

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

May 2, 2011 - 7:00 P.M.

Meeting called to order

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Certificate of Recognition - Office Jennifer Anzelone
Certificate of Recognition - Joan Koeck

Work Session

Matt Eckert, MUA Presentation on Solar Energy
James Rutala, PP, AICP, MBA - Presentation on Solar Energy for Municipal Complex
Discussion on Rescue Squad Lease renewal
Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes April 4 & April 18
Applications NJ State Firemen's Association - Villas Volunteer Fire - Dianna L. Pitts & Justin A. Jordan
Res. #2011-120, Payment of Vouchers, \$4,821,091.11
Res. #2011-121, Resolution of Township of Lower in the County of Cape May, New Jersey Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51 (Resolution required with introduction of the Refunding Bond Ordinance)
Res. #2011-122, Authorization for Greater Cape May Elks #2839 to Conduct Outdoor Flea Markets in 2011 (3rd Saturday in May to October)
Res. #2011-123, Resolution to Reject Bids for 24 Month Contract for Auto Parts (Bid specs being revised)
Res. #2011-124, A Resolution Approving A Limited Encroachment Agreement Related to A Fence On Greenwood Avenue (Discussed and authorized on March 4 - fence encroaches on Township property approx. 3 feet)
Res. #2011-125, Approval for Roadside Solicitation by Villas Volunteer Fire Company (May 28, July 2 & Sept 3 in front of firehouse)
Res. #2011-126, Appointment to Recreation Advisory Board (filling term of Reg. Member who resigned)
Res. #2011-127, Amendment to Resolution #2011-06, Appointment of Municipal Prosecutor for the year 2011 (correcting salary amount to \$20,500 from \$18,500)
Ord. #2011-10, Refunding Bond Ordinance of the Township of Lower, in the County of Cape May, New Jersey, Providing for the Refunding of All or a Portion of Certain General Improvement Bonds, Appropriating \$3,000,000 Therefor and Authorizing the Issuance by the Township of Refunding Bonds in the Aggregate Principal Amount of Not Exceeding \$3,000,000 for Financing the Cost Thereof, 1st rdg. (2nd rdg. May 16)

Regular Agenda

Public Hearing Budget Amendment (hearing on amendment items only)
Res. #2011-128, Adoption of Budget as Amended

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Continued on back

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Closed Session

Res. #2011-129,

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. (Collective Bargaining - PBA & Matters Employment - Police Chief, Possible Land Acquisition & Litigation - Martinelli)

Adjournment

PUBLIC INFORMATION

MAY 21, 2011 - SHREDDING DAY - Township Hall front parking lot - 9 a.m. to Noon

MAY 21, 2011 - COMMUNITY DAY -12 NOON TO 3 P.M. at the Recreation Center - Bike Auction at 2 p.m.

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

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

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

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

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

Regular & Work Session Meeting Minutes - April 4, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 4, 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

Proclamation - Autism Month

Mayor Beck spoke about Autism Awareness and asked Jason Bryant to read his prepared speech about his experiences living with autism.

WORK SESSION

Budget Presentation

Mayor Beck said Leon Costello, the Township Auditor was present to speak regarding the budget situation.

Mr. Costello said they had been through months of working on the budget for presentation. He said as it stood it would be a 1.7 cent tax increase and a 4.1% levy increase. He said the Township was \$149,000.00 under what the levy cap allowed and 1.4 million under what could be spent. He added the budget was legal and met all the caps. He said there was a slight decrease in rateables. He said the fund balance going forward was almost what they ended with last year. He stated there was \$59,000 available in fund balance if they chose to use it. He said salaries were \$338,000 less than last year. He said grants started out low and they came in as the year went on. He went over deferred charges which were statutory and that included pension and social security.

Mr. Costello said they had been keeping track of expenditures every year. He presented a chart of the salary, pension and healthcare which had risen at a sharp increase over the past few years while other expenses had stayed around the same. He said this year there was a little bend back in the line due to a small decrease in salaries and wages. He reviewed the pension cost and said the 2011 pension contribution cost of the Township was 29.36% of the salaries, he added the only way to control that cost was to have fewer salaries. He mentioned there were a few bills in Trenton that were attempting to change pensions and health care. He said it was a good thing for the Municipalities and bad things for the employees. He said the debt service had always been handled well. He explained how bonds were handled by the Township. He said projects were under control and there would be a bond sale in 2015. He said the latest the budget could be adopted was May 15th because the tax bills had to get out.

Regular & Work Session Meeting Minutes - April 4, 2011

Mayor Beck asked for Council comments.

Deputy Mayor Lare asked Mr. Costello to describe the overall financial health of the Township.

Mr. Costello said it was good, the Township had a slowing of expenditures, pension costs slowed down, a relatively stable fund balance and the collection rate was holding.

Deputy Mayor Lare asked Mr. Costello what the MUA's annual budget was?

Mr. Costello said the budget combined (sewer and water) was a little more than eight million.

Deputy Mayor Lare asked what was the amount of surplus for the MUA.

Mr. Costello said the surplus in November 2009 was a little less than four million, he said that was the unrestricted fund balance. He said there were reserves that had to be kept for debt service which the Township wasn't required to do.

Mayor Beck said the Township had a dedicated fund for accumulated leave and he knew they were tied up with the surplus because of the \$900,000.00 emergency, but asked if there was any way to use some of that money to free up the fund balance.

Lauren Read, CFO said there were so many people leaving at the same time the \$900,000.00 was necessary.

A discussion ensued on ways if possible to use some of the fund balance.

Mr. Costello said what he was asking could be done.

Mayor Beck said he wanted to bring the 1.7 cents down to one cent.

Lauren Read said to keep in mind what was taken out of fund balance had to be replaced.

Mayor Beck said he felt part of the toolkit would come into play this year.

Lauren Read said her concern was what would happen with the state aid.

Mayor Beck said he wanted to bring it down to one cent and it was an avenue he would like to take. He brought up the tipping fees on what was collected last year and the grants that were included.

Lauren Read said the recycling tonnage grant was in the budget but the other one was an unknown. She said the cost last year was \$827,000.00.

Mayor Beck said there would be a reduction in that amount because of the commercial trash. He said another issue was the reserve for uncollected taxes and asked if they went back to where they were last year and how much would that generate?

Mr. Costello said it would be a savings of \$162,000.00.

Mayor Beck said he was trying to get it down to a one cent increase, he said to take \$50,000 from the landfills, \$45,000 from Fire, RUT - \$40,000.

Deputy Mayor Lare asked if the \$84,000 for recycling was in the budget.

Lauren said not yet, the recycling tonnage money was but the clean community wasn't.

Deputy Mayor Lare said he spoke to Lauren about the notice of the \$84,000 from the County and asked if that was included.

Lauren said it wasn't a revenue that was received every year.

Mayor Beck asked if Council was in agreement with a 1cent increase.

Deputy Mayor Lare asked if they could review the figures again.

Mr. Costello said it was \$50,000 landfill, \$45,000 Fire, \$40,000 fund balance and \$162,000 and change from RUT and all of those together would get one cent.

