

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 - **POSTPONED TO MAY 16**

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

04/27/11
15:18:23

Lower Township
Bill List By Vendor Id

Page No: 2

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*					

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 MEMBERSHIP	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		

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		

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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		

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15:18:23

Lower Township
Bill List By Vendor Id

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					<u>\$ 4,821,091.11</u>

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			X		
SECOND	X				
AYES	X	X	X	X	Y
NAYS					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-122

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

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

RESOLUTION #2011-12.3

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

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

RESOLUTION #2011-124

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 object to the continued maintenance of the fence by Manor Lake as long as 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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-125

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
Claudia R. Kammer, Twp. Clerk

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

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

RESOLUTION #2011-126

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>
Debbie Johns	Regular Member (Unexp. Term S. Blomkvist)	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			X		
SECOND	X				
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-127

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

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

RESOLUTION # 2011-129

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 (of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed. (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 MAY 2 , 2011 that an Executive Session closed to the public shall be held on this date at approximately 8:22 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
 Claudia R. Kammer, Township Clerk

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