

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

JULY 6, 2011 - 7:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Oath of Office - Chief Brian Marker

Work Session

Review of Consent & Regular Agenda Items

Consent Agenda

Approval of Minutes June 20, 2011
Res. #2011-184 Payment of Vouchers, \$1,510,057.99
Res. #2011-185 Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments & Recommendations (Annual required resolution after receipt of Township audit)
Res. #2011-186, A Resolution Requesting Release of Demolition Bond for Block 215, Lot 34, 32 Ohio Avenue, Villas (work completed)
Res. #2011-187, Authorization to Cancel Uncashed Checks (8 checks totaling \$72.09)
Res. #2011-188, Resolution Amending Capital Budget (Lauren)
Res. #2011-189, Over the Limit Under Arrest 2011 Statewide Crackdown Grant (Annual grant)
Res. #2011-190, Approval of Change Order No. 1 for Roof Replacement and Related Work at the Recreation Center, Contract M-5
Res. #2011-191, Authorizing Payout of Terminal Leave (E. Donohue, Chief, retirement)
Res. #2011-192, Authorizing Payout of Terminal Leave (D. Crawford, Dispatcher retirement)
Res. #2011-193, Resolution Renewing Liquor License for Cape May Two Brothers, Inc. (Annual renewal)
Res. #2011-194, Public Facilities Grant Application for \$500,000, Various ADA Improvements
Res. #2011-195, Authorizing A Professional Contract with Blauer Associates, Inc. (Small Cities CDBG app.)
Res. #2011-196, Authorization for Refund of Taxes (1 duplicate payment)
Ord. #2011-13, Ordinance Appropriating \$26,142 From the Capital Surplus Fund for the Acquisition of Two Vehicles, 1st rdg. (2nd rdg. August 1, 2011)
Ord. #2011-14, Bond Ordinance Providing for Various Capital Improvements of the Township of Lower, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$440,000 Therefor and Authorizing the Issuance of \$400,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, 1st rdg. (2nd rdg & public hearing August 1st)

Regular Agenda

Ord. #2011-11, An Ordinance Authorizing Execution of a Lease of Certain Property for Use by the Lower Township Rescue Squad in Connection with Providing Emergency First Aid Services to the Township of Lower, Public Hearing (Renewal of 10 year lease for Rescue Squad office at Public Safety Complex)

Administrative Reports

May Report - CFO

Council Comments

Call to the Public

Closed Session

Res. #2011-197

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." (Attorney Client Privilege)

Adjournment

PUBLIC INFORMATION

INDEPENDENCE DAY FESTIVAL - JULY 3RD ALONG BEACH DRIVE, N. CAPE MAY - 5:00 p.m. to 9:00 p.m. Food, Rides, Music, Crafts and Fireworks at approximately 9 p.m. Fun for the entire family - Support the community - meet your neighbors and enjoy the evening.

FARMER'S MARKET EVERY FRIDAY FROM JULY 8 TO SEPTEMBER 2 - 3:00 p.m. to 7:30 p.m. Behind the Municipal Building, 2600 Bayshore Road, Villas - Vendors wanted - spaces still available.

LOWER TOWNSHIP BLOOD DRIVE - MONDAY AUGUST 22, 2011 - 10 AM TO 4 PM - Sign up at Township Hall or call 886-2005 ext. 113

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 - June 20, 2011

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 20, 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 Erik Simonsen
Councilmember Glenn Douglass
Deputy Mayor Kevin Lare
Mayor Michael Beck

Also present: Michael Donohue, Solicitor, Michael Voll, Manager and Asst. Clerk Horwath
Absent: Councilmember Thomas Conrad

WORK SESSION

Presentations - Dottie Crawford & Chief Edward Donohue

Mayor Beck said Dottie Crawford was retiring from the Township and presented her with a certificate of recognition. Chief Donohue said a few words about her career with the Township and how she helped collect and distribute toys and food for the kids Christmas in the Township.

Mayor Beck also presented Chief Donohue a plaque for his 27 years of service with the Township and said he would also be retiring.

Chief Donohue thanked his family, Officers, Councilmembers and the Township Manager. He spoke briefly about his career.

Closed Session

Res. #2011-182, Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12.
(Matters related to Collective Bargaining, Acquisition of Real Property & Attorney Client Privilege)

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

Return to Open Councilmember Douglass motioned to adjourn the closed session, seconded by Councilmember Simonsen. The closed session was adjourned by verbal "ayes" at 7:58 p.m.

Regular & Work Session Meeting Minutes - June 20, 2011

Review of Consent & Regular Agenda Items

Mayor Beck said there were some changes to the consent agenda. He said they were removing Res. #2011-179 Ratification of Contract with PBA Local 59 For The Years 2012 through 2014 and asked for a motion. Councilmember Simonsen motioned to remove Resolution #2011-179, seconded by Councilmember Douglass. The resolution was removed by verbal "ayes".

Mayor Beck asked for a motion to remove #2011-180 Resolution Ratifying the Agreement Between the Township of Lower and Brian Marker, the Chief of Police .

Councilmember Douglass motioned to remove Resolution #2011-180, seconded by Councilmember Simonsen. The resolution was removed by verbal "ayes".

Solicitor Donohue said Resolution #2011-178 would be amended to read Brian Marker be promoted to Acting Chief July 1, 2011.

Mayor Beck asked for names for the Zoning Board appointments. Councilmember Douglass offered regular member - Dave Brand, regular member - Bruce Waterman and alternates - Diane Kelly and Steve Komar.

Mayor Beck asked for names for the Planning Board members. Councilmember Douglass said Charles Hewitt for regular member and Frank Zeigler for alternate member.

Deputy Mayor Lare had a recommendation for the Recreation Advisory Board and it was Jay Eppenbach.

Redwood Avenue

Joe Winters questioned if the Redwood Avenue agreement was agreed to.

Solicitor Donohue said the stair would be build and the Township would take possession and maintain them. He said they hoped to start the project but were waiting on some interpretation from DEP and hoped to start soon.

Mr. Winters asked if the people signed off on the document.

Solicitor Donohue and the Clerk said they did.

Mr. Winters asked why was the Township refunding their permit fee?

Solicitor Donohue said it was negotiated and it was in the proposal.

Mr. Winters asked if anyone knew what the permit fee was?

Deputy Mayor Lare said he felt it wasn't unreasonable and the street end had a new bulkhead that was paid for by private funds. He said the people were charged permits fees when the bulkhead was constructed.

Mr. Winters said he understood they put the bulkhead in to protect their home and they were required to put the steps in and felt the Township shouldn't have to return fees to them.

Mayor Beck said it wasn't excessive and in the end what they had was a resolution to a problem that had bother the neighbors.

Manager Voll said the permit was about \$25.00.

Carmelita Finsel asked how she could get a copy of the agreement that Mr. Winters had?

Mayor Beck said he could have gotten it off line, she could get a copy after the meeting.

Ms. Finsel asked about the State requiring trash cans and port-a-potties along the bay front.

Mayor Beck said he didn't recall seeing anything about that.

Councilmember Douglass asked if she was referring to the one at the end of Ferry Road and he told her that was part of the park.

Ms. Finsel said there was an article in the Post about it.

Regular & Work Session Meeting Minutes - June 20, 2011

Mayor Beck said the article may be referring to beach access and it shouldn't impact the Township as it would places further North.

Solicitor Donohue said DEP was redrafting the rules and it would not require toilets or what was first drafted.

Tax Map Update

Ed Butler of Villas asked for an explanation of Resolution #2011-169.

Manager Voll said it was an annual update of the Tax Maps for the Township.

Fireworks

Ed Butler asked about Resolution #2011-166, and said last year donations were made for the fireworks. He asked if the Township was paying for it this year?

Deputy Mayor Lare said they had been successful in raising \$26,000.00 from local businesses this year. Mayor Beck closed the public portion.

Consent Agenda

Approval of Minutes	June 6, 2011
Approval	NJ State Fireman's Association - Donald P. Wilson, Townbank Fire Company
Res. #2011-93,	A Resolution Approving a Management Agreement by and Between the Township of Lower and Friends of Fishing Creek School, Inc. (Tabled May 16)
Res. #2011-164,	Payment of Vouchers, \$2,228,225.52
Res. #2011-165,	Approval for Fireworks by Grucci, Inc. to Load A Fireworks Barge in Lower Township
Res. #2011-166,	Approval for Pyrotecnico Fireworks to Load and Unload a Fireworks Barge in Lower Township
Res. #2011-167,	Issuance Ice Cream Peddling and Ice Cream Salesman's Licenses for the year 2011 to Fudgy Wudgy Ice Cream (2 vehicles and 2 salesmen)
Res. #2011-168,	Authorization for Shore Limousine LLC to Transfer Limousine License from 1998 Lincoln Town Car to a 2010 Cadillac DLS (Transfer of vehicle)
Res. #2011-169,	Resolution Approving Project Proposal between Hatch Mott MacDonald and the Township of Lower for Engineering and Surveying Services Related to Tax Map Revisions and Updates(\$2,800.00)
Res. #2011-170,	Resolution Increasing the Bid Threshold Pursuant to NJSA 40A:11-3a (Bid threshold \$36,000 - Quote threshold \$4,300.00)
Res. #2011-171,	Authorization for Refund of Taxes (1property - overpayment)
Res. #2011-172,	Insertion of Special Item of Revenue Pursuant to N.J.S.A., Chapter 159 (Cops in Shops, \$1200)
Res. #2011-173,	Resolution Amending Resolution #2011-139 Entitled Award of Telecommunication Service to Verizon New Jersey (Correcting rate plan to reflect additional savings)
Res. #2011-174,	Resolution Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services (Renewal of Shared Service Agreement with County for 7 years)
Res. #2011-175,	Annual Renewal of Liquor Licenses (yearly renewal)
Res. #2011-176,	Appointment of Zoning Board Members (2 regular members & 2 alternates)
Res. #2011-177,	Appointment of Planning Board Members (1 regular member & 1 alternate)
Res. #2011-178,	Resolution Appointing Brian Marker as Chief of Police (Effective July 1, 2011)

Regular & Work Session Meeting Minutes - June 20, 2011

- Res. #2011-181, Appointment to the Recreation Advisory Board (Filling unexp term of Alt. Member)
Res. #2011-182, Resolution Approving Agreement for Redwood Avenue Beach Stairs (if all required documents have been finalized)

The Clerk mentioned that there was one liquor license that wasn't renewed due to a tax clearance issue and they would be applying for an ad item permit. A letter was received regarding noise issues at Pier 6600 and the Police did go out and speak to them.

Manager Voll said spoke to the management of Pier 6600 and they were working things out with the neighbors.

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

Regular Agenda

- Ord.#2011-11, An Ordinance Authorizing Execution of a Lease of Certain Property for Use by the Lower Township Rescue Squad in Connection with Providing Emergency First Aid Services to the Township of Lower, 2nd rdg. (Renewal of 10 year lease for Rescue Squad office at Public Safety Complex) **(Tabled June 6)**

The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Solicitor Donohue said the Township corrected the lease to read 501C-4 and added a provision allowing the Township to terminate the lease with 18 months notice also striking out the portion referring to the maintenance of vehicles. He said there would be a second reading and it would be republished and come before Council again July 6th.

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

- Ord. #2011-12, An Ordinance Amending Ordinance #2011-01, Entitled "Salary and Benefit Ordinance for the Township of Lower", 2nd rdg. (Adding new titles & ranges that may be needed)

The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Ed Butler said he felt the salary ordinance fees were excessive.

