

AGENDA

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

SEPTEMBER 9, 2009 - 7:00 P.M.

Meeting called to order.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Roll Call & Determination of Quorum

Work Session

Council Review of Consent & Regular Agenda Items
Public Questions on Consent Agenda Items

Consent Agenda

Approval of Minutes August 17, 2009
Res. #2009-239, Payment of Vouchers, \$1,716,401.59
Res. #2009-240, Certification to Local Finance Board of Receipt and Review of Audit Sections General Comments & Recommendations (Required resolution to be adopted after audit has been filed)
Res. #2009-241, Authorization to Cancel Uncashed Check (9 checks from Court accounts totaling \$205.00)
Res. #2009-242, A Resolution Requesting Release of Demolition Bond for Block 536, Lot 32, 25 Adelpia Road, North Cape May
Res. #2009-243, Issuance of Operator's Licenses for Off Shore Taxi
Res. #2009-244, Approval Of Place To Place Transfer - Extension Of Premises, License #0505-44-028-002 T/A Acme Markets, Inc. (Licensing small area of to store liquor previously stored in outside trailer unit)
Res. #2009-245, Proposal For Substantive Certification From COAH (Thomas Planning Associates, \$7000)
Res. #2009-246, Award of Bid & Acceptance of Contract to Replace Cape May Canal Outfall Pipe (Walter's Marine Construction - \$23,578.20)
Res. #2009-247, Authorization for Refund of Taxes (1 refund - paid twice in error)
Res. #2009-248, Acceptance of Bid & Award of Contract for Two (2) 2010 Dodge Chargers with Police Package (\$45,732.00)

Regular Agenda

Administrative Reports

Personnel Action Report

Council Comments

Call to the Public

Adjournment

Public Information

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

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

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

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

Regular & Work Session Meeting Minutes - August 17, 2009

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 17, 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
Deputy Mayor Kevin Lare
Mayor Michael Beck

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

Lloyd Nippins - Presentation to Council of CALEA Accreditation

Mayor Beck said there was a special presentation to the Police Department and Township for meeting all 112 CALEA(Commission on Accreditation for Law Enforcement) standards.

Mitchell Sclar explained the accreditation for the Police was much like accreditations for colleges, hospitals, etc. He said it was a long, complex process and high honors. He said only 4 in the County had it out of 34 in New Jersey.

Mr. Lloyd Nippins said it was something to be proud of and the accreditations usually took 2-3 years to meet the standards. He said 2 Assessors perform an on site assessment for 3 days which consist of a 20-25 page report.

He said Lower Township's onsite assessment was so good they were using it as a model for other agencies.

Mr. Nippins said they would be back in 3 years and it was something that was earned it was just given to them. The benefit to the Township was they would get a discount on the insurance cost for the Police. A certificate was presented the Chief and Mayor.

Mayor Beck said the police should feel a sense of pride. He thanked the Police for a job well done and said Township Council was very proud.

WORK SESSION

Review of Consent and Regular Agenda Items

No comments from Council.

Public Questions on Consent Agenda and/or Regular Agenda Items

No comments.

Regular & Work Session Meeting Minutes - August 17, 2009

Consent Agenda

Approval of Minutes	August 3, 2009
Res. #2009-227	Payment of Vouchers, \$1,574,305.40
Res. #2009-228	Approval of Seashore Church of the Nazarene's Application to Conduct a Flea Market on October 17, 2009
Res. #2009-229	A Resolution Requesting Release of Demolition Bond for Block 748, Lot 18.01, Laurence A. Wietsma, 4092 Bayshore Road, Cape May (return of construction escrow)
Res. #2009-230,	Authorization for Refund of Taxes (2 properties - 1 duplicate payment & 1 paid on wrong property)
Res. #2009-231,	Approving Yorkshire Place Application to Conduct A Flea Market for August 28 & 29, Rain Date September 4 & 5
Res. #2009-232,	Certification of Lot Clearing Charges to the Tax Collector (5 properties)
Res. #2009-233,	Award of Purchase Through State Contract for Four (4) Digital Video Recording Systems (Cameras) to Be Installed in Police Vehicles
Res. #2009-234,	Bid Acceptance and Award for ADA Upgrades to the Municipal Building (Eagle Construction \$289,014.00 funded in through County Interlocal funds and Small Cities Grant)
Res. #2009-235,	A Resolution Requesting Release of Maintenance Guarantee for Admirals Court Subdivision; Block 753.01, Lot 7 and Block 753.20, Lot 1; Escrow #P01-03-12
Res. #2009-236,	Issuance of Limousine and Operator's License to A Sharper Limousine (3 Limo licenses & 1 Operator)

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

Regular Agenda

Public Hearing - Grant Application for Naval Air Station Wildwood (Required for grant application process)

Gordon Dahl, Director of SJ Economic Development District was in attendance to brief everyone on a project for the Naval Air Station Wildwood. He read the public hearing notice that was part of the Small Cities Pubic Hearing process. He said it included improvements to the NASW at the CMC Airport.

Dr. Salvator thanked Council for the support in the past and felt they were part of a community in addition to being a museum. They petitioned the DCA for a grant to improve the ADA codes. He said the building was built in 1943 and many of the materials were there for some time. He hoped to improve things to meet ADA compliance.

Councilmember Conrad felt he should get all the support needed.

Councilmember Mazurek said he did a wonderful job there and had his full support.

Councilmember Douglass agreed as well as Deputy Mayor Lare.

Mayor Beck said it was unanimous. He said what Mr. Salvator and his wife Annie did was fabulous and said whatever they could do to help they would.

Joe Winters of the Villas asked if the grant was just for the museum?

Mr. Salvator said "yes".

Gordon Dahl said Len Desiderio was in support of it and would do so at the County level.

Councilmember Mazurek read the list of improvements to be done.

Mayor Beck said the people of Lower Township needed to go see the museum and also visit the Vietnam Museum.

Regular & Work Session Meeting Minutes - August 17, 2009

Res. #2009-237, Approval of Voucher, Lower Township Rescue Squad - \$10,000 (part of contribution)
Councilmember Mazurek motioned to adopt the resolution, seconded by Councilmember Douglass. The resolution was adopted by the following roll call vote: Councilmember Conrad, "abstain", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Res. #2009-238, Appointment to the Lower Township MUA
Deputy Mayor Lare motioned to adopt the resolution, seconded by Councilmember Conrad. The resolution was adopted by the following roll call vote: Councilmember Conrad, "yes", Councilmember Mazurek, "yes", Councilmember Douglass, "yes", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Ord. #2009-11, Bond Ordinance Providing for the Installation of Stormwater Outfall Extensions for Various Roads in and by the Township of Lower, in the County of Cape May, New Jersey, Appropriating the \$300,000 Therefor and Authorizing the Issuance of \$245,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (Road Program: Drainage Outfall Lines) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Ed Butler thanked the Council for the consideration of the MUA Board position.

