RESOLUTIONS ADOPTED JUNE 1 2009

Res. #2009-157	Payment of Vouchers, $106,307.19
Res. #2009-158	A Resolution Requesting Reduction of Performance Guarantee for Cape May Estates Subdivision; Block 748; Lot 7; Escrow #P99-08-08
Res. #2009-159,	Authorization for Refund of Taxes (Refund 4 duplicate payment to First American)
Res. #2009-160,	A Resolution Requesting Release of Dumpster Bond for Paul Fauser (Work completed,$500 bond released)
Res. #2009-161,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Add't. $150,000 Small Cities)
Res. #2009-162,	Acceptance and Bid Award for Independence Day Festival (Wizards Festival of Fun, $23,500 -Rides, Games etc.)
Res. #2009-163,	Copes in Shops Program (Res. to execute the grant agreement)
Res. #2009-164,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Cops in Shops Grant for $1600)
Res. #2009-165,	Approval to Submit a Grant Application and Execute Grant Agreement with the New Jersey Department of Transportation for the Station Road Project (For Improvements to Road between Township Hall & Library)
Res. #2009-166,	Resolution Approving Settlement of Tax Appeal Litigation Known as Rite Aid v. Lower Township, Docket Nox. 005346-2009 and 005323-2008, Block 495.01, Lot 14, 3221 Bayshore Road, North Cape May, New Jersey (No change for 2008 or 2009, Reduction in Assessment for 2010)
Res. #2009-167,	Resolution Approving Settlement of Tax Appeal Litigation Known as Rite Aid v. Lower Township, Docket Nox. 005342-2009 and 004862-2008, Block 496.01, Lot 25, 3201 Bayshore Road, North Cape May, New Jersey (No change for 2008 or 2009, Reduction in Assessment for 2010)
Res. #2009-168,	Authorizing the Person to Person Transfer of Liquor License #0505-32-001-011 from Gayatrima LLC to Renaissance Beverages III, LLC (New Owners T/A Gorman's Wines & Spirits)
Res. #2009-169,	Payment of Vouchers, $10,000 (Contractual - Lower Township Rescue Squad)
Res. #2009-170,	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." (Litigation & Personnel - M Vitelli & D. Johns & R. Moore