Mayor Beck said they were ranges and it depended on their experience.

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

Administrative Reports

- Personnel Action Report
Department Reports Animal Control, Clerk, Construction Official (WCM & Lower), Dog License,

Regular & Work Session Meeting Minutes - June 20, 2011

Engineer, Municipal Court, Tax Collector, Public Works, Vital Statistics

Council Comment

Seashore Road - No Passing

Councilmember Simonsen asked about the status of the no passing on Seashore Road from the Canal Bridge to the Masonic Lodge he said there were concerns with that due to the bike path.

Manager Voll said he did go out and look at it and he spoke to Lt. Mastriani about it. He felt the request should be approved. He said they would need verification from the Police Department and then Council would have to do a resolution requesting the County to make that a no passing zone.

Deputy Mayor Lare asked if in the same request they could include the area on Route 9 from Sally Marshall Crossing to the new crossing that would replace Bennetts Crossing.

The Clerk said a resolution was passed for no passing near Cape Island Campground down to the jug handle.

Beach Clean Up

Councilmember Simonsen wished everyone a safe and healthy 4th of July. He thanked everyone who participated in the beach clean up.

Councilmember Douglass said the beach clean up went well and the groups started at various sections along the bay. He thanked everyone for their help in doing something good for the community.

July 3rd Event Along the Bayfront

Councilmember Douglass invited everyone to attend the July 3rd event and it was going to be a great event again this year.

Code Enforcement

Councilmember Douglass said Code Enforcement was doing a great job getting the Township cleaned up. He said there was a lot more to be done and he thanked them.

Diamond Beach

Councilmember Douglass said he had gone over to Diamond Beach regarding a complaint about a fight in the street. He said they needed to stay on top of the area and keep an eye on things.

Steven Cluff

Deputy Mayor Lare offered condolences to the Cluff family on the sudden passing of Steven Cluff. He said he was a long time volunteer to the youth of the community and he would be missed.

July 3rd Event Along the Bay Front

Deputy Mayor Lare thanked many business in the area who donated toward the July 3rd event. He read the list of those who donated and said the total was \$26,000 so far and there were still donations coming in. He said there would be rides at \$1.00 each and string bands.

Farmers Market

Mayor Beck said the Farmers Market would begin every Friday from July 8th through September 2nd from 3:00 p.m. to 7:30 p.m.

Manager Voll said Councilmember Conrad was at Boy Scout Camp in Maryland so he couldn't be at the meeting.

Public Comment

Regular & Work Session Meeting Minutes - June 20, 2011

Complaint filed re: OPMA

Joe Winters of Florida Avenue said he filed a complaint with the Prosecutors Office on December 28th regarding a violation of the OPMA. He said Council received a reply from the Prosecutors Office on June 9th and wanted to know what was going to be done. He didn't want the use electronic devices allowed at Township meetings. He wanted Council to apologize to the taxpayers for the violation.

Mayor Beck said it was a litigation matter and he wasn't going to comment on it.

Solicitor Donohue said he assumed it was in some part directed at him. He said he had his agenda emailed and reviewed it on an electronic device during the meetings. He wasn't sending emails. He said many Municipalities were moving toward the use of laptops so they didn't have the expense of printing agendas.

Mayor Beck said the question was when they used the devices to communicate among themselves.

Councilmember Douglass said Mr. Winters point was using a laptop during council meetings and no one had one.

Councilmember Simonsen said he didn't respond to the email nor was he a member of Council at the time so he didn't feel he had to apologize.

Mr. Winters asked when he could expect a response.

Solicitor Donohue said they would be responding to the Prosecutor as requested.

Rescue Squad

Bob Weber of Cardinal Avenue said Trans-Care had reached an agreement with Atlantic Care, they were the largest private ambulance service on the east coast. He said they were a for profit business and he arranged for John Christie the General Manager to speak to the Citizens Advisory Board about providing 911 service for the Township. He said their transport fee was \$170.00 for non emergency and that was with paramedics and nurses.

Deputy Mayor Lare said he was all for it if someone had a better way.

Tony Kapurelos said it was alright to look at other avenues and if something sounded to good to be true it probably was. He said New Jersey didn't allow paramedics to ride in ambulances it was a separate system. He said to keep in mind that a for profit service didn't always provide the same level of service. He thanked the Manager and Council for the information put out about the food bank they had received a lot of food donations.

Mayor Beck closed the public portion.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember Simonsen the meeting unanimously adjourned by verbal "ayes" at 8:35 p.m.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount

					Contract	PO Type

00432	MICHAEL BROGAN					
	11-01837	06/23/11	OVER 65 MED SUPP/CONTRACTUAL	Open	96.39	0.00
00616	ANIMAL ALLIANCE OF CAPE					
	11-01868	06/28/11	TNR AND SPAY/NEUTER PROGRAM	Open	70.00	0.00
	11-01869	06/28/11	2010 PETSMAST GRANT	Open	172.00	0.00

					242.00	
00784	CAPE MAY STAR & WAVE					
	11-01824	06/21/11	6/8/2011 ISSUE	Open	98.58	0.00
00825	COMCAST*					
	11-01828	06/22/11	INTERNET ACCESS - FIRE SAFETY	Open	100.07	0.00
00991	COLONIAL ELECTRIC SUPPLY*					
	11-01594	06/08/11	LIGHTING	Open	26.43	0.00
	11-01796	06/16/11	LIGHTBULBS & DIFFUSER	Open	80.64	0.00

					107.07	
01017	HANKIN SANDMAN & PALLADINO					
	11-01808	06/20/11	REIMBURSEMENT FOR VIDEO	Open	25.00	0.00
01021	ROBERT A MCCANN					
	11-01810	06/20/11	REIMBURSEMENT UNIFORMS	Open	421.00	0.00
01130	GAYLE HADLEY					
	11-01899	06/30/11	ZUMBA INSTRUCTOR	Open	190.00	0.00
01278	EDWARD DOUGHERTY					
	11-01821	06/21/11	CONTRACT OBLIGATION VISION	Open	80.00	0.00
	11-01866	06/27/11	CONTRACTUAL REIMBURSEMENT - V	Open	65.00	0.00
	11-01872	06/29/11	CONTRACTUAL REIMBURSEMENTS - V	Open	109.97	0.00

					254.97	
01482	E ZPASS DELAWARE RIVER/BAY AUT					
	11-01696	06/10/11	TOLL VIOLATION	Open	3.00	0.00
01492	F THOMAS HILLEGASS					
	11-01546	06/02/11	DWI SPECIAL SESSION 4/18/11	Open	300.00	0.00
01502	PAMELA FELDER					
	11-01836	06/23/11	CONTRACTUAL REIMBURSEMENT	Open	101.67	0.00
01590	FORD, SCOTT & ASSOCIATES*					
	11-01838	06/23/11	FINAL BILL-2010 AUDIT/2011 BUD	Open	11,200.00	0.00
01600	ORVILLE E FOWLER					
	11-01817	06/21/11	CONTRACT REIMBURSEMENT	Open	1,340.00	0.00
01768	ROBERT HARTMAN JR					

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-01513	06/01/11	PARTS FOR RDS/DPW	Open	888.33	0.00		
03518 RIGGINS, INC.*	11-01815	06/21/11	OFF-HIGHWAY DIESEL/DPW	Open	1,336.86	0.00		
03594 JOHN F. SCANLAN INC.*	11-01176	05/02/11	HVAC FILTERS FOR BLDGS.	Open	2,400.60	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	11-01233	05/05/11	TIRES FOR RDS/SANT/RECY/DPW	Open	3,497.13	0.00		
03660 SIRCHIE FINGERPRINT LAB. INV.*	11-01695	06/10/11	INVEST. SUPPLIES	Open	782.96	0.00		
03678 SMELTZER & SONS INC.*	11-01505	05/31/11	POSTS FOR ROAD ACCESS/DPW	Open	134.85	0.00		
03679 BARBARA SLONIS	11-01841	06/27/11	6/07/2011 ELECTION - JUDGE	Open	25.00	0.00		
03692 SOUTH JERSEY GAS CO*	11-01870	06/28/11	JUNE, 2011	Open	154.70	0.00		
03723 STAPLES, INC.*	11-01544	06/02/11	PRINTER/OFFICE SUPPLIES	Open	133.97	0.00		
	11-01760	06/13/11	CAMERA FOR COUNCIL MEETINGS	Open	354.98	0.00		

					488.95			
03733 JAMES D. STRICKLAND	11-01876	06/29/11	CONTRACTUAL REIMBURSEMENTS	Open	203.08	0.00		
03915 TURF EQUIPMENT & SUPPLY CO*	11-01478	05/25/11	99-7935 ACTUATOR-LINEAR	Open	923.76	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	11-01457	05/23/11	OFFICE SUPPLIES	Open	43.82	0.00		
	11-01761	06/14/11	OFFICE SUPPLIES - TOWNHALL	Open	101.90	0.00		

					145.72			
03969 VERIZON	11-01861	06/27/11	PHONE SERVICE	Open	257.17	0.00		
03971 VERIZON WIRELESS	11-01901	06/30/11	MDT	Open	644.12	0.00		
03972 ROBERT THOMAS III	11-01792	06/16/11	SHOE ALLOWANCE FOR 2011/DPW	Open	107.19	0.00		
03985 VILLAS NAPA AUTO PARTS	11-01222	05/05/11	PARTS FOR RDS/SANT/RECY/DPW	Open	2,917.97	0.00		
	11-01554	06/02/11	PARTS FOR COUNTY VEH.	Open	250.32	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
					3,168.29			
03992	VAL-U AUTO PARTS LLC*							
	11-01552	06/02/11	PARTS FOR COUNTY VEH.	Open	30.22	0.00		
03994	MARGARET VITELLI							
	11-01909	07/01/11	CONTRACT REIMBURSEMENT-V	Open	70.00	0.00		
04059	THOMAS WILL							
	11-01873	06/29/11	CONTRACTUAL REIMBURSEMENT	Open	105.00	0.00		
04075	BARBER CONSULTING SERVICES LLC							
	11-01867	06/28/11	JULY WEBSITE 2011	Open	300.00	0.00		
04077	RONALD J. GELZUNAS							
	11-01545	06/02/11	DWI SSPECIAL SESSION	Open	200.00	0.00		
04089	WIZARD'S FESTIVAL OF FUN, INC*							
	11-00802	03/28/11	FIRE HOUSE THREE STROLLING	Open	3,000.00	0.00		
	11-01328	05/12/11	CONCESSION FOR RIDES AT THE	Open	10,000.00	0.00		
					13,000.00			
04097	CINTAS FIRST AID AND SAFETY*							
	11-01771	06/15/11	FIRST AID SUPPLIES	Open	506.89	0.00		
	11-01896	06/29/11	FIRST AID SUPPLIES - TOWNHALL	Open	116.09	0.00		
	11-01900	06/30/11	FIRST-AID KIT SUPPLIES/DPW	Open	208.67	0.00		
					831.65			
04105	PITNEY BOWES GLOBAL FINANCIAL							
	11-00164	01/18/11	MAIL MACHINES (2) ACCT#1468026	Open	451.00	0.00		
04111	RYAN DEVINE							
	11-01811	06/20/11	PEEWEE SOCCER GAME REF	Open	120.00	0.00		
04216	PRIVATE ISLAND EMBROIDERY*							
	10-03229	12/17/10	UNIFORMS	Open	325.00	0.00		
04300	W B MASON CO INC*							
	11-00980	04/18/11	SUPPLIES	Open	181.93	0.00		
04301	SEASHORE ASPHALT CORPORATION*							
	11-01597	06/08/11	ASPHALT & PATCH/DPW	Open	3,471.63	0.00		
04320	PREMIER OFFICE SUPPLY*							
	11-01490	05/27/11	OFFICE SUPPLIES	Open	274.29	0.00		
04368	ROTO ROOTER SEWER & DRAIN*							
	11-00508	02/24/11	BATHROOM BACK-UP TOWNHALL	Open	495.00	0.00		
BOSNA	KAREN MANETTE BOSNA							