Mayor Beck said he would do a great job.

Mayor asked for comment on the ordinance.

No comments from the public.

Mayor Beck closed the public portion.

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

Ord. #2009-12, Bond Ordinance Providing for Various Capital Improvements of the Township of Lower, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$436,000.00 Therefor and Authorizing the Issuance of \$335,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof, (Miscellaneous equipment & repairs) was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Joe Winters asked why were they redoing the floor in the Recreation Center?

Deputy Mayor Lare said it was 20 years old and needed to be replaced.

Mr. Winters asked if the floor was dangerous?

Mayor Beck said it was past its life expectancy.

Mr. Winters said he walked the whole floor and found 2 small problems.

Manager McPherson said they would like to address it now before there were problems.

Mayor Beck said it was used a lot and basketball season was coming up.

Mr. Winters asked if they were replacing it with the same type of floor?

Mayor Beck said they would need to take a look. They didn't want to wait until a problem happened and then the kids couldn't play.

Councilmember Mazurek said he felt the things on the list were necessary.

Mayor Beck closed the public portion.

Regular & Work Session Meeting Minutes - August 17, 2009

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

Ord. #2009-13, An Ordinance Replacing Chapter 400, Section 41 of the Code of the Township of Lower to Update and Clarify the Repealed Standards and Procedures For Approving the Construction of a Wind Energy Conversion System (also know as a windmill) in the Township of Lower, was presented for second reading and final adoption. The Clerk announced the ordinance was posted and published according to law and copies were available in the Clerk's Office.

Mayor Beck opened the meeting for comment on the ordinance.

Deputy Mayor Lare said Council had copies of the proposed amendments. He said it would change the setback from 15 feet to 5 feet and also waive the application and permit fees for conforming residential lots.

He also said it would waive fees for wind and solar permits and eliminate building for storage cells. There would be a sunset provision to consider by 2010.

Deputy Mayor Lare felt it was a good ordinance and Bill Galestok deserved a lot of credit for all his work.

Councilmember Conrad said he would like to see the 15 foot setback in the ordinance and see if it would work. He supported solar and green energy, but also needed to protect the neighborhood.

Councilmember Mazurek said he wanted to hear from the public on the ordinance. He said he was concerned with safety if the setback were changed. He said it wasn't like everyone would be running out and getting windmills.

Deputy Mayor Lare said the primary focus he felt would be on the bayfront. He wasn't sure what the 15 foot setback would do since an engineer's certification was needed for the foundation. He also said there was no documentation on windmills collapsing. He felt the change would not gain anything.

Deputy Mayor Lare said keeping the 15' in you would be knocking a lot of people out.

Mayor Beck agreed with Deputy Mayor Lare. He said the bottom line was whether it was 5' or 15' if it was going to fall it would go in the neighbors one way or the other. It had taken awhile to get to this and it was all new and it was an evolving piece of legislation. He said the way technology changed it was an ordinance that would be coming back from time to time.

Mayor Beck thanked Bill Galestok for all his help with the ordinance.

Janet Pitts of the Lower Township Taxpayers Association asked for clarification in laymans terms.

Mayor Beck said the size of the windmill determined the setbacks.

Joe Winters of Florida Avenue asked if it was correct that no site plan was needed.

Deputy Mayor Lare said for conforming residential no zoning board approval was needed.

Mr. Winters asked if it relieved the Township of responsibility?

Councilmember Conrad said he liked the word "foundation" in the ordinance to protect the Township.

Mr. Winters asked if you had to go before the Planning Board to put up a shed.

Solicitor Monzo said only a building permit was needed if it was conforming.

Mr. Winters said he wasn't for giving free passes on the fees. He said if they could afford a \$15,000 windmill you could afford to pay the permit fee. He felt the current ordinance should be tabled and Mr. Galestok should prepare one that was good for all the Township. He said he lived on the bay and would like to have a say if a neighbor wanted to put up a windmill.

Ed. Butler said he felt it should be reviewed more. He agreed that it should be postponed and have Mr. Galestok come up with a sellable proposal.

Mayor Beck said he spent plenty of time with Bill Galestok on the ordinance. He said it would be a living document and they couldn't be accused of rushing this. He said Mr. Galestok had been working with him and the Township side by side.

Regular & Work Session Meeting Minutes - August 17, 2009

Mr. Butler asked about the liability if one should fall?

Councilmember Conrad asked if he felt people shouldn't have windmills or solar panels.

Mr. Butler said no.

Councilmember Mazurek said he had a question for Mr. Olivio. He asked Mr. Olivio if homeowners insurance covered it if a windmill fell.

Mr. Olivio said yes.

Mr. Butler asked if he had proof of that.

John Stallford of East Atlantic Avenue said he was very much in favor of windmills since people had trouble with their electric bills. He said to go with it and redo it in a year if they had to.

Bill Greenfield said he usually complained but, it sounded like the ordinance would be alright and you couldn't please everybody.

Mr. Winters asked if it was amended he felt it should have another public hearing.

Deputy Mayor Lare said he wasn't sure if windmills were feasible for everyone. He said he was raising some good points but if it was conforming he felt it should not require additional costs.

Mr. Olivio, 300 Woodland Avenue said they were overlooking the fact that the Township had an ordinance for 27 years with 5' setbacks and it caused no problems. He said if they were increasing the setbacks for safety that wouldn't make a difference. He asked if anyone could explain what the 10' would do.

Councilmember Conrad said that was the national standard and it could just be psychological for the neighbors.

Mr. Galestok explained the reason for the 5' plus radius. He said he hadn't found any standard for the height.

Mr. Olivio said no one along the bayfront needed anymore than 45'. He said he had been involved since the ordinance was rescinded in December. He said had it not been for one person who wanted a 100' plus tower it would have just gone along. He said to keep it at 5' as it had been for the past 27 years.

Councilmember Mazurek said the packet Council had received recommended the setback as the height of the windmill plus ½ the rotor radius. If the windmill group made the recommendations why wouldn't the Township follow.

