PRELIMINARY AGENDA
WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

FEBRUARY 2, 2009 - 7:00 P.M.

A. Meeting called to order.
Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum
Presentation - Cert. of Recognition for Arrow of Light - Steven A. Miller, Jr., Michael J. Downes & Lawrence F. Ruffo, III
Proclamation - Recognizing SPC Robert J. Andrzejczak of Lower Township
Proclamation - National Wear Red Day for Women, February 6, 2009

B. Work Session
Open Government
1. Discussion & review to reestablish Mayor's Advisory Board
2. Determining Information to be available online

Correspondence Review of Lou Ginsberg letter re: request to permit outdoor flea market in CMC Airport
Council Review Consent & Regular Agenda Items
Public Questions Consent Agenda and/or Regular Agenda Items

C. Consent Agenda
Minute Approval January 21, 2009
Res. #2009-53, Payment of Vouchers, $1,375,694.38
Res. #2009-54, A Resolution Requesting Release of Revegetation and Restoration Guarantee for Dune Site Plan: Block 164.02, Lot 1.04
Res. #2009-55, A Resolution Requesting Release of Demolition Bond for Block 582, Lot 16; 605 Scott Avenue, N. Cape May
Res. #2009-56, Resolution Approving A Contract with Delta Dental for Extraordinary Unspecifiable Services (Group Dental Plan for Employees)
Res. #2009-57, Renewal of Limousine License for Great American Trolley Co., Inc. (Annual license)
Res. #2009-58, Approval of Contract with Commerce Risk Control Services to Coordinate Alcohol and Drug Testing Services for the Year 2009 (Mandatory random testing for CDL drivers)
Res. #2009-59, Approval of 2009 Rotary Towing Licenses (Annual licenses for companies used by the Police for emergency towing)
Res. #2009-60, Renewal of Trailer Park Licenses for the Year 2009 (Annual renewal for 4 parks)
Res. #2009-61, Authorization for Vietnam Veterans of America Chapter #602 to Conduct Saturday Flea Markets in 2009
Res. #2009-62, Resolution Authorizing the Award of the Bid for Ten (10) Roll Off Containers (Award to low bidder, Conshohocken Steel, for $44,990),
Res. #2009-63, A Resolution Authorizing an Application to Local Government Energy Audit Program
Ord. #2009-02, An Ordinance Amending Chapter 101, Public Access to Records, of the Code of the Township of Lower, Reducing Photocopying Fees, 1st rdg. (Reduces fee for copies of public records to 15 cents per copy) 2nd rdg. Feb. 18, 2009

D. Regular Agenda
Res. #2009-64, Appointment to the Lower Township MUA (Filling unexp. term of S. Morey ending Feb. 2013)
Res. #2009-65, Final Resolution to Remove Joseph Jackson as Lower Township Manager

E. Administrative Reports
December Report - Municipal Judge
Personnel Action Report

F. Council Comments

G. Call to the Public

H. Closed Session
Res. #2009-66, A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Matters Relating to Employment)

J. Adjournment

PROCLAMATION

"NATIONAL WEAR RED DAY FOR WOMEN"

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death;

WHEREAS, cardiovascular diseases (CVD) claim the lives of close to 460,000 American females (about one death per minute) each year;

WHEREAS, each year 53 percent of all cardiovascular disease deaths occur in females, as compared to 47 percent in men, and nearly 32,500 more females than males die from a stroke;

WHEREAS, in 2008 the estimated direct and indirect cost of cardiovascular diseases and stroke in the U.S. is estimated at $431.8 billion;

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers;

WHEREAS, only 13 percent of women consider cardiovascular disease their greatest health risk;

WHEREAS, February is designated as American Heart Month;

WHEREAS, Go Red For Women is the American Heart Association's national movement to make women aware of their risk for heart disease-the leading cause of death for women-and to empower women to take action to reduce that risk;

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red For Women Heart Check-Up and by talking to their healthcare provider;

NOW, THEREFORE, I Mike Beck, Mayor of Lower Township, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 6, 2009 to be :

"NATIONAL WEAR RED DAY FOR WOMEN"

in Lower Township and urge all citizens to "go red" for the day and wear red on February 6, 2009 to call attention to the magnitude of cardiovascular disease in women, and as a show of support to fight it, as well as in recognition of family, friends and neighbors who have suffered from cardiovascular disease. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the Township of Lower this 2nd day of February 2009.

_____

Michael E. Beck,
Mayor

§ 3-38. Community Standards Review Board. [Amended by Ord. No. 87-14; Ord. No. 2002-19]

There shall be a Community Standards Review Board created pursuant to ordinances of the Township of Lower pertaining thereto. [14] All members of the Community Standards Review Board shall be appointed by the Township Council in accordance with the terms of said ordinances.

§ 3-39. Local Assistance Board. [Amended by Ord. No. 2002-19]

There shall be a Local Assistance Board created pursuant to N.J.S.A. 44:8-114 et seq. and by other ordinances of the Township pertaining thereto.[15] All members of the Local Assistance Board shall be appointed by the Township Manager, upon the approval of the Township Council. The Welfare Director shall be appointed by the Local Assistance Board with his or her salary and term of office established by ordinance.

§ 3-40. Cable Television Advisory Board. [Amended by Ord. No. 87-22; Ord. No. 2002-19]

There shall be a Cable Television Advisory Board which shall consist of seven members and two alternates to be appointed by the Township Council to serve without compensation. The first four new appointees shall serve two-year terms to expire on December 31, 1990. The remaining new appointees shall serve one-year terms to expire on December 1989. All subsequent appointees shall serve two-year terms commencing on January 1. The first appointed alternate shall serve two-year terms terminating December 31, 1990. The remaining alternate shall serve a one-year term expiring December 31, 1989. All subsequent alternates shall serve two-year terms commencing on January 1. Said Board will establish guidelines and make recommendations concerning the cable television franchise application/renewal process, while also reviewing and monitoring any franchise awarded.

§ 3-41. Mayor's Advisory Board. [Amended by Ord. No. 88-20; Ord. No. 89-2; Ord. No. 2002-19]

A. There is hereby created the Mayor's Advisory Board of Lower Township.

B. The Mayor's Advisory Board shall consist of 25 members. The members shall be appointed annually by the Mayor and shall each serve a term of one year commencing January 1, and terminating December 31. The membership shall represent a cross section of the various economic and social groups situate within the Township of Lower. At a minimum, the Mayor's Advisory Board shall include the following:

(1) The Township Manager.

(2) One representative of the Township Police Department having the rank of Lieutenant or higher.

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14. Editor's Note: See § 486-4, Community Standards Review Board.

15. Editor's Note: See Ch. 52, Local Assistance Board.

(3) One representative from the Lower Township School District.

(4) One representative from the Lower Cape May Regional School District.

C. The Chairman shall be appointed annually by the Mayor.

D. All members of the Mayor's Advisory Board shall serve without compensation.

E. The purpose of the Mayor's Advisory Board shall be to provide advice on long-range planning for the future of Lower Township. The Mayor's Advisory Board shall annually give consideration to and make recommendations with regard to the following matters:

(1) What long-range goals should the Township of Lower seek to accomplish during the next 10 years?

(2) How shall the Township of Lower best attain these goals?

F. The Mayor's Advisory Board shall meet as required, but not less than once a month.

G. The Chairman shall have the authority to establish committees to consider specific issues which have been identified by the Mayor's Advisory Board.

H. The Mayor's Advisory Board shall annually deliver to the Mayor a written report delineating its work during the prior year and its responses to the questions set forth in Subsection E above. The report shall be delivered at the first Township meeting in February annually.

I. The Mayor's Advisory Board may annually appoint a Secretary and may utilize the services of the Township Solicitor as required.

J. The Mayor and all members of the Township Council shall be ex officio, nonvoting members of the Mayor's Advisory Board, but shall not be included within the twenty-five-person membership.

ARTICLE VIII
General Provisions

§ 3-42. Conduct upon termination.

Every officer or employee shall, upon termination, deliver forthwith to his successor or, if there be no successor, to the Manager, all monies, papers, books, memoranda, accounts and data pertaining to his office.

§ 3-43. Full-time.

Every officer and employee whose compensation is established on a full-time basis shall devote his entire time during business hours to the duties of his office.

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

ORDINANCE #2009-03

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER, SECTION 3-41, MAYOR'S ADVISORY BOARD

SECTION 1. Chapter 3, Article VII, Office of Nondepartmental Boards, Authorities and Agencies Subsection 3-41,"Mayor's Advisory Board" of the Code of the Township of Lower is hereby amended to read as follows:

3-41 - A through J shall be deleted and replaced with the following:

A. There is hereby created the Mayor's Advisory Board of Lower Township, hereafter known as MAB.

B. The purpose of the MAB shall be to provide advice to the Mayor regarding short and long range planning for the improvement of Lower Township. The MAB shall give consideration to and make recommendations with regard to the following matters:

1. What goals should the Township seek to accomplish withing the next ten years.
2. What is the best method to address concerns submitted by the Mayor.
3. What is the best method to address concerns submitted by residents.
4. What steps or actions should the Township take to attain these goals.

C. The MAB shall consist of nine (9) members representing a cross section of the Township's various social and economic groups who shall serve without compensation. The Mayor shall appoint five (5) members, one of which shall be the Chairperson. Each of the remaining four (4) members of Council shall appoint one member. All members of the MAB shall be appointed for a two (2) year term expiring ***.

1. Vacancies in any member's term shall be for the remainder of the appointee's term and shall be filled by the Council person who originally made the appointment.
2. Reappointment of any member shall be at the discretion of the Council member who made the original appointment.

The Mayor, Council and Township Manager shall be exofficio members of this Board without the right to vote.

D. The MAB shall meet at least monthly but may conduct additional meetings if requested by the Mayor or Chairperson.

E. Board members may have only two (2) consecutive excused absences from the scheduled meetings and must attend at least 70% of all scheduled meetings. Failure to maintain the required attendance may result in removal from the Board..

F. The Chairperson shall have the authority to establish committees to consider specific issues which have been identified by the MAB.

1. Committees shall make any reports as needed or requested by the MAB.

G. The Chairperson shall also appoint a non-Board member to serve, without compensation, as secretary to the Board. The secretary shall prepare the Board minutes after each meeting and submit them for approval at the next regular meeting.

H. The MAB shall present an annual report to the Mayor at the first Council meeting in February, reflecting the Board's work the prior year.

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

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

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

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

_____
Thomas Conrad, Councilmember

_____
Wayne Mazurek, Councilmember

_____
Glenn Douglass, Councilmember

_____
Kevin Lare, Councilmember

_____
Mike Beck, Mayor

Attest:_____
Claudia R. Kammer, Township Clerk

Adopted: _____, 2009

January 22, 2009

Lower Township Council
2600 Bayshore Road
Villas, NJ 08251

Dear Mayor Beck and Council Members,

After speaking with Colleen Horwath I was advised to write a letter of Intent in seeking an Ordinance, which will allow our company to operate a business at the Cape May County Airport.