Deputy Mayor Lare said he would like to see them diminish the overtime budget by cutting DPW by \$25,000 and the Police by \$25,000.00 and that would be \$50,000 and lessen the amount from RUT.

Mr. Costello said that could be done.

Deputy Mayor Lare said to take \$59,000 from the surplus which they could legally do.

Mayor Beck asked the Manager if they could take \$25,000.00 overtime from the police and DPW?

Manager Voll said they would make it work.

Regular & Work Session Meeting Minutes - April 4, 2011

Deputy Mayor Lare said he would like Council to consider postponing adoption until the May meeting because there were two collective bargaining unit agreements that had expired and the PBA had opened up their contract to renegotiate. He felt there was potential for those contracts to impact this years budget.

Mr. Costello reviewed the procedure for the adoption of the amended budget. He said it could be scheduled for May 2nd. He said he would formalize the document and give it to the Clerk and it would be advertised in the paper.

Councilmember Douglass asked the CFO about the recycling rebate.

Lauren Read again stated recycling tonnage was in the budget not the rebate.

Deputy Mayor Lare said the \$84,000 that was received was in addition to \$52,000 received from the State. He said the tipping fees had gone down since weekly recycling was implemented.

Review of Consent and Regular Agenda Items

Mayor Beck asked Solicitor Donohue to explain briefly Resolution #2011-106 (Conflict Attorney).

Solicitor Donohue said the Township sued Remington and Vernick, since he also represented Stone Harbor and had dealt with Remington Vernick that would be a conflict.

Councilmember Simonsen commended Margaret Vitelli and Mitch Plenn for their work in providing rides for the Independence Day Festival and thanked the MUA for their donation.

Public Questions on Consent Agenda and/or Regular Agenda Items

Conflict Attorney

Joe Winters said when he asked Councilmember Conrad about the Solicitor he was told there wouldn't be a problem with conflicts.

Councilmember Conrad said with the last Solicitor they had to bring in someone for conflict situations.

Ed Butler said there was a retainer fee for the Solicitor and asked where the \$15,000.00 was coming from the actual cost or was everything done additionally.

Solicitor Donohue said all municipalities had conflict attorneys. He said there was a line item for legal costs in the budget and he would not be adding to that.

Mr. Butler wanted to be clear that nothing was being added.

Lower Township MUA

Deputy Mayor Lare said he found it fascinating that they were fixated on the conflict attorney issue and there was no concern that the municipality was in active litigation with an engineering firm that was now the engineer of record for the MUA and there was no outrage there.

Mr. Butler said he felt people cared and thought it was part of a grant and if the engineer was changed it could jeopardize the grant.

Deputy Mayor Lare said he was incorrect. He said the firm was hired to do the work in Townbank after they had taken office. He said that story was told to him about the water tower in the Villas if engineers were changed midstream they would loose the funding and that was incorrect. He had confirmation from USDA that engineers could be changed on that project.

Mr. Butler said the MUA was an autonomous operation and were running smoothly and the rates were the lowest in the state.

Deputy Mayor Lare said the Township budget was three times the size of the MUA budget and the Township had half the surplus they did.

Consent Agenda

Regular & Work Session Meeting Minutes - April 4, 2011

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".

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, (Donation of .038 acres on Beach Drive) was presented for second reading and final adoption.

Mayor Beck opened the meeting for comment on the ordinance.

There were no comments on the ordinance.

Councilmember Conrad 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, "yes".

Public Hearing - 2011 Municipal Budget

Employee Contracts

Bill Greenfield asked the Auditor if any changes made to the health care at the State level it would not apply to current contracts.

Mr. Costello said that was correct, he said there was a Senate Bill presented that changed health care and pension.

Budget

Fred Long of Cold Spring said it was great that Council considered the reserve for uncollected taxes. He said it was a change in the 96.53 in the original budget to 96.72 which produced the \$112,000.00. He said last years actual number was 97.77 and the average number of actual numbers from the annual financial statement was 97.93 over the last five years. He felt what was being done with the reserve for uncollected taxes was faint.

Mr. Long said if they took the average of what was actually done and used that average they would have approx. 3/4 million to be taken off the budget by using the actual experience over the last five years. He was suggesting the estimate be based on the actual experience would produce a greater reduction in taxes that they needed to ask the taxpayers to pay.

Mr. Costello said it was a specific calculation mandated by the State. He said they were only allowed to use what the previous year was.

A brief discussion ensued on the reserve for uncollected taxes.

Mayor Beck closed the public portion.

Mr. Costello read the proposed amendments to the budget which were \$40,000 fund balance, \$45,000 from the three Fire Companies, \$25,000 each in overtime from Police and DPW, \$50,000 tipping fees and \$112,000 reserve for uncollected taxes.

Res. #2011-107, Amending the 2011 Municipal Budget

Deputy Mayor Lare motioned to adopt the amendments and read the following reductions to the budget: \$45,000 Fire, \$50,000 Landfill, \$40,000 surplus, \$25,000 overtime in DPW, \$25,000 overtime in Police, \$112,000 reserve for uncollected taxes and motion to adopt at the May 2nd meeting seconded by Councilmember Conrad. 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".

Administrative Reports

Regular & Work Session Meeting Minutes - April 4, 2011

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

Council Comments

Austim Awareness

Councilmember Simonsen said as a teacher of special needs students and young adults with autism there would be programs going in the community and asked the public to support them it was a great cause.

High School

Councilmember Douglass said a School Board member from Cape May Mr. Nelson had passed away and it was a big loss for the board.

Deputy Mayor Lare congratulated Lower Township Recreation Center and the High School for putting on a great athletic event it was a double header in La Crosse for the boys and girls. He was sad to say Middle Township won both games.

Lower Township MUA

He said there was a lot of talk about ratepayer vs. taxpayers. He said the Lower Township MUA would not exist without the Township's financial support. He said the Township secured all debt for the MUA.

Call to the Public

Township Vehicles

Joe Winters asked if anything had been done about the cars being taken home?

Councilmember Simonsen said he had done a little research, six officers were taking home cars and the overall total of mileage was 18.8 miles a day. He said several studies had been done and it was a benefit to the Township due to quicker response time and lower crime rates where the cars were. He said most lived within a mile to the police station.

Mr. Winters asked if anyone contributed toward the fuel?

Councilmember Simonsen said that was a question for the Police Department.

Councilmember Conrad asked Mr. Winters if he knew anything about the ICS or the command structure. He said it was helpful to the Township and the insurance rates. He said they could get called out in the middle of the night and a quick response was important.

Mayor Beck said he felt it was excessive they previously had three cars taken home and now there were nine.

Robert Rizzo asked Councilmember Simonsen if the Township had a blanket insurance policy.

Manager Voll said the Township had fleet coverage and were self insured so it didn't matter if they added 10 more cars.