John Skrowski 607 Arctic Avenue felt the 15' plus the blade radius was a bit much and agreed with the 5'. He felt many changes were coming.

Mr. Butler said he lived along the bay and everyone couldn't put up windmills as they may need CAFRA approval.

He said 20 years ago no one thought about windmills and they weren't for everyone. He asked how many years would it be to recover the cost.

Mr. Olivio said it took four years for him.

Mr. Butler said it should be reviewed more.

Solicitor Monzo said the vote was on the amendment only.

Mayor Beck closed the public portion.

Deputy Mayor Lare motioned to adopt the ordinance, seconded by Mayor Beck. The ordinance was adopted by the following roll call vote: Councilmember Conrad, "no", Councilmember Mazurek, "no", Councilmember Douglass, "no", Deputy Mayor Lare, "yes", Mayor Beck, "yes".

Ordinance #2009-13 (without amendments) Motion: Conrad Second: Deputy Mayor Lare

Councilmember Conrad, "yes", Councilmember Mazurek, "no", Councilmember Douglass, "yes", Deputy Mayor Lare, "no", Mayor Beck, "yes".

Administrative Reports

Personnel Action Report

Tax Collector's Certification of mailing of Tax Bills

July Reports - Animal Control, Clerk, Construction, Dog Licensing, Engineer, Fire Safety, Municipal Court, Municipal Judge, MUA, Police, Tax Collector, Vital Statistics.

Regular & Work Session Meeting Minutes - August 17, 2009

Council Comments

Deputy Mayor Lare sad he wanted to clarify his "no" vote and the reason was due to the 15' setback. He said he would not be at the Stockton meeting and was in full support of the college coming to the Township.
Mayor Beck said he was looking forward to Stockton and Ponder Lodge. He mentioned the movies in the park was relocated to the recreation center and thanked Eileen for her work with the movie night.
Mayor Beck said Lower Township had lost a true hero this past Thursday, Cass Clark who was a unique individual. He said she belonged to the Township and the animals. He read some of the various programs she had volunteered for.

Public Comments

Meeting Regarding Stockton College

Joe Winters of Florida Avenue asked if there would be enough room for the Stockton Meeting at Township Hall?
Mayor Beck said he felt it would be alright.
Ed Butler asked if there were to many in attendance would they still hold the meeting?
Mayor Beck said they would do the best they could to let the voices be heard and then possibly a second meeting.

Signs Around the Township

Bob Rizzo of Mickels Run had brought a sign with him and said that was one of many that had been taken down from Mickels Run.
Mayor Beck said signs were everywhere over the weekend. He said he had zero tolerance and the problem was the signs went up at night.
Mr. Rizzo said signs were getting ridiculous. He thanked whoever removed the dead tree off of Bayshore Road.
Mayor Beck said they would move on the signs.

Fishing Creek School

Wayne Weissman asked what was going on with the Fishing Creek School on Bayshore Road.
Mayor Beck said he would discuss it with him later.

There being no further comment, Councilmember Douglass motioned to adjourn the meeting, seconded by Deputy Mayor Lare the meeting unanimously adjourned by verbal "ayes" at 8:30 p.m.

Mayor

Township Clerk

Approved: September 9, 2009

09/03/09
10:43:59

Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
00365 BLUE STAR*	09-02146	08/05/09	SUPPLIES FOR GARAGE-DPW	Open	1,137.99	0.00	
00370 BLUE CROSS/BLUE SHIELD OF NJ	09-02322	08/24/09	SEPT, 2009 RETIREES	Open	2,869.81	0.00	
00419 RICHARD M BRASLOW, ESQ	09-02241	08/17/09	PROF SERVICE FIRE SFTY	Open	98.00	0.00	
00439 M A B PAINTS*	09-02191	08/07/09	TRAFFIC PAINT-DPW	Open	465.35	0.00	
00594 COLEA*	09-02112	08/03/09	MANUAL	Open	47.50	0.00	
00611 COUNTY OF CAPE MAY	09-02320	08/24/09	JULY, 2009 FUEL	Open	24,606.33	0.00	
00616 ANIMAL ALLIANCE OF CAPE	09-02273	08/18/09	TNR AND SPAY/NEUTER PROGRAM	Open	255.00	0.00	
	09-02331	08/26/09	TNR AND SPAY/NEUTER PROGRAM	Open	85.00	0.00	
	09-02353	08/31/09	TNR & SPAY/NEUTER PROGRAM	Open	135.00	0.00	
	09-02354	08/31/09	TNR & SPAY/NEUTER PROGRAM	Open	50.00	0.00	

					525.00		
00651 MUNICIPAL UTIL AUTH DUMP FEES	09-02206	08/11/09	TIPPING FEES - DPW	Open	88,779.38	0.00	
00680 CMC JUNIOR FOOTBALL LEAGUE	09-02230	08/12/09	YOUTH FOOTBALL LEAGUE FEES	Open	3,500.00	0.00	
00775 CAPRIONI PORTABLE TOILETS, INC*	09-02222	08/12/09	HANDICAP TOILET WITH WKLY/INS.	Open	130.00	0.00	
	09-02250	08/17/09	PORTABLE TOILET PICKUPS	Open	75.00	0.00	

					205.00		
00784 CAPE MAY STAR & WAVE	09-02313	08/21/09	LEGALS	Open	158.72	0.00	
	09-02314	08/21/09	LEGALS	Open	189.72	0.00	

					348.44		
00825 COMCAST*	09-02330	08/25/09	MONTHLY INTERNET - FIRE SAFETY	Open	100.20	0.00	
00928 CAPE MAY COUNTY CLERK	09-02257	08/17/09	RECORDING FEE CAPE MAY OUTFALL	Open	8.00	0.00	
00935 COASTAL PHYSICIANS & SURGEONS*	09-02202	08/11/09	PATRICK GREEN EVALUATION	Open	450.00	0.00	