My hope is to get approval from the Council to operate an Out Door Market within the area of the airport. I am currently awaiting word from the Deputy County Administrator on my request to lease the grounds directly in front of the old Everlon Building. I have already discussed the ideas with the DBRA and they have available land, which can be leased.

Our company plans to operate a very safe and clean operation making it family friendly. We plan to scrutinize all products offered by vendors assuring an environment all will enjoy without controversy. The plan will also include a post pavilion, which the plans for the site will be presented to the Planning and Zoning Board for approval.

During these economically stressful times the Out Door Market concept will provide merchandise at wholesale prices. Both our local residents and visitors to our resort area will appreciate below retail prices, while at the same time visit other businesses within the airport area. We also will provide "Free" space to local schools, churches and other non-profit organizations as a show of Good Will.

I hope our idea is encouraging to you and we look forward to having your support to get this idea underway, Below is my personal information for contact purposes.

Sincerely,

Louis B.Ginsburg
177 Briarwood Drive
Erma, NJ 08204
609-884-1473 Home
609-465-1374 Work
609-408-2272 Cell

§ 359-13. Outdoor flea markets. [Added by Ord. No. 92-16; amended by Ord. No. 98-13]

A. It shall be unlawful for any person or entity to conduct an outdoor flea market within the confines of the Township of Lower except as provided herein.

B. Nonprofit, charitable, civic and religious organizations may conduct not more than four outdoor markets during any calendar year. The duration of each said outdoor flea market shall not exceed four days.

C. Any nonprofit, charitable, civic or religious organization seeking to conduct an outdoor flea market shall make application to the Township Council on an application form to be provided by the Clerk of the Township. No such outdoor flea market shall be held unless approved by the Township Council.

Regular & Work Session Meeting Minutes - January 21, 2009

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 21, 2009 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember Wayne Mazurek
Councilmember Glenn Douglass
Councilmember Kevin Lare
Mayor Michael Beck

Also present: Anthony Monzo, Solicitor and Kathleen McPherson, Manager

WORK SESSION

Faulkner Act Presentation

Mayor Beck introduced Kathy Cupano, Program Development Administrator for Rutger University who gave a power point presentation on the Faulkner Act. She started the program by going over the Township's form of government which is Council Manager Form. She reviewed Council powers which all policy and powers rested with Council alone. The Council appoints the Clerk and Manager, they may provide for the appointment of an attorney, and other boards, Council acts as a body. They cannot go directly to the departments they must go through the Manager.
Councilmember Conrad asked if Council could ask a Department Head to look into something for them.
Ms. Cupano suggested the clearest way would be to go through the Manager. She said Council should act as a body, at times things posed by an individual could be perceived wrong. It was better to go through the Manager, the statute was clear.
Councilmember Lare asked Ms. Cupano to define power of inquiry.
Ms. Cupano said it would be more of an investigative nature to look into something. She said if need be they could form an investigative committee.
Mayor Beck said he wasn't sure everyone understood how important the concept was. He said he felt as Mayor he could call and pass on information to Department Heads.
Ms. Cupano said the Manager was the point of contact.
Mayor Beck asked if Council couldn't call the Department Head could the Department Head call Council.
Ms. Cupano said again, the Manager was the point of contact, there was a chain of command. She said if it was violated it could cause chaos. She stated in this form of government the Manager that took care of the day to day operation. She said it was a good form of government and they had to follow the rules.

Presentation to Officer Don Vanaman by Joe Orlando, CMC District Commander VFW

Mr. Orlando said each year they look at the Police to choose a deserving officer. Officer Vanaman was a soldier and earned a bronze star while serving in the military.

Discussion of Mandatory Water Connection

Mike DeMarcantonio, Executive Director of the MUA was present to discuss the mandatory water connection.
Mayor Beck said there were 2 sides - were they in favor of hook up and were they in favor of the ordinance proposed.
Mr. Demarcantonio said it was needed for several reasons. He said several sources of funding mandated mandatory connections. He said they would review each and every project to see which would provide the most service. He said Lower Township should qualify for funding for infrastructure.
Mr. DeMarcantonio said in the past the Township mandated hook up for specific projects and over the years the Township and MUA did not enforce that. He said it wasn't a new idea it was now on a larger scale there were 479 properties not connected. He said the USDA would help fund the water lines for the balance of the Villas and Town Bank areas. He said 25% would be a grant and the rest would be a loan with low interest which would help more customers. He said the USDA would come to the Township Hall or MUA and hold interviews for any resident who may be eligible for a 405 or 502 grant.
Mr. DeMarcantonio gave the criteria for the 405 or 502 loan programs. He said there were 6875 users with 479 not connect presently. He said they would have to calculate for each year. They came to an agreement of $1,600.00 all inclusive fee. He said the revenue would increase if they got the 479 on. He said the rates would not increase in 2009 and the residential fee would be good for 5 years - $1,600. residential - $1,800 for businesses and $2,100 for commercial per unit. He said the MUA used 868 million gallons per year, in 2004 produced 469 million, 2005 - 465 million, 2006 - 224 million, 2007 - 440 million, 2008 - 396 million. He attributed the lower amount to no drought and new plumbing fixtures.
Mr. DeMarcantonio said the drinking water was tested all the time and some homes were not even tested. He said compared the cost of a new well and maintenance versus city water. He felt it was a good program and the MUA Board and Council worked hard and thought it was fair. He said they would continue to look for more funding from the USDA. He mentioned the Millman Water Tower Project they had until August 2010 to have it done.
Councilmember Douglass asked if an ordinance was passed previously why were they going to do another one.
Mr. DeMarcantonio said those ordinances were project specific and when the MUA installed the lines they had to loop them. He further explained when those projects were done the people weren't mandated to hook in.
Councilmember Douglass asked if the connect was to the street or home.
Mr. DeMarcantonio said that included the water service to the curb, water meter and meter pit. He mentioned the prior fee of $1,046 did not include the meter pit.
He said the $1,600 was for the Township.
Councilmember Conrad asked if the MUA would be getting rates from various plumbers.
Mr. DeMarcantonio said the MUA couldn't contract whit them, but would provide a fact sheet with all the requirements. He said he would ask for the prices and give the information to the people.
Councilmember Lare asked what the need for the water tower near the Millman Center was for.
Mr. DeMarcantonio said they were required to have a certain amount of water in the air fed by gravity in case all the electric failed. He said the tower would increase the supply and pressure. He further explained the need.
Mayor Beck asked if the public had any questions.
Karen Waterman of Tabernacle Road suggested that Realtors disclose this information regarding water hook up to prospective buyers.
Ed Butler of the Villas said the taxpayers had argued the issue of water. He said it had to be done for the people and thanked Council and the MUA. He said the people needed help and was sure the MUA would help to assure the people received good water. He stated he would like the areas that needed it the most get it first.
Mr. DeMarcantonio said the MUA would do everything in their power.

Rick DeMarino of Greenwood Avenue asked with the main in the street it would cost $1,600 what about those who do not have a main there.
Mr. DeMarcantonio said it would be $1,600 for everyone.
Mr. DeMarino asked if he could pay now while he had the money.
Bob Rizzo of Mickles Run thanked Mr. DeMarcantonio for the terrific presentation.
George Doherty expressed his concerns regarding his well. He said his well was good and to be forced to hook up wasn't right he said many people didn't need it. He read an excerpt from a paper which stated in Voorhees there was a dramatic increase in the water rates.
Mr. DeMarcantonio said that was a for profit water company called American Water, the MUA wasn't increasing their rates this year.
Mr. Doherty asked if he could get a phase plan for the project.
Mayor Beck suggested he contact the MUA regarding that.
Mr. Doherty said he felt it should be put aside until all the cost and plans were available. He said plumbers could cost thousands and the people couldn't afford it .
Mayor Beck said it wasn't a tough choice for him. He told Mr. Doherty the public hearing on the ordinance would be February 18th.

Update on Status of the Francis Avenue Storm Sewer Project- Hatch, Mott & MacDonald

Steve Morey and Mark Sray gave an update on the Storm Sewer Project. Mr. Morey said a permit was issued on Dec. 16, 2008 there were conditions that required a CAFRA permit and Tideland Conveyance, also needed was Army Corp. authorization.
Mayor Beck asked if they were saying more permits were needed.
Mr. Morey said yes, the additional permits were needed before any work could be done. He said they had a waterfront development permit.
Councilmember Lare asked how long would it take to obtain the permits.
Mr. Morey said once the application was submitted it would take about 4 - 6 months which would be alright since no work could be done before May and then you couldn't do anything until after September.
Councilmember Mazurek asked if they could get an emergency permit.
Mr. Morey said they could possibly get a permit to clean out the pipe but not likely to extend the pipe to the water.
Councilmember Conrad said cleaning out the pipes had proven to help.
Councilmember Douglass asked if the Township had an emergency permit.
Councilmember Mazurek said the Township was led to believe they could do work in the existing foot prints.
Mr. Morey said the beach maintenance permit would allow the Township to do certain work, there was nothing in writing for excavating.
Gary Douglass, Public Works Director said he had an email from DEP permitting the Township to clean 2 or 3 outfalls and said he would provide it to Mr. Morey.
Mayor Beck said some people were waiting for relief. He said it appeared that the Township dropped the ball, but were working on it.