Lower Township Taxpayers Association

Jack Sparks 53 Croydon Drive read a prepared statement. He said an organization called the Lower Township Taxpayers Association which consisted of 10-15 members didn't represent the 23,000 residents or the 8,000 residents of the Villas. He said Ed Butler had made some outlandish statements that school teachers were getting rich and the kids weren't learning anything in school. He said he never apologized and now the group claims to speak for the ratepayers of Lower Township MUA. He said he was a taxpayer and a ratepayer they didn't speak for him at any time. He knew of many people who have moved here from the Philadelphia area and yet he hadn't seen anyone from here move to Philadelphia. He said Lower Township wasn't such a bad place to live so he asked the group of 10 who had found fault with almost everything Council tried to do, almost every Township department so why were they still here. He said they were entitled to their opinion and since they hardly ever offered positive

Regular & Work Session Meeting Minutes - April 4, 2011

solutions to the problems they lost credibility and few took them seriously.

Ed Butler said he felt it was a personal attack on him and he did represent people who couldn't attend and felt it was uncalled for.

Police Department

Bill Howard of Villas said he lived here all his life and was a volunteer firefighter. He spoke about an incidents that happen two Saturdays ago and stated the Township had to find a way to get more police to the scene. He said it was one of the few times he was scared. He said it was bad when the fire company had to back up the police. Deputy Mayor Lare asked Mr. Howard did the ability for the command staff to make it there quicker make a difference.

Mr. Howard said once the senior officers were on scene they made calls to the County Swat Team and if it had taken longer it could have escalated even more.

Mayor Beck said a command officer coming from his house wasn't going to help the officer who responded to the incident other officers on the street would. He said there was a 2% CAP and a couple years ago they said 50 officers at \$80,000 or 40 officers at \$100,000 he said it was the same price. He said that was all the Township could afford. He said it came down to a reduction in service and the toolkit hadn't helped. He said he would love to have more officers on the street but they couldn't afford it at the price.

Mayor Beck said they had a study done years ago and it said one car was going home and they raised it to three and now there was nine and that was excessive. He said they had a lot of low income and senior citizens here and that was who footed the bill.

Manager Voll said he wanted to thank the Villas Fire Company for assisting the officers and said Officer Edwards was to be commended for his action. He said the PBA had been open minded of the economic times and they would try and meet the goal of having more officers at a reasonable price.

Lower Township MUA

Nels Johnson said he was present as a taxpayer and the MUA Chairperson and it was good to see positive things come out of a meeting. He said the attacks the MUA had been getting were not warranted. He said they were not sitting on the surplus it was being used to replace aging infrastructure that was 30 - 40 years old. The MUA had a 10 million dollar low interest loan for the Townbank water project that the Township had helped them with. He said if the project wasn't done in time they wouldn't get the money. He said the MUA had a five year business plan and part of the new water hookups were going to generate revenue and water to the residents. He said the hookups were lowered to \$1,600.00 with five year payback and zero interest. He said they were there to serve the community. He said they were not going to sit on the money it was to be used for additional services in the community.

Deputy Mayor Lare said they had an eight million dollar budget with four million in surplus and were asking the MUA for some of that money was to provide relief to the taxpayers. He said with four million in surplus he didn't know if he would have voted for an ordinance that required people to pay \$1,600.00 hookup or vote for a rate increase.

John Skrowski of North Cape May said he was glad the MUA turned down the request for the money. He didn't think it was fair that the ratepayer's money be used for the Township. He said the MUA had really cleaned up their shop and it was time for the Township to do the same.

Manager Voll said it was common practice where there were Municipal Utility Authorities in Hamilton Township, Atlantic County, Galloway Township and Deptford Township where the former MUA Executive Director was from the Deptford Township Council was given \$500,000 to \$600,000 a year from the MUA.

Mr. Skrowski said Lower Township wasn't as rich as some of those areas were.

Deputy Mayor Lare said again, the MUA had four million in the bank and doing nothing with it. As far as ratepayer vs. taxpayer, if you didn't use the service you didn't pay therefore it was a user fee. He said the Township had user fees such as mercantile license fees, slip fees, registration fees that everyone benefitted from. He said the

Regular & Work Session Meeting Minutes - April 4, 2011

Townbank water project would not exist unless the Township passed a controversial water connection ordinance. He said they did it because it was a great good issue just like the Township asking them for money to help relieve the burden of taxes to the residents.

Mr. Winters asked the Manager if the Township had a spending plan.

Manager Voll said they didn't have anything in place, they were working on one.

Deputy Mayor Lare asked Mr. Winters if it concerned him that the MUA Director now drove a vehicle back and forth to Linwood every day on the MUA's dime, they paid gas, tolls etc. and the previous Director drove to Deptford. He asked if he raised those same concerns to the MUA as he did to Council.

Mr. Winters said he thought it was a good idea.

Deputy Mayor Lare said maybe it was just him, but he felt it was slightly hypocritical.

Mr. Winters said originally it was the Chief's vehicle taken home.

Deputy Mayor Lare said one trip to Linwood was more mileage than all nine vehicles that were taken home.

Jack Sparks said the last meeting the Mayor said he would get it down to zero.

Mayor Beck said he wasn't sure he said that.

Jack Sparks said for more than six months the Mayor had been stating the Township was a million over the CAP.

Lauren Read said that was a projection from last year and not anticipating on as much state aid.

Res. #2010-109, 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

Councilmember Douglass motioned to adopt the resolution, seconded by Deputy Mayor Lare. 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".

Councilmember Conrad motioned to adjourn the closed session, seconded by Councilmember Douglass the meeting was adjourned by verbal "ayes".

Councilmember Simonsen motioned to authorize the Manager and Solicitor to proceed as discussed in closed session seconded by Councilmember Douglass.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Simonsen the meeting unanimously adjourned by verbal "ayes" at 9:26 p.m.

Mayor

Township Clerk

Approved:

Regular & Work Session Meeting Minutes -April 18, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 18, 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
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath
Absent: Deputy Mayor Lare

WORK SESSION

S.J. Gas - William H. Tappin - Public Outreach on 811 - Call before you dig

Mayor Beck introduced Bill Tappin a representative of South Jersey Gas Company who would speak about the "call before you dig" procedure.

Mr. Tappin said it was a law in New Jersey to call before you dig in your own yard. He gave an example if a contractor was to put a fence up he should have his own mark out and if a homeowner was doing their own work they also should have a mark out. He said it was easy to do; you dial 811 and they would give you a ticket which was valid three business after the call was placed to the one call center. He said the three days gave all the utility companies time to get out and mark their lines one the property.

Mr. Tappin mentioned when a line was marked don't assume the line was directly under the mark, there was a tolerance zone which was two foot. He explained the color codes of the mark outs.

A resident asked about the standard depth of pipes.

Mr. Tappin said most try and place them 24" or lower in the ground.

Colleen Hughes said since the gas company had put pipes in she had a flooding problem on her property.

Mr. Tappin suggested she call South Jersey and give them the information and see who the contractor was.

Mayor Beck asked Mr. Tappin if the information was on line.

Mr. Tappin said google 811 New Jersey and it should give you a website.

Councilmember Conrad said maybe a link could be put on the Township website.

Mayor Beck thanked Mr. Tappin for attending and explaining the "call before you dig" process.