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
01072 WILLIAM CORDES JR	09-02364	09/01/09	CONTRACTUAL REIMBURSEMENTS	Open	70.00	0.00	
01078 DAVID COOPER	09-02326	08/25/09	SHOE ALLOWANCE FOR 2009-DPW	Open	153.30	0.00	
01118 DAYCARE CLEANING SERVICE*	09-02185	08/07/09	AUGUST, 2009 CLEANING SVC	Open	2,279.17	0.00	
01200 DELTA DENTAL PLAN OF NJ	09-02318	08/21/09	SEPTEMBER, 2009 DENTAL	Open	12,593.29	0.00	
01245 G & K SERVICES CO*	09-02072	07/28/09	MAINTENANCE STAFF UNIFORMS	Open	67.36	0.00	
01285 DAVID DOUGLASS	09-01698	06/15/09	DONATION TO LAW ENF SCHOLARSHI	Open	500.00	0.00	
01480 E-Z PASS	09-02369	09/01/09	EZ PASS	Open	300.00	0.00	
01512 J.P. SPORTS INC.*	09-02232	08/12/09	ATHLETIC TAPE	Open	55.95	0.00	
01519 TOM FOLS ELECTRICALCONTRACTOR*	09-02092	07/29/09	SUPPLY & INSTALL FLOOD FIXTURE	Open	550.00	0.00	
	09-02308	08/20/09	REPAIR FOOTBALL SCOREBOARD	Open	185.00	0.00	
	09-02324	08/25/09	LABOR AND MATERIALS-DPW	Open	250.00	0.00	
	09-02371	09/01/09	REPLACE & INSTALL RAIN SENSOR	Open	425.00	0.00	
	09-02376	09/01/09	WIRELESS RAIN SENSORS-DPW	Open	400.00	0.00	
					----- 1,810.00		
01582 FLAGHOUSE, INC.*	09-02106	07/31/09	G398 28" ORANGE WEIGHTED CONES	Open	275.94	0.00	
01598 FT DEARBORN LIFE*	09-02323	08/24/09	SEPT, 2009 LIFE INSURANCE	Open	586.49	0.00	
01600 ORVILLE E FOWLER	09-02316	08/21/09	2009 OVER 65 MEDICAL SUPP	Open	1,340.00	0.00	
01730 GTBM INC.*	09-01683	06/15/09	COMPUTER SUPPLIES	Open	848.20	0.00	
01781 HATCH MOTT MACDONALD, LLC*	09-00576	03/10/09	OUTFALL PIPES ALONG DEL. BAY	Open	11,463.00	0.00	
	09-01297	05/20/09	OVERLAY MAP	Open	750.00	0.00	
	09-01361	05/21/09	TAX MAP INSPECTION FOR REVAL	Open	187.50	0.00	
	09-01530	06/05/09	DRAINAGE - DPW - BAYSHORE WEST	Open	2,767.72	0.00	
	09-01918	07/10/09	PREPARE AN APPLICATION TO THE	Open	7,192.00	0.00	
	09-01941	07/10/09	PROF SVC-HALL PKG LOT PHASE 1	Open	2,457.00	0.00	

09/03/09
10:43:59

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Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-02020	07/22/09	EMERGENCYREPAIR LINDANNE/MINDY	Open	686.28	0.00		
09-02279	08/18/09	ESCROW BILLING	Open	6,547.55	0.00		
09-02362	09/01/09	OUTFALL PIPES CHANGE-09-00576	Open	2,945.45	0.00		

					34,996.50		
01820	DARRIN D. HICKOK						
09-02346	08/26/09	CONTRACTUAL REIMBURSEMENT	Open	135.00	0.00		
09-02370	09/01/09	FUEL REIMBURSEMENT	Open	42.00	0.00		

					177.00		
01968	ITS MAILING SYSTEMS, INC*						
08-03625	08/07/09	2008 SCALE MAINT SCV CONTRACT	Open	1,140.00	0.00		
02021	JERSEY CAPE DOOR*						
09-01922	07/10/09	REPAIRS TO GARAGE DOOR-DPW	Open	250.00	0.00		
02108	KEEN COMPRESSED GAS CO*						
09-01934	07/10/09	BOTTLED GAS FOR SHOP/DPW	Open	211.02	0.00		
02116	FRAN KENNEDY COFFEE CO.*						
09-02258	08/17/09	COFFEE SUPPLIES - TOWNHALL	Open	130.77	0.00		
02125	KDI*						
09-02262	08/17/09	SAVIN BW & COLOR 5/09-7/31/09	Open	360.27	0.00		
02223	LANDSMAN UNIFORMS*						
09-01816	06/30/09	UNIFORMS	Open	462.00	0.00		
09-02228	08/12/09	UNIFORMS - S/O C. DONOHUE	Open	218.00	0.00		

					680.00		
02229	CHRISTIAN J. LAMBERT						
09-02333	08/26/09	REIMBURSEMENT FOR BACKGROUND	Open	26.25	0.00		
02351	LOWER CAPE MAY REGIONAL						
09-01061	04/27/09	SCHOOL TAX DUE 15TH OF MONTH	Open	1,162,843.00	0.00		
02402	MGL PRINTING SOLUTIONS						
09-02030	07/22/09	COUNCIL/PAYROLL/AGENCY CKS	Open	1,686.50	0.00		
02417	MAGELLAN HILL TECHNOLOGIES*						
09-02359	08/31/09	PHONE SERVICE	Open	2,817.47	0.00		
02541	ROBERT D. MARTIN, JR						
09-02365	09/01/09	CONTRACTUAL REIMBURSEMENT	Open	277.00	0.00		
02607	MICHAEL MAJANE						
09-02392	09/02/09	CONTRACTUAL REIMBURSEMENT	Open	155.00	0.00		
02629	MATTHEW MASTALSKI						
09-02374	09/01/09	SHOE ALLOWANCE FOR 2009-DPW	Open	51.99	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
02647	KATHLEEN MCPHERSON	09-02270	08/18/09	CONTRACTUAL REIMBURSEMENT	Open	190.00	0.00	
02656	MICHAEL MCPHERSON*	09-02207	08/11/09	365 Corson Ln Lot Clearing	Open	320.00	0.00	
02709	ANTHONY MONZO*	09-02363	09/01/09	LITIGATION EXPENSE JULY, 2009	Open	7,362.61	0.00	
02800	MURPHY FENCE COMPANY*	09-02247	08/17/09	MISC. PARTS FOR DRIVE GATE	Open	10.31	0.00	
02965	KEITH PALEK	09-02246	08/17/09	WORK BOOTS PER UNION CONTRACT	Open	59.99	0.00	
03022	PRICE CHOPPER, INC*	09-02233	08/12/09	POOL WRISTBANDS	Open	85.92	0.00	
03026	NJ STATE HEALTH BENEFITS	09-02355	08/31/09	SEPTEMBER, 2009 HEALTH BENEFIT	Open	184,481.24	0.00	
03109	TRU GREEN CHEMLAWN	09-01150	05/05/09	VEGETATION CONTROL/SEEDING/DPW	Open	1,400.00	0.00	
03132	NEXTEL COMMUNICATIONS	09-02394	09/02/09	NEXTEL SERVICE	Open	832.67	0.00	
03172	OFFICE BUSINESS SYSTEMS INC*	09-02100	07/31/09	MAINT CONTRACT	Open	1,097.98	0.00	
03293	BLAINE PAYNTER	09-02271	08/18/09	CONTRACTUAL REIMBURSEMENT	Open	29.00	0.00	
		09-02317	08/21/09	CONTRACTUAL REIMBURSEMENT	Open	14.00	0.00	
						----- 43.00		
03354	PERNA FINNIGAN, INC*	09-01940	07/10/09	LINDANNE/MINDY PIPE REPAIR	Open	13,500.00	0.00	
03387	POGUE INC. *	09-02124	08/03/09	PRE-EMPLOYMENT TESTING-DPW	Open	236.00	0.00	
03418	PROFESSIONAL PRINTING*	09-02248	08/17/09	BOCA SUPPLIES	Open	692.00	0.00	
03427	POLAR BEAR*	09-02227	08/12/09	EMERGENCY SERVICE ON AIR	Open	342.23	0.00	
03466	R & R SPECIALTIES	09-01701	06/18/09	BAYRUN TROPHIES	Open	1,579.05	0.00	
03518	RIGGINS, INC.*							