Anthony Monzo, Solicitor - Legal Update

Solicitor Monzo said he gave Council a memo on many legal issues that could not be discussed in public, but gave an overview of what was existing.
Solicitor Monzo said on the Francis Avenue Project a notice of penalty was received on January 7, 2007 for $72,500 and said there were several inconsistencies in the DEP letter. He said 2 incidents prompted the Notice of Violation. He said both were in August, the violation at Francis Avenue was to do with pilings and work done on land not owned by the Township. He said the Township would file a request for hearing with DEP. The 1st violation was

$22,500 and the 2nd was for $25,00 each for 2 days.
Bennett's Crossing - Solicitor Monzo said it went back to 2004 when the original award went to Fondacaro. In 2005 the problems started when 75 to 80% was completed, then Fondacaro stopped paying the subcontractors and gave the Township permission to pay them out of the contract balance. He said Fondacaro were no longer performing any work and were in default then the project was delayed for a year. Everything was turned over to the bond company. The Township took over in 2006 with the surety company and entered into an agreement. He stated more issues and said the fields were in bad condition and the money was expended.
Solicitor Monzo reviewed the takeover agreement. He said Fondacaro filed suit for the balance of the contract. He said they went to court on binding arbitration, but he didn't believe Fondacaro was entitled to anything.
Manager Removal - Solicitor Monzo said Joseph Jackson had requested a hearing which would be held on February 2, 2009 and it was not a judicial hearing. He stated the Faulkner Act did not require cause, it allowed him to state his facts. He said after the hearing Council can have a final resolution to remove the Manager and he would receive a final 3 month pay.
Affordable Housing - Solicitor Monzo said the Township did not yet have a fair share plan to protect against builder remedy. He said until a plan was submitted the Township could be sued. He said round 3 round project prior to 2004 wasn't relevant. He said 20% residential development had to be affordable.
The State had developed a State Plan until the Township had a plan in place and the process required an engineer work with the Planning Office a public hearing is held and adopt a plan and it is sent to COAH. He explained that as soon as the Township had a plan in place the better position they would be in.
Solicitor Monzo said there was no firm under contract to do the work, if Hatch Mott or if they had someone who had some expertise do it as soon as possible.
Councilmember Lare asked if there were any assurances the rules wouldn't change again.
Solicitor Monzo said the rules changed due to a lawsuit.
Councilmember Lare said he was concerned that Council spend another $25,000 and the State changes the rules.
Solicitor Monzo said the Township would still be in a better position with a plan, you had control over building and had protection rather than no plan.
Councilmember Lare said he saw the Surety Company paid for the resurfacing of the hockey rink in 2006 and it had already cracked and was in need of repair.
Solicitor Monzo said maybe there were some warranties that may cover to have it redone.

Open Government

Mayor Beck talked with the Manager, Clerk and Council on having the agendas put online. He wanted to have the copy fees lowered and it was agreed to 20 cents.

Review of Consent & Regular Agenda Items

No Council comments.

Public Questions/Comments on Consent Agenda Items

Ed Butler of Bay Drive asked if more explanation could be put on the agenda for the resolutions.
Mayor Beck said they would be appointing Wayne Weissman to the MUA Board.
Councilmember Lare said he would like to move the approval of Dec. 15th, 2008 minutes to the regular agenda.
Council agreed by verbal "ayes".

Consent Agenda

1. Approval of Minutes, Dec. 15, 2008, January 5, 2009
2. Resolution #2009-31, Payment of Vouchers, $2,177,302.17
3. Resolution #2009-32, A Resolution Requesting Reduction of Performance Guarantee for Cape May National Estates,LLC; Block 510; Lots 24.01, 24.02 & 24.13, Escrow #P04-10-09
4. Resolution #2009-33, A Resolution Requesting Release of Demolition Bond For Block 783, Lot 10, 103 Roslyn Avenue,North Cape May, NJ 08204
5. Resolution #2009-34, A Resolution Requesting Release of Maintenance Guarantee for Niki, Inc.; Rainbow Ice CreamParlor; Block 494.54, Lot 3; Escrow Z04-12-06
6. Resolution #2009-35, A Resolution Requesting Release of Demolition Bond for Block 409, Lot 1.07, 723 East Tampa Avenue, Villas
7. Resolution #2009-36, Certification of Lot Clearing Charges to the Tax Collector (131 Sunset Dr. Blk: 430 Lt: 1)
8. Resolution #2009-37, Paris Grant Program for Shared Services with the County of Cape May (Public Archives & Records Infrastructure Support Program)
9. Resolution #2009-38, Resolution Authorizing Participation in the New Jersey State Health Benefit Program
10. Resolution #2009-39, Resolution Authorizing Participation in the New Jersey State Health Benefit Program Coverage of Certain Retirees
11. Resolution #2009-40, Resolution Authorizing To Elect a Premium Delay Option (1 month delay)
12. Resolution #2009-41, Local Arts Program Grant Award - $5,528.00
13. Resolution #2009-42, Authorization for Refund of Taxes (Blk: 650 Lt: 3)
14. Resolution #2009-43, Approval of Precious Metals License for Adele Christensen t/a Adele's Jeweled Treasurers for the Year 2009
15. Resolution #2009-44, Renewal of Junk Yard License for Cape May Used Auto Parts
16. Resolution #2009-45, Transfer of 2008 Appropriations ($8,700.00)
17. Resolution #2009-46, Appointment of Broker Record for 2009 (Mark Senior of NJ National Associates for dental and life insurance)
18. Resolution #2009-47, Approval of Change Order #1 for the HVAC & Mechanical Improvements to Lower Township Recreation Center ($11,328.00)
19. Resolution #2009-48, Appointment to the Lower Township MUA (Annual 5 year appointment)
20. Resolution #2009-49, Resolution Approving Settlement of Tax Appeal Litigation Known as Wayne M. & Donna R. Thomas V. Township of Lower
21. Ordinance #2009-01, Ordinance of the Township of Lower, in the County of Cape May, New Jersey Providing Mandatory Connections of all properties to the Lower Township Municipal Utilities Authority Water System and Amending and Supplementing all Prior Ordinances Dealing Therewith (2nd rdg. Feb. 18)

Councilmember Mazurek motioned to adopt the consent agenda items 1-21, seconded by Councilmember Douglass.

The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Lare, "yes", Mayor Beck , "yes".

Regular Agenda

Approval of Minutes - December 15, 2009
Councilmember Conrad motioned to adopt the resolution, seconded by Councilmember Douglass.
The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Lare, "abstain", Mayor Beck , "abstain".

Resolution #2009-50, Lower Township Rescue Squad (Dispatch Training)
Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Mazurek.
The resolution was adopted by the following roll call vote: Councilmember Conrad, "abstain", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Lare, "yes", Mayor Beck , "yes".

Administrative Reports

December 08 Reports - Animal Control, Clerk's Account, Dog Licenses, Fire Safety, MUA, Public Works, Tax Collector, Vital Statistics
2008 Annual Tax Collector Report

Council Comments

Councilmember Lare said the recycling tonnage was down for the year and would discuss it with the Manager. He said the Township had a preliminary budget and were presented with a 1.4 cent tax increase for 2009 and would advocate for further reduction.

Public Comments

Joe Winters of Florida Avenue asked what the dispatch training resolution was.
Councilmember Conrad explained that the rescue squad trained the Police Dispatchers for CPR.

MUA Appointment

Wayne Weissman thanked Council for appointing him to the MUA Board and said he would work hard to do the best for the Township. He gave Council a brief work history.

Budget

George Doherty said last year the State fell short and said they needed to anticipate cuts. He said the Township should question the State when they made cuts. He asked if the budget was released yet.
Councilmember Beck said not yet. He said he hoped to have Senator VanDrew at a future meeting to help address some of the State matters.

Signs

Bob Rizzo said the real estate signs were all over the Township and stated there was an ordinance in place. He also mentioned he was upset with all the boats and cars for sale. He said there were still chistmas trees in his development not picked up.
Mr. Rizzo said he was glad to see Tony and Kathy back.

Outfall Pipe Project

Ed Butler said the Township had a 20 foot easement on his property. He said it was a dangerous situation. He said the new Engineers should look into the holes in the dunes and how it was washing away. He said if his foundations washed away the Township was liable also CAFRA should look into it. He said it changed with every storm and it should be looked at as an emergency condition.
Mayor Beck said the sand was washing away and creating pits , he agreed it should be looked at.

Mandating Water Hook Up

Charles Brown of 122 Edna Avenue said he supported the water project and mandating hook ups. He stated he had iron on his driveway, windows and siding. He said $1,600 was a good deal.

Resolution #2009-51 , A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12." (Personnel & Fondacaro)
Councilmember Mazurek motioned to adopt the resolution, seconded by Councilmember Douglass.
The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Lare, "yes", Mayor Beck , "yes".

CLOSED SESSION SEPARATE

Council returned to open session

Resolution #2009-52, Resolution Authorizing Increase for Non Union Employees
Councilmember Douglass motioned to adopt the resolution, seconded by Councilmember Conrad.
The consent agenda was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Councilmember Lare, "yes", Mayor Beck , "yes".

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Councilmember the meeting unanimously adjourned by verbal "ayes" at 9:55 p.m.

Mayor

Township Clerk

Approved:

RESOLUTION #2009-53
Lower Township
Bill List By Vendor Id

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

Include Project Line Items: Yes

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

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
00039 AIR CONTROL TECHNOLOGY INC						
08-02594	09/29/08	HVAC & MECHANICAL IMPROVEMENTS	Open	128,282.00	0.00	
00047 ALLEN'S OIL & PROPANE*						
08-03572	01/08/09	HEATING OIL - CLEM MULLIGAN	Open	542.56	0.00	
00110 ANCO HOME CENTER*						
08-01864	07/01/08	DEC 08 MONTHLY	Open	104.00	0.00	
09-00062	01/08/09	#098057	Open	16.57	0.00	
				120.57		
00153 ATLANTIC CITY ELECTRIC*						
09-00197	01/26/09	JANUARY, 2009	Open	19,303.45	0.00	
00171 AMERICAN DELI & PIZZA*						
09-00052	01/07/09	PROVIDE MEALS FOR CLEAN SHORES	Open	1,623.97	0.00	
00233 ROBERT BAILEY						
08-03601	01/21/09	MEDICAL CLAIMS	Open	40.00	0.00	
00270 GERALD A BARRETT, INC*						
08-03561	01/07/09	ASPHALT FOR PAVING - DPW	Open	1,355.92	0.00	
00285 JON BATASTINI, ESQUIRE						
09-00146	01/20/09	RESOLUTIONS - ESCROW	Open	450.00	0.00	
00301 BELMONT AND CRYSTAL SPRINGS*						
09-00138	01/16/09	BOTTLED WATER	Open	12.50	0.00	
00323 JOHN BEERS						
09-00196	01/26/09	VISION CLAIM	Open	165.00	0.00	
00348 BENNETT BATTERIES, LLC*						
08-03411	12/15/08	PARTS FOR RDS/DPS/POLICE	Open	513.50	0.00	
00419 RICHARD M BRASLOW, ESQ						
09-00188	01/23/09	PROFESSIONAL SERVICES	Open	70.00	0.00	
00535 PHILLIP CALFINA						
08-03600	01/21/09	2008 OVER 65 MEDICAL SUPPLEMEN	Open	720.00	0.00	
00616 CAPE MAY COUNTY ANIMAL						
09-00189	01/23/09	TNR & SPAY/NEUTER PROGRAM	Open	320.00	0.00	
09-00190	01/23/09	TNR & SPAY/NEUTER PROGRAM	Open	630.00	0.00	
				950.00		

