RESOLUTIONS ADOPTED SEPTEMBER 21 - SPECIAL & REGULAR MEETING

Resolution #2009-252,	A Resolution of the Township of Lower Removing Certain Properties Leased by the Delaware River and Bay Authority at the Cape May Airport from the Tax Sale Scheduled for September 21, 2009
Resolution #2009-253	Payment of Vouchers, $2,135,694.76
Resolution #2009-254,	A resolution requesting release of Maintenance Guarantee for Dr. William Weisberg, Cape Urgent Care; Block 776, Lots 21-24; Escrow P05-02-04
Resolution #2009-255,	Awarding the Clean Energy Audit to the Firm of Steven Winter Associates for $26,844.00 (Clean Energy Grant)
Resolution #2009-256,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Clean Energy Grant $20,133.00)
Resolution #2009-257,	A Resolution Requesting Release of Maintenance Guarantee for Seapoint Associates, LLC, Ibis Condominium; Block 719, Lots 3.02 & 3.02; Escrow Z05-05-02
Resolution #2009-258,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Justice Assistance Grant, $31,275)
Resolution #2009-259,	Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities ARRA, $262,388.)
Resolution #2009-260	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." (Fondacaro v Lower Township)

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

RESOLUTION #2009-252

TITLE: **A RESOLUTION OF THE TOWNSHIP OF LOWER REMOVING CERTAIN PROPERTIES LEASED BY THE DELAWARE RIVER AND BAY AUTHORITY AT THE CAPE MAY AIRPORT FROM THE TAX SALE SCHEDULED FOR SEPTEMBER 21, 2009**

WHEREAS, a tax sale has been scheduled by the Lower Township Tax Collector for September 21, 2009 at