09/03/09
10:43:59

Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
	09-02255	08/17/09	OFF-HIGHWAY DIESEL - DPW	Open	677.35	0.00	
03607 SEASHORE FOOD SUPPLY*							
	09-01703	06/18/09	SUPPLIES FOR BAYRUN	Open	382.68	0.00	
03608 SEAWAVE CORPORATION*							
	09-02190	08/07/09	HELP WANTED ADD / DISPATCH	Open	215.24	0.00	
03611 SERVICE TIRE TRUCK CENTERS*							
	09-01933	07/10/09	TIRES FOR RDS/SANT/RECY/DPW	Open	3,335.49	0.00	
03654 SPECIALTY AUTO REPAIR*							
	09-02203	08/11/09	WHEEL ALIGNMENT - DPS	Open	60.00	0.00	
03700 SPORTS-N-STUFF*							
	09-02038	07/24/09	ROYAL BLUE MAINTENANCE STAFF	Open	219.00	0.00	
	09-02183	08/07/09	BAYRUN SHIRTS	Open	330.00	0.00	

					549.00		
03810 MUNICIPAL UTIL AUTH USAGE COST							
	09-02264	08/17/09	SEWER SVC DUE 9/15/09	Open	170.50	0.00	
	09-02265	08/17/09	WATER SVC - DUE 9/15/09	Open	1,800.56	0.00	

					1,971.06		
03860 TWO MILE ASSOCIATES							
	09-02113	08/03/09	REFUND OF 08-09 LICENSE FEE	Open	50.00	0.00	
03904 LOWE'S HOME CENTER INC*							
	09-01973	07/15/09	BATHROOM RENOVATIONS	Open	557.38	0.00	
03912 U S MANUFACTURING INC*							
	09-01905	07/08/09	TIPS/HARDWARE -TUB GRINDER	Open	1,283.01	0.00	
03935 STAPLES BUSINESS ADVANTAGE*							
	09-02107	08/03/09	BINDERS/BACK UP TAPES	Open	194.89	0.00	
	09-02192	08/10/09	PRINTER - TREASURER	Open	1,352.18	0.00	
	09-02213	08/11/09	ADDING MAC TAPE/FILE FOLDERS	Open	33.95	0.00	
	09-02256	08/17/09	ROUTERS	Open	95.24	0.00	

					1,676.26		
03948 USPS TMS ACCT#23370							
	09-02388	09/02/09	POSTAGE METER - ACCT#23370	Open	4,000.00	0.00	
03957 VARSITY SPIRIT FASH.&SUPP.INC*							
	09-02032	07/23/09	CHEERLEADING UNIFORMS	Open	1,409.50	0.00	
03960 VECTOR SECURITY*							
	09-02018	07/22/09	INSPECTION	Open	161.25	0.00	
03969 VERIZON							

09/03/09
10:43:59

Lower Township
Bill List By Vendor Id

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-02263	08/17/09	201 Z443-6305	ANALOG	Open	93.87	0.00	
09-02315	08/21/09	PHONE SERVICE		Open	350.09	0.00	

					443.96		
03971	VERIZON WIRELESS						
09-02373	09/01/09	MDT WIRELESS		Open	576.19	0.00	
03992	VAL-U AUTO PARTS LLC*						
09-02145	08/05/09	PARTS FOR RDS/SANT/RECY/DPW		Open	2,407.79	0.00	
04030	WEST PUBLISHING PAYMENT *						
09-02239	08/17/09	UPDATES NJ PRACTICE 31,35,35A		Open	144.00	0.00	
09-02349	08/28/09	NJ STAT 2009PP - TAX COLLECTOR		Open	100.00	0.00	

					244.00		
04045	WILDWOOD GLASS CO., INC.						
09-02158	08/05/09	REPAIR TOWNHALL DOOR EMERGENCY		Open	48.75	0.00	
04059	THOMAS WILL						
09-02272	08/18/09	CONTRACTUAL REIMBURSEMENT		Open	55.00	0.00	
04075	BARBER CONSULTING SERVICES LLC						
09-00289	02/04/09	WEB HOSTING 2/09-12/31/09		Open	300.00	0.00	
04097	CINTAS FIRST AID AND SAFETY*						
09-02103	07/31/09	FIRST-AID KIT SUPPLIES-DPW		Open	124.85	0.00	
09-02356	08/31/09	FIRST AID SUPPLIES - TOWNHALL		Open	42.90	0.00	

					167.75		
04204	ZACHARY ZELWAK						
09-02249	08/17/09	MISC. PARTS FOR SPRINKLER		Open	6.19	0.00	
04261	STATE OF NEW JERSEY						
09-02244	08/17/09	2ND QTR 2009 UNEMPLOYMENT		Open	52,015.97	0.00	
04300	W B MASON CO INC*						
09-01438	06/01/09	FAX RIBBONS - FIRE SAFETY		Open	133.85	0.00	
04301	SEASHORE ASPHALT CORPORATION*						
09-02128	08/03/09	ASPHALT - DPW		Open	680.68	0.00	
09-02204	08/11/09	ASPHALT FOR PAVING-DPW		Open	1,360.68	0.00	
09-02254	08/17/09	ASPHALT - DPW		Open	681.36	0.00	