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	11-01897	06/29/11	INSTRUCTOR - YOGA CLASS	Open	150.00	0.00		
CITIM CITIMORTGAGE, INC	11-01908	07/01/11	REFUND OVERPYMT OF TAX	Open	1,394.11	0.00		
DEVERAUX ROBERT & DONNA DEVERAUX	11-01840	06/24/11	RELEASE DEMO BOND RES 2011-186	Open	500.00	0.00		
EGAR JACK EGAN	11-01859	06/27/11	LACROSSE GAME OFFICIAL	Open	60.00	0.00		
FEINBERG FEINBERG & MCBURNEY	11-01830	06/22/11	RETURN UNUSED ESCROW	Open	8,237.64	0.00		
FRAMEGEO GEORGE FRAME	11-01806	06/16/11	PEEWEE SOCCER GAME REF	Open	510.00	0.00		
G-DB DB ELECTRONICS	11-01614	06/08/11	CORDLESS MICROPHONE REPAIRS	Open	275.00	0.00		
JANEEN JANEEN LINDSAY	11-00549	02/28/11	FACE PAINTER FOR BIKE AUCTION	Open	200.00	0.00		
STANLEY DAVID R STANLEY	11-01827	06/22/11	REF SPECIAL EVENT PERMIT - VET	Open	15.00	0.00		

Total Purchase Orders:	117	Total P.O. Line Items:	291	Total List Amount:	1,510,057.99	Total Void Amount:		0.00

Motion:
Second:

Aye Nay Abstain Absent

Conrad
Simonsen
Douglass
Lare
Beck

Approved:

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

RESOLUTION #2011-185

TITLE: CERTIFICATION TO LOCAL FINANCE BOARD OF RECEIPT AND REVIEW OF AUDIT SECTIONS GENERAL COMMENTS & RECOMMENDATIONS

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of new Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall be resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director, under the provisions of this Article, Shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED that the Township Council governing body of the Township of Lower hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I hereby certify the foregoing to be a resolution adopted by the Township Council on July 6, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

TOWNSHIP OF LOWER
COUNTY OF CAPE MAY
CORRECTIVE ACTION PLAN: 2009 AUDIT RECOMMENDATIONS

Prior Year Audit Findings (2009)

THERE WERE NO AUDIT RECOMMENDATIONS IN 2009.

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

TOWNSHIP OF LOWER
COUNTY OF CAPE MAY
CORRECTIVE ACTION PLAN: 2010 AUDIT RECOMMENDATIONS

Current Year Audit Findings (2010)

THERE WERE NO AUDIT RECOMMENDATIONS IN 2010.

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

RESOLUTION #2011-186

TITLE: A resolution requesting RELEASE of Demolition Bond for Block 215, Lot 34, 32 Ohio Avenue, Villas

WHEREAS, Donna M. & Robert Deveraux posted a Demolition Bond with the Township of Lower, in the amount of \$500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued July 1, 2010, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond be and hereby is **released**,

AND HEREBY BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$500.00 plus any accrued interest for payment of the above released demolition bond.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of July 6, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

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

DATE: June 22, 2011

RE: Release of Demolition Bond
Donna M. & Robert Deveraux
32 Ohio Avenue
Villas, NJ 08251
Block 215, Lot 34
Resolution #2011-186

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued July 1, 2011. Thank you.

WJG:las

att.

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

RESOLUTION #2011-187

Title: AUTHORIZATION TO CANCEL UNCASHED CHECKS

WHEREAS, the Municipal Court checks listed below have been returned in the mail and payees are unable to locate; and

WHEREAS, the Chief Financial Officer has requested that such checks be officially canceled in order to properly maintain the Township records, and

WHEREAS, the checks will be turned over to the Current Fund for proper disposition according to accounting regulations regarding unclaimed property.

NOW, THEREFORE BE IT RESOLVED by the Township Council that the following list of checks are hereby canceled.

ACCOUNT: COURT GENERAL

Date	Payee	Ck. #	Amt.
3/8/2010	Arthur Chester	1149	80.00
8/10/2010	Allen Mayanja	1199	6.00
8/20/2010	Adrian Martinez	1202	32.00
10/7/2010	John Trimble	1229	36.00
11/8/2010	Thomas Turner	1243	0.09
11/10/2010	July Laisea	1244	5.00
			<u>41.09</u>

ACCOUNT: COURT BAIL

5/25/2010	Robert Wiley	9732	1.00
11/29/2010	Ronald Carey, Jr.	9867	30.00
			<u>31.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on

_____.

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 #2011-188

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2011 was adopted on the 2nd day of May, 2011, and

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower that the following amendments to the adopted capital budget section be made:

RECORDED VOTE	AYES	NAYS	ABSTAIN	ABSENT
Mike Beck				
Kevin Lare				
Glenn Douglass				
Thomas Conrad				
Erik Simonsen				

FROM
CAPITAL BUDGET (Current Year Action)
2011

Planned Funding Services for
 Current Year 2011

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,401,406.00		47,900.00			257,506.00	1,096,000.00
Recreation Facilities	84,950.00		13,300.00			71,650.00	0.00
Police Equipment	202,900.00		4,400.00			23,500.00	175,000.00
Municipal Buildings	251,000.00		24,000.00			129,000.00	98,000.00
Vehicles	410,000.00		5,400.00			29,600.00	375,000.00
Road Program	0.00		0.00			0.00	0.00
Total All Projects	2,350,256.00	0.00	95,000.00	0.00	0.00	511,256.00	1,744,000.00

RESOLUTION #2011-188
 Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2011-188

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2011 - 2016
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	2011 - 2016					
		2011	2012	2013	2014	2015	2016
Equipment	1,401,406.00	305,406.00	329,000.00	300,000.00	377,000.00	45,000.00	45,000.00
Recreation Facilities	84,950.00	84,950.00					
Police Equipment	202,900.00	27,900.00	35,000.00	35,000.00	35,000.00	35,000.00	35,000.00
Municipal Buildings	251,000.00	153,000.00	53,000.00	30,000.00	15,000.00		
Vehicles	410,000.00	35,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Road Program							
Total All Projects	2,350,256.00	606,256.00	492,000.00	440,000.00	502,000.00	155,000.00	155,000.00

6 YEAR CAPITAL PROGRAM 2011 - 2016
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital				General Debt Authorized
		Improvement Fund	Capital Surplus	Grants and Other Funds		
Equipment	1,401,406.00	70,070.30			1,331,335.70	
Recreation Facilities	84,950.00	4,247.50			80,702.50	
Police Equipment	202,900.00	10,145.00			192,755.00	
Municipal Buildings	251,000.00	12,550.00			238,450.00	
Vehicles	410,000.00	20,500.00			389,500.00	
Road Program	0.00				0.00	
Total All Projects	2,350,256.00	117,512.80	0.00	0.00	2,232,743.20	

RESOLUTION #2011-188
 Capital Budget Amendment

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2011-188

CAPITAL BUDGET AMENDMENT
TO
CAPITAL BUDGET (Current Year Action)
2011

Planned Funding Services for
 Current Year 2011

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Capital Improvement Fund	Capital Surplus	Grants and Other Funds	Debt Authorized	To Be Funded in Future Years
Equipment	1,209,600.00		10,000.00			103,600.00	1,096,000.00
Recreation Facilities	118,700.00		10,000.00			108,700.00	0.00
Police Equipment	206,700.00		3,000.00			28,700.00	175,000.00
Municipal Buildings	115,000.00		2,000.00			15,000.00	98,000.00
Vehicles	534,000.00		15,000.00			144,000.00	375,000.00
Road Program						0.00	0.00
Total All Projects	2,184,000.00	0.00	40,000.00	0.00	0.00	400,000.00	1,744,000.00

6 YEAR CAPITAL PROGRAM 2011 - 2016
Anticipated Project Schedule and Funding Requirement

Project	Estimated Total Costs	Anticipated Project Schedule and Funding Requirement					
		2011	2012	2013	2014	2015	2016
Equipment	1,209,600.00	113,600.00	329,000.00	300,000.00	377,000.00	45,000.00	45,000.00
Recreation Facilities	118,700.00	118,700.00	0.00	0.00	0.00	0.00	0.00
Police Equipment	206,700.00	31,700.00	35,000.00	35,000.00	35,000.00	35,000.00	35,000.00
Municipal Buildings	115,000.00	17,000.00	53,000.00	30,000.00	15,000.00	0.00	0.00
Vehicles	534,000.00	159,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Road Program	0.00		0.00		0.00	0.00	0.00
Total All Projects	2,184,000.00	440,000.00	492,000.00	440,000.00	502,000.00	155,000.00	155,000.00

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2011-188

CAPITAL BUDGET AMENDMENT

6 YEAR CAPITAL PROGRAM 2011 - 2016
Summary of Anticipated Funding Sources and Amounts

Project	Estimated Total Costs	Capital		Grants and Other Funds	General Debt Authorized
		Improvement Fund	Capital Surplus		
Equipment	1,209,600.00	60,480.00			1,149,120.00
Recreation Facilities	118,700.00	5,935.00			112,765.00
Police Equipment	206,700.00	10,335.00			196,365.00
Municipal Buildings	115,000.00	5,750.00		0.00	109,250.00
Vehicles	534,000.00	26,700.00			507,300.00
Road Program	0.00				0.00
Total All Projects	2,184,000.00	109,200.00	0.00	0.00	2,074,800.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 2nd day of May.

Certified by me:

_____ Date _____ Township Clerk
 Trenton, New Jersey
 Approved _____ 2011 _____
 Director of Local Government Services

RESOLUTION #2011-188
 Capital Budget Amendment

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

RESOLUTION #2011-189

TITLE: Over the Limit Under Arrest 2011 Statewide Crackdown Grant

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$4400.00 to carry out a Over the Limit Under Arrest 2011 Statewide Crackdown Grant from August 19, 2011 – September 5, 2011;

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

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

Michael E. Beck, Mayor

Brian Marker, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on July 6, 2011

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Colleen Crippen

From: mastriana@lowertownshippolice.com
Sent: Monday, June 27, 2011 3:11 PM
To: Colleen Crippen
Subject: Fwd: Over the Limit Under Arrest 2011
Attachments: unnamed.txt; HTML.htm; 2011 OLU A F-1 Expenditure Summary.DOC; 2011 OLU A F-2 Salary Detail Form.DOC; 2011 OLU A Grant Budget Pages.DOC; 2011 OLU A Grant Narrative, Guidelines, Forms.DOC; 2011 OLU A Proclamation.DOC; 2011 OLU A Sample Press Release.DOC; 2011 OLU A State Payment Voucher.DOC; OLU A 2011 Payroll certification sample.DOC; SPECIAL INSTRUCTIONS FOR ALL MOBILIZATIONS.DOC

Colleen,

Here is a copy of the Over the Limit Under Arrest 2011 grant I just received. Let me know if there are any problems with me completing this ASAP.