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
00651 MUNICIPAL UTIL AUTH DUMP FEES						
08-03585	01/09/09	DISPOSAL FEES - DEC,2008	Open	65,819.76	0.00	
00775 CAPRIONI PORTABLE TOILETS,INC*						
09-00034	01/07/09	HANDICAP/STANDARD TOILET	Open	130.00	0.00	
00784 CAPE MAY STAR & WAVE						
09-00186	01/23/09	LEGALS	Open	160.58	0.00	
09-00203	01/28/09	LEGALS	Open	124.00	0.00	
				284.58		
00807 CDW-GOVERNMENT INC*						
08-03304	12/04/08	WINDOWS PROFESSIONAL LICENSES	Open	1,345.00	0.00	
08-03515	12/29/08	BOOKING ROOM CAMERA	Open	250.00	0.00	
				1,595.00		
00825 COMCAST*						
09-00199	01/27/09	INTERNET SERVICE - FIRE SAFETY	Open	100.20	0.00	
00928 CAPE MAY COUNTY CLERK						
09-00096	01/14/09	RECORDING FEE - CAFRA PERMIT	Open	8.00	0.00	
01049 CONNECTED OFFICE PRODUCTS INC*						
09-00031	01/07/09	DATACARD MAINT AGREEMENT	Open	1,242.00	0.00	
01201 DELL CORPORATION*						
08-03549	12/31/08	5 LAPTOP FOR COUNCIL	Open	8,307.85	0.00	
01236 ROCCO DENOTE						
09-00200	01/27/09	VISION CLAIM	Open	461.00	0.00	
01250 SCOTT DOUGLASS						
09-00141	01/20/09	BACKGROUND INVESTIGATION	Open	26.25	0.00	
01340 EAGLE POINT GUN*						
08-03373	12/10/08	AMMUNITION	Open	875.00	0.00	
01389 EDDIE'S AUTO BODY*						
09-00083	01/12/09	PAINT NEW DURANGOS	Open	876.00	0.00	
01403 EMERGENCY SOFTWARE PRODUCTS*						
09-00030	01/07/09	MAINT COVERAGE ESP NFIRS	Open	400.00	0.00	
01450 ERMA DELI*						
09-00045	01/07/09	PROVIDE MEALS FOR CLEAN SHORES	Open	1,483.35	0.00	
01460 EXECUTIVE BUSINESS PRODUCTS*						
08-02694	10/06/08	BOCA SUPPLIES	Open	101.28	0.00	
08-02717	10/09/08	BOCA SUPPLIES	Open	0.00	0.00	
08-03288	12/03/08	BOCA SUPPLIES	Open	538.89	0.00	
08-03442	12/18/08	BOCA SUPPLIES	Open	234.38	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
08-03454	12/18/08	INVEST. SUPP	Open	312.96	0.00	
08-03529	12/30/08	OFFICE SUPPLIES	Open	234.10	0.00	
				1,421.61		
01603 GENERAL CODE PUBLISHERS*						
09-00042	01/07/09	PC CODE ANNUAL SUBSCRIPTION	Open	880.00	0.00	
01643 WILLIAM GALESTOK						
09-00202	01/28/09	VISION CLAIM	Open	210.00	0.00	
01653 GENTILINI FORD*						
08-03560	01/07/09	PARTS FOE DPS/POLICE	Open	743.61	0.00	
01660 GENERAL SPRING SERVICE*						
09-00077	01/12/09	TRANSMISSION FOR TRASH TRUCK	Open	7,870.00	0.00	
01675 GENRON, INC.*						
09-00121	01/16/09	FIRE CONTROL PANEL ALARM	Open	90.00	0.00	
01735 MICHAEL GUIFFRIDA						
08-03604	01/28/09	BAL OF 08 SHOE ALLOWANCE RECEI	Open	24.98	0.00	
01803 HORIZON DENTAL OPTION*						
09-00191	01/26/09	GR 96663 CHIEF/SUPERIOR OFFIC	Open	509.60	0.00	
09-00192	01/26/09	GR 96663 AFSCME	Open	2,792.72	0.00	
				3,302.32		
01860 GNL DOORS & HARDWARE*						
09-00061	01/08/09	BACK DOOR REPAIR	Open	137.30	0.00	
01968 ITS MAILING SYSTEMS, INC*						
08-03342	12/09/08	CHIP - RATE/STRUCTURE CHANGE	Open	990.00	0.00	
02010 ISLAND TROPHY*						
08-03320	12/08/08	BOCA	Open	222.00	0.00	
02089 K-MART STORE #9133*						
09-00079	01/12/09	CLOTHES DRYER FOR RESCUE SQUAD	Open	409.99	0.00	
02108 KEEN COMPRESSED GAS CO*						
08-03410	12/15/08	BOTTLED GAS FOR GARAGE-DPW	Open	152.65	0.00	
02125 KDI*						
08-03180	11/21/08	COLOR COPIERS	Open	204.47	0.00	
02136 TED KINGSTON INC*						
08-03527	12/30/08	BATTERIES	Open	320.00	0.00	
02140 KINDLE FORD LINC/MERC., INC.*						
08-03559	01/07/09	PARTS FOE DPS/POLICW	Open	288.01	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
02215 JOSEPH MCGOVERN						
09-00110	01/14/09	SHOE ALLOWANCE FOR 2009-DPW	Open	49.50	0.00	
02248 LAWMEN SUPPLY*						
08-03451	12/18/08	EQUIPMENT MAINT	Open	194.25	0.00	
02351 LOWER CAPE MAY REGIONAL						
09-00232	01/29/09	SCHOOL TAXES DUE 2/15/09	Open	1,078,087.23	0.00	
02415 STEPHEN FLITCROFT						
09-00187	01/23/09	VISION CLAIM	Open	168.00	0.00	
02502 JOANNE BUDD						
09-00235	01/29/09	VISION CLAIM	Open	195.00	0.00	
02537 MARSHA MARTIN						
09-00090	01/13/09	SPANISH INTERPRETER	Open	150.00	0.00	
02715 MODERN HANDLING EQUIP CO*						
08-03118	11/13/08	GENERATOR MAINT	Open	2,870.00	0.00	
02726 MIDDLE TOWNSHIP						
08-03598	01/15/09	ANIMAL CONTROL SERVICES	Open	1,771.00	0.00	
02740 MITCHELL IRON WORKS INC.*						
09-00173	01/21/09	PIPE BOLLARDS	Open	120.00	0.00	
02811 JAMES MOY						
08-03599	01/21/09	MEDICAL CLAIMS	Open	20.00	0.00	
09-00172	01/21/09	MEDICAL CLAIMS	Open	5.00	0.00	
				25.00		
03011 SIGNATURE FACTORY*						
08-03440	12/18/08	MIKE BECK SIGNATURE FONT	Open	9.95	0.00	
03072 NJ STATE LEAGUE OF MUNICIPALI*						
09-00093	01/14/09	2009 MEMBERSHIP DUES	Open	1,495.00	0.00	
03104 NORTHEAST IND.&MARINE SUPPLY*						
08-02935	11/07/08	PARTS FOR RDS/SANT/RECY	Open	528.30	0.00	
03132 NEXTEL COMMUNICATIONS						
08-03596	01/14/09	CELL PHONES DPW DEC 08	Open	487.21	0.00	
03177 OCEAN CREST PRINTING*						
09-00024	01/07/09	BUSINESS CARDS - COUNCIL	Open	75.00	0.00	
03302 PHONEXTRA ATLANTIC*						
09-00026	01/07/09	REWIRE PHONE/VERIFY FAX	Open	90.00	0.00	
03305 PEDRONI FUEL*						
08-03461	12/19/08	FUEL OIL - ANNEX BUILDING	Open	614.76	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
08-03586	01/09/09	NO LEAD GAS - DPW	Open	175.23	0.00	
09-00078	01/12/09	FUEL OIL FOR BOCA	Open	374.08	0.00	
				1,164.07		
03366 AMERI-GAS*						
08-03602	01/27/09	PROPANE - REC CTR 12/31/08	Open	94.18	0.00	
03427 POLAR BEAR*						
08-03521	12/30/08	MISC. PARTS AND SERVICE ON	Open	1,066.16	0.00	
08-03544	12/31/08	SERVICE REPAIR	Open	99.60	0.00	
09-00097	01/14/09	5 NEW GAS HEATERS-POLICEGARAGE	Open	14,250.00	0.00	
				15,415.76		
03448 REMINGTON,VERNICK & WALBERG*						
09-00145	01/20/09	ESCROW BILLING	Open	605.50	0.00	
03453 QUILL CORPORATION*						
09-00041	01/07/09	Custom Cut Sheet Paper	Open	112.90	0.00	
03455 PUBLIC WORKS ASSOCIATION*						
09-00128	01/16/09	2009 MEMBERSHIP DUES-DPW	Open	90.00	0.00	
03608 SEAWAVE CORPORATION*						
09-00119	01/16/09	1/14/09 LEGAL ADS	Open	123.94	0.00	
03611 SERVICE TIRE TRUCK CENTERS*						
08-03409	12/15/08	TIRES FOR RDS/SANT/RECY/DPW	Open	3,329.68	0.00	
03663 SOUTH JERSEY AUTO SUPPLY*						
08-03562	01/07/09	PARTS FOR RDS/DPW	Open	61.48	0.00	
03688 SOUTHERN NJ CHAPTER NIGP*						
09-00094	01/14/09	2009 MEMBERSHIP VITELLI/PICARD	Open	110.00	0.00	
03692 SOUTH JERSEY GAS CO*						
09-00195	01/26/09	JANUARY, 2009	Open	2,608.96	0.00	
03723 STAPLES, INC.*						
08-03466	12/22/08	ASSESSORS INK CARTRIDGE	Open	441.61	0.00	
08-03539	12/31/08	SCANNER/OFFICE SUPPLIES	Open	1,282.85	0.00	
08-03548	12/31/08	WIRELESS ROUTER	Open	139.99	0.00	
09-00054	01/07/09	PRINTER/OFFICE SUPPLIES	Open	524.77	0.00	
09-00058	01/08/09	MINI DVD-R - MEMOREX	Open	169.73	0.00	
09-00066	01/08/09	COMPUTER CABLE	Open	31.78	0.00	
				2,590.73		
03734 STEWART INDUSTRIES, INC.*						
09-00029	01/07/09	YRLY MAINT - COPIER 2009	Open	450.00	0.00	
03764 TCTANJ						