Review of Consent & Regular Agenda Items

Mayor Beck mentioned Resolutions #113 & #118 regarding a one year extension on contracts with Teamsters and AFSCME. On behalf of Council he wanted to thank them for their cooperation. He said they agreed to a wage freeze as well as the 1.5% contribution towards health benefits. He said they had received one contract right before the meeting and the other later in the day. He felt the contracts should be on the website for at least one week for

Regular & Work Session Meeting Minutes -April 18, 2011

Administrative Reports

Manager

Personnel Action Report

Department Reports

March - ACO (Parker), Clerk's Office, Construction Office (Lower & WCM), Dog Licensing, Engineer's Report, Fire Safety, Municipal Court, Tax Collector, Treasurer, Vital Statistics

Council Comments

Councilmember Conrad said he attended a nice event last week called blowing bubble for Autism.

Councilmember Simonsen said the Recreation Center held an Easter egg hunt and it was a nice event.

Councilmember Douglass thanked Dr. Salvatore for hosting the Governor's visit, it was well set up and thanked everyone for attending.

Mayor Beck said he attended the Bubbles for Autism event at Maude Abrams School and it was a lot of fun. He said the Governor's visit was fabulous and it was an honor to have him in town.

He read the upcoming events that would be held in the Township.

Public Comment

Road Condition - States Avenue

Colleen Hughes of Villas said States Avenue was a disgrace and only one or two potholes were filled.

Councilmember Conrad said he would have the Manager ride down there and he also mentioned maybe have the trash trucks call the potholes in when they come across them.

Contract Award - SJ Energy Service Plus

Joe Winters had a question on Resolution #119 and asked if the air conditioning unit was going on the roof; he felt it would be better to be on the ground.

Mayor Beck said they were more efficient units and had nothing to do with solar. He said they had gotten help from Matt Eckert at the MUA who was an engineer about placing solar on the roof. He said he came up with another idea that would alleviate putting the solar on the roof.

Rescue Squad Building on Georgia Avenue

Bob Weber of Cardinal Avenue said he had concerns about the Rescue Squad property on Georgia Avenue and they were not good neighbors. He said there were some problems with the property such as two inoperable cars, an ambulance and a personal car parked there. He asked what the facility was used for.

Councilmember Conrad said it was mostly used for maintenance and sometimes in the summer, special events or during road construction they would station an ambulance there.

Mr. Weber said it was a vehicle maintenance facility. He said the building wasn't up to par, it looked like a junk yard, trailers were parked there and the dumpster was overflowing. He mentioned the employees there used the facility to work on their personal vehicles and also wash the vehicles there. He said cars were triple parked there and you could not get by on the street. He said it would be nice if Councilmember Conrad spoke to them and ask them to be better neighbors.

Councilmember Conrad said he would address some of the issues that night and the rest in the morning. He said he wasn't at that building much so he gave his number for them to call when there was an issue.

Mr. Weber said the lot was being cleaned up across the street from the facility.

Councilmember Conrad said yes, they had someone volunteer to clean it up for them.

Regular & Work Session Meeting Minutes -April 18, 2011

Mr. Weber said there was a huge piece of demolition equipment there and it had been running past 6:00 p.m. at night. He said they had dug a huge hole and filled it with the branches they had just cleaned up.

Road Construction

Frank Serracco of Villas said he had no problem with the road construction along Bayshore Road, but the equipment was blocking some of the intersections and you couldn't see around the equipment to get out. Councilmember Conrad said they did notify the Police that some of the roads would be blocked off.

Redwood Avenue

Mary Packer of Redwood Avenue thanked Gary Playford and Manager Voll for being kind to her last week when she was in the Manager's office. She said someone had blocked off the end of the street. She received a letter that had a picture showing the steps that was sent by the engineer. When the wall was constructed the steps should have been put back then.

Manager Voll said it was the neighbor.

Mrs. Packer said an opening should have been left for access to the bay.

A resident said she lived on the beach next to where the bulkhead stopped. She said she couldn't afford to put a bulkhead in now, when she could afford it back in the 1960's she was told a road was there and it wasn't permitted. She said there was now only 10 feet between her and the bay and her house wasn't on pilings at some point her home would be washed away because she wasn't allowed to put a bulkhead in. She said she had to put a ladder down for her grandchildren to get to the bay.

Mayor Beck said they would look at it and for her to give the Manager her information.

Manager Voll said they were working on it and stuck between DEP and the Engineer. He said they would try to get it resolved one way or the other.

Kathleen Gula 5 Redwood Avenue said she bought her property in September 2009. She was here three weeks ago and was told she couldn't walk on the beach because dune grass was planted. She said there was a fence with a sign saying "keep out". She had no problem with the people who put up a seawall to protect their home. She didn't understand how that could happen.

Mayor Beck said he would advocate for her but they were dealing with a few agencies.

Manager Voll said they would resolve it one way or another. He said as far as the construction on Bayshore Road there should be some traffic control there.

Bill Ludlam of Francis Avenue asked if there was a plan at some point to have the Township roads redone?

Mayor Beck said he didn't think there were any plans at this point.

Councilmember Conrad said last year's capital budget included certain roads and hopefully some would tie in with the MUA infrastructure.

Ed Butler commended Council that in the future the contracts would be available for public view a week ahead of time before voted on.

There being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 7:45 p.m.

Mayor

Township Clerk

Approved:

04/27/11
15:18:23

Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-00979	04/18/11	FUEL - FEBRUARY, 2011		Open	23,573.50	0.00		
11-00981	04/18/11	FUEL BILL/MARCH 2011		Open	34,694.64	0.00		

					58,268.14			
00616			ANIMAL ALLIANCE OF CAPE					
11-00992	04/20/11	TNR AND SPAY/NEUTER PROGRAM		Open	540.00	0.00		
11-00994	04/20/11	PETSMART GRANT		Open	86.00	0.00		
11-01040	04/27/11	2010 PETSMART GRANT		Open	43.00	0.00		
11-01041	04/27/11	TNR AND SPAY/NEUTER PROGRAM		Open	100.00	0.00		

					769.00			
00651			MUNICIPAL UTIL AUTH DUMP FEES					
11-01032	04/26/11	TIPPING FEES/DPW MARCH,2011		Open	62,205.68	0.00		
00735			CATERINA SUPPLY, INC.*					
11-00928	04/11/11	PIPE FITTINGS/HOLMES AVE/DPW		Open	2,007.76	0.00		
00739			CAPE MAY VETERINARY HOSPITAL					
11-00993	04/20/11	TNR PROGRAM		Open	45.00	0.00		
00743			COUNTY OF CAPE MAY, TREASURER					
11-00843	03/31/11	2 GIS MAPS 32X40 GLOSSY PAPER		Open	120.00	0.00		
00784			CAPE MAY STAR & WAVE					
11-00976	04/18/11	LEGALS		Open	45.88	0.00		
11-01036	04/27/11	LEGALS		Open	185.38	0.00		