Thank You
Bill Mastriana

----- Forwarded message from Raymond Reeve <Raymond.Reeve@lps.state.nj.us>

Date: Mon, 27 Jun 2011 14:36:56 -0400
From: Raymond Reeve <Raymond.Reeve@lps.state.nj.us>
Reply-To: Raymond Reeve <Raymond.Reeve@lps.state.nj.us>
Subject: Over the Limit Under Arrest 2011
To: chiefmangano@comcast.net, chiefwen@comcast.net, OnDuty@comcast.net, draso@deptford-nj.org, afanfarillo@glassboropd.org, mastriana@lowertownshippolice.com, rjsawyer@mantuatownship.com, wbauer@merchantvillenj.gov, MTLT049@middletownship.com, kevin.mclaughlin@millvillenj.gov, rcaruso@nwpd.org, csimonson@OCNJ.US, dhsims@pd.twp.washington.nj.us, csulzbach@pennsaukenpolice.org, Chief@pitman.org, tdintino@police.seaislecitynj.us, preynolds@police.stone-harbor.nj.us, claytonpdchief@usa.com, glindsay@whpdnj.com, rstimelski@winslowpd.com

June 27, 2011

Re: Over the Limit Under Arrest 2011
Statewide Crackdown Grant Dear Chief:

I am pleased to offer your department the opportunity to participate in our statewide impaired driving enforcement grant program. The Division of Highway Traffic Safety is prepared to offer your department \$4,400 in overtime enforcement grant funding, to be utilized during the Over the Limit Under Arrest 2011 Statewide Crackdown from August 19 through September 5, 2011.

In order to be considered for funding, please complete the attached six-page grant application and return it to my attention, with original signatures, at the address below, by the deadline of July 22, 2011. On Page 1 of the application please fill in Boxes A through J. On Page 3 please obtain the signatures and email addresses of the Project Director, Chief Financial Officer and Authorizing Government Official (Mayor). If you do not plan to accept the grant, please advise me ASAP.

In addition, please familiarize yourself with the Project Guidelines, as you will be expected to adhere to all components of the grant. This is a reimbursement grant, meaning your agency will incur the costs and then submit

documentation to this Division to be reimbursed. The maximum hourly rate that will be reimbursed for the enforcement overtime is \$50 per hour.

After you have submitted your completed application, you may check the Division's web site for your approval (located in section "HTS Grants"). No written approvals will be sent out. I am confident that your participation in this grant program will help enhance safety on our roads during the summer season. If you have any questions, please call me at (609) 633-9048

Sincerely,

Ed O'Connor
South Region Supervisor
NJ Division of Highway Traffic Safety
140 East Front Street, 7th Floor
PO Box

048

Trenton, NJ 08625

CONFIDENTIALITY NOTICE

The information contained in this communication from the Office of the New Jersey Attorney General is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this e-mail, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Office of the Attorney General at (609) 292-4925 to arrange for the return of this information.

----- End forwarded message -----

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1388 / Virus Database: 1513/3729 - Release Date: 06/27/11

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION #2011-190**

TITLE: APPROVAL OF CHANGE ORDER NO. 1 FOR ROOF REPLACEMENT AND RELATED WORK AT THE RECREATION CENTER, CONTRACT M-5

WHEREAS, Gen II Construction Co., Inc. was previously awarded a contract in the amount of \$426,620 for Roof Replacement & Related Work at the Recreation Center, and

WHEREAS, during the course of the work on this project it was determined there was not a cavity between the brick and backup concrete masonry units and that water absorbed by the brick & mortar might bridge the gap and be absorbed by the interior CMU and mortar, and

WHEREAS, the contractor has been asked to provide a brick/mortar sealing to help mitigate the situation which will cost an additional \$2,175.00 for the additional cleaning & sealing, and

WHEREAS, the Township is receiving credit in the amount of \$810.00 for removal & replacement of one course of brick and \$180.00 for installation of mortar net that was not necessary, and

WHEREAS, the Engineer has reviewed and recommended payment of Changer Order No. 1 and the CFO has certified the availability of funds as evidenced by her signature appended hereto:

Account # C-04-55-397-661



Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that Change Order No. 1 for Roof Replacement & Related Work at the Recreation Center in the net amount of \$1,185.00 is approved bringing the total contract price to \$427,805.00

BE IT FURTHER RESOLVED that Gen II Construction co., Inc. . is authorized to proceed with the changes and complete them in accordance with the terms of the original Contract Documents.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on July 6, 2011.

Claudia R. Kammer, Township Clerk

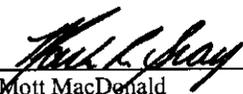
	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

CONTRACT CHANGE ORDER

CHANGE ORDER NO.: 1
 DATE: June 27, 2011
 PROJECT DESCRIPTION: Roof Replacement and Related Work at the Recreation Center, Contract No. M-5, Township of Lower, Cape May County, New Jersey

REASON FOR CHANGE ORDER: See Below.

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	ADDITIONS	DEDUCTIONS
1	Credit for the removal and replacement of one course of brick.	See Attach.	See Attach.		\$810.00
2	Credit for the installation of the mortar net.	See Attach.	See Attach.		\$180.00
3	Cleaning (power washing) of the existing brick walls and the installation of a sealer on the brick and mortar.	See Attach.	See Attach.	\$2,175.00	
Sub-Total:				\$2,175.00	\$990.00
Total Change Order No. 1 Value:					\$1,185.00

ACCEPTED:  Contractor _____ Date <u>6/24/11</u>	ORIGINAL CONTRACT BID PRICE: \$426,620.00 CHANGE ORDER NO. 1: \$1,185.00 REVISED CONTRACT PRICE INCLUDING CHANGE ORDER NO. 1: \$427,805.00
APPROVAL RECOMMENDED:  Hatch Mott MacDonald _____ Date <u>6/28/11</u>	
APPROVED: _____ Owner _____ Date _____	

**GCN
II
Contracting Co., Inc.**

395A MILLSTONE ROAD, CLARKSBURG, NEW JERSEY 08510-1520

GENERAL CONTRACTING • MASONRY RESTORATION • CARPENTRY • ROOFING

June 24th, 2011

Christopher Klammer
Sr. Project Manager
Hatch Mott MacDonald

Re: Roof Replacement and related work at the recreation Center
Township of Lower, N.J.

As per your request of June 20th, 2011 the credits and additional charges will be as follows.

1. Credit for the removal and replacement of one course of Brick. See SK-1. It is only necessary to remove and replace two courses.

Brick was previously approved and ordered and paid for, therefore the credit is based on Labor for the installation of one course which is 135 brick x \$6.00 per = \$810.00

2. Provide credit for mortar net. There is no cavity

90' x \$2.00 per Ft. = \$180.00

3. Provide a proposal for the cleaning (power washing) of the existing brick walls and the installation of a sealer on the brick and mortar.

a. Provide Prosoco Sure Klean Weather Seal Siloxane PD.

1,450 Sq. x \$1.50 per Sq. Ft. = \$2,175.00

Please: Note that on your revised detail sketch SK-1 that Versico requires a wood surface be installed on the 8" rise against the brick that being Plywood. They will not accept their product to be glued to a Brick surface. There will be no additional cost for the installation of said material.

Upon acceptance of credits and or additional charges, please provide change order.

If you have any questions regarding the above please do not hesitate to call.



Frank V. Knight Senior Project Manager



Hatch Mott
MacDonald

June 20, 2011

Gen II Contracting Co., Inc.
395A Millstone Road
Clarksburg, NJ 08510-1520
Attn: Frank Knight

E-Mail
609-208-1676
HMM No: 287096NB99

Re: Roof Replacement and Related Work at the Recreation Center
Township of Lower, NJ

Dear Frank:

After visiting the site and seeing the actual location of the back-up CMU mortar joint and the lack of a cavity between the CMU and brick please provide a proposal to perform the following work as shown in the attached sketch SK-1 and as described below:

1. Provide a credit for the removal and replacement of one course of brick. See SK-1. It is only necessary to remove and replace two courses.
2. Provide a credit for the installation of the mortar net. There is no cavity.
3. Provide a proposal for the cleaning (powerwashing) of the existing brick walls and the installation of a sealer on the brick and the mortar.
 - a. Provide Prosoco Sure Klean Weather Seal Siloxane PD.

Very truly yours,
Hatch Mott MacDonald

Christopher Klammer,
Sr. Project Manager

Enc.

07-00-00 Thermal & Moisture Protection
1919 17th Street, Suite 100
Channahon, IL 61018

→SURE KLEAN→ Weather Seal Siloxane PD

long-lasting, prediluted water repellent

DESCRIPTION AND USE

Sure Klean® Weather Seal Siloxane PD (predilute) is a ready-to-use, water-based silane/siloxane water repellent for concrete and most masonry and stucco surfaces. Siloxane PD will not impair the natural breathing characteristics of treated surfaces. It helps masonry resist cracking, spalling, staining and other damage related to water intrusion. Low odor and alkaline stable, Siloxane PD is ideal for field and in-plant application.

PERFORMANCE TESTS

Laboratory testing shows Siloxane PD to be a highly effective general-purpose water repellent.

ASTM E 514 Standard Test Method for Water Penetration and Leakage Through Masonry (compared to untreated control) 100%

ASTM E 96 Water Vapor Transmission (retention compared to untreated control) ... 91%

ASTM C 97 Reduction of Water Absorption (compared to untreated control) 89%

Rilem II.4 Tube Test
5.0 milliliter tube..... 0 ml loss

Surface Deterioration/DiscolorationNone

Resistance To

- SunlightExcellent
- AlkalinityExcellent

Surface Appearance

(after application)..... No change

SPECIFICATIONS

For all PROSOCO product specifications visit www.prosoco.com and click on "SpecBuilder" or "Solution Finder."

ADVANTAGES

- Penetrates deeply for long-lasting protection on vertical or horizontal surfaces.
- Service life is estimated at more than 10 years.
- Treated surfaces "breathe" -- does not trap moisture.
- Water-based formula minimizes explosion and fire hazards compared to solvent-based water repellents.
- Easy cleanup with Enviro Klean® 2010 All Surface Cleaner.
- Low odor for safer application to occupied buildings.
- Alkaline stable -- suitable for new "green" concrete, 14-28 days old.
- Ready-to-use product. No on-site dilution required.
- Complies with all known national, state and district AIM VOC regulations.

Limitations

- Will not keep water out of cracks, defects or open joints.
- Not recommended for below-grade application.
- Not suitable for application to synthetic resin paints, gypsum, or other non masonry surfaces.

REGULATORY COMPLIANCE

VOC Compliance

Sure Klean® Weather Seal Siloxane PD is compliant with the following national, state and district regulations:

- US Environmental Protection Agency
- California Air Resources Board SCM Districts
- South Coast Air Quality Management District
- Maricopa County, AZ
- Northeast Ozone Transport Commission

TYPICAL TECHNICAL DATA

FORM	white milky liquid
SPECIFIC GRAVITY	0.996
pH	4-5
WT/GAL	8.29 lbs
ACTIVE CONTENT	7%
TOTAL SOLIDS	4% ASTM D 5095
VOC CONTENT	<600 g/l <120 g/l low solids
FLASH POINT	>212° F (>100° C) ASTM D 3278
FREEZE POINT	32° F (0° C)
SHIELD LIFE	1 year in tightly sealed, unopened container

►SURE KLEAN► Weather Seal

Siloxane PD

PRODUCT DATA SHEET
PROSOCO
 SINCE 1939

PREPARATION

Protect people, vehicles, property, plants, windows and all non masonry surfaces from product, splash, residue, fumes and wind drift. Protect and/or divert foot and auto traffic.