RESOLUTION #2009-157
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
00110 ANCO HOME CENTER*						
09-00102	01/14/09		Open	18.19	0.00	
00153 ATLANTIC CITY ELECTRIC*						
09-01386	05/27/09	MAY, 2009	Open	7,021.67	0.00	
00179 AVERY TEITLER*						
09-00885	04/16/09	PROFESSIONAL SERVICES	Open	300.00	0.00	
00180 AUTO PARTS CO, INC*						
09-01195	05/06/09	SWAY BAR LINK/KIT RC-4	Open	15.70	0.00	
00228 AFFORDABLE FIRE SOLUTIONS LLC*						
09-01073	04/28/09	ANNUAL FIRE ALARM & SPRINKLER	Open	975.00	0.00	
00257 BAYSHORE LANDSCAPING INC*						
09-01377	05/26/09	LOT CLEARING - 247 BREAKWATER	Open	1,680.00	0.00	
00270 GERALD A BARRETT, INC*						
09-01172	05/06/09	ASPHALT-DPW	Open	1,254.89	0.00	
00301 BELMONT AND CRYSTAL SPRINGS*						
09-01264	05/18/09	BOTTLED WATER - DPW	Open	8.91	0.00	
00370 BLUE CROSS/BLUE SHIELD OF NJ						
09-01319	05/20/09	JUNE, 2009 RX - RETIREES	Open	2,902.68	0.00	
00432 MICHAEL BROGAN						
09-01375	05/26/09	OVER 65 MEDICAL SUPPLEMENT	Open	142.04	0.00	
00640 CAPE MAY COUNTY CLERKS OFFICE						
09-01163	05/06/09	NOTARY OATH - KATHY BROWN	Open	15.00	0.00	
00775 CAPRIONI PORTABLE TOILETS,INC*						
09-01149	05/05/09	HANDICAP TOILET WITH WKLY/INS.	Open	392.50	0.00	
00784 CAPE MAY STAR & WAVE						
09-01385	05/27/09	LEGALS	Open	39.68	0.00	
01110 COLLEEN CRIPPEN						
09-01384	05/27/09	REIMB BIKE AUCTION SUPPLIES	Open	173.77	0.00	
09-01429	05/28/09	REIMB BIKE AUCTION SUPPLIES	Open	79.27	0.00	
				253.04		
01118 DAYCARE CLEANING SERVICE*						
09-01164	05/06/09	MAY, 2009 CLEANING SERVICES	Open	2,279.17	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
01164 DIVISION OF LOCAL GOV SERVICES						
09-01161	05/06/09	RENEW TAX COLL CERT - K. BROWN	Open	50.00	0.00	
01200 DELTA DENTAL PLAN OF NJ						
09-01411	05/27/09	JUNE, 2009 DENTAL	Open	12,686.14	0.00	
01258 DICTAPHONE CORP.*						
08-02907	11/07/08	DICTATION EQUIPMENT	Open	1,828.40	0.00	
01267 EDWARD DONOHUE						
09-01380	05/26/09	REIMB CHIEF'S MTG/FBI TRAIN CO	Open	100.00	0.00	
01298 DOWNSTOWN AIRPORT, INC						
09-01055	04/27/09	2009 GYPSY MOTH AERIAL SUPP	Open	3,825.68	0.00	
01319 EDWARD EDWARDS						
08-01811	07/01/08	2008 EQUIP ALLOW	Open	150.00	0.00	
09-01332	05/20/09	2009 EQUIP ALLOW	Open	75.39	0.00	
				225.39		
01598 FT DEARBORN LIFE*						
09-01410	05/27/09	JUNE, 2009 LIFE INSURANCE	Open	626.50	0.00	
01697 GLOBAL INDUSTRIES INC*						
08-03317	12/08/08	OFFICE FURNITURE - POLICE DEPT	Open	8,220.30	0.00	
01781 HATCH MOTT MACDONALD, LLC*						
09-00840	04/09/09	WELL REGISTRATION - BENNETTS	Open	2,362.50	0.00	
09-00841	04/09/09	TAX MAP REVIEW	Open	885.00	0.00	
09-00923	04/22/09	BENNETTS DRAINAGE ISSUES	Open	877.50	0.00	
09-01372	05/22/09	ESCROW BILLING	Open	3,777.65	0.00	
				7,902.65		
01804 HOLTZ LEARNING CENTERS, LTD*						
09-00465	02/25/09	TRAINING	Open	2,100.00	0.00	
01807 MARLIN HEDUM						
08-01819	07/01/08	2008 EQUIP ALLOW	Open	150.00	0.00	
09-01339	05/20/09	2009 EQUIP ALLOW	Open	150.00	0.00	
				300.00		
02014 ALL TRAFFIC SOLUTIONS*						
09-01096	04/29/09	TRAFFIC CONTROL BOARD REPAIR	Open	1,060.00	0.00	
02025 HUNTER JERSEY PETERBILT*						
09-01174	05/06/09	PARTS FOR RECYCLING TRUCK-DPW	Open	484.36	0.00	
02108 KEEN COMPRESSED GAS CO*						
09-00274	02/03/09	BOTTLED GAS FOR GARAGE-DPW	Open	504.01	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
02473 FRANCIS P. MAJANE						
09-01408	05/27/09	CONTRACTUAL REIMBURSEMENTS	Open	353.53	0.00	
02585 WILLIAM MASTRIANA						
09-01379	05/26/09	REIMB - FBI TRAINING CONF	Open	60.00	0.00	
02777 MOORE WALLACE NORTH AMERICA*						
09-01084	04/28/09	REG-42B 8 1/2 X 14 PAPER	Open	266.32	0.00	
02811 JAMES MOY						
09-01409	05/27/09	CONTRACTUAL REIMBURSEMENTS	Open	78.00	0.00	
02961 NATIONAL TACT. OFFICERS ASSOC*						
09-01176	05/06/09	ANNUAL DUES	Open	150.00	0.00	
03022 PRICE CHOPPER, INC*						
09-01217	05/11/09	POOL WRISTBANDS	Open	235.36	0.00	
03104 NORTHEAST IND.&MARINE SUPPLY*						
09-00836	04/08/09	PARTS FOR RDS/SANT/RECY/DPW	Open	36.75	0.00	
03132 NEXTEL COMMUNICATIONS						
09-01256	05/18/09	NEXTEL - POLICE/OEM	Open	739.18	0.00	
03158 NYSCA*						
09-01147	05/05/09	MEMBERSHIP RENEWAL	Open	20.00	0.00	
03279 PARDO'S TRUCK PARTS WHSE*						
09-01173	05/06/09	PARTS FOR TRASH-DPW	Open	1,246.09	0.00	
03280 PARAMOUNT SANITARY SUPPLY*						
09-00850	04/13/09	TRASH BAGS/TOILET SUPPLIES	Open	120.18	0.00	
09-00856	04/15/09	LARGE TRASH BAGS	Open	48.08	0.00	
09-00884	04/16/09	TRASH BAGS	Open	294.50	0.00	
				462.76		
03293 BLAINE PAYNTER						
09-01376	05/26/09	CONTRACTUAL REIMBURSEMENT	Open	42.00	0.00	
03305 PEDRONI FUEL*						
09-01260	05/18/09	NO LEAD GAS-DPW	Open	430.78	0.00	
03414 WILLIAM PRIOLE						
09-01352	05/20/09	2009 EQUIP ALLOW	Open	120.20	0.00	
03448 REMINGTON,VERNICK & WALBERG*						
08-02103	08/01/08	SMART GROWTH	Open	5,000.00	0.00	
03466 R & R SPECIALTIES						
09-01075	04/28/09	PLAQUE FOR BERNARD DERA	Open	67.50	0.00	
03478 RED THE UNIFORM TAILOR, INC.*						