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-00092	01/14/09	2009 MEMBERSHIP JACKSON/BROWN	Open	150.00	0.00	
09-00095	01/14/09	2009 MEMBERSHIP L. READ	Open	75.00	0.00	
				225.00		
03821 TRANS AXLE*						
09-00051	01/07/09	POWER TAKE-OFF FOR TRASH TRUCK	Open	1,447.18	0.00	
03921 UNIFORM & ACCESSORIES WHSE*						
08-03516	12/29/08	NEW VEHICLE OUTFITTING	Open	424.70	0.00	
03931 STERLING IRRIGATION INC*						
08-03540	12/31/08	WINTERIZE IRRIGATION - MITNICK	Open	200.00	0.00	
03969 VERIZON						
09-00234	01/29/09	PHONE SERVICE	Open	421.08	0.00	
03995 VITAL COMMUNICATIONS, INC.*						
08-03338	12/09/08	MODIV TAP 2009 - PREM TAX DUP	Open	100.00	0.00	
04012 XPRESS ELECTRONIC SERVICES*						
09-00236	01/29/09	SERVICE TO PRINTER - CLERK'S	Open	85.00	0.00	
04075 BARBER CONSULTING SERVICES LLC						
09-00216	01/28/09	CONFIGURE ROUTER/DPW TROUBLE	Open	272.50	0.00	
04082 USA MOBILITY WIRELESS INC*						
09-00109	01/14/09	PAGER-DPW	Open	8.30	0.00	
04091 MOTOROLA						
08-03504	12/24/08	MOTOROLLA CDM1250VHF64CH	Open	564.50	0.00	
04097 CINTAS FIRST AID AND SAFETY*						
09-00142	01/20/09	FIRST AID KIT - TOWNHALL	Open	291.25	0.00	
ECKELS SHERRY ECKEL						
09-00204	01/28/09	SPAY/NEUTER PROGRAM	Open	35.00	0.00	
HOWARD KAREN HOWARD						
09-00144	01/20/09	SPAY/NEUTER PROGRAM	Open	30.00	0.00	
MADDOX ASHLEY MADDOX						
09-00201	01/27/09	PAYMENT REIMBURSEMENT	Open	25.00	0.00	
MASTJ JAMES W. MASTRIANI, ARBITRATOR						
08-03553	12/31/08	AFSCME EYE CARE GRIEVANCE	Open	2,145.00	0.00	
MONMOUTH MONMOUTH/OCEAN TCTA						
08-03137	11/17/08	COOKIES AT CHRISTMAS	Open	15.00	0.00	
NASRO NATIONAL ASSOCIATION OF SCHOOL						
09-00105	01/14/09	DUES	Open	80.00	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
OBRIENT TERRENCE O'BRIEN						
08-03513	12/29/08	BACKGROUND INVESTIGATION	Open	26.25	0.00	
POLETAV POLE TAVERN EQUIP SALES*						
09-00044	01/07/09	PARTS FOR SWEEPER- DPW	Open	59.09	0.00	
PRESS PRESS OF ATLANTIC CITY						
09-00059	01/08/09	12/17/08 FIRE SFTY CIV/MIL	Open	1,178.00	0.00	
SWOYER ALLAN SWOYER						
09-00198	01/27/09	RELEASE DEMO BOND	Open	1,500.00	0.00	
WAWA WAWA, INC.						
09-00147	01/21/09	RETURN UNUSED ESCROW	Open	463.49	0.00	

Total Purchase Orders: 116 Total P.O. Line Items: 244 Total List Amount: 1,375,694.38 Total Void Amount: 0.00

MEMORANDUM

TO: Mayor Michael Beck &
Council members

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

DATE: January 22, 2009

RE: Release of Bond for Restoration
and Revegetation of Dune Grass;
Block 164.02, Lot 1.04
Resolution #2009-54

Mr. & Mrs. Udani posted a bond for the restoration and revegetation of Dune grass, on December 6, 2007 per Planning Board Resolution #03-18. A site inspection by the Planning Director on January 19, 2009 revealed that all the required work was complete. Therefore, I recommend return of the above referenced bond for revegetation of dune grass by Township Council.

Thank you.

c: Claudia R. Kammer,
Township Clerk

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

RESOLUTION #2009-54

TITLE: A resolution requesting **release** of Revegetation and Restoration Guarantee for Dune Site Plan; Block 164.02, Lot 1.04

WHEREAS, Rajen I. Udani & Chitra R. Udani posted a bond for the revegetation and restoration of dune grass with the Township of Lower, in the amount of $1,000.00; and

WHEREAS, the Township Planning Director recommends that the required restoration and revegetation of dune grass has been properly completed;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower the Governing body thereof, that the Guarantee 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 $1,000.00 plus any accrued interest for payment of the above released Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of February 2, 2009

Claudia R. Kammer, Township Clerk

MEMORANDUM

TO: Mayor Michel Beck &
Council Members

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

DATE : January 26, 2009

RE: Release of Demolition Bond
Joann & Allan H. Swoyer
605 Scott Avenue
North Cape May, NJ 08204
Block 582, Lot 16
Resolution #2009-55

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 January 14, 2009. Thank you.

WJG:las

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

RESOLUTION #2009-55

TITLE: A resolution requesting RELEASE of Demolition Bond for Block 582, Lot 16; 605 Scott Avenue, North Cape May, NJ 08204

WHEREAS, Joann Swoyer & Allan H. Swoyer posted a Demolition Bond with the Township of Lower, in the amount of $1,500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued January 15, 2009, 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 $1,500.00 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 February 2, 2009

_____

Claudia R. Kammer, Township Clerk

Res. #2009-55

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

RESOLUTION #2009-56

TITLE: RESOLUTION APPROVING CONTRACT WITH DELTA DENTAL FOR EXTRAORDINARY UNSPECIFIABLE SERVICES

WHEREAS, there exists a need for a group dental plan beginning March 1, 2009, and

WHEREAS, the maximum amount of the contract is based on the premium schedules attached, the number of covered employees and funds have been certified by the Chief Financial Officer, and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11–1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection, and

WHEREAS, the Chief Financial Officer has certified that this meets the statute and regulations governing the award of said contracts,

NOW, THEREFORE, BE IT RESOLVED, by the Township Council as follows:

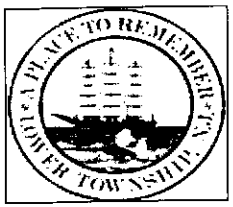
1. The Township Manager is hereby authorized and directed to execute the agreement as follows:

   A. Group Dental Plan - Delta Dental Program pursuant to the rates set forth on Schedule A attached.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 2 , 2009.

_____
Claudia R. Kammer, Township Clerk

Township Of Lower
Delta Dental
March 1, 2009



Sub Group "01"	7	4	9	2	22
Sub Group "02"	0	1	3	0	4
Sub Group "00"	32	33	69	13	147

Dental	Single 39	2 Adult 38	Family 81	P & C 15	Monthly 173	Annual
Delta Dental - Premier with PPO 100/85 $1,500 Max Benefit, $3,150 Orthodontics Lifetime Maximum Total	$37.30	$64.99	$104.59	$64.99	$1,592.35	**$19,108.20**
Delta Dental - Premier with PPO 100/85 $1,300 Max Benefit, $3,100 Orthodontics Lifetime Maximum Total	$36.47	$63.53	$102.25	$63.53	$370.28	$4,443.36
Delta Dental - Premier with PPO 100/85 $1,300 Max Benefit, $2,950 Orthodontics Lifetime Maximum Total	$36.03	$62.78	$101.03	$62.78	$11,011.91	$132,142.92
					Total All Groups Combined	**$155,694.48**

The NIA Group, LLC

Prepared By:
The NIA Group Associates, LLC

Proposed Fully Insured Program and Monthly Rates
For
Lower Township
Presented By: NIA Group

Delta Dental PPO plus Premier

	Sub Group 00	Sub Group 01	Sub Group 02
Calendar Year Deductible			
Per Person	None	None	None
Family Aggregate Maximum	None	None	None
Preventive & Diagnostic			
Exams, Cleanings, Bitewing x-rays	100%	100%	100%
Fluoride Treatment, Space Maintainers	100%	100%	100%
Remaining Basic			
Fillings, Extractions, Root Canals(Endodontics)	85%	85%	85%
Periodontal, Oral Surgery, Sealants	85%	85%	85%
Crowns & Prosthodontics			
Crowns & Gold Restorations	85%	85%	85%
Bridgework, Full & Partial Dentures, Repair of Dentures	85%	85%	85%
Calendar Year Maximum (per person)	$1,300	$1,500	$1,300
Orthodontics (Adult & Dependent Children)			
Coinsurance	85%	85%	85%
Lifetime Maximum	$2,950	$3,150	$3,100

The benefits outlined above are a summary of the quoted plan design. Full details on the plan of benefits and applicable policy provisions, including limitations and exclusions, are provided in the group contract.

Dependent children are covered to age 23.

Members utilizing Delta Dental PPO or Delta Dental Premier dentists will enjoy discounted dental fees in addition to protection from balance billing for charges above the dentist's maximum allowable charges.

Members utilizing non-participating dentists will have the same benefits but may be subject to balance billing.

	Point of Service Program Monthly Rates	Point of Service Program Monthly Rates	Point of Service Program Monthly Rates
Employee	$36.03	$37.30	$36.47
Employee & Spouse	$62.78	$64.99	$63.53
Employee & Child(ren)	$62.78	$64.99	$63.53
Family	$101.03	$104.59	$102.25

The above rates are guaranteed for 12 months, and includes Delta's standard broker commission.

UNDERWRITING POLICIES AND REQUIREMENTS

*** Proposed rates are valid for enrollment by March 1, 2009**
*** Delta reserves the right to adjust rates if the actual enrollment varies by 10% or more from the assumed enrollment.**
*** To guarantee the above rates for two years, please increase by 3.5%, which is applicable the entire 24 month contractual period.**
*** The rates are contingent upon the employer contributing 100% of the premium for all eligible employees and dependents.**
*** Claims for non-participating dentists will be reimbursed at Delta's maximum allowable charges.**

Provided By: Kristin Gallagher, Account Executive, 609-567- 2812.
Kris_Gallagher@Comcast.net

Log #: 10O129 - Second Re Issue

Date: January 27, 2009

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

RESOLUTION #2009-57

TITLE: ISSUANCE OF LIMOUSINE AND OPERATOR'S LICENSE TO GREAT AMERICAN TROLLEY COMPANY, INC.

WHEREAS, an application has been submitted by Richard Adelizzi, Great American Trolley Company, Inc. pursuant to Ord. #2000-4 and its amendments for 1 Limousine and 1 Operator's License, and

WHEREAS, the applicant submitted the appropriate fees and provided the required documentation, and

WHEREAS, the Police have reviewed the application packet and have no objection to the issuance of the licenses.

WHEREAS, the Operator is awaiting the final reports and the ordinance provides for a temporary license to be issued.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower that the Clerk is hereby authorized to issue the following licenses for the year 2009:

License Type	Description
Limousine	2001 Lincoln, Vin#1L1FM81W61T612087
Operator's License	Craig R. Starkey

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 2, 2009.

_____

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-58

TITLE: APPROVAL OF CONTRACT WITH COMMERCE RISK CONTROL SERVICES TO COORDINATE ALCOHOL AND DRUG TESTING SERVICES FOR THE YEAR 2009

WHEREAS, NJSA40A: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 $17,500.00.