Thoroughly clean the surface using the appropriate Sure Klean® or Enviro Klean® product. Clean newly constructed and repointed surfaces before application. Siloxane PD won't impair adhesion of most sealing and caulking compounds. Always test for compatibility.

Though Siloxane PD may be applied to slightly damp surfaces, best performance is achieved on clean, visibly dry and absorbent surfaces.

Excessive moisture inhibits penetration, reducing the service life and performance of the treatment.

Protect window glass before use. Sure Klean® Strippable Masking is effective protection for use with this product. If protecting windows is impractical, follow these steps:

1. Clean window glass thoroughly before application to nearby concrete or masonry.
2. Don't use in wind or when air or surface temperatures are hotter than 95°F (35°C).
3. Try to keep Siloxane PD off the glass.
4. After treated surfaces have been protected from water for 6 hours, if product is on window glass, clean as soon as possible with soap and warm water. Alternatively use Enviro Klean® 2010 All Surface Cleaner to remove dried residues within 3-5 days.

Surface and Air Temperatures

Best surface and air temperatures are 40-95°F (4-35°C) during use and for 8 hours after. If freezing conditions exist before application, let masonry thaw. The water carrier may freeze at low temperatures or evaporate in high temperatures. Both conditions impair penetration and results. Cleanup is more difficult from surfaces hotter than 95°F (35°C).

Equipment

Apply with brush, roller or low-pressure spray (<50 psi). Fan tips are recommended for sprayers. Avoid atomization of material.

ALWAYS TEST

ALWAYS TEST a small area of each surface to confirm suitability and desired results before starting overall application. Test with the same equipment, recommended surface preparation and application procedures planned for general application.

Storage and Handling

Store in a cool, dry place. Always seal container after dispensing. Do not alter or mix with other chemicals. Published shelf life assumes upright storage of factory-sealed containers in a dry place. Maintain temperature of 45-100°F (7-38°C). Keep from freezing. Do not double stack pallets. Dispose of unused product and container in accordance with local, state and federal regulations.

APPLICATION

Before use, read "Preparation" and "Safety Information."

ALWAYS TEST each type of surface before overall application for suitability and results. Test using the following application instructions. Let test area dry thoroughly before inspection.

Dilution

Do not dilute or alter.

Vertical Application Instructions

For best results, apply "wet-on-wet" to a visibly dry and absorbent surface.

Spray: Saturate from the bottom up, creating a 4-8" (15-20 cm) rundown below the spray contact point. Let the first application penetrate for 5-10 minutes. Resaturate. Less will be needed for the second application.

Brush or roller: Saturate uniformly. Let penetrate for 5-10 minutes. Brush out heavy runs and drips that don't penetrate.

Recommended for these substrates. Always test. Coverage is in sq.ft./m. per gallon.			
Substrate	Type	Use?	Coverage
Architectural Concrete Block*	Burnished Smooth	no	N/A
	Split-faced	no	
	Ribbed	no	
		no	
Concrete	Brick*	yes	150-200 sq.ft. 14-19 sq.m.
	Tile	yes	
	Precast Panels*	yes	
	Pavers	yes	
	Cast-in-place*	yes	
Fired Clay	Brick	yes	50-175 sq.ft. 5-16 sq.m.
	Tile	yes	
	Terra Cotta	yes	
	Pavers	yes	
Marble, Travertine, Limestone	Polished	no	N/A
	Unpolished	no	N/A
Granite	Polished	no	N/A
	Unpolished*	no	N/A
Sandstone	Unpolished	yes	75-125 sq.ft. 7-12 sq.m.
Slate	Unpolished*	no	N/A

*Sure Klean® Custom Masonry Sealer is a more appropriate product.
 *See specific Dense Surface Application Instructions.
 *Stand Off® SLX100® or Sure Klean® Weather Seal SL100 may be a more appropriate product.
 Always test to ensure desired results.
 Coverage estimates depend on surface texture and porosity.

►SURE-KLEAN► Weather Seal Siloxane PD

PRODUCT DATA SHEET
PROSOCO
SINCE 1939

Horizontal Application Instructions

Saturate in a single application. Use enough to keep the surface wet for 2-3 minutes before penetration. Broom out puddles until they soak in.

Dense Surface Application Instructions

Apply a single coat. Use enough to completely wet the surface without creating drips, puddles or rundown. Do not over apply. Test for application rate.

Drying Time

Treated surfaces dry to touch in 1 hour. Protect surfaces from rainfall for 6 hours following treatment. Protect from foot and vehicle traffic until visibly dry. Siloxane PD gains its water-repellency properties in 72 hours.

Cleanup

Clean tools, equipment, and over spray with soap and warm water.

Paint Adhesion

Always test to make sure paint sticks to treated surfaces. Improve adhesion before painting by pressure water-rinsing the treated surface, then letting it dry.

Some cementitious coatings, plaster, stucco, etc., may not adhere well to treated surfaces. Install them first and let them thoroughly cure before application. Always test to verify compatibility between Siloxane PD and other proposed surface treatments.

SAFETY INFORMATION

Sure Klean® Weather Seal Siloxane PD is a water carried product. Use appropriate safety equipment and job site controls during application and handling. Read the full label and MSDS for precautionary instructions before use.

First Aid

Ingestion: Call a physician, emergency room or poison control center immediately for instruction on properly inducing vomiting. Get medical assistance.

Eye Contact: Rinse thoroughly for 15 minutes. Get immediate medical assistance.

Skin Contact: Remove contaminated clothing and rinse thoroughly for 15 minutes. Seek medical assistance if persistent irritation develops. Launder contaminated clothing before reuse.

Inhalation: Seek medical attention if irritation develops.

24 Hour Emergency Information:
INFOTRAC at 800-535-5053

BEST PRACTICES

Surface should be clean, dry and absorbent before application.

Cleaned soiled surfaces with the appropriate Sure Klean® or Enviro Klean® cleaner before application. Call Customer Care toll-free at 800-255-4255 for recommendations.

Preferred method of application is low-pressure spray equipment. Fan spray tips are recommended. Avoid atomizing the material.

Protect treated surfaces from rain for 6 hours following treatment.

ALWAYS TEST for best coverage rates and to confirm results before overall application. Test using the application instructions included herein. Let the test area dry thoroughly before inspection.

Never go it alone. If you have problems or questions, contact your local PROSOCO distributor or field representative. Or call PROSOCO technical Customer Care, toll-free at 800-255-4255.

►SURE-KLEAN► Weather Seal Siloxane PD

PRODUCT DATA SHEET
PROSOCO
SINCE 1939

WARRANTY

The information and recommendations made are based on our own research and the research of others, and are believed to be accurate. However, no guarantee of their accuracy is made because we cannot cover every possible application of our products, nor anticipate every variation encountered in masonry surfaces, job conditions and methods used. The purchasers shall make their own tests to determine the suitability of such products for a particular purpose.

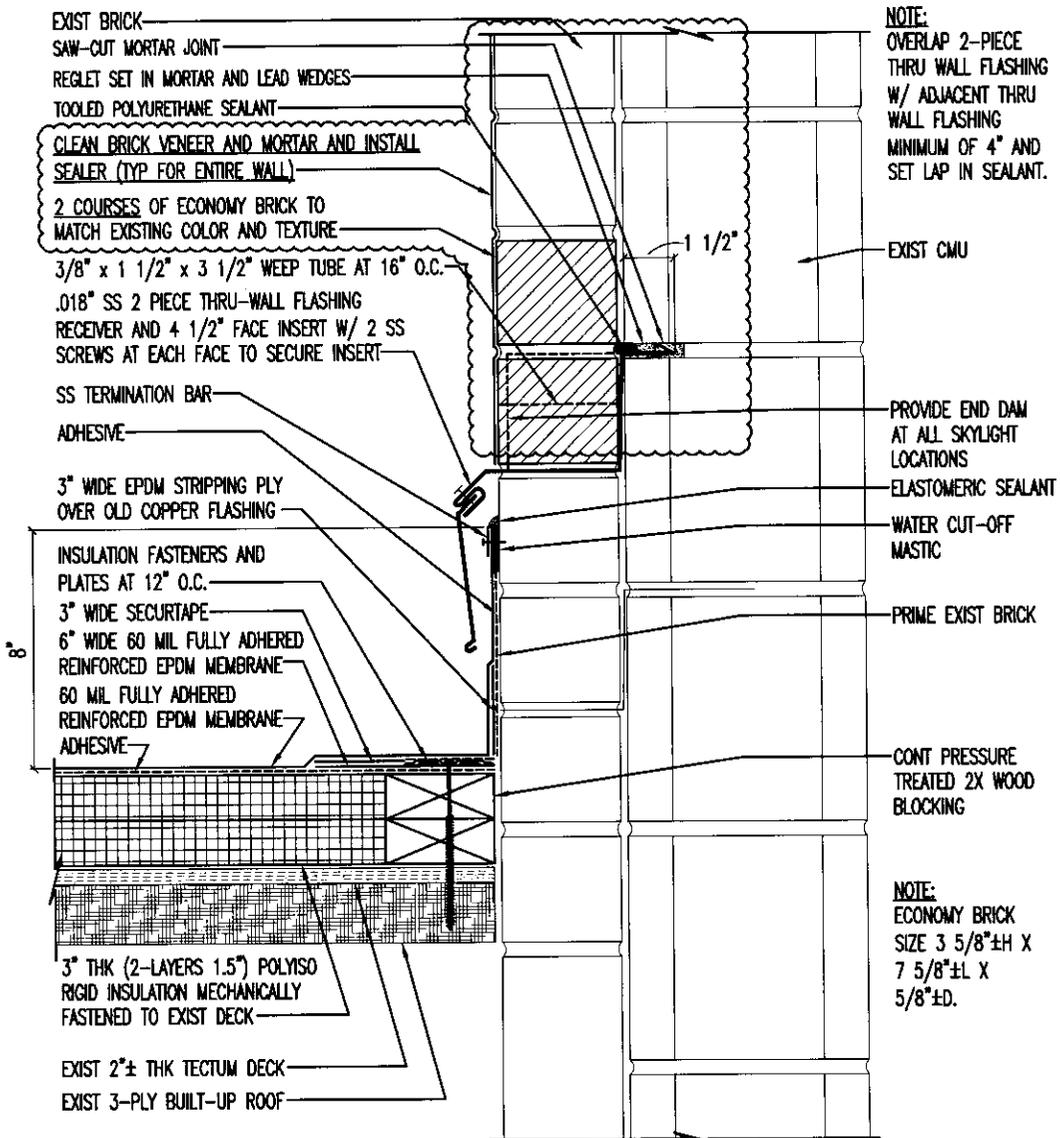
PROSOCO, Inc. warrants this product to be free from defects. Where permitted by law, PROSOCO makes no other warranties with respect to this product, express or implied, including without limitation the implied warranties of merchantability or fitness for

particular purpose. The purchaser shall be responsible to make his own tests to determine the suitability of this product for his particular purpose. PROSOCO's liability shall be limited in all events to supplying sufficient product to re-treat the specific areas to which defective product has been applied. Acceptance and use of this product absolves PROSOCO from any other liability, from whatever source, including liability for incidental, consequential or resultant damages whether due to breach of warranty, negligence or strict liability. This warranty may not be modified or extended by representatives of PROSOCO, its distributors or dealers.