					231.26			
00807			CDW-GOVERNMENT INC*					
11-00829	03/31/11	HP 85A TONER CARTRIDGES		Open	119.50	0.00		
00825			COMCAST*					
11-01027	04/26/11	INTERNET ACCESS - FIRE SAFETY		Open	100.07	0.00		
01130			GAYLE HADLEY					
11-01034	04/26/11	ZUMBA INSTRUCTOR		Open	260.00	0.00		
01201			DELL CORPORATION*					
11-00832	03/31/11	2130CN HIGH CAPACITY BLACK TON		Open	218.97	0.00		
01412			ELECTRIC CITY PRINTING*					
11-00175	01/21/11	1000 DELUXE NUMBERS WITH STUBS		Open	280.00	0.00		
01519			TOM FOLS ELECTRICALCONTRACTOR*					
11-00815	03/29/11	SECURITY LIGHT ON PAVILION		Open	750.00	0.00		
01577			MIKE FLINN**					
11-01008	04/20/11	JUDO INSTRUCTOR		Open	1,505.00	0.00		
01655			GANN LAW BOOKS*					

04/27/11
15:18:23

Lower Township
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
11-00677			03/14/11	NJ RULES OF EVIDENCE	Open	98.00	0.00		
01690	GRANTURK EQUIPMENT CO*								
11-00836			03/31/11	PARTS FOR LEAF TRUCK/DPW	Open	305.87	0.00		
01781	HATCH MOTT MACDONALD, LLC*								
11-00505			02/23/11	OUTFALL EXTENSIONS/RES#2011-47	Open	1,937.50	0.00		B
11-00978			04/18/11	ESCROW BILLING	Open	1,648.00	0.00		
						3,585.50			
01803	HORIZON DENTAL OPTION*								
11-01016			04/21/11	APRIL, 2011 DENTAL	Open	15,177.73	0.00		
11-01024			04/25/11	MAY, 2011 DENTAL	Open	15,177.73	0.00		
						30,355.46			
01806	ANTHONY J HARVATT, II, ESQ								
11-00891			04/07/11	LEGAL SERVICES	Open	1,169.00	0.00		
01859	HESS CORPORATION								
11-01018			04/21/11	ELECTRICITY 3/21-4/19/11	Open	6,235.79	0.00		
01912	GRUCCIO, PEPPER, DESANTO & RUTH PA								
11-00156			01/14/11	2011 CONTRACTUAL MONTHLY PMTS	Open	4,166.66	0.00		B
01943	INTL ASSOC PROPERTY/EVIDENCE*								
11-00681			03/14/11	TRAINING	Open	350.00	0.00		
02005	JUST SPORTS INC.*								
11-01039			04/27/11	STOP WATCHES FOR SOCCER	Open	35.88	0.00		
02108	KEEN COMPRESSED GAS CO*								
11-00599			03/04/11	BOTTLED GAS FOR GARAGE/DPW	Open	148.75	0.00		
02140	KINDLE FORD LINC/MERC., INC.*								
11-00598			03/04/11	PARTS FOR RDS/DPS/POLICE	Open	2,354.30	0.00		
02189	KNOX ASSOCIATES, INC*								
11-00853			04/05/11	KEY SECURE KNOX BOX	Open	603.00	0.00		
02213	LAB SAFETY SUPPLY, INC.*								
11-00830			03/31/11	SMOKE ALARM TESTER SPRAY	Open	71.07	0.00		
02223	LANDSMAN UNIFORMS*								
11-00543			02/28/11	UNIFORMS	Open	594.00	0.00		
02236	NIGP MEMBERSHIP DEPT*								
11-00873			04/05/11	2011 MEMEBERSHIP	Open	330.00	0.00		
02351	LOWER CAPE MAY REGIONAL								
11-01043			04/27/11	REGIONAL TAXES DUE 5/15	Open	1,166,160.70	0.00		

04/27/11
15:18:23

Lower Township
Bill List By Vendor Id

Page No: 4

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02538 MARSH & MCLENNAN AGENCY, LLC*	11-00906	04/11/11	RENEWAL STREET OPENING LICENSE	Open	100.00	0.00		
02585 WILLIAM MASTRIANA	11-00985	04/18/11	TRAINING MEALS	Open	51.60	0.00		
03026 NJ STATE HEALTH BENEFITS	11-01023	04/25/11	MAY, 2011 HEALTH BENEFITS	Open	220,973.10	0.00		
03075 NEW JERSEY PUBLIC SAFETY	11-00719	03/18/11	DUES	Open	300.00	0.00		
03109 TRU GREEN CHEMLAWN	11-00957	04/13/11	FIELD MAINT CONTRACT-F.DOUGLAS	Open	3,825.00	0.00		B
03158 NYSCA*	11-00804	03/28/11	NYSCA CONTINUING MEMBERSHIP	Open	80.00	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	11-00604	03/04/11	MARCH, 2011	Open	611.79	0.00		
	11-00877	04/06/11	PARTS FOR TRASH TRUCK/DPW	Open	2,187.68	0.00		

					2,799.47			
03280 PARAMOUNT SANITARY SUPPLY*	11-00808	03/29/11	CLEANING SUPPLIES TWP BLDGS	Open	2,234.93	0.00		
03305 PEDRONI FUEL*	11-00827	03/30/11	FUEL FOR ANNEX BLDG 3/14/11	Open	1,364.13	0.00		
	11-00956	04/13/11	FUEL OIL FOR REC CTR/MM CENTER	Open	3,474.08	0.00		

					4,838.21			
03427 POLAR BEAR*	11-00591	03/02/11	MISC. PARTS & LABOR ON BLOWER	Open	749.95	0.00		
03449 QC INC*	11-00886	04/06/11	RETENTION POND WATER SAMPLE	Open	35.00	0.00		
03452 THOMAS QUINN	11-00975	04/18/11	CONTRACTUAL REIMBURSEMENT	Open	476.92	0.00		
03478 RED THE UNIFORM TAILOR, INC.*	11-00683	03/14/11	UNIFORMS	Open	88.00	0.00		
03573 SAFETY-KLEEN CORP*	11-00880	04/06/11	EQUIPMENT MAINTENANCE/GARAGE	Open	273.97	0.00		
03654 SPECIALTY AUTO REPAIR*	11-00872	04/05/11	WHEEL ALIGNMENT/POLICE VEH.	Open	60.00	0.00		
03655 PENN JERSEY MACHINERY*	11-00700	03/16/11	PARTS FOR RDS VEH/DPW	Open	855.37	0.00		