					2,722.72		
04310	MARIO ZACCARIA						
09-02387	09/02/09	REIMBURSE MILEAGE/TOLLS		Open	16.00	0.00	
04350	RITE AID CORP						
09-02274	08/18/09	RETURN UNUSED ESCROW		Open	674.45	0.00	

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
BOSNA KAREN MANETTE BOSNA	09-02391	09/02/09	INSTRUCTOR - AQUA YOGA	Open	570.00	0.00	
BOWMA BOWMAN WALKER CONSTRUCTION	09-02390	09/02/09	RETURN UNUSES ESCROW	Open	1,549.58	0.00	
CENTRAL CENTRAL MORTGAGE COMPANY	09-02395	09/03/09	REFUND 3RD QTR 09 TAX 722/7	Open	1,081.49	0.00	
COMMSERV COMMERCIAL SERVICES, INC	09-02345	08/26/09	RELEASE DEMO BOND	Open	2,500.00	0.00	
CRONIN MICHAEL CRONIN	09-02352	08/28/09	COACHES CERTIFICATION RENEWAL	Open	20.00	0.00	
G-MUA LTMUA	09-02245	08/17/09	RECYCLING MONITORING FEES	Open	3,032.50	0.00	
GARZA JOSHUA GARZA	09-02372	09/01/09	BACKGROUND INVESTIGATION	Open	91.25	0.00	
GIORD RONALD GIORDANO	09-02260	08/17/09	RETURN UNUSED ESCROW	Open	10.00	0.00	
JAJAS JAJA'S PONY RIDES	09-02238	08/17/09	NATIONAL NIGHT OUT 8/4/09	Open	350.00	0.00	
KEOUGH MARTIN KEOUGHAN	09-02067	07/28/09	REFUND INSPECTION FEE - FIRE	Open	100.00	0.00	
MCLAUGHJ JAMES MCLAUGHLIN	09-02219	08/12/09	MUSIC FOR NATIONAL NIGHT OUT	Open	200.00	0.00	
MCVEY CHARLINE MCVEY	09-02348	08/27/09	SPAY/NEUTER PROGRAM	Open	30.00	0.00	
MUCK CARL MUCK	09-02377	09/01/09	SPAY/NEUTER PROGRAM	Open	35.00	0.00	
RICHMAN LYNNE RICHMAN	09-02261	08/17/09	REFUND RENTAL MERCANTILE	Open	50.00	0.00	
STARLEDG STAR LEDGER	09-02125	08/03/09	ADA BID AD 6/27/09 0002920001	Open	323.00	0.00	
SWANK SWANK MOTION PICTURES, INC*	09-01793	06/30/09	4 MOVIES/MOVIE NIGHT 2009	Open	888.00	0.00	
TILL TILL PAINT CO CORP*	09-02251	08/17/09	FIELD WHITE PAINT	Open	1,900.00	0.00	
UTSCH ERNEST UTSCH							

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10:43:59

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Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract
	09-02344	08/26/09	RETURN UNUSED ESCROW	Open	8.25	0.00	
WENDLER JASON WENDLER							
	09-02393	09/02/09	CHEERLEADING REFUND FOR	Open	15.00	0.00	

Total Purchase Orders: 152 Total P.O. Line Items: 280 Total List Amount: 1,716,401.59 Total Void Amount: 0.00

Motion:

Second:

AYE NAY ABSTAIN ABSENT

Conrad
Mazurek
Douglass
Lare
Beck

Adopted:

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

RESOLUTION #2009-240

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

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

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

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

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

**GENERAL COMMENTS
RECOMMENDATIONS**

and

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

**GENERAL COMMENTS
RECOMMENDATIONS**

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

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

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

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

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

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

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 9, 2009.

Claudia R. Kammer, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

**TOWNSHIP OF LOWER
COUNTY OF CAPE MAY
CORRECTIVE ACTION PLAN: 2008 AUDIT RECOMMENDATIONS**

Prior Year Audit Findings (2007)

THERE WERE NO AUDIT RECOMMENDATIONS IN 2007.

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

**TOWNSHIP OF LOWER
COUNTY OF CAPE MAY
CORRECTIVE ACTION PLAN: 2008 AUDIT RECOMMENDATIONS**

Current Year Audit Findings (2008)

THERE WERE NO AUDIT RECOMMENDATIONS IN 2008.

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

RESOLUTION #2009-241

Title: AUTHORIZATION TO CANCEL UNCASHED CHECKS

WHEREAS, the Municipal Court checks listed below have been returned in the mail and are unable to be forwarded as the payee's are out-of-state; and

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

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

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

ACCOUNT: COURT GENERAL				ACCOUNT: COURT BAIL			
<u>Date</u>	<u>Payee</u>	<u>Check</u>	<u>Amount</u>	<u>Date</u>	<u>Payee</u>	<u>Check</u>	<u>Amount</u>
3/5/2008	David E. Vigel	5321	\$2.00	4/26/2006	Robert Raff	9006	\$143.00
	Joseph F.				Andre		
3/5/2008	Valcarce	5322	\$1.00	5/20/2008	Saggas	9666	\$ 1.00
					Donna		
5/22/2008	Shane Shaw	5342	\$1.00	9/22/2008	Jordan	9799	\$ 5.00
7/22/2008	Regina M. Gau	5370	\$1.00				
8/21/2008	Barbara Sullivan	5391	\$1.00				
11/5/2008	Brenda Doninger	5431	\$50.00				
			<u>\$56.00</u>				<u>\$149.00</u>

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 9, 2009.

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-242

TITLE: A resolution requesting **RELEASE** of Demolition Bond for Block 536,
Lot 32, 25 Adelpia Road, North Cape May

WHEREAS, Commercial Services, Inc., posted a Demolition Bond with the Township of Lower, in the amount of \$2,500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued July 27, 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 \$2,500.00 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 September 9, 2009

Claudia R. Kammer, Township Clerk

Res. #2009-242

MEMORANDUM

TO: Mayor Michael Beck &
Council Members

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

DATE: August 26, 2009

RE: Release of Demolition Bond
Commercial Services, Inc.
25 Adelpia Road
North Cape May, NJ 08204
Block 536, Lot 32
Resolution #2009-242

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued July 27, 2009. Thank you.