CUSTOMER CARE

Factory personnel are available for product, environment and job-safety assistance with no obligation. Call 800-255-4255 and ask for Customer Care - technical support.

Factory-trained representatives are established in principal cities throughout the continental United States. Call Customer Care at 800-255-4255, or visit our web site at www.prosoco.com, for the name of the Sure Klean® Weather Seal representative in your area.



BASE FLASHING DETAIL

SCALE: 3" = 1'-0"

6
 A2 A3



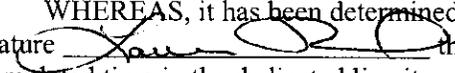
REVISED BASE FLASHING DETAIL 6/A2/A3

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011-191**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Edward Donohue in the amount of \$ 100,729.80 is authorized and chargeable to the Reserve for Accumulated Absences.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the funds shall be disbursed in two payments: \$51,500.00 in July, 2011 and \$49, 229.80 in January, 2012.

I hereby certify the foregoing to be a resolution adopted by the Township Council on _____.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 2011

EMPLOYEE:	Donohue, Edward
DATE OF RESIGNATION:	6/30/2011
DATE OF PAYMENT:	
RESOLUTION #:	2011-191

Annual Salary:	\$118,674.20
Longevity 10%	\$11,867.42
Hourly Rate:	\$62.76
College Credits :	

SALARY:		
Salary due to	6/30/2011	\$67,279.13
Salary paid through	6/25/2011	\$65,281.00
Balance due		\$1,998.13

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	62.76	0.00
Personal	8.00	62.76	502.08
Sick	1,440.00	62.76	90,374.40
Vacation	101.00	62.76	6,338.76
Holidays	56.00	62.76	3,514.56
Terminal Leave Payout			\$100,729.80
Total Payout			\$102,727.93

Payments:		
ICMA	7/7/2011	\$26,500.00
Payroll	7/7/2011	\$25,000.00
ICMA	1/12/2012	\$25,000.00
Payroll	1/12/2012	\$24,229.80

	(A)	(B)	(C)	(B * C)	(E)	A + D - E
	Carryover	Annual Accrual	26 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp				0.00		0.00
Personal		48.00	0.50	24.00	16.00	8.00
Sick	2,465.00	128.00	0.50	64.00	138.00	1,440.00
Vacation	69.00	200.00	0.50	100.00	68.00	101.00
Holidays				56.00		56.00
Total	2,534.00	376.00		188.00	222.00	1,605.00

1440 Max

Accrual and time used are current to _____ subject to change if time is used or not currently reported.

Employee Signature: _____
 Date: _____

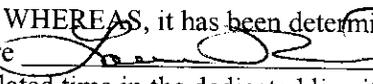
Treasurer's Signature: _____
 Date: _____

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY
RESOLUTION # 2011-192**

Title: Authorizing Pay Out of Terminal Leave

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick and compensatory and personal time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by signature  that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to Dorothy Crawford in the amount of \$ 1,510.11 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be a resolution adopted by the Township Council on _____.

Claudia R. Kammer, RMC, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
INTRODUCED					
SECONDED					
AYE					
NAY					
ABSTAIN					
ABSENT					

TOWNSHIP OF LOWER
RESIGNATION PAYOUT ANALYSIS
DATE:

EMPLOYEE: Crawford, Dorothy
DATE OF RESIGNATION: 6/30/2011
DATE OF PAYMENT:
RESOLUTION NO. 2011-192

Annual Salary:	\$44,712.26	26 Weeks 4 days
Longevity	\$2,400.00	
Hourly Rate:	\$21.50	

SALARY:	weeks	26
Salary due to	6/30/2011	\$23,044.01
Longevity Due		\$1,843.52
Salary paid through	6/25/2011	\$23,739.11
Balance due		\$1,148.42

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	9.50	21.50	204.21
Personal	21.00	21.50	451.42
Sick	17.00	21.50	365.44
Vacation	(55.25)	21.50	(1,187.67)
guar OT	52.00	32.24	1,676.71
Terminal Leave Payout			\$1,510.11
Final pay			\$2,658.54

	(A)	(B)	(C)	(B * C)	(E)	A + D - E
	Carryover	Annual	26 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	9.50			0.00		9.50
Personal	5.00	32.00	0.50	16.00		21.00
Sick	12.00	120.00	0.50	60.00	55.00	17.00
Vacation	300.75	200.00	0.50	100.00	504.00	(103.25)
Holidays		48.00		48.00		48.00
Total	327.25	400.00		176.00	559.00	(7.75)

Accrual and time used are current to ___ subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

Date: _____

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

RESOLUTION #2011-193

TITLE: RENEWAL OF LIQUOR LICENSE FOR CAPE MAY TWO BROTHERS INC.

WHEREAS, application has been made by Cape May Two Brothers, Inc. for renewal of Plenary Retail Consumption Licenses, heretofore granted by this issuing authority; and,

WHEREAS, all things required to be done by the said applicant has been done, including the payment of the required fees and all laws and regulations for the control of alcoholic beverages and,

WHEREAS, no written objections to the renewal have been received, and the applicant has now received their Tax Clearance Certificate, and

WHEREAS, this governing body is of the opinion that said applications should be granted and license issued,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council, the Municipal Issuing Authority, that the license be issued to the person, firms and/or corporations named below for the period of one year commencing July 1, 2011 through June 30, 2012.

#0505-33-004-004

**Cape May Two Brothers, Inc.
1215 Route 109
Lower Township, NJ 08204
t/a Captain's Cove & Mayer's**

\$2000.00

I hereby certify this is the original resolution adopted by the Township Council at the meeting of July 6, 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 #2011-194

Title: PUBLIC FACILITIES GRANT APPLICATION FOR \$500,000, VARIOUS ADA IMPROVEMENTS

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Small Cities CDGB Public Facilities Program for approximately \$500,000 to carry out a project to improve community facilities to comply with ADA; and

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

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

Michael E. Beck, Mayor

Michael J. Voll, Township Manager

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2011-195

TITLE: AUTHORIZING A PROFESSIONAL CONTRACT WITH BLAUER ASSOCIATES INC.

WHEREAS, N.J.S.A. 40A:11-3 authorizes the award of any contract without competitive bidding for any purchase, work or service that does not exceed in the fiscal year the total sum of Seventeen Thousand Five Hundred (\$17,500) Dollars.

WHEREAS, the Township is desirous of entering into a contract with Blauer Associates, Inc. for application and administration, if needed, of a Small Cities CDBG, and

WHEREAS, the contract amount for the grant application for 2012 is One Thousand Five Hundred (\$1500.00) and the amount for the administration, if needed, is Sixteen Thousand Dollars (\$16,000) and funds are available as evidenced by the Chief Financial Officer's Certification & signature as follows:

C-04-55-393-301 - Ord. #2008-15

Budget Account



Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign the contract agreement for the year 2011.

I hereby certify that the foregoing resolution was adopted by the Township Council at the meeting of July 6, 2011.

Claudia R. Kammer, Twp. Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

AGREEMENT

BETWEEN

TOWNSHIP OF LOWER, NEW JERSEY

AND

MARK BLAUER, DBA BLAUER ASSOCIATES

This agreement entered into this _____ day of _____ 2011, by and between the Township of Lower, New Jersey, hereinafter called the "Municipality" and Mark Blauer, an individual doing business as Blauer Associates, hereinafter called the "Service Provider".

Whereas, the Municipality desires to engage the Service Provider to assist the Municipality in developing an application for assistance under the Program Year 2012 New Jersey Small Cities Community Development Block Grant (CDBG) program and in administering such project, the following shall apply;

ARTICLE I: SCOPE OF SERVICES

Section A - Activities Prior to Application Submission

The Service Provider will assist the Municipality in conducting an analysis of local needs to determine which of several funds the Municipality should address its application. The analysis will seek to examine the Municipality's relative strengths and weaknesses under the review criteria which have been developed and made public as a document entitled "Final Statement For New Jersey's Administration of the Small Cities Community Development Block Grant Program". Based upon this analysis, the Service Provider will make its recommendations to the Municipality as to the type of application it should submit.

Section B - Application Services

Based upon the results of Section A of Article I above, the Service Provider will prepare the required application for funds from the state's Public Facilities Fund, in cooperation with the appropriate Municipal staff or its assigns, in accordance with the State's Program Year 2012 Application Guide.

Section C - Post Approval Advisory and Monitoring
Administrative Assistance

The Service Provider will perform the following services, contingent only upon the approval of the Small Cities Program application by the Department of Community Affairs.

Item 1 - Environmental Review Record

The Service Provider will conduct an Environmental Assessment process necessary to comply with the National Environmental Policy Act (NEPA).

Such services will include:

- a. Researching local environmental conditions with respect to the CDBG project;
- b. Conducting an Environmental Impact Assessment in accordance with regulations implementing NEPA established by HUD or DCA, as appropriate;
- c. Discussing possible project modifications, where appropriate, with the Municipality so as to minimize potentially adverse environmental impacts;
- d. Making the appropriate level of clearance finding;
- e. Preparing the written Environmental Review Record to document the level of clearance finding;
- f. Where the level of clearance finding does not require an Environmental Impact Statement, the Service Provider may prepare newspaper notices and HUD "Request for Release of Funds and Certification Form" and assist in the publication and distribution of same;
- g. Environmental review services do not include completion of Environmental Impact Statements as may be required by NEPA or by State regulations such as those of CAFRA.

Item 2 - Accounting System

The Service Provider will assist in establishing an accounting system in accordance with Federal and State standards.

Item 3 - Construction Contractor Selection and Labor Standards Compliance (applicable to Public Facilities Fund projects):

The Service Provider will assist the Municipality in the following areas:

- a. Assistance in coordination activity with the local engineer for preparation of bid specifications;

- b. Assistance in examining the proposed bid specifications to determine that language complies with all required Federal and State statutes;
- c. Assistance in preparing and publishing the proper legal advertising;
- d. Assistance in securing DCA approval of selected contractor(s);
- e. Assistance in the arranging and conducting of preconstruction conferences including preparation of preconstruction minutes;
- f. Assistance securing labor standards and equal opportunity documentation from contractor(s);
- g. Assistance in maintaining construction records including the following:
 - I. Contractors Certification with respect to Davis-Bacon, Equal Opportunity, and other Federal Statutory requirements;
 - ii. Payroll Compliance forms;
 - iii. Employee Interview forms;
 - iv. Copies of inspection reports from the Construction Inspector;
 - v. Labor Officer Reports;
 - vi. Correspondence with respect to violation of standards.
- h. As required, supply the Municipality with appropriate labor standards and equal opportunity forms, posters, etc.
- I. Assistance in monitoring the compliance of contractors with respect to the following:
 - I. Davis-Bacon Act;
 - ii. Contract Work Hours and Safety Standards Act;
 - iii. Copeland Act;
 - iv. Section 3 of the Housing and Urban Development Act of 1968;
 - v. Executive Order 11246.

Item 4 - Professional Contractor Selection

The Service Provider will assist the Municipality in the selection of professional service contractors in accordance with OMB Circular A-102, Attachment "O".

Item 7 - Assistance in Performance Reporting

The Service Provider will assist the Municipality in the research for and preparation of grant performance reports as may be required by the Department of HUD or DCA. These reports will include but are not limited to the following:

- Monthly Fiscal Monitoring Report
- Monthly Program Progress Report
- Monthly Matching Funds Report
- Monthly Contract and Subcontract Activity Report
- Monthly Fiscal Monitoring Report/Payment Voucher

Item 8 - DCA Monitoring Sessions

The Service Provider will assist the Municipality at monitoring visits and attend meetings with DCA staff at Trenton as necessary.