04/27/11
15:18:23

Lower Township
Bill List By Vendor Id

Page No: 5

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03699	SOUTHERN INDUSTRIAL SAND, INC*	11-00613	03/04/11	75 TONS OF INFIELD MIX	Open	2,542.50	0.00		
03821	TRANS AXLE*	11-00592	03/03/11	PARTS FOR RECYCLING TRUCK/DPW	Open	1,731.00	0.00		
03831	TREASURER, COUNTY TAXES	11-00959	04/14/11	2ND QTR 2011 DUE 5/16/2011	Open	2,361,105.13	0.00		
03857	TRI-COUNTY BUILDING SUPPLIES*	11-00835	03/31/11	LUMBER FOR WASH BAY	Open	945.85	0.00		
03934	SUMMIT COURT REPORTING, INC	11-00826	03/30/11	TRANSCRIPT - MARTINELLI	Open	281.30	0.00		
03935	STAPLES BUSINESS ADVANTAGE*	11-00718	03/18/11	OFFICE SUPPLIES	Open	66.00	0.00		
		11-00932	04/12/11	OFFICE SUPPLIES	Open	128.00	0.00		
						----- 194.00			
03969	VERIZON	11-01012	04/20/11	PHONE SERVICE	Open	401.55	0.00		
03978	USPS ACCT#48503619	11-01026	04/25/11	POSTAGE ACCT #48503619	Open	5,000.00	0.00		
03992	VAL-U AUTO PARTS LLC*	11-00603	03/04/11	PARTS FOR RDS/SANT/RECY/DPS	Open	2,433.59	0.00		
04030	WEST PUBLISHING PAYMENT *	11-00972	04/18/11	NJ CODE OF CRIMINAL JUSTICE	Open	146.00	0.00		
		11-01037	04/27/11	ANNUAL UPDATES - NJSA TITLE 40	Open	175.00	0.00		
		11-01038	04/27/11	2011 NJ DRUNK DRIVING	Open	221.00	0.00		
						----- 542.00			
04082	USA MOBILITY WIRELESS INC*	11-00990	04/18/11	PAGER/DPW/APRIL	Open	6.00	0.00		
04097	CINTAS FIRST AID AND SAFETY*	11-00914	04/11/11	FIRST-AID KIT SUPPLIES/DPW	Open	228.42	0.00		
04278	RICHARD SANDMAN, ESQ	11-00847	04/01/11	CONFLICT PD 3/31/2011	Open	200.00	0.00		
04300	W B MASON CO INC*	11-00729	03/22/11	MANILA ENVELOPES WEV-C0688	Open	167.17	0.00		
04301	SEASHORE ASPHALT CORPORATION*	11-00882	04/06/11	PATCH FOR RDS/DPW	Open	668.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04320 PREMIER OFFICE SUPPLY*	11-00831	03/31/11	OFFICE SUPPLIES - FIRE SAFETY	Open	105.84	0.00		
04500 MARINE LUMBER AND PILING*	11-00621	03/07/11	LUMBER/BOLTS/NUTS/DPW	Open	4,477.88	0.00		
BOSNA KAREN MANETTE BOSNA	11-01035	04/27/11	YOGA INSTRUCTOR	Open	60.00	0.00		
BROJAK TOM BROJAKOWSKI	11-01022	04/25/11	SOCCER REFUND FOR COACHING	Open	76.25	0.00		
CANCELO DON CANCELOSI	11-01010	04/20/11	LACROSSE OFFICIAL	Open	60.00	0.00		
GRIMES JAMES GRIMES	11-00996	04/20/11	LACROSSE OFFICIAL	Open	60.00	0.00		
HAINESJ JACK HAINES	11-00995	04/20/11	LACROSSE OFFICIAL	Open	60.00	0.00		
HOOVER ROBERT HOOVER & SONS INC*	11-00881	04/06/11	PARTS FOR TRASH TRUCK/DPW	Open	591.59	0.00		

Total Purchase Orders:	98	Total P.O. Line Items:	245	Total List Amount:	4,222,538.31	Total Void Amount:		0.00

**Lower Township
Bill List
05/02/2011**

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Check #</u>	<u>Check Date</u>	<u>Amount</u>
Ronald Bonilla	11-00958	Refund Due – Auction	44670	04/14/11	719.50
Fire District #1	11-00887	First Quarter	44752	04/25/11	103,148.14
Fire District #2	11-00888	First Quarter	44753	04/25/11	349,380.00
Fire District #3	11-00889	First Quarter	44754	04/25/11	145,305.16

Total Manual Checks \$ 598,552.80

Total brought forward from computer generated bill list \$ 4,222,538.31

TOTAL BILL LIST \$ 4,821,091.11

I certify the foregoing to be a Resolution adopted by the Township Council on May 2, 2011.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYES					
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-121

TITLE: RESOLUTION OF TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51

WHEREAS, the Township of Lower, in the County of Cape May, New Jersey (the "Township") desires to make application to the Local Finance Board pursuant to N.J.S.A. 40A:2-51 et seq. for its review and approval of a refunding bond ordinance authorizing the issuance of refunding bonds to currently refund all or a portion of the Township's outstanding General Improvement Bonds, dated January 15, 2002.

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit and will not create an undue financial burden to be placed upon the local unit;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Auditor and other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed refunding bond ordinance and this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on May 2, 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 #2011-122

TITLE: AUTHORIZATION FOR GREATER CAPE MAY ELKS #2839 TO CONDUCT OUTDOOR FLEA MARKETS IN 2011

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

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

WHEREAS, the Greater Cape May Elks #2839 has applied to the Township Council for an exemption to the limitation of only four (4) flea markets per year and has requested permission to six flea markets in 2011 in the Elk's Lodge parking lot, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, that approval for Outdoor Flea Markets on May 21, June 18, July 16, August 20, September 17 and October 15 in the year 2011 is hereby granted.

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on May 2, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Rosalie Stackhouse
130 E. Atlantic Avenue
Villas, NJ 08251
Telephone 609-886-2466
Email: capegem1@comcast.net

Public Relations & Parade
Chairpersons
Greater Cape May Elks #2839

April 26, 2011

Lower Township Council Members
Lower Township Municipal Building
Bayshore Road
Villas, NJ 08251

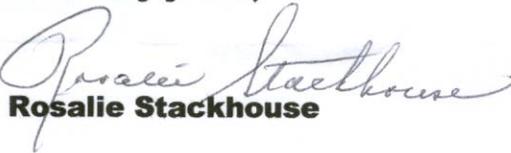
Dear Council Members:

Greater Cape May Elks #2839 would like permission to hold Flea Markets on the following Saturdays in 2011.

The dates are the 3rd Saturday in May, June, July, August, September and October, or 5/21, 6/18, 7/16, 8/20, 9/17, 10/15/2011.

Thank you for your consideration and time for our request.

Sincerely yours,


Rosalie Stackhouse

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

RESOLUTION #2011-123

TITLE: REJECTION OF BIDS FOR 24 MONTH CONTRACT AUTO PARTS

WHEREAS, the Township advertised for bids on March 30, 2012 for 24 Month Contract Auto Parts, and four (4) sealed bid was received by the Township QPA on April 13, 2011 at 11:00 a.m. , and

WHEREAS, the bids were opened and reviewed by the QPA and the Public Works Director, and

WHEREAS, 40A:11-13.2 permits a municipality to reject bids to substantially revise the bid specifications; and

WHEREAS, the Township has decided to revise the bid specifications and reject all bids accordingly.

NOW, THEREFORE, BE IT RESOLVED by the Township Council, of the Township of Lower that all four (4) bids are hereby rejected and the QPA is authorized to readvertise for bids.

I hereby certify the foregoing to be a resolution adopted by the Township Council on May 2, 2011.