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-01107	04/29/09	UNIFORMS	Open	308.35	0.00	
03518 RIGGINS, INC.*						
09-01370	05/21/09	OFF-HIGHWAY DIESEL-DPW	Open	1,520.11	0.00	
03549 RICHO CORPORATION						
09-00181	01/23/09	PRINT SCAN/COPIER - PLANNING	Open	9,253.56	0.00	
03609 SEELY EQUIPMENT CO.*						
09-00906	04/20/09	PARTS FOR ROAD MOWER-DPW	Open	610.17	0.00	
03611 SERVICE TIRE TRUCK CENTERS*						
09-00832	04/08/09	TIRES FOR RDS/SANT/RECY/DPW	Open	3,635.31	0.00	
03723 STAPLES, INC.*						
09-01143	05/04/09	OFFICE SUPPLIES	Open	170.97	0.00	
03733 JAMES D. STRICKLAND						
09-01278	05/18/09	CONTRACTUAL REIMBURSEMENTS	Open	254.00	0.00	
03763 T.C.T.A. OF NJ*						
09-00699	03/25/09	TCTA SPRING CONFERENCE	Open	450.00	0.00	
09-00907	04/20/09	2009 ANNUAL SPRING CONFERENCE	Open	285.00	0.00	
				735.00		
03783 THIS AND THAT UNIFORMS*						
09-01179	05/06/09	UNIFORMS	Open	579.00	0.00	
03810 MUNICIPAL UTIL AUTH USAGE COST						
09-01279	05/18/09	SEWER SERVICE DUE 6/15/09	Open	152.30	0.00	
09-01280	05/18/09	WATER SERVICE DUE 6/15/09	Open	1,022.20	0.00	
				1,174.50		
03904 LOWE'S HOME CENTER INC*						
09-01137	05/01/09	SHEETROCK COURT ROOM REPAIRS	Open	85.25	0.00	
09-01146	05/05/09	LUMBER FOR GAZEBO AT CIRCLE	Open	128.40	0.00	
				213.65		
03925 TREASURER, STATE OF NJ						
09-00909	04/21/09	WATERFRONT DEVELOPMENT PERMIT	Open	3,740.00	0.00	
03935 STAPLES BUSINESS ADVANTAGE*						
09-01136	05/01/09	PROJECT BOARD, CLOCK	Open	797.98	0.00	
09-01204	05/08/09	MOBILE PRESENTATION EASELS	Open	458.15	0.00	
09-01221	05/11/09	OFFICE SUPPLIES	Open	145.01	0.00	
09-01224	05/11/09	CUPS/ TONER / OFFICE SUPPLIES	Open	130.18	0.00	
				1,531.32		
03948 USPS TMS ACCT#23370						