Item 9 - Grant Close-out Procedures

The Service Provider will coordinate the Activity necessary to accomplish the audit upon completion of the project and also prepare the necessary project completion forms.

ARTICLE II: PAYMENT FOR ARTICLE I SERVICES

The Municipality agrees to pay the Service Provider a fee of \$1,500.00 for Article I, Section A and B services. Such fee is due upon execution of this agreement.

Services under Article I, Section C shall be compensated upon the basis of invoices submitted monthly describing the services performed and the hourly rate and number of hours taken to perform the service. Invoices will list an hourly fee of \$100.00 for professional time.

It is understood and agreed that total compensation for Article I, Section C services shall not exceed \$16,000.00 per approved DCA grant project.

ARTICLE III: TERM OF SERVICE

The termination date of this agreement will coincide with the Department of Community Affairs's grant agreement with the Municipality ending date or March 31, 2014, whichever date is later.

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

RESOLUTION #2011-196

TITLE: AUTHORIZATION FOR REFUND OF TAXES

WHEREAS, the Township Tax Collector has certified an overpayment due to the reasons listed below:
and

WHEREAS, a refund has been requested.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer be and the same is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
709	8 C-104	CITIMORTGAGE	PAID TWICE	\$1,394.11

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on July 1, 2011.

Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
a) <u>Police Department:</u>			
1) The acquisition of various equipment, consisting of a night vision/thermal imager, holster, M-4 rifle and shotgun vehicle mounts, safety cones and automated external defibrillators, including all related costs and expenditures incidental thereto.	\$31,700	\$28,818	5 years
2) The acquisition of desk top computers and a computer server/system solution, including all related costs and expenditures incidental thereto.	\$39,000	\$35,455	5 years
3) The acquisition of a digital phone/radio recording device and a police channel 2 repeater and upgrades to the radio repeater and radio reprogramming, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$43,600	\$39,636	10 years
4) The acquisition of a 4 wheel drive vehicle, including all related costs and expenditures incidental thereto.	\$39,500	\$35,909	5 years
b) <u>Department of Public Works:</u>			
1) The acquisition and installation of a vinyl fence, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.	\$17,000	\$15,455	15 years
2) The acquisition of a snow plow for tri-axle pickup truck and a single axle dump truck with plow, including all related costs and expenditures incidental thereto.	\$119,500	\$108,636	5 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
c) Recreation Department:			
1) Sandblast and repaint Township pool, recreation building upgrades, fencing for blacktop area at Rec Center, and the installation of rubber mulch and rubber curbs for Rotary Park, adjustable side basketball backboards at Rec Center and a safety cover, including all work and materials necessary therefor and incidental thereto.	\$118,700	\$107,909	15 years
2) The acquisition of the ID card system and computer software for Rec Center, including all related costs and expenditures incidental thereto.	\$2,800	\$2,545	5 years
d) Building and Grounds Department:			
The replacement of the oil burning generator to natural gas, including all work and materials necessary therefor and incidental thereto.	<u>\$28,200</u>	<u>\$25,637</u>	15 years
TOTALS		<u>\$400,000</u>	
	<u>\$440,000</u>		

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date

Section 8. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael Beck, Mayor

1st 5/6
2nd 5/16 Table
2nd 4/20 - Rev
Final 7/6

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

ORDINANCE #2011-11

AN ORDINANCE AUTHORIZING EXECUTION OF A LEASE OF CERTAIN PROPERTY FOR USE BY THE LOWER TOWNSHIP RESCUE SQUAD IN CONNECTION WITH PROVIDING EMERGENCY FIRST AID SERVICES TO THE TOWNSHIP OF LOWER

Section 1. In accordance with N.J.S.A. 40A:2-14, this special ordinance is introduced to be adopted for the purpose of extending and creating a new lease term for the Lower Township Rescue Squad the use of certain Township property in connection with providing emergency first aid service to the citizens of the Township of Lower.

Section 2. The aforementioned lease has been revised and is on file with the Township Clerk and is hereby incorporated herein by reference. As required by N.J.S.A. 40A:2-14, the following requirements/information shall pertain in addition to the terms within the lease:

- a. The Lower Township Rescue Squad shall be the Lessee and is a nonprofit entity formed for a public purpose;
 - b. Consideration for the lease shall be the provision of emergency first aid services to the Township of Lower as well as \$1.00 per year as set forth in the lease;
 - c. The lease serves the important public service of providing volunteer rescue squad services to the citizens of the Township of Lower;
 - d. The entire citizenry and visitors to the Township benefit from the granting of this lease to the Rescue Squad;
 - e. The term of the lease is ten years and the Township Official responsible for administration of the lease terms shall be the Township Manager;
 - f. The Lower Township Rescue Squad shall report annully as required by N.J.S.A. 40A:12-14 to the Township Manage as to the status of the Lower Township Rescue Squad and its use of the facilities of the Township.
- Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. Upon final adoption and approval of this Ordinance, the Mayor and Clerk shall be and hereby are authorized and directed to execute the aforementioned lease on behalf of the Township of Lower for the purposes aforesaid.

Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 5. This Ordinance shall take effect after final passage and publication as provided by law.

Thomas Conrad, Councilmember

Erik Simonsen, Councilmember

Glenn Douglass, Councilmember

Kevin Lare, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Claudia R. Kammer, Township Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT, made on this 6th day of July, 2011, between the Township of Lower, a municipal corporation of the State of New Jersey, located in the County of Cape May, (herein referred to as "Lessor"), and The Lower Township Rescue Squad, Inc., a non-profit corporation organized and existing under the laws of the State of New Jersey, (herein referred to as "Lessee").

WITNESSETH:

WHEREAS, Lessor currently leases certain premises in the Cape May County Airport complex known as the "Public Safety Building", which has a section therein designated for the use of the provider of emergency medical services in Lower Township;

WHEREAS, Lessor, pursuant to Resolution No. 2011-43 has recognized and designated Lessee as the sole provider of emergency medical services to residents and visitors to Lower Township, subject to those terms and conditions set forth in such Resolution ("Emergency Medical Services");

WHEREAS, Lessor desires to lease a portion of the Public Safety Building, as more specifically set forth on Exhibit A attached hereto, for the purposes of providing the Emergency Medical Services set forth in the Resolution (the "Facilities"); and

WHEREAS, in consideration for its use of the Facilities, the Rescue Squad has agreed to continue to perform the Emergency Medical Services as set forth in the Resolution.

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference, and the consideration of the mutual covenants contained herein, the parties hereto, intending to be legally bound, hereby agree as follows:

SECTION 1

LEASE FACILITIES

Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the Facilities subject to the terms and conditions set forth below.

SECTION 2

TERMS

The terms of this Lease shall be for a period of ten (10) years commencing on the date a certificate of occupancy is issued for the Facilities. Provided that Lessee is not in default of the terms of this Lease, Lessee may renew this Lease for an additional ten (10) years by providing written notice to Lessor not later than six (6) months prior to the expiration of the original term hereof. Notwithstanding the above, the term of this Lease shall terminate automatically, and without further notice, at such that Lessee is no longer designated by Lessor as the provider of Emergency Medical Services. In such case, Lessor shall have sixty (60) days to vacate the Facilities; provided, however, that if Lessee shall, for any reason cease performing the Emergency Medical Services in Lower Township during such sixty (60) day period, Lessee shall vacate the Facilities immediately. **Additionally, upon eighteen (18) months written notice to Lessee, Lessor may terminate the lease in the event that Lessor will no longer utilize the property that is the subject of this lease in connection with provision of public safety services.**

SECTION 3

CONSIDERATION

Lessee shall pay Lessor for the use of the Facilities the amount of One (\$1.00) Dollar per year for the entire term of this Lease, payable on the first day of the first month after the

Lessee will accept the Facilities in the condition made available by Lessor including, without limitation, condition of the interior surfaces, exterior walls, and flooring; provided, however, that a certificate of occupancy is duly issued.

SECTION 7

LESSOR'S RIGHT OF ENTRY

Lessor or Lessor's agent may enter the Facilities at reasonable hours to examine the same, and to do anything that Lessor may be required to do hereunder or which Lessor may deem necessary for the good of the Facilities or any building of which they are a part including, without limitation, the maintenance and cleaning of the Facilities as set forth below or showing it to prospective tenants in the event this Lease may terminate. Lessee may designate certain offices that it will secure and maintain for the purposes of protecting patient confidentiality. Such areas will not be accessible to Lessor without twenty-four (24) hours prior notice, except in the case of emergencies.

SECTION 8

MAINTENANCE AND REPAIR BY LESSOR

Lessor shall take good care of the Facilities and the equipment and fixtures therein and shall keep the same in good working order and condition, including particularly the protection of water pipes, electrical systems, heating and air conditioning equipment, plumbing, fixtures, appliances, and utility lines and systems.

All building repairs, alterations, additions, improvements, installation, equipment and fixtures, by whomsoever installed or erected (except such business trade fixtures belonging to Lessee as can be removed without damage to or leaving incomplete the premises or building) shall belong to Lessor and remain on and be surrendered with the Facilities as a part thereof,

at the expiration of this Lease or any extension thereof. At the expiration of the term, Lessee shall surrender the Facilities broom clean, in as good condition as the reasonable use thereof will permit. Notwithstanding the above, any equipment, installation or improvement to the Facilities made by Lessee during the term of this Lease shall remain the property of the Lessee; provided, however, that the Lessee removes such equipment, installation or improvement upon the expiration of this Lease and such equipment, installation or improvement can be removed without damage to the Facilities or such Facilities are restored to the condition they were in at the commencement of this Lease, ordinary wear and tear excepted.

Notwithstanding the term of this Section 8, Lessee shall exercise reasonable care in keeping the Facilities in good repair, and in the event any damage to the Facilities is caused by the willful, reckless or negligent acts or omissions of Lessee, Lessee shall be responsible for the repairs.

SECTION 9

UTILITIES AND SERVICES

Lessor shall furnish and pay for all electricity, gas, water, fuel or any services or utilities used in or assessed against the Facilities, unless otherwise herein expressly provided. Lessor shall further be responsible for the installation of a telephone system selected by Lessee and approved by Lessor in its reasonable discretion; provided, however, that the telephone usage charges shall be paid by Lessee. Lessor shall also be responsible for removal of trash from and general cleaning of the Facilities.

SECTION 10

SIGNS AND ADVERTISEMENTS

Lessee shall not put upon, or permit to be put upon, any part of the Facilities, any signs, billboard, or advertisements whatever, without the prior written approval of Lessor, which may be granted or not granted in its discretion. Lessee shall be permitted to place on the exterior of the Facilities its rescue squad identification sign and emblem.

SECTION 11

INSURANCE

Lessee shall comply with all insurance regulations so that the lowest fire, lightning, explosion, extended coverage and liability insurance rates may be obtained. Nothing shall be done or kept in or on the Facilities by Lessee which will cause an increase in the premiums on the building of which the Facilities are a part, except those items which are necessary in Lessee's reasonable discretion for its operation.