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-124

TITLE: A RESOLUTION APPROVING A LIMITED ENCROACHMENT AGREEMENT RELATED TO A FENCE ON GREENWOOD AVENUE

WHEREAS, the Township of Lower is the holder of certain right-of-way interests along Greenwood Avenue in the area of Block 410.01; Lot 71.03, which parcel is owned by Manor Lake; and

WHEREAS, for at least several decades, Manor Lake has maintained a fence along the property, which fence, it was recently determined, partially enters into the right-of-way; and

WHEREAS, the right-of-way is undeveloped and not currently in public use, but nevertheless, the Township wishes to retain the right-of-way interest for potential future public necessity; and

WHEREAS, the continued existence of the fence in question is not interfering with the use of the right of way and does not pose a public hazard; and

WHEREAS, the Township does not objected to the continued maintenance of the fence by Manor Lake as long at the taxpayers are protected from any claims that may arise related to the fence and the Township retains the unrestricted ability to remove the fence for public necessity and the parties have agreed upon the terms of an Encroachment Agreement, which is incorporated herein by reference; attached hereto and available in the Clerk's Office for review;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower duly assembled in public session this 2nd day of May, 2011, as follows:

1. The preamble of this Resolution is incorporated here by reference;
2. The Mayor and Clerk are hereby authorized and directed to execute the aforementioned Encroachment Agreement, which is hereby approved for the purposed aforesaid.

I hereby certify that this is the original Resolution adopted by the Township Council at a meeting held on May 2, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

AGREEMENT RELATING TO ENCROACHMENT

THIS AGREEMENT, made this ____ day of _____, 2011; by and between the TOWNSHIP OF LOWER, a Municipal Corporation of the State of New Jersey, having offices at 2600 Bayshore Road, Villas, New Jersey, hereinafter referred to as the "Township", and MANOR LAKE, LLC, hereinafter referred to as "Manor Lake."

WITNESSETH:

WHEREAS, Manor Lake is the owner of certain premises situated in the Township of Lower, County of Cape May and State of New Jersey, known as Block 410.01, Lots 71.03 on the municipal tax map (the "Premises"), which Premises are situated at Greenwood Avenue; and

WHEREAS, the Township is the owner of or in possession of certain lands, streets, sidewalks and right-of-way abutting the Premises; and

WHEREAS, there are existing upon the Premises a fence (the "fence") which encroaches upon the right-of-way adjoining Greenwood Avenue to the extent shown on the Subdivision Plan (the "Plan"), prepared by William P. Sweeney, Licensed Land Surveyor; and

WHEREAS, the Township desires to permit said encroachments on terms set forth herein.

Now, THEREFORE, IN CONSIDERATION OF ONE (\$1.00) DOLLAR paid by Manor Lake to the Township, the receipt of which is hereby acknowledged, the Township, for itself, its successors and assigns, hereby covenants and agrees with Manor Lake, its successors and assigns, as follows:

1. The Fence will be maintained by Manor Lake, its successors and assigns, and Manor Lake shall have, and there is hereby granted and secured to it, all of the right to have the Fence encroach upon the right-of-way along Greenwood Avenue as aforesaid to the extent shown on the Plan.

2. No encroachment shall be permitted which extends beyond that area as shown on the Plan.

3. The Township further covenants and agrees for itself, its successors and assigns, that it will not disturb, destroy, or move said Fence unless public necessity requires it to be removed, in which case the Township retains the right to remove said Fence.

4. It is further mutually covenanted and agreed, by and between the parties thereto, that the provisions hereof shall operate as a covenant running with the Premises and shall bind both parties hereto together with their respective successors and assigns.

5. It is further agreed that Manor Lake, its successors and assigns, shall indemnify and hold harmless the Township, from all loss, expense, damage, cost and attorney's fees that the Township may at any time from the date thereof incur by reason of the encroachment aforesaid, or anything relating thereto.

6. It is understood and agreed that the encroachment and waiver of encroachment shall not be deemed a claim of possession, prescriptive right, easement or claim of interest by adverse possession, at any time, by Manor Lake, its successors or assigns, against the Township. The Township shall retain all rights, title and interest in the lands affected by said encroachment.

7. The within Agreement shall not be deemed a precedent or binding upon either party, or by any other party, for purposes of future requests for a waiver of encroachment.

8. Notice shall be valid and presumed to be delivered three (3) business days from the postmark date if sent by certified mail, return receipt requested to the parties at the following addresses:

To the Township: Clerk, Township of Lower
2600 Bayshore Road
Villas, NJ 08251

with a copy to: Solicitor, Township of Lower
2600 Bayshore Road
Villas, NJ 08251

To Manor Lake: Peter M. Tourison, Esq.
3823 Bayshore Road
N. Cape May, NJ 08204

IN WITNESS WHEREOF, the Township has caused this instrument to be signed by the proper corporate officers and the Seal of the Township affixed, Manor Lake has caused this instrument to be signed by the proper corporate officers and the Seal of Manor Lake affixed, on the day and year first above written.

ATTEST

TOWNSHIP OF LOWER

Claudia R. Kammer, Clerk

By: _____
Michael Beck, Mayor

WITNESS:

MANOR LAKE, LLC

By: _____
Richard C. Seither

By: _____
Nancy M. Seither

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

RESOLUTION #2011-125

TITLE: APPROVAL FOR ROADSIDE SOLICITATION BY VILLAS VOLUNTEER FIRE COMPANY, INC.

WHEREAS, the Villas Volunteer Fire Company, Inc. has requested permission to solicit contributions from the public on Bayshore Road in front of the Fire Company, and will provide the Township with a copy of their insurance naming Township as additional insured, and

WHEREAS, the Board of Chosen Freeholders approved the request on April 26, 2011, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council, the governing body thereof, that the application for the Solicitation of funds on County Roads #603 (Bayshore Road) in front of the fire company be and is hereby approved for **May 28, July 2 and September 3, 2011 with rain dates, if necessary, the following day.**

FURTHER RESOLVED that pursuant to Public Law 1997, C. 82 which provides that the Township "shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of roadway solicitations for the purpose of soliciting contributions, conducted by charitable organizations...".

I hereby certify the foregoing is the resolution adopted by the Township Council at their meeting on May 4, 2009.

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

2011-125



Villas Volunteer Fire Company

P.O. Box 99
Villas, New Jersey 08251
April 26, 2011

Re: Fundraising Street Drives

Dear Sir or Madam,

The Villas Volunteer Fire Company Is requesting permission to conduct our annual fundraising street drive events on May 28, 2011, July 2, 2011 and September 3, 2011 respectively, on Bayshore Rd. in front of our fire station between Georgia Ave. and East Wilde Ave. In the event of rain, we would like to have rain dates set for the days immediately following the designated dates previously stated.

Thank you,

A handwritten signature in cursive script that reads "Michael Brannon".

Michael Brannon,
President V.V.F.C

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

RESOLUTION #2011-126

TITLE: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, Stig Blomkvist, Regular Member, resigned from the Recreation Advisory Board, and

WHEREAS, Council would like to fill his unexpired term in order to maintain a full Board, and

WHEREAS, Council has reviewed the applications.