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-01428	05/28/09	POSTAGE - ACCT #23370	Open	3,000.00	0.00	
03953 VESPIA TIRE CENTERS, INC.*						
09-01194	05/06/09	NEW TIRES FOR RC-4	Open	473.04	0.00	
03960 VECTOR SECURITY*						
09-01077	04/28/09	ALARM REPAIR JUDGES BENCH	Open	113.75	0.00	
03994 MARGARET VITELLI						
09-01430	05/28/09	CONTRACTUAL REIMBURSEMENT	Open	130.00	0.00	
04012 XPRESS ELECTRONIC SERVICES*						
09-01426	05/27/09	REPAIR IBM - CLERK'S OFFICE	Open	82.50	0.00	
04059 THOMAS WILL						
09-01427	05/28/09	CONTRACTUAL REIMBURSEMENT	Open	91.50	0.00	
04082 USA MOBILITY WIRELESS INC*						
09-01259	05/18/09	PAGER - DPW	Open	8.95	0.00	
04272 PROPET DISTRIBUTORS*						
09-01271	05/18/09	DOGGIE BAGS ARTICLE #1402-30	Open	236.90	0.00	
04275 CLARKTON, LLC*						
09-00616	03/12/09	FIELD MAINTENANCE FOR	Open	5,380.00	0.00	
1STAM FIRST AMERICAN TAX SERVICE						
09-01366	05/21/09	RESOLUTION 2009-159 REF 09 TAX	Open	3,516.74	0.00	
G-MUA LTMUA						
09-01102	04/29/09	RECYCLING MONITORING FEES	Open	2,282.50	0.00	
SEXTON MARY SEXTON						
09-01425	05/27/09	SPAY/NEUTER PROGRAM	Open	65.00	0.00	
SIMONS DAWN SIMONSEN						
09-01274	05/18/09	SPAY/NEUTER PROGRAM	Open	30.00	0.00	
TACPR TAC PRINTING & MARKETING SERV*						
09-00809	04/06/09	LICENSE RENEWAL POSTCARDS	Open	340.00	0.00	
TRANSACT TRANSACTION CONFERENCE						
09-01052	04/24/09	SEMINAR	Open	295.00	0.00	
WALSH MICHELE WALSH						
09-01080	04/28/09	SOCCER REFUND	Open	15.00	0.00	

Total Purchase Orders: 88 Total P.O. Line Items: 187 Total List Amount: 106,307.19 Total Void Amount: 0.00

I hereby certify the foregoing resolution as adopted by the Township Council at a meeting held on June 1, 2009.

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-158

TITLE: A resolution requesting reduction of Performance Guarantee for Cape May Estates Subdivision; Block 748; Lot 7; Escrow #P99-08-08

WHEREAS, Lawrence A. Pray, Inc. posted a Performance Guarantee with the Township of Lower in the amount of $333,571.50 for the referenced above; and

WHEREAS, the Township Engineer has recommended that improvements having a total value of $286,951.50 have been properly installed and are presently acceptable; and

WHEREAS, the Township Engineer has recommended that the Performance Bond be reduced by the said amount leaving a balance of $100,071.45;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the Performance Guarantee of $333,571.50 be and hereby is reduced leaving a remaining balance of $100,071.45;

I hereby certify this is the original resolution adopted by the Township Council at the meeting of June 6, 2009.

