00713	03/18/11	CONTRACTUAL REIMBURSEMENT	Open	81.00	0.00		

				181.00			
00301		BELMONT AND CRYSTAL SPRINGS*					
11-00714	03/18/11	BOTTLED WATER - FIRE SAFETY	Open	12.45	0.00		
00370		BLUE CROSS/BLUE SHIELD OF NJ					
11-00720	03/21/11	APRIL, 2011 MED D	Open	2,936.72	0.00		
00401		KATHLEEN BROWN					
11-00813	03/29/11	REIMB MILEAGE - TAX SALE BOOT	Open	39.78	0.00		
00419		RICHARD M BRASLOW, ESQ					
11-00766	03/25/11	PROFESIONAL SERVICES	Open	60.00	0.00		
00432		MICHAEL BROGAN					
11-00790	03/28/11	OVER 65 MEDICAL SUPP	Open	186.59	0.00		
00443		BSN*					
11-00338	02/04/11	WEIGHT ROOM SUPPLIES	Open	315.70	0.00		
11-00453	02/17/11	BIG RED LACROSSE SCOREBOOK	Open	171.46	0.00		

				487.16			
00535		PHILLIP CALFINA					
11-00796	03/28/11	OVER 65 MED SUPP - 2010	Open	335.00	0.00		
00616		ANIMAL ALLIANCE OF CAPE					
11-00762	03/25/11	2010 PETSMAST GRANT	Open	129.00	0.00		
11-00763	03/25/11	TNR AND SPAY/NEUTER PROGRAM	Open	385.00	0.00		

				514.00			
00650		CAPE MAY COUNTY CLERK'S ASSN					
11-00673	03/11/11	SCHOOL ELECTION	Open	92.25	0.00		

03/31/11
09:39:49

Lower Township
Bill List By Vendor Id

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

 Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION			X		
SECOND	X				
AYES	X	X	X	X	X
NAYS					
ABSTAIN					
ABSENT					

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;

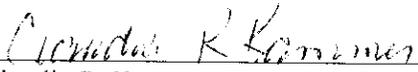
WHEREAS, the interlocal agreement authorizes the Office of the Fire Bureau Official to operate through the Township budget and;

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

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

RESOLUTION #2011-101

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

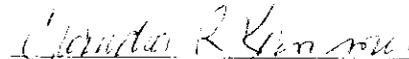
WHEREAS, the Township Engineer has recommended the improvements having a total value of \$535,412.16 have been properly installed and are presently acceptable; and

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

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

RESOLUTION #2011-102

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

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

RESOLUTION #2011-103

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

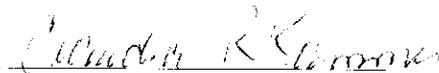
WHEREAS, the Township Engineer has recommended the improvements having a total value of \$672,734.32 have been properly installed and are presently acceptable; and

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

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

RESOLUTION #2011-104

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
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 #2011-105

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

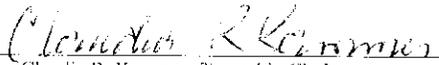
CFO Signature _____

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

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

RESOLUTION #2011-106

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:

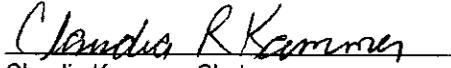
1. That the preamble of this Resolution is hereby incorporated by reference as if set forth here at length. The resolution shall serve as the contract and the appropriate affirmative action and nondiscrimination language shall be acknowledged and attached hereto;
2. That the Mayor and Clerk are authorized 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;

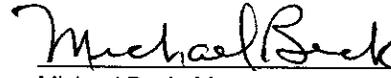
3. That the aforementioned contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law;

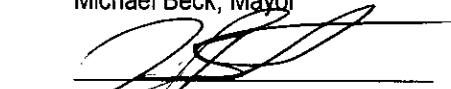
4. That the aforementioned contract is entered into under and subject to the equal opportunity, anti-discrimination and affirmative action laws and regulations of the State of New Jersey, which are hereby incorporated by reference;

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

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

RESOLUTION # 2011-108

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 or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- (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 April 4, 2011 that an Executive Session closed to the public shall be held on this date at approximately 7:47 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 April 4, 2011.

Claudia R. Kammer
 Claudia R. Kammer, Township Clerk

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