WJG:las

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

RESOLUTION #2009-243

TITLE: ISSUANCE OPERATOR'S LICENSE FOR OCEAN CAB SERVICE

WHEREAS, an application has been submitted by Ocean Cab Service pursuant to Ord. #2000-4 and its amendments for One (1) Operator 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 license.

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

<u>License Type</u>	<u>Name</u>
Operator	Robin D. Whitehurst

FURTHER RESOLVED, the Operator's License shall expire on December 31, 2009.

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 9, 2009.

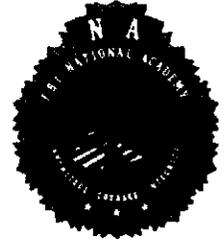
Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



LOWER TOWNSHIP POLICE DEPARTMENT

EDWARD P. DONOHUE
Chief of Police



CAPTAIN LOUIS A. RUSSO
Executive Officer

August 25, 2009

CAPTAIN BRIAN Q. MARKER
Administrative Services Commander

LT. WILLIAM MASTRIANA
Patrol Bureau Commander

DET. LT. THOMAS KEYWOOD
Detective Bureau Commander

Mrs. Claudia Kammer
2600 Bayshore Road
Villas, NJ 08251

HEADQUARTERS
Cape May County Airport
405 Breakwater Road
Erma, NJ 08204

Dear Claudia:

Office: (609) 886-1619
Fax: (609) 886-4924

Robin Whitehurst
216 Lennox Avenue
North Cape May, NJ 08204

the above mentioned person:

- does not have a state criminal record
 does have a state criminal record

Sincerely,

Detective Lieutenant Thomas D. Keywood
Detective Bureau Commander

TDK/dld

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

RESOLUTION #2009-244

TITLE: APPROVAL OF PLACE TO PLACE TRANSFER - EXTENSION OF PREMISES, LICENSE #0505-44-028-002 T/A ACME MARKETS, INC.

WHEREAS, an application has been filed for a place to place transfer of Plenary Retail License 0505-44-028-002, for the purpose of licensing 320 square feet of the back room of the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

NOW, THEREFORE, BE IT RESOLVED that the Lower Township Council does hereby approve, effective September 10, 2009 the expansion of the aforesaid Plenary Retail License premises 0505-44-028-002 located at 3845 Bayshore Road to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 9, 2009.

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-24~~5~~

TITLE: PROPOSAL FOR SUBSTANTIVE CERTIFICATION FROM COAH

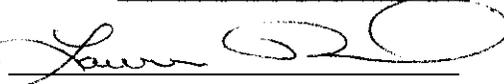
WHEREAS, Lower Township has requested to proceed toward Substantive Certification from COAH for the Lower Township Housing Plan Element, and

WHEREAS, Thomas Planning Associates, LLC has submitted a proposal to continue the COAH process with Phase I Component of Substantive Certification for \$7,000.00 and Phase II if necessary at a hourly rate as listed in the attached Proposal, and

WHEREAS, Thomas Planning Associates, LLC will prepare the required revisions and updates as specified by COAH for Substantive Certification pursuant to the agreement attached hereto, and

WHEREAS, the CFO has certified by her signature that sufficient funds are available in the Budget as follows:

Budget & Account: C-04-55-386-302 & Ord. 2005-20

Signature 

WHEREAS, Thomas Planning Associates, LLC has provided the necessary certifications.

NOW, THEREFORE, BE IT RESOLVED by the Lower Township Council that Thomas Planning Associates, LLC is hereby awarded the contract for Phase I component for Substantive Certification from COAH in accordance with the attached Proposal.

FURTHER RESOLVED, additional work to be done as outlined in Phase II, if necessary, shall be approved by a separate resolution of the Township Council.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 9, 2009.

Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

C 01-55-380 302
08/25/09



THOMAS PLANNING ASSOCIATES, LLC
Professional Planning and GIS Consultants
P. O. Box 363
Brielle, New Jersey 08730-0363

Thomas A. Thomas PP
Tel: (732) 223-3215
Fax: (732) 223-4512
tomplan@optonline.net

T. Andrew Thomas PP, AICP
Tel: (732) 556-6711
Fax: (732) 556-6711
andyplan@aol.com

August 25, 2009

William Galestock, P.P., A.I.C.P.
Lower Township
2600 Bayshore Road
Villas, N.J. 08251

**Re: Revised - Proposal for Substantive Certification from COAH
Lower Township Housing Plan Element**

Dear Mr. Galestock:

In accordance with your request to proceed toward Substantive Certification from COAH for the Lower Township Housing Plan Element, we have prepared the attached revised proposal for a Phase I and potential Phase II component.

Upon the submission of a formal request to COAH for Substantive Certification, COAH staff will review the Housing Plan Element and related documentation in detail and will provide the Township with comments on their review. The extent of the comments from COAH is difficult to determine at this point, however, based on our experience in other municipalities additional documentation will be required for Substantive Certification. We propose a lump sum cost of \$7,000 for the Phase I component of Substantive Certification.

A Phase II component is proposed (if necessary) which includes the potential for objector(s) to the Housing Plan. This would require a process of mediation under COAH rules. The extent of Phase II is difficult to determine due to the undetermined number of meetings that could occur, particularly if there is an objector. Phase II would be billed at the specified hourly rate. This is detailed in the attached proposal.

If you have any questions or I can be of further assistance please do not hesitate to contact me.

Very truly yours,

THOMAS PLANNING ASSOCIATES

T. ANDREW THOMAS, P.P., A.I.C.P.

Enclosure

cc: Kathleen McPherson, Township Manager
Anthony Monzo, Esq., Township Solicitor

PROPOSAL FOR PROFESSIONAL PLANNING SERVICES
For
SUBSTANTIVE CERTIFICATION OF HOUSING PLAN ELEMENT
For
LOWER TOWNSHIP

The Council on Affordable Housing (COAH) is the agency established under the Fair Housing Law that reviews and provides Substantive Certification of affordable housing plans. The following Scope of Work and proposed fee are provided for Phase I and Phase II if necessary.

SCOPE OF WORK

PHASE I

The following Scope of Work is anticipated to apply for Substantive Certification from COAH of the Housing Plan Element prepared in accordance with the Municipal Land Use Law, the Fair Housing Act and the Revised Round 3 COAH Rules through October 20, 2008.