SECTION 12

INDEMNITY AND PUBLIC LIABILITY

Lessee covenants at all times to indemnify and save Lessor harmless from all loss, liability, cost, or damages that may occur or be claimed with respect to any person or property on, in or about the Facilities or to the Facilities itself, resulting from any act done or omission by or through Lessee, its agents, employees, invites, or any person at the Facilities by reason of Lessee's use or occupancy or resulting from Lessee's non-use, or possession of such Facilities

SECTION 13

DAMAGE TO PROPERTY ON FACILITIES

Lessee agrees that all property of every kind and description kept, stored, or placed in or on the Facilities shall be at Lessee's sole risk and hazard and that Lessor shall not be responsible for any loss or damage to any of such property resulting from fire, explosion, water, steam, gas, electricity, or the elements, whether or not originating in the Facilities, caused by or from leaks or defects in or breakdown of plumbing, piping, wiring, heating, or any other facility, equipment, or fixtures or any other cause or act and whether or not resulting from the negligence of Lessor or other tenants of Lessor or anyone for whom Lessor may be responsible. Notwithstanding the above, Lessor shall still be responsible for the maintenance of repairs of the Facilities as required under Section 8 above.

SECTION 14

DAMAGE BY CASUALTY

In case the Facilities shall be destroyed or shall be so damaged by fire or other casualty, as to become untenable, then in such event, at the option of Lessor or Lessee, this Lease shall terminate from the date of such damage or destruction and Lessee shall immediately surrender such Facilities and all interest therein to Lessor, and Lessee shall pay rent only to the time of such surrender. Lessor or Lessee shall exercise such option to terminate this Lease by notice in writing delivered to the other in thirty (30) days after such damage or destruction. In case Lessor and Lessee shall not elect to terminate this Lease in such event, this Lease shall continue in full force and effect and Lessor shall repair the Facilities with all reasonable promptness, placing the same in as good as condition as they were at the time of the damage or destruction and for that purpose may enter such Facilities. In either event, Lessee shall

condemnation award or in any judgment for damages caused by the taking or the change of grade.

SECTION 16

SUBLEASE

Lessee acknowledges that this Lease is a sublease of the Facilities which are being leased by Lessor from the County of Cape May, State of New Jersey ("County") pursuant to a lease agreement dated June, 1993, a copy of which is on file with the Lower Township Clerk's office (the "Master Lease"). The terms of this Lease are therefore subject to and subordinate to the terms of the Master Lease and also subject to the approval, if necessary, of the County or its successor in interest. In the event that any terms of this Lease are inconsistent or conflict with the Master Lease, the terms of the Master Lease shall control. If Lessee violates any provisions of the Master Lease which would cause Lessor to be in default thereof, it shall also be a default by Lessee of this Lease.

SECTION 17

STATUS OF LESSEE

Lessee hereby warrants that it is a validly formed and duly existing New Jersey non-profit corporation, and is in good standing under the laws of the State of New Jersey and is exempt from federal tax under Internal Revenue Code Section 501 (c) (4). If, at any time during the term of this Agreement, the Lessee's corporate charter is revoked or its status as an Internal Revenue Code Section 501 (c)(4) organization is terminated, it shall be deemed a material breach of this Lease entitling Lower Township to terminate this Lease.

Lessee further represents and warrants that it is and covenants that it shall at all times during the term of this Lease remain in full compliance with all applicable federal, state and

local laws with respect to its organization and operating including, without limitation, obtaining all licenses and permits necessary for it to perform the Emergency Services set forth in this Lease.

A violation of this paragraph shall also be deemed a material breach of this Lease entitling the Township to terminate this Lease.

SECTION 18

ASSIGNMENT OR SUBLEASE

Lessee shall not assign, transfer, or encumber this Lease and shall not sublease the Facilities or any part thereof or allow any other person to be in possession thereof without the prior written consent of Lessor, which may be granted or not granted in its discretion.

SECTION 19

SURRENDER AT END OF TERM

At the expiration of the term of this Lease, Lessor or its agent shall have the right to enter and take possession of the Facilities, and Lessee agrees to deliver the same without process of law. Lessee shall be liable to Lessor for any loss or damage, including attorney fees and court costs incurred, as a result of Lessee's failure to comply with this obligation.

SECTION 20

DEFAULT

If default is made in the payment of any installment of rent on the due date thereof, or if Lessee shall default in the performance of any other agreement or provision of this Lease (other than payment of rent or performance of Emergency Medical Services) continuously for fifteen (15) days after written notice thereof, or if the Facilities be vacated or abandoned, then

in any such event this Lease shall terminate, at the option of Lessor, and Lessor may then pursue any rights and remedies available to it at law, in equity, or both.

SECTION 21

WAIVER

The rights and remedies of Lessor and Lessee under this Lease, as well as those provided or accorded by law, shall be cumulative, and none shall be exclusive of any other rights or remedies hereunder or allowed by law. A waiver by Lessor or Lessee of any breach or breaches, default or defaults, of the other party hereunder shall not be deemed or construed to be a continuing waiver of such breach of default nor as a waiver of or permission, expressed or implied, for any subsequent breach or default. It is further agreed that the acceptance by Lessor of any installment of rent, subsequent to the date the same should have been paid hereunder, shall in no manner alter or affect the covenant and obligation of Lessee to pay subsequent installments of rent promptly upon the due date thereof. No receipt of money by Lessor after the termination in any way of this Lease shall reinstate, continue, or extend the term above-demised.

SECTION 22

FILING REQUIREMENTS

In accordance with the provisions of N.J.S.A. 40A:12-14 (c), Lessee shall submit to Lessor, on an annual basis, a report to Lessor's Township Manager, specifically setting forth the use to which the Facilities was put during the preceding year, the activities of Lessee undertaken in furtherance of the public purpose which this Lease is granted, the approximate value or cost, if any, of such activities conducted in furtherance of such purpose, and an affirmation of a continued tax-exempt status pursuant to New Jersey and federal law. In no

event shall Lessee use the Facilities for any commercial, business, trade, manufacturing, wholesaling, retailing or other profit-making purpose.

SECTION 23

ENCUMBRANCES

Any assignment, transfer or conveyance by Lessee of any property rights arising out of this Lease shall not encumber, alienate, diminish, cloud, or impair in any way the title ownership and interests of Lessor in and to such property. Lessee shall promptly pay when due all obligations or indebtedness incurred under or by virtue of this Lease, including but not limited to taxes, labor, services, materials, supplies, utilities, furnishings, machinery, or equipment which may be secured by any mechanic's or materialmen's lien or any other lien against the Facilities leased. This Lease is subject to provisions of the Lessor's charter, ordinances and state statutes prohibiting alienation of title.

SECTION 24

NOTICES

Any notice hereunder shall be sufficient if sent by registered or certified mail, addressed to Lessee at the Facilities, and to Lessor at the Lower Township Municipal Building.

SECTION 25

COVENANTS TO RUN WITH THE FACILITIES

The covenants herein contained shall run with the Facilities hereby let, and shall bind the heirs, executors, administrators, assigns, and successors of Lessor and Lessee respectively. Consent of Lessor to assignment, and acceptance of rent from assignee of Lessee shall not release Lessee from the obligation to pay rent and comply with the other conditions of this Lease.

SECTION 26

ENTIRE AGREEMENT

This Lease contains the entire agreement between the parties, and no modification of this Lease shall be binding upon the parties unless evidenced by an agreement in writing signed by Lessor and Lessee after the date hereof.

SECTION 27

APPROVAL BY CITY COUNCIL

This Lease is not effective until it is approved by ordinance by Lessor's Council.

IN WITNESS WHEREOF, the parties have executed this Lease as of the date and year first above written.

Attest:

TOWNSHIP OF LOWER

Claudia R. Kammer, Township Clerk

By: _____
Michael Beck, Mayor

Attest:

LOWER TOWNSHIP RESCUE SQUAD

(Asst.) Secretary

By: _____, President

	Total	Jan	Feb	Mar	Apr	May
BEG. BAL. JAN. 1, 2011	4,995,207.31	4,995,207.31	4,981,393.59	5,432,925.81	972,424.61	2,815,298.31
RECEIPTS:						
Per Revenue Status	27,445,227.92	5,854,274.77	7,136,855.31	1,168,067.17	5,171,313.02	8,114,717.65
less: post cash surplus	0.00					
Interest due from-						
Dev. Escrow	(244.76)	(78.87)	(56.39)	(79.72)	(29.78)	
Capital	(83.22)	(5.85)	(5.34)	(68.34)	(0.30)	(3.39)
	27,444,899.94	5,854,190.05	7,136,793.58	1,167,919.11	5,171,282.94	8,114,714.26
Transfers:						
Capital	1,050,000.00				1,050,000.00	
Trust	1,000,000.00				1,000,000.00	
Grants Received						
JIF \$ Recd	3,050.00	3,050.00				
OLUA \$ Recd	4,850.00		4,850.00			
Body Armor \$ Recd	4,032.00				4,032.00	
Clean Communities \$ Recd	59,941.40					59,941.40
EMS \$ Recd	5,000.00					5,000.00
TOTAL RECEIPTS:	29,571,773.34	5,857,240.05	7,141,643.58	1,167,919.11	7,225,314.94	8,179,655.66
DISBURSEMENTS:						
2010 Reserves	371,300.49	208,057.93	144,728.45	14,014.56	4,145.36	354.19
2011 Current	27,777,082.17	5,497,057.89	6,298,294.13	5,468,508.38	5,311,791.20	5,201,430.57
2011 Capital	768,695.01	170,864.57	255,875.10	168,200.69	86,322.46	87,432.19
28,917,077.67						
Appropriation Refunds:	(76,462.83)	(4,926.62)	(8,786.32)	(22,303.32)	(19,817.78)	(20,628.79)
TOTAL DISBURSEMENTS	28,840,614.84	5,871,053.77	6,690,111.36	5,628,420.31	5,382,441.24	5,268,588.16
END. BAL. DEC. 31, 2011	5,726,365.81	4,981,393.59	5,432,925.81	972,424.61	2,815,298.31	5,726,365.81
Total Appropriation Refunds	(76,462.83)	(4,926.62)	(8,786.32)	(22,303.32)	(19,817.78)	(20,628.79)

Bank Balance						
Checking		5,729,594.93	6,962,142.73	2,367,365.83	4,275,539.13	5,661,427.16
MBIA		1,060,645.01	6,952.27	6,952.68	6,952.90	6,952.93
Total Bank Balance		6,790,239.94	6,969,095.00	2,374,318.51	4,282,492.03	5,668,380.09
ADD: Deposits in Transit		989,748.32	100,090.83	48,849.63	459,343.55	64,416.93
LESS: Outstanding Checks		(2,798,594.67)	(1,636,260.02)	(1,450,743.53)	(1,926,537.27)	(6,431.21)
Adjusted Bank Balance		4,981,393.59	5,432,925.81	972,424.61	2,815,298.31	5,726,365.81
		0.00	0.00	0.00	0.00	0.00

Untitled

Low Cost spay/neuter for cats & dogs avail. to qualified CMC residents. Cats male or female, Rabies & Distemper incl. ~~\$49~~. Ask about our Dog Programs to qualified residents. Feeding Stray cats, need help with spay/neuter? Call Animal Alliance, 465-6388. qtrn (I

\$ 55

qz Low Cost spay/neuter for cats & dogs avail. to qualified CMC residents. Cats male or female, Rabies & Distemper incl. ~~\$49~~. Ask about our Dog Programs to qualified residents. Feeding Stray cats, need help with spay/neuter? Call Animal Alliance, 465-6388. qrt

\$ 55

_____ (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.

_____ (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 July 6, 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 July 6, 2011.

 Claudia R. Kammer, Township Clerk

	CONRAD	SIMONSEN	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					