Claudia R Kammer

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-159

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund has been requested.

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

Block	Lot	Refund To	Reason	Tax
132	12	FIRST AMERICAN	PAID TWICE	445.12
499.17	5	FIRST AMERICAN	PAID TWICE	662.17
753.11	13	FIRST AMERICAN	PAID TWICE	1,238.43
753.13	16	FIRST AMERICAN	PAID TWICE	1,171.02

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on June 1, 2009.

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-160

TITLE: A resolution requesting **release** of Dumpster Bond for Paul Fauser

WHEREAS Paul Fauser posted a bond with the Township of Lower in the amount of $ 500.00 ; and

WHEREAS, Dumpster permit #D- 20 was issued by the Lower Township Construction Department on May 6, 2009.

WHEREAS, the Township Construction Official made a final inspection May 23, 2009 certifying that the dumpster has been removed; and

WHEREAS, a Dumpster Bond was required by the Construction Office; and

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

AND HEREBY BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of $500.00 for payment of the above released of the dumpster bond.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of June 1, 2009.

Claudia R Kammer

Claudia R. Kammer, Township Clerk

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

DLG

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

RESOLUTION #2009-161

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of $150,000.00 for an item of revenue in the budget of the year 2009 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Small Cities
Total with increase to be $150,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of $150,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Small Cities
State/Federal Share $ 150,000.00
Non State Share $
Total with increase to be $ 150,000.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on June 1, 2009

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-162

TITLE: ACCEPTANCE AND BID AWARD FOR INDEPENDENCE DAY FESTIVAL

WHEREAS, bids were advertised on April 30, 2009 and due by May 14, 2009 at 2:00 p.m. for the Independence Day Festival, and

WHEREAS, one (1) proposals was submitted and reviewed by the Recreation Superintendent, and the QPA, and

WHEREAS, the vendor has supplied the Township with the Business Entity Disclosure Certification, Stockholder Disclosure Certification and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation 9-01-30-420-299

CFO Signature

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the contract for the above is hereby awarded as follows.

AWARD TO: WIZARDS FESTIVAL OF FUN INC.
TOTAL: $23,500.00

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for the same.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on June 1, 2009.

Claudia R. Kammer, Township Clerk

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

Request for Proposal 2009-04
Lower Township Independence Day Festival

Please attach detailed items including but not limited to rides and entertainment on a separate sheet. Please see attached EXHIBIT 1.

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

Twenty-Three Thousand and Five-Hundred Dollars in US Funds
Amount in words

$23,500
Amount in numbers

Wizard's Festival of Fun Inc.
Company Name

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

22 Monroe Drive, Laurel Springs, NJ 08021
Address

Albert M. Belmont Jr.
Signature of Authorized Agent

Albert M.Belmont Jr.
Type or Print Name

Title: President/General Manager

(856) 228-1281 Office or (609) 206-5244 Mobile
Telephone Number

May 14, 2009
Date

(856) 228-1281
Fax Number

wizardsfestivaloffun@verizon.net
E-mail address

LIST EXCEPTIONS BELOW OR USE ADDITIONAL SHEET:

1. We have been advised by our Insurance Company that we do not carry Professional Liability Insurance and cannot obtain it from them because they feel that is inapplicable to this situation because we are simply providing the rides and attractions specified in the RFP.

2.We have provided a past Certificate of Employee Information. We will reregister if we are awarded your project.

EXHIBIT 1 - WIZARD'S FESTIVALOF FUN INC. WILL PROVIDE:

QTY	RIDE DESCRIPTION
1	High-Lite Musical Chair Adult Swing Ride (Adult Ride NJ Permit)
1	Eli Bridge 45-Foot High Adult Ferris Wheel (Adult Ride NJ Permit)
1	Zamperla Adult Kite Flyer (Adult Ride NJ Permit)
1	Sellner Dizzi Dragon Adult Spin Ride (Adult Ride NJ Permit)
1	Fredericksen Adult Three Lane Fiberglass Fun Slide (Adult Ride NJ Permit)
1	High Lite KidsTown Trailer Mounted Interactive Play Unit (Kid Ride NJ Permit)
1	Zamperla Mini Rocking Tug Boat accommodating children and adults (Kid Ride NJ Permit)
1	Zamperla Rally Combination Kid Car Ride (Kid Ride NJ Permit)