WHEREAS, the Township is desirous of entering into a contract with Commerce National Risk Control Services to provide services as set forth in Exhibit A and all required documents have been filed, and

WHEREAS, the total amount of the contract for 2009 shall not exceed $5,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk are hereby authorized to sign the contract agreement for the year 2009.

I hereby certify that the foregoing resolution was adopted by the Township Council at the meeting of February 2, 2009.

_____

Claudia R. Kammer, Twp. Clerk

CONNER STRONG
RISK CONTROL

PROFESSIONAL SERVICES AGREEMENT

COORDINATION OF CDL DRUG TESTING PROGRAM

RESOLUTION No.: ____ - ___

THIS AGREEMENT is made this **7th day of January 2009**, by and between the **TOWNSHIP OF LOWER**, located at 2600 Bayshore Road, Villas, New Jersey 08251, (hereinafter referred to as **"TOWNSHIP OF LOWER")** and **CONNER STRONG RISK CONTROL SERVICES,** a division of Conner Strong Companies, Inc., with its headquarters located at 1701 Route 70 East, PO Box 1360, Cherry Hill, NJ 08034 (hereinafter referred to as **"Conner Strong").**

WHEREAS, by the above referenced Resolution, the Council of the TOWNSHIP OF LOWER has authorized the execution of this Professional Services Agreement; and

WHEREAS, Conner Strong is experienced in and capable of providing such services; and

WHEREAS, the TOWNSHIP OF LOWER has certified the availability of funds for payment of the Agreement; and

WHEREAS, the Solicitor for the TOWNSHIP OF LOWER has determined that this Agreement was awarded in accordance with all legal requirements, including but not limited to the provisions of the Local Public Contracts Law of the State of New Jersey; and

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, it is agreed as follows:

1. **SCOPE OF SERVICES AND RESPONSIBILTIES:** Conner Strong shall provide the services set forth in Exhibit A, which is attached hereto and is incorporated herein (hereinafter referred to as "Services"). The TOWNSHIP OF LOWER shall perform the responsibilities set forth in Exhibit A.

2. **TERM**: This Agreement shall be from January 1, 2009 to December 31, 2009.

3. **COMPENSATION**: In consideration for the receipt of the Services, the TOWNSHIP OF LOWER shall pay Conner Strong or its subcontractor, in accordance with the Statement of Compensation, which is attached hereto as Exhibit B and is incorporated herein (hereinafter referred to as "Statement of Compensation").

4. **SUCONTRACTOR.** The TOWNSHIP OF LOWER expressly authorizes Conner Strong to subcontract all or part of its responsibilities and duties to Pogue, Inc. t/a Pogue Safety and Health Consortium.

5. **INDEPENDENT CONTRACTOR STATUS**: Conner Strong and any subcontractor of Conner Strong are independent contractors and not agents or employees of TOWNSHIP OF LOWER. Conner Strong and any subcontractor shall furnish at its expense, all labor, supervision, materials, and equipment required for the performance of the Services. Conner Strong and any subcontractor shall be liable to all their employee at all times for all compensation matters relating to said employees, including but not limited to payment of wages, withholding of all applicable taxes and social security, and applying for all workers compensation insurance and state and federal unemployment insurance.

6. **TERMINATION**: The TOWNSHIP OF LOWER may terminate this Agreement "for cause" at any time. For purposes of this Agreement, "for cause" shall be defined as a material default in the performance of the Services, which were not remedied after the TOWNSHIP OF LOWER provided Conner Strong with 30 days notice to cure the default. In the event the Agreement is terminated pursuant to this provision, the TOWNSHIP OF LOWER shall pay all compensation due for services performed up to the date of termination.

7. **AFFIRMATIVE ACTION REQUIREMENTS:** Conner Strong acknowledges that this Agreement must be carried out in accordance with the Affirmative Action requirements of the State of New Jersey. Accordingly, during the term of this Agreement and during the performance of all duties under this Agreement, Conner Strong shall comply with the requirements set forth in Exhibit C, which is incorporated herein.

8. **AMENDMENTS**: Any amendment to this Agreement must be in writing and signed by the parities hereto. Oral amendments shall have no force or effect. If during the term of this Agreement there are significant changes in federal or state law that require changes to the TOWNSHIP OF LOWER's CDL Drug Testing Program, both parties agree to renegotiate this Agreement.

9. **MISCELLANEOUS**:

(A) This Agreement shall be construed in accordance with the laws of the State of New Jersey.

(B) This Agreement shall be binding upon the parties hereto, their heirs, successors, administrators and assigns.

(C) Paragraph headings are intended solely for the convenience of the parties and shall not be used in construing the provision of the paragraph.

(D) Reference to the masculine gender shall be deemed to include all other genders. Reference to the singular shall be deemed to include the plural.

(E) If any provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, the remainder of the Agreement shall remain in full force and effect and shall in no way be impaired.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above written.

Attest:	On Behalf of the Township of Lower:
Clerk for the Township of Lower	Mayor of the Township of Lower
Date	Date

Attest:	On Behalf of Conner Strong:
Antoinette Hart	Susan Kopac
Conner Strong Representative	Conner Strong Representative
January 7, 2009	January 7, 2009
Date	Date

EXHIBIT "A"
STATEMENT OF SERVICES AND RESPONSIBILTIES

I. TOWNSHIP RESPONSIBILITIES: In order for Conner Strong to perform the Services under this Agreement, the TOWNSHIP OF LOWER shall do the following:

(a) The TOWNSHIP OF LOWER shall maintain a written policy for alcohol and controlled substances testing for CDL holders and/or other municipal employees and distribute to all appropriate individuals. Such policy shall be in compliance with all federal and state laws, including but not limited to 49 CFR 832.401.

(b) The TOWNSHIP OF LOWER shall designate a representative(s) to whom Conner Strong's subcontractor will report test results and discuss or report other information.

(c) The TOWNSHIP OF LOWER acknowledges that necessary certification procedures may be dependent upon cooperation by the TOWNSHIP OF LOWER's representatives, tested individuals and/or personal physicians and/or health care providers. The TOWNSHIP OF LOWER shall use its best efforts to obtain the foregoing entities/ individuals' cooperation with Conner Strong and its subcontractor.

(d) The TOWNSHIP OF LOWER acknowledges that a positive confirmatory test does not necessarily indicate that a tested individual is an alcoholic or an addict.

(e) The TOWNSHIP OF LOWER shall notify Conner Strong of any additions and/or deletions of municipal random selection pool(s) and/or other municipal employees as required for the CDL Pool within ten (10) working days.

II. SCOPE OF SERVICES OF CONNER STRONG: Conner Strong shall assist the TOWNSHIP OF LOWER in the adoption of and coordination of the CDL Drug Testing Program. In doing so, Conner Strong shall do the following:

(a) Select a vendor to provide the testing and negotiate an agreement with the vendor in accordance with the terms of this Agreement;

(b) Use its best efforts to ensure that the vendor shall perform drug testing in accordance with all applicable federal and state law, including but not limited to 49 CFR 382 and 49 CFR 40;

(c) Coordinate with subcontractor and the TOWNSHIP OF LOWER advice and counsel regarding potential revisions and updating of policy in light of new regulations or adoption to circumstances;

(d) Coordinate with subcontractor and the TOWNSHIP OF LOWER a generic policy, if the TOWNSHIP OF LOWER does not already have one, to consider modifying to fit the business needs of the TOWNSHIP OF LOWER;

(e) Coordinate the steps necessary to implement the program, including speaking to supervisor, designated employer representative and custodian of records;

(f) Coordinate training conducted by subcontractor on regulatory changes as requested by the TOWNSHIP OF LOWER or as needed;

(g) Upon request, provide training and orientation for new or not previously trained CDL holders on program's requirements;

(h) Upon request, provide training for new or not previously trained supervisors; and

(i) Provide invoices for the payment to Conner Strong and/or subcontractor for the services provided to the TOWNSHIP OF LOWER under this Agreement.

III. DUTIES OF SUBCONTRACTOR: Conner Strong shall enter into an Agreement with a qualified subcontractor to perform the following services:

(a) Take all reasonable steps to ensure that each individual being tested executes the required consent form, which includes an authorization for the release of information to the TOWNSHIP OF LOWER;

(b) Use its best efforts to protect each individual's privacy in accordance with federal and state requirements;

(c) Provide advice and counsel to the TOWNSHIP OF LOWER on potential revisions and updating of policy in light of new regulations or adoption to circumstances;

(d) Provide a generic policy if the TOWNSHIP OF LOWER does not already have one, to consider modifying to fit the business needs of the TOWNSHIP OF LOWER;

(e) Conduct training on regulatory changes as requested by the TOWNSHIP OF LOWER or as needed;

(f) Computerized random alcohol and controlled substance testing of CDL holders and other participants designated by the TOWNSHIP OF LOWER;

(g) Perform on-site collection of HHS-5 Controlled substances testing by DHHS Certified laboratory for the following tests:

1. Post-accident
2. Return to duty
3. Random testing
4. Reasonable suspicion

(h) Perform on-site breath alcohol testing with approved Evidential Breath Tester (operated by Certified Breath Alcohol Technicians) for the following tests:

1. Post-accident
2. Return to duty
3. Random testing
4. Reasonable suspicion

(i) Random testing spread reasonably throughout the calendar year starting January 1, 2009 at a 25% annual rate for alcohol and a 50% annual rate for controlled substance of the CDL holders and other participants.

(j) Designate a qualified individual to serve as a Certified Medical Review Officer, to review all inconclusive test results in accordance with federal and state legal requirements;

(k) Provide quarterly and annual alcohol and controlled substance reports;

(l) Take all necessary steps to ensure that facilities and certified personnel are adequate for the performance of testing services to be provided;

(m) Take all necessary steps to ensure that blind specimen testing for quality assurance purposes is complete;

(n) Provide a secure location with controlled access is maintained for all records, information and notification, pursuant to 49 CFR 382.401;

(o) Prepare and maintain controlled substances report program records in compliance with all applicable federal and state laws, including the regulations promulgated by the Department of Transportation;

(p) Provide a quarterly status report listing a breakdown of the number of employees tested for controlled substances and alcohol;

(q) Provide test results in accordance with the law and by facsimile transmission, electronic transmission or first class US mail; and

(r) Maintain list of participants in the CDL program as provided by the TOWNSHIP OF LOWER.

EXHIBIT "B"
STATEMENT OF COMPENSATION

The TOWNSHIP OF LOWER agrees to pay Conner Strong or its subcontractor the sum of $58.00 per CDL holder or other participant. The TOWNSHIP OF LOWER shall pay Conner Strong or its subcontractor within 30 days of receipt of invoice.