NOW, THEREFORE, BE IT RESOLVED after review the following appointment(s) to the Recreation Advisory Board be made as noted below:

<u>Name</u>	<u>Type</u>	<u>Term Exp.</u>
	Regular Member (Unexp. Term S. Blomkvist)	June 30, 2013
	Alternate Member Unexp. Term	June 30, 2013

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

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Deborah A Johns
233 Woodland Avenue
Villas, NJ 08251

April 29, 2010

Township of Lower
Attn: Mayor & Council
2600 Bayshore Road
Villas, NJ 08251

Re: Recreation Advisory Board

Dear Mayor & Council:

I am currently an Alternate Member of the Rec Advisory Board. I have served in this position for three years. I would like your consideration to approve me as a Permanent Member. I have been serving as the Chairman for the last year.

It is also the Boards recommendation that any future Regular Member openings be first filled by an active Alternate Member.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A Johns", with a long horizontal flourish extending to the right.

Deborah A Johns, Chairman
Recreation Advisory Board

FOR TOWNSHIP USE ONLY

Res. # _____

Board/Comm./Auth. _____

Term Exp. _____

Replaced _____ or Reappointed

RECEIVED
6-30-10

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

NAME MICHAEL ROSENBERG

CITY AND STATE VILLAS, NEW JERSEY

YEARS OF RESIDENCY IN TOWNSHIP 11 OCCUPATION ABLE SEAMAN
CAPE MAY - LEWES FERRY

Please number in order of preference which ones you wish to be considered for.

- _____ Cable Television Advisory Board
- _____ Environmental Commission
- _____ Historic Preservation Commission
- _____ Mayor' Advisory Board

- _____ Municipal Utilities Authority
- _____ Planning Board
- 2 Recreation Advisory Board
- 1 Zoning Board of Adjustment

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

① KNOWLEDGE OF TAX MAPS, FILE PLANS AND SUB-DIVISIONS
EXPERIENCED TITLE SEARCHER, ABLE TO PLOT DISCRPTIONS
IN DEEDS.

② 10 YEARS EXPERIENCE AS SUPERVISOR AT NORTH WILDWOOD REC
CENTER (PASSED CIVIL SERVICE EXAM FOR RECREATION LEADER)
WORKED 1 YEAR AT WILDWOOD REC AS PROGRAM DIRECTOR.

Date: 6-29-10 Signature: Michael Rosenberg (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251

FOR TOWNSHIP USE ONLY

Res. # _____ Board/Comm./Auth. _____

Term Exp. _____ Replaced _____ or Reappointed _____

RECEIVED
7/7/10

TOWNSHIP OF LOWER
CITIZEN LEADERSHIP FORM

NAME Linda Thomas

CITY AND STATE Villas NJ

YEARS OF RESIDENCY IN TOWNSHIP 33 OCCUPATION Principal Clerk Typist

Please **number in order of preference** which ones you wish to be considered for.

- | | |
|---|---|
| <input type="checkbox"/> Cable Television Advisory Board | <input type="checkbox"/> Municipal Utilities Authority |
| <input type="checkbox"/> Environmental Commission | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Historic Preservation Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Mayor' Advisory Board | <input type="checkbox"/> Zoning Board of Adjustment |

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

Associate degree in Applied Science from Atlantic Cape Community College
Certified Recycling Professional since 2007 Rutgers University
Captain of Volleyball team - 25 years
coached for Lower Township Soccer 5 years, basketball - 2 years,
Softball - 1 year, Tee Ball 2 years
Certified aerobic Instructor - 20 years
participated in many 5K Runs

Date: July 7, 2010 Signature: Linda Thomas (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251

***PERSONAL INFORMATION NOT SUBJECT TO PUBLIC DISCLOSURE**

Address of Residence _____ Email _____

Primary Phone Number _____ Work Phone Number _____

*The information in this section is considered personal information, and is therefore deemed confidential for the purpose of P.L.1963, c.73 (C.47:1A-1 et seq.) and P.L. 2001, c.404 (C.47:1A-5 et al.).

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

RESOLUTION #2011-127

TITLE: AMENDMENT TO RESOLUTION #2011-06, APPOINTMENT OF MUNICIPAL PROSECUTOR FOR THE YEAR 2011

WHEREAS, Resolution #2011-06 appointed Ronald Gelzunas as the Municipal Prosecutor for the year 2011, and set the contract amount at \$18,500.00 plus \$80.00 per hour for Special Court sessions, and

WHEREAS, prior to the appointment surrounding municipalities were surveyed and it was determined an increase was necessary, and

WHEREAS, the appointment was made at the 2010 rate with the understanding that it would be increased after the salary ordinance had been updated to reflect the new range and the Chief Financial Officer has certified the availability of funds by her signature



Lauren Read, CFO

Twp. Solicitor - SAW

Budget Account

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower in the County of Cape May that Resolution #2011-06 be amended to reflect a contract amount of \$20,500 with \$80.00 per hour for Special Court sessions.

BE IT FURTHER RESOLVED this resolution shall be retroactive to January 19, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

ORDINANCE #2011-10

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$3,000,000 FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Lower, in the County of Cape May, New Jersey (the "Township") is hereby authorized to refund all or a portion of the Township's \$2,740,000 outstanding principal amount of General Improvement Bonds, originally issued in the aggregate principal amount of \$7,000,000 on January 24, 2002, which amount matures on July 15 in each of the years 2012 through 2015, inclusive (the "Refunded Bonds"), and which are subject to redemption on or after July 15, 2011 at a redemption price equal to 101% of the principal amount of the Refunded Bonds to be redeemed.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof and the costs of issuance associated therewith, negotiable refunding bonds are hereby authorized to be issued in one or more series in the aggregate principal amount not exceeding \$3,000,000 (the "Refunding Bonds") pursuant to the Local Bond Law of the State of New Jersey.

Section 3. An aggregate amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of Refunding Bonds authorized herein.

Section 4. The Township desires to provide for all or a portion of the principal amount of the Refunded Bonds outstanding and the interest and redemption premium, if any, thereon in order to provide for savings in debt service as a result of lower interest rates in the bond markets.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township is increased by the authorization of the Refunding Bonds provided in this refunding bond ordinance by \$3,000,000, and that an amount representing the principal amount of the Refunded Bonds equal to \$2,740,000 will be deductible from gross debt. The obligations authorized herein will be within all debt limitations prescribed by that law.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption.

Ord. #2011-10

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF CERTAIN GENERAL IMPROVEMENT BONDS, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE BY THE TOWNSHIP OF REFUNDING BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$3,000,000 FOR FINANCING THE COST THEREOF (continued)

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Councilmember

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Township Clerk

PERSONNEL ACTIONS

Report for Council Meeting of 05/02/11

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Public Safety	Fisher, Andrew	5/1/11		new hire	Class II Officer	yes
Public Safety	Mellina, Joseph	5/1/11		new hire	Class II Officer	yes
Public Safety	Aiken, Patrick	5/1/11		new hire	Class II Officer	yes
Public Safety	Menz, John	4/7/11		resigned	Class II Officer	yes

Date of report 4/27/11

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File

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

RESOLUTION # 2011-129

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. (PBA Contract)
- (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. (Offer of Land to Township)
- (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. (Litigation - Martinelli)

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 Chief)

 (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on _____, 2011 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on May 2, 2011..

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					