OTHER ACTIVITIES/EQUIPMENT

1. Three Sound Attenuated 65 KW Generators with UL approved, NEC Code Distribution system to provide power to rides set up on three separate streets.
2. Tiny Young Sound Machine Show self-contained musical show with sound, lights, generator and stage offering music from the 50's through today, combining audience participation and comedy into a show that appeals to any audience. 5 PM - 9:15 PM. Performer has at least 15 years performance experience & can provide references upon request.
3. Trilby String Band, an Official Philadelphia String Band Association Band. The band will perform in costume from 7:15 PM until 9:15 PM.
4. Vappo the Clown on his Musical Calli-Bike from 5PM - 9:15 PM. Vappo has 20 years performance experience and can provide references upon request.
5. Face Painting by Lynn from 5 PM until 9 PM. Lynn has 10 years experience and can provide references upon request. Two assistant face painters will assist Lynn. Performers will use only use only professional non-allergenic paints.

ENHANCEMENTS

1. RAIN DATE: Wizard's will provide all of the Rides and generators for a **Rain Date on Friday, July 3, 2009 at no additional charge**.
2. PERSONNEL: Wizard's will provide **a minimum of two trained & certified, uniformed ride operators for every ride**.
3. EXTRA INSURANCE: **One Million Dollar Umbrella Excess General Liability Insurance**.
4. MECHANIC ON PREMISES: NAARSO (National Association of Ride Safety Officials) **Level 1 Ride Maintenance Technician/Mechanic on site throughout the event**.
5. EQUIPMENT CONDITION, INSPECTIONS & COMPLIANCE: All Rides will be in **excellent condition**, thoroughly cleaned and detailed for the event. All Rides will be **inspected daily by a NAARSO Level 2 Ride Inspector** and operated **in full compliance with all New Jersey rules and regulations**.

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

RESOLUTION #2009- 163

TITLE: COPS IN SHOPS PROGRAM

WHEREAS, the municipality of the Township of Lower has been awarded a grant of $1,600 to implement a Cops in Shops Program, as administered by the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety Programs.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the Mayor and Clerk are hereby authorized and directed to execute a grant agreement along with all other documents that may be required to be filed with the Department of Law and Public Safety on behalf of the Township of Lower for the amount of the grant, and

BE IT FURTHER RESOLVED, that in the event that a grant agreement is executed between the Department of Law and Public Safety and the Township of Lower, the Mayor and the Chief of Police, are hereby authorized and directed to carry out all functions related to the execution and completion of the grant funded project.

I hereby certify this is the original resolution adopted by the Township Council, June 1, 2009.

Claudia R Kammer

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-164

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of $1,600.00 for an item of revenue in the budget of the year 2009 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Cops in Shops
Total with increase to be $1,600.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of $1,600.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Cops in Shops
State/Federal Share $ 1,600.00
Non State Share $
Total with increase to be $ 1,600.00

FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

I hereby certify this is the original resolution adopted by the Township Council on June 1, 2009

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-165

TITLE: **APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE STATION ROAD PROJECT**

WHEREAS, State Aid to municipalities is available from the New Jersey Department of Transportation (NJDOT) for roadway improvements; and

WHEREAS, The Township of Lower desires to improve Station Road, adjacent to the Municipal Complex.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of Lower Township, formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2010-Lower Township-00419 to the New Jersey Department of Transportation on behalf of Lower Township.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lower Township which constitutes acceptance of the terms and conditions and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this first day of June, 2009.