To the extent that the TOWNSHIP OF LOWER requests Conner Strong or its subcontractor to perform additional services or additional tests, the TOWNSHIP OF LOWER agrees to pay additional costs and/or charges related to such services.

To the extent the TOWNSHIP OF LOWER requests that test results be delivered via hand or overnight mail, the TOWNSHIP OF LOWER shall reimburse Conner Strong and/or its subcontractor for such costs.

EXHIBIT "C"
P.L. 1975, C. 127 (N.J.A.C. 17:27)
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICES CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitation or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, martial status, or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform, in writing, appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages

in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey, and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducing a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).

Submitted by
Name of Firm: Conner Strong Companies, Inc.

By: Susan Kopec
Susan Kopec
Title: Assistant Vice President
Date: January 7, 2009

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

RESOLUTION #2009-59

TITLE: APPROVAL OF 2009 ROTARY TOWING LICENSES

WHEREAS, Section 22-1 requires any contractor providing towing and storage services for the Township of Lower be licensed by the Township, and

WHEREAS, the following contractors have completed the required application, paid the fee and provided all documentation required by ordinance, and

WHEREAS, the Police have reviewed said applications as required by Section 22-4 (d) of the General Ordinances and have no objection to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the following applicants shall be issued Rotary Towing Licenses for the year 2009.

Barney Linn - Cape May Riggins North
Ed Cooper - Eddie's Auto Body
Steven Lewis/Ed Cooper - Just in Time Towing

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 2, 2009.

_____
Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-60

TITLE: RENEWAL OF TRAILER PARK LICENSES FOR THE YEAR 2009

WHEREAS, the following applicants have submitted applications for renewal of their trailer park licenses for the year 2009, and,

WHEREAS, the appropriate license fees have been received and the real estate taxes on subject properties are current; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the renewal of trailer park licenses for the year 2009 are hereby approved for the following applicants:

NAME	LOCATION
Cape Meadows Inc. t/a Cape Meadow	306 Route 9
Victor & Patricia Major t/a Broadway Mobile Park	901 Broadway
Jeffrey VanMourik t/a Cape May Mobile Estates	753 Route 9
Inter Coastal Enterprises, Inc. t/a Shawcrest Mobile Home Park	5200 Shawcrest Road

I hereby certify the foregoing to be a resolution adopted by the Township Council on February 2,2009.

_____

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-61

TITLE: AUTHORIZATION FOR VIETNAM VETERANS OF AMERICA CHAPTER #602 TO CONDUCT SATURDAY FLEA MARKETS IN 2009

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

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

WHEREAS, the James "Pop" Johnson Memorial, know as Vietnam Veterans of America Chapter #602, Inc. has applied to the Township Council for an exemption to the limitation of only four (4) flea markets per year and has requested permission to conduct a flea market on the 1st Saturday of the month from February thru April and the 1st and 3rd Saturday from May thru December in 2009 in the Vietnam Veterans Hall parking lot, and

WHEREAS, the Township Council has reviewed the application and the current ordinance, and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that approval for Outdoor Saturday Flea Markets is hereby granted for the year 2009.

I hereby certify this is the original resolution adopted by the Township Council at the meeting held on February 2, 2009.

_____

Claudia R. Kammer, Township Clerk

2009-61

APPLICATION FOR OUTDOOR FLEA MARKET
NO FEE LICENSE

Name of Organization: Vietnam Veterans of America Ch 602

Name of Applicant (Responsible Party): George Taylor / Lynn Jeffers
Address & Phone Number: 596 Sea Shore Rd
Frame

Location of Event: 596 Seashore Rd

Proceeds to Benefit: VVA Chapter 602

Dates of Flea Market: 1st Saturday of Month Feb-April 1st & 3rd Sat May - Dec
(Two Days Only)

Rain Date: _____

State Applicable Status: Non-Profit ✓ Civic _____

Charitable _____ Religious _____

Lynn Jeffers 1-29-09
Signature of Person in Charge

FOR TOWNSHIP USE ONLY

Date Approved by Council: _____

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

RESOLUTION #2009-62

TITLE: RESOLUTION AUTHORIZING THE AWARD OF THE BID FOR TEN (10) ROLL OFF CONTAINERS

WHEREAS, bids tor Ten (10) Roll Off Containers were advertised on January 8, 2009 and opened on January 27, 2009 at 11:00 a.m. , and

WHEREAS three (3) proposals were submitted and reviewed by the appropriate officials, and

WHEREAS, the vendor has complied with all bidding requirements and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation - C-04-55-381-202 (Ord. 2005-08) as evidenced by the CFO Signature's below:

_____

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract for Ten (10) Roll Off Containers is hereby awarded to:

AWARD TO: Conshohocken Steel Products
TOTAL: $44,990.00 (10 @ $4,499 each)

BE IT FURTHER RESOLVED, that a properly executed purchase order shall serve as the contract.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on February 2, 2009.

_____
Claudia R. Kammer, Township Clerk

BID 2009-01
Roll Off Containers (10)

BUDGET ACCOUNT NUMBER							
C-04-55-381--202 Ord #05-08	Adv 1/08/09 Open 1/27/09 Tuesday 11:00 a.m.						
BID TABULATION FOR:							
Roll Off Containers 10		**Rudco Products**		**Waste Equip**		**Conshohocken Steel Prod**	
	DESCRIPTION	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
		Each	10.00				
	Roll Off Containers (10)	$ 4,777.00	$ 47,700.00	$ 4,877.30	$ 48,773.00	**$ 4,499.00**	**$ 44,990.00**
	CHECKLIST						
	NJ BUSINESS REGISTRATION	X		X		X	
	STOCKHOLDER DISCLOSURE CERTIFICATION	X		X		X	
	NON COLLUSION AFFIDAVIT	X		X		X	
	PROPOSAL PAGE	X		X		X	
	AMERICANS DISABILITY	X		X		X	
	Witnessed by Julie Picard						
	Resolution #						
	BID AWARDED TO:						
	CONSHOHOCKEN STEEL PRODUCTS						
	10 Roll Off Containers						
	10 @ $4499.00 = $44,990.00						
	Delivered to DPW within 90 Days						

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

RESOLUTION #2009-63

TITLE: **A RESOLUTION AUTHORIZING AN APPLICATION TO LOCAL GOVERNMENT ENERGY AUDIT PROGRAM**

WHEREAS, the New Jersey Board of Public Utilities has authorized an incentive program to subsidize the cost to local governmental agencies for having an energy audit of their facilities, and

WHEREAS, Lower Township is eligible and desires to submit an application for this program, and

WHEREAS, a resolution authorizing application under the Local Government Energy Audit program is required.

NOW, THEREFORE, BE IT RESOLVED, the Township Manager and the QPA are hereby authorized to complete and submit an application under the Local Government Energy Audit Program.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on February 2, , 2009.

_____

Claudia R. Kammer, Township Clerk

I. INTRODUCTION

The New Jersey Board of Public Utilities (BPU) has authorized an incentive program to subsidize the cost to local governmental agencies for having an energy audit of their facilities performed through one of the prequalified Auditing Firms. The **Local Government Energy Audit Program (The Program)** provides an incentive that reduces the cost of the energy audit. The Program is managed by the New Jersey BPU's Commercial/Industrial Market Manager, TRC Energy Services (the Market Manager). All questions regarding the Program or any other Commercial/Industrial market sector programs should be directed to TRC staff at 866-657-6278.

The New Jersey Board of Public Utilities Office of Clean Energy (the Administrator) reserves the right to extend, modify, or terminate this Program without notice. Modifications may include, but not be limited to, program incentive level changes

A. OBJECTIVES

The following are the objectives of the Program:

- Encourage local government building owners to proceed with the cost effective recommended energy efficiency upgrades provided in the energy audits
- Reduce the initial cost of energy audits for local government buildings in the state of New Jersey.
- Help local governments reduce their energy costs and lower the local tax burden
- Support the local governments in further reducing their carbon footprints

B. ELIGIBILITY

In order to participate, the applicant's proposed site(s) must be located within the service territory of at least one of New Jersey's regulated electric and/or gas utilities and be a contributor to the Societal Benefits Charge fund. These regulated utilities are:

1. Atlantic City Electric
2. Jersey Central Power & Light
3. New Jersey Natural Gas
4. Elizabethtown Gas
5. Public Service Electric and Gas
6. Rockland Electric Company
7. South Jersey Gas

The Program is restricted to public buildings owned by local government agencies . They include but are not be limited to: government offices, fire and police facilities, schools, public works and transportation garages, utility plants, libraries, and recreation, senior and community centers.

The definition of an eligible "local government agency" is included in the Glossary below. However, if you have any questions regarding eligibility, please contact the Market Manager for further details.

II. PROGRAM DESCRIPTION

A. OVERVIEW

The Program will reduce the cost of energy audits and encourage energy efficiency upgrades for local government buildings in the following ways:

- Provide guidance to the local government agency as they develop a Scope of Work
- Facilitate Energy Auditing Firm qualification process
- Ensure that Energy Audit Reports meet Program requirements
- Provide an incentive of 75% of the cost for an Energy Audit Report
- Provide the balance (25%) of the Energy Audit Report cost if the applicant implements a specified level of recommended energy audit upgrade(s)

Applicants are not required to use their own competitive process to hire an Energy Auditing Firm. Applicants must use the New Jersey Division of Purchase and Property State Contract (T-2545) under the State Cooperative Purchasing Program. This contract has pre-selected qualified firms to perform the energy audits for this program. Since the firms were competitively selected through a Purchase and Property RFP process, they are already familiar with the rules and regulations of the Program. Furthermore, the prequalified Energy Auditing Firms are obligated to provide a minimum scope of services under the contract. For a list of these prequalified Energy Auditing Firms, see Appendix A. Applicants will send a Scope of Work and a request for price quote to each of the prequalified energy auditing firms and select an energy auditor from among responding firms in accordance with the State Contract (Section 1.2.1). Any agency using any reasonable, non-exclusionary, and non-discriminatory selection factors in addition to price must clearly identify them in their request for quotation. Any energy auditing firm declining to respond must do so in writing. For further information on the selected firms, go to http://www.state.nj.us/treasury/purchase/noa/contracts/t2545.shtml.

Applicants will select and interact directly with one of the pre-selected Energy Auditing Firms to determine the scope and cost of the energy audit. The Program will subsidize 75% of the cost for all approved energy audits. The remaining 25% of the energy audit cost will be refunded only if the net investment of installed recommended energy efficiency measures meets or exceeds the remaining energy audit cost. (Net Investment = Material and Labor Cost less NJ Clean Energy Program Incentive) The following examples outline the incentive payment process.

Example A

Local government agency has ten buildings.

The eligible annual funding cap is $100,000 for the group of buildings under the Program.