I. Response to COAH Review and Comments

Thomas Planning Associates will provide the required revisions and updates as specified by COAH for Substantive Certification which is anticipated to include the following items:

- A. Revisions / Updates to Housing Plan Text**
Thomas Planning Associates will update the Housing Plan text and provide revisions as necessary based on COAH comments.
- B. Re-adoption of Housing Plan**
The Municipal Land Use Law requires that any revisions to a Master Plan element (including the Housing Plan) are required to be re-adopted by public hearing. Since comments by COAH may likely require changes in the Housing Plan, a re-adoption of the Plan would be necessary. Thomas Planning Associates will coordinate the re-adoption of the revised Housing Plan with Township officials including drafting the public hearing notice for the newspaper publication, adjacent municipalities and the Cape May County Planning Board; a resolution for the Planning Board for adoption of the Housing Plan and a resolution for approval of the revised Plan by the Mayor and Council.
- C. Vacant Land Inventory Verification**
COAH will review the vacant land adjustment in the Housing Plan Element. Thomas Planning Associates will respond to questions concerning particular sites and provide any additional information to document and verify the vacant land inventory pursuant to COAH Round 3 Rules. Thomas Planning Associates will provide an updated Vacant Land Inventory Map if necessary.
- D. Ordinance Revisions**
Thomas Planning Associates will provide revisions to the Ordinance based upon comments from COAH.

E. Verification of Affordable Units

There are a number of existing affordable housing units in the Township for which COAH will require documentation for crediting purposes. Thomas Planning Associates will work with Mr. Galestock to acquire and compile this documentation from each of the existing and potential affordable sites to meet COAH's rules.

F. Meetings / Coordination

Thomas Planning Associates will attend three (3) meetings including one (1) coordination meeting with Township officials, one (1) public hearing and one (1) COAH site visit meeting:

- a. COAH will likely request a staff visit to Lower Township to review existing and potential affordable housing sites. Thomas Planning Associates will meet with COAH representatives in Lower Township and Mr. Galestock to visit the affordable housing sites and provide information on the sites as required.
- b. Thomas Planning Associates will attend a coordination meeting with the Township Planner and other Township representatives to review COAH comments and how these comments will be incorporated into a revised Plan.
- c. Thomas Planning Associates will attend a Public Hearing for adoption of a revised Housing Plan by the Planning Board.
- d. Thomas Planning Associates will provide coordination with Township officials and COAH throughout the Substantive Certification process.

II. Fees / Schedule.

- A. The estimated fee for completing the above-referenced Scope of Work will be a lump sum fee of \$7,000.
- B. The schedule for completing the Scope of Work will be dependant on COAH's initial review of the Housing Plan and related documents. Thomas Planning Associates will provide a response within 60 days after receipt of COAH's comment review letter as required under COAH rules. Coordination of conference calls and/or meetings between Thomas Planning Associates, Lower Township staff and COAH are anticipated within the 60 day time frame. Scheduling of the public hearing would occur after COAH is satisfied with the documentation and any revisions required to the Housing Plan and/or Affordable Housing Ordinances. The date of the public hearing would be based on the Planning Board's schedule.

PHASE II - (If Required)

A second Phase may be required for Substantive Certification if there is additional information required beyond Phase I. This could include the possibility of one or more objectors to the Housing Plan. If there are objector(s) a mediation process would be necessary under COAH Rules.

It is not possible to determine a lump sum fee for Phase II since COAH and the objector(s) would essentially be controlling the process. It is not possible to determine the number of meetings, court appearances and level of responses required to respond to objectors. Therefore, the Phase II Scope of Work will be based on an hourly rate of \$145 per hour for T. Andrew Thomas, P.P., A.I.C.P. and \$155 per hour for Thomas A. Thomas, P.P. for Phase II work.

Respectfully submitted,

THOMAS PLANNING ASSOCIATES

A handwritten signature in black ink, appearing to read "T. Andrew Thomas". The signature is written in a cursive, flowing style.

T. ANDREW THOMAS, P.P., A.I.C.P.

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

RESOLUTION #2009-246

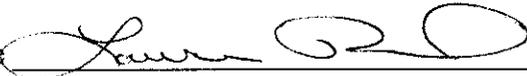
**TITLE: AWARD OF BID & ACCEPTANCE OF CONTRACT TO REPLACE CAPE MAY CANAL
OUTFALL PIPE**

WHEREAS, proposals were solicited via the Township's website posting of August 13, 2009 for Replacement of Outfall Pipe and due by August 26, 2009 at 10:00 a.m., and

WHEREAS, three (3) sealed bids were received and reviewed by the QPA and the Public Works Superintendent, and

WHEREAS, the CFO has certified by her signature that sufficient funds are available in the Budget as follows:

Budget & Account: Ordinance #03-03 Account: C-04-55-377-650

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 is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: WALTERS MARINE CONSTRUCTION INC.
AMOUNT: \$23,578.20

BE IT FURTHER RESOLVED, that properly executed Purchase Orders will serve as the contract for the items.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on September 9, 2009.

Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2009-247

TITLE: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund has been requested.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
722	7	Central Mortgage Company	paid twice	1,081.49

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on September 9, 2009.

Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2009-248

TITLE: ACCEPTANCE OF BID AND CONTRACT AWARD FOR TWO (2) 2010 DODGE CHARGERS WITH V8 HEMI ENGINES WITH POLICE PACKAGE

WHEREAS, bids were advertised on August 20, 2009 and due on September 3, 2009 at 11:00 a.m. for Two (2) 2010 Dodge Charges with V8 Hemi Engines with Police Package, and

WHEREAS, three (3) proposals were submitted and reviewed by the QPA and Captain Marker who determined that Hertrich Fleet Services Inc. was the apparent low bidder, and

WHEREAS, Hertrich Fleet Services Inc. has supplied all required certifications and bid documents and the CFO has determined sufficient funds are available in the budget as follows:

Budget Year & Appropriation 2009 - 9-01-25-240-255

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 to the lowest qualified responsible bidders as follows:

AWARD TO: Hertrich Fleet Services Inc.
TOTAL: \$45,732 per vehicle w/Black & White Paint Option

BE IT FURTHER RESOLVED, upon approval of the resolution, the fully executed Purchase Order together with the official bid documents shall serve as the Contract for the award of the bid.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on September 9, 2009.

Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					

Res. 2009-248

PERSONNEL ACTIONS

Report for Council Meeting of September 9, 2009

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
DPW	Rementer, Joseph	8/31/09	Frazier, Joseph	New Hire	Laborer	Yes
DPW	Frazier, Joseph	7/31/09		Resigned	Laborer	Yes

Date of report: 9/03/09

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