Claudia R. Kammer

Claudia R. Kammer, Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL Claudia R. Kammer — Claudia R. Kammer, Clerk

Michael E. Beck — Michael E. Beck, Mayor

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

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

RESOLUTION NO. 2009-166

TITLE: RESOLUTION APPROVING SETTLEMENT OF TAX APPEAL LITIGATION KNOWN AS RITE AID v. LOWER TOWNSHIP, DOCKET NOS. 005346-2009 and 005323-2008, BLOCK 495.01, LOT 14, 3221 BAYSHORE ROAD, NORTH CAPE MAY, NEW JERSEY

WHEREAS, the Township of Lower (the "Township") is the defendant in Tax Court litigation entitled Rite Aid v. Lower Township, Docket Nos. 005346-2009 and 005323-2008, Block 495.01, Lot 14, 3221 Bayshore Road, North Cape May, New Jersey (the "Litigation"); and

WHEREAS, the Township Tax Assessor and Township Solicitor have recommended that the litigation be settled in accordance with the proposed Stipulation of Settlement attached hereto as EXHIBIT A (the "Stipulation"); and

WHEREAS, the Township desires to settle the Litigation in accordance with the Stipulation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township Solicitor is hereby authorized and directed to settle the Litigation and to execute a Stipulation of Settlement in substantially the same form as is attached hereto as EXHIBIT A.

I hereby certify this is the original Resolution adopted by the Township Council at a meeting held on June 1, 2009.

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

2009.166

STAVITSKY & ASSOCIATES
1373 Broad Street, Suite 204
Clifton, New Jersey 07013
(973) 594-9292
Attorneys for Plaintiff

RITE AID, Plaintiff, v. LOWER TOWNSHIP, Defendant.	TAX COURT OF NEW JERSEY DOCKET NOS.: 005346-2009 005323-2008 CIVIL ACTION **STIPULATION OF SETTLEMENT**

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 495.01
Lot: 14
Address: 3221 Bayshore Road

2008	**Original Assessment**	**County Board Judgment**	**Requested Assessment**
Land:	$ 1,184,700	N/A	WITHDRAW
Improvements:	$ 1,296,000	N/A	
Total:	$ 2,480,700	N/A	

2009	**Original Assessment**	**County Board Judgment**	**Requested Assessment**
Land:	$ 1,184,700	N/A	WITHDRAW
Improvements:	$ 1,296,000	N/A	
Total:	$ 2,480,700	N/A	

2. As a material part of this settlement the parties further agree that the assessment for the 2010 tax year will be reduced to $2,232,600.

3. The parties further agree that either party shall have the right to file a tax appeal for the 2010 tax year to obtain a judgment to implement, enforce and/or confirm the

assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property.

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

5. Based on the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

6. The parties specifically agree that any refunds due to plaintiff as a result of this Stipulation shall be without interest provided that payment is made within sixty (60) days of the date of entry of Final Judgment in this action.

Dated:

STAVITSKY & ASSOCIATES LLC

By:_____
Bruce J. Stavitsky, Esq.
Attorney for Plaintiff

MONZO CATANESE

By:_____
Anthony P. Monzo, Esq.
Attorney for Defendant

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

RESOLUTION NO. 2009-167

TITLE: **RESOLUTION APPROVING SETTLEMENT OF TAX APPEAL LITIGATION KNOWN AS RITE AID v. LOWER TOWNSHIP, DOCKET NOS. 005342-2009 and 004862-2008, BLOCK 496.01, LOT 25, 3201 BAYSHORE ROAD, NORTH CAPE MAY, NEW JERSEY**

WHEREAS, the Township of Lower (the "Township") is the defendant in Tax Court litigation entitled Rite Aid v. Lower Township, Docket Nos. 005342-2009 and 004862-2008, Block 496.01, Lot 25, 3201 Bayshore Road, North Cape May, New Jersey (the "Litigation"); and

WHEREAS, the Township Tax Assessor and Township Solicitor have recommended that the litigation be settled in accordance with the proposed Stipulation of Settlement attached hereto as EXHIBIT A (the "Stipulation"); and

WHEREAS, the Township desires to settle the Litigation in accordance with the Stipulation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township Solicitor is hereby authorized and directed to settle the Litigation and to execute a Stipulation of Settlement in substantially the same form as is attached hereto as EXHIBIT A.