The cost of the energy audit for one of the buildings is $10,000.

The Program will incentivize 75% of the energy audit cost or $7,500. This incentive is for the energy audit and is not tied into any further actions on behalf of the local government.

The local government decides to move ahead with $ 4,000 worth of the recommended energy efficiency measures within one year of the energy audit. Some of those energy audit measures qualify for New Jersey Clean Energy Program incentives of $1,000.

The net investment by the local government is $3,000 ($4,000 total cost - $1,000 incentives).

The net investment exceeds the remaining cost of the energy audit ($3,000 is larger than the remaining $2,500).

The local government qualifies for the second incentive of $2,500.

Example B

The county has five buildings.

The eligible annual funding cap is $100,000 for the group of buildings under the Program.

The cost of the energy audit for one of the buildings is $8,000.

The Program will incentivize 75% of the energy audit cost or $6,000. This incentive is for the energy audit and is not tied to any further actions on behalf of the county.

The county decides to move ahead with $ 3,000 worth of the recommended energy efficiency measures within one year of the energy audit. Some of those energy audit measures also qualify for New Jersey Clean Energy Program incentives of $2,000.

The net investment by the county is $1,000 ($3,000 total cost - $2,000 incentives).

The net investment does not exceed the remaining cost of the energy audit ($1,000 is less than the remaining $2,000)

The county does not qualify for any further incentive

For more information on the Program incentives, see Section III below.

B. REQUIREMENTS

- Applicants need to formally apply to the Market Manager prior to contracting for the Energy Audit through one of the prequalified Energy Auditing Firms.

- Applicants to the Program must be an eligible local government agency (see Section VII Glossary for more details or call the Market Manager). Only buildings located within the state of New Jersey, served by a New Jersey regulated electric or gas utility are eligible for this program.

- To be eligible to receive Program incentives, applicants must use one of the pre-selected Energy Auditing Firms to perform their energy audit (see Appendix A, List of Pre-Selected Energy Auditing Firms or http://www.state.nj.us/treasury/purchase/noa/contracts/t2545.shtml for a listing). Applicants will select a firm using an Evaluation Committee in accordance with the process noted in Section II.A above. Applications for energy auditing services conducted prior to the Program implementation date and/or using other Energy Auditing Firms not listed in Appendix A will not be considered.

- The governing body of the local government agency submitting the application has passed a resolution enabling submittal of an application under the Local Government Energy Audit Program.

C. PRIORITIZATION

The program is designed to be a first-come, first-serve program in terms of the budget, which means applications that are reviewed and complete and acceptable will be funded on a rolling basis while designated funds last. However, if there are more applications seeking funds than there are remaining funds, the following criteria will be used to prioritize the applications;

a. The local government agency (if a municipality) is a member of the New Jersey League of Municipalities Mayors' Committee for a Green Future, has Registered with the Green Future Roadmap, and the governing body of the local government agency has passed a resolution stating their intent to seek "certification" according to the Green Future Roadmap Registration Procedures.

b. The agency has an existing, or under-development, sustainable community plan;

c. The agency's Governing Body has passed a resolution stating its commitment to becoming a sustainable community, including specific greening priorities;

d. The agency is participating in the NJBPU's Clean Power Community Partners Program or Clean Power Choice Program; and/or

e. The agency is actively participating in a state, national or other organization supporting sustainable community creation, energy efficiency, greenhouse gas reduction, sustainable/green design, and/or high performance buildings.

III. PROGRAM INCENTIVES

A. INCENTIVES

For those who have applied, there are two levels of incentives available through the Program. Seventy-five percent (75%) of the energy audit cost will be paid to all qualified participants upon receipt, review, and approval of the Energy Audit Report by the Market Manager. The remaining 25% of the energy audit cost may be paid if the building implements sufficient energy efficiency upgrades recommended in the energy audit. The net cost (total of material and installation cost less any NJ Clean Energy Program Smart Start Incentive received) of the upgrades must be equal to or greater than the remaining energy audit cost. Please see Section II.A above for examples of how this works.

B. LIMITATIONS

There is a $100,000 incentive cap per year on the eligible energy audit costs for each local government agency in order to ensure that as many different agencies as possible are able to have the opportunity to participate. Local government agencies can participate each year that the program is offered in order to receive energy audits on all of their eligible facilities. The Program will not provide incentives to have the same building audited more than once.

Funds are awarded on a first-come, first-serve and case-by-case basis, with the exception noted above . The Program reserves the right to withhold funds until all Program requirements are met. If the energy audit is not performed within 6 months of the application approval, the Program reserves the right to discontinue the reservation of all incentive funds for the project. Similarly, if a sufficient quantity of recommended energy efficiency upgrades is not installed within 12 months of energy audit approval, the second portion of the incentive amount may no longer be available. Extensions may be granted on a case-by-case basis.

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

RESOLUTION #2009-64

TITLE: APPOINTMENT TO THE LOWER TOWNSHIP MUA

WHEREAS, Steve Morey, Regular Member, Lower Township MUA submitted his resignation effective January 21, 2009, and

WHEREAS, Council has reviewed the applications on file with the Municipal Clerk and desires to fill the vacancy in order to maintain a full board.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower that the following appointment is hereby made:

Name	Type	Term Expires
	Regular Member (Unexp. term of S. Morey)	Feb. 1, 2013

I hereby certify the foregoing resolution was adopted by the Township Council on February 2, 2009.

_____

Claudia R. Kammer, Twp. Clerk

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

RESOLUTION #2009-65

TITLE: A FINAL RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER REMOVING THE TOWNSHIP MANAGER

WHEREAS, the Township of Lower ("Township") is a New Jersey municipal corporation operating under an optional municipal charter council-manager form of government pursuant to N.J.S.A. 40:69A-81, et seq.;

WHEREAS, pursuant to N.J.S.A. 40:69A-93, the Township Manager is required to hold office at the pleasure of the Township Council for an indefinite term subject to the removal by a majority vote of the Township Council;

WHEREAS, on December 15, 2008, the Township Council adopted Resolution No. 2008-285, which was a preliminary resolution to remove Joseph Jackson as the Township Manager for the reasons set forth therein, specifically dissatisfaction in the performance of Joseph Jackson as the Township Manager and the desire to make a change in the position of Township Manager;

WHEREAS, also pursuant to N.J.S.A. 40:69A-93, the Township Manager shall have the right to request a public hearing which shall take place not earlier than twenty (20) days and not later than thirty (30) days after such request is made, at which time, and after full consideration, the Township Council may by majority vote of its members adopt a final resolution of removal;

WHEREAS, by letter dated January 12, 2009 a hearing request had been made and a hearing had been scheduled for February 2, 2009, at 7:00 P.M. at the Lower Township meeting room, 2600 Bayshore Road, Villas, New Jersey;

WHEREAS, on January 15, 2009, the Township Council adopted Resolution No. 2009-29, which reaffirmed Resolution No. 2008-285 and suspended Joseph Jackson as the Township Manager with pay in accordance with N.J.S.A. 40:69A-93;

WHEREAS, prior to the hearing date of February 2, 2009, Joseph Jackson waived his right to such hearing; and

WHEREAS, the Township Council has considered this matter and the reasons contained in Resolution Nos. 2008-285 and 2009-29 and has determined to adopt this final resolution of removal.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

1. That based upon the reasons set forth in Resolution No. 2008-235 and Resolution No. 2009-29, Joseph Jackson is hereby removed as the Lower Township Manager.

2. Joseph Jackson shall receive his regular compensation up through March 15, 2009, which is three (3) months from the date of Resolution No. 2008-235, together with all unpaid vacation time up through the date of this Resolution; provided, however, in the event that any further investigation of incidents that occurred while Joseph Jackson served as the Township Manager results in "just cause" as defined in N.J.S.A. 40:69A-93, the Township reserves the right to claim a recovery of the compensation paid from the date of the suspension on January 15, 2009 through March 15, 2009.

3. All other benefits provided to Joseph Jackson consisting of health insurance and paid leave, shall terminate as of the date of this Resolution; subject, however, to his right to the continuation of health benefits at his cost under COBRA.

4. This Resolution is hereby adopted by the Township Council as a final resolution of removal of Joseph Jackson as the Township Manager pursuant to N.J.S.A. 40:69A-93.

_____

Claudia R. Kammer, Twp. Clerk

MUNICIPAL COURT OF LOWER TOWNSHIP

DAVID S. DEWEESE
Judge
Municipal Court

ELIZABETH M. BYRNE
Court Administrator

Cape May County Airport Complex
Public Safety Building
401 Breakwater Road
Erma, New Jersey 08204
(609) 886-6040
Fax: (609) 886-6636

3747-2

January 23, 2009

Kathleen McPherson, Township Manager
TOWNSHIP OF LOWER
2600 Bayshore Road
Villas, New Jersey 08251

RE: Monthly Report, Month of December, 2008

Dear Ms. McPherson:

Please accept this correspondence as the monthly report for the month of December, 2008, for the Municipal Court of Lower Township. Upon reviewing the Municipal Court Statistics for the month, I have compared same to the month of December, 2007, and that comparison indicates the following:

1. A decrease in the number of criminal cases added by 4 cases; and

2. An increase in the number of traffic cases added by 18 cases; and

3. A decrease in the number of DWI cases added by 1 case; and

4. An increase in the total number of cases added by 13 cases.

Also, for the month of December, 2008, as compared to December, 2007, there was an increase in the total receipts by $7,915.00 and an increase in the amount turned over to the Township, as compared to December, 2007, by $3,344.16. Additionally, please note that for the year 2008, there was an increase in the total receipts by $34,816.68 and an increase in the amount turned over to the Township, as compared to the year 2007, by $15,779.90.

If you have any questions, or need for additional information, please do not hesitate to contact me.

Hoping this information is satisfactory, I am,

Very truly yours,
TOWNSHIP OF LOWER

David S. DeWeese, JMC

DSD/klw
cc: Mayor Michael Beck
Deputy Mayor Kevin Lare
Council Member Thomas Conrad
Council Member Wayne Mazurek
Council Member Glenn Douglass
Chief Edward Donahue
Court Administrator Elizabeth Byrne

PERSONNEL ACTIONS

Report for Council Meeting of February 2, 2009

Department	Name	Eff. Date	Replaces	Action	Title	Budgeted Item
Public Works	Rementer, Joseph	1/22/2009		New hire	Temp Laborer	Yes

Date of report: 1/30/2009

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

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

RESOLUTION # 2009-66

TITLE: A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12."

WHEREAS, the Township Council of the Township of Lower is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Council of the Township of Lower to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) Matters Relating to the Purchase, Lease of Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

_____ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

__X__ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (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 February 2, 2009 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 February 2, 2009.

_____
Claudia R. Kammer, Township Clerk