I hereby certify this is the original Resolution adopted by the Township Council at a meeting held on June 1, 2009.

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

2009-167

STAVITSKY & ASSOCIATES
1373 Broad Street, Suite 204
Clifton, New Jersey 07013
(973) 594-9292
Attorneys for Plaintiff

RITE AID, Plaintiff, v. LOWER TOWNSHIP, Defendant.	TAX COURT OF NEW JERSEY DOCKET NOS.: 005342-2009 004862-2008 CIVIL ACTION **STIPULATION OF SETTLEMENT**

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 496.01
Lot: 25
Address: 3201 Bayshore Road

2008	**Original Assessment**	**County Board Judgment**	**Requested Assessment**
Land:	$ 669,200	N/A	WITHDRAW
Improvements:	$ 1,415,700	N/A	
Total:	$ 2,084,900	N/A	

2009	**Original Assessment**	**County Board Judgment**	**Requested Assessment**
Land:	$ 669,200	N/A	WITHDRAW
Improvements:	$ 1,415,700	N/A	
Total:	$ 2,084,900	N/A	

2. As a material part of this settlement the parties further agree that the assessment for the 2010 tax year will be reduced to $1,876,400.

3. The parties further agree that either party shall have the right to file a tax appeal for the 2010 tax year to obtain a judgment to implement, enforce and/or confirm the

assessment agreed upon herein. This agreement shall be binding upon any assignees, tenants and successors in interest with regard to the subject property.

4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

5. Based on the foregoing, the undersigned represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

6. The parties specifically agree that any refunds due to plaintiff as a result of this Stipulation shall be without interest provided that payment is made within sixty (60) days of the date of entry of Final Judgment in this action.

Dated:

STAVITSKY & ASSOCIATES LLC

By:_____
Bruce J. Stavitsky, Esq.
Attorney for Plaintiff

MONZO CATANESE

By:_____
Anthony P. Monzo, Esq.
Attorney for Defendant

ABC
Liq Lic File

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

RESOLUTION #2009-168

TITLE: AUTHORIZING THE PERSON TO PERSON TRANSFER OF LIQUOR LICENSE #0505-32-001-011 FROM GAYATRIMA LLC TO RENAISSANCE BEVERAGES III, LLC (t/a Gorman's Wines & Spirits)

WHEREAS, an application has been filed by Renaissance Beverages III LLC for a person to person transfer of Plenary Retail Consumption License #0505-32-001-011 issued to Gayatrima LLC, and

WHEREAS, the submitted application form is complete in all respects, the proper fees have been paid; and

WHEREAS, the Police Department has reviewed all documentation submitted with the application, completed the background check, reviewed the fingerprint report showing no record for the applicant and has no objection to the transfer.

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Council does hereby approve, effective June 2, 2009, the Person to Person transfer of the aforesaid Plenary Retail Consumption License #0505-32-001-011, to Renaissance Beverages III, LLC.

FURTHER RESOLVED the Clerk is hereby authorized to endorse said license certificate as follows:

"This license, subject to all its terms and conditions is hereby transferred effective June 4, 2009, to Renaissance Beverages III, LLC".

I hereby certify the foregoing to be a resolution adopted by the Township Council on June 1, 2009.

Claudia R. Kammer

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-169

Lower Township
Bill List II
06/01/09

Vendor	PO #	Description	Check #	Check Date	Amount
Lower Twp Rescue Squad	09-01223	Expense Reimb	39995	5/19/09	$ 10,000.00
TOTAL BILL LIST					**$ 10,000.00**

I certify the foregoing to be a Resolution adopted by the Township Council on June 1, 2009.

Claudia R. Kammer, RMC, Township Clerk

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

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

RESOLUTION # 2009-170

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

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.

__X__ (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. (M Viteli v. Lower Twp.)

__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. (M. Viteli, D. Johns & R. More)

_____ (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 June 1, 2009 that an Executive Session closed to the public shall be held on this date at approximately 7:33 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 June 1, 2009.

Claudia R Kammer

Claudia R. Kammer, Township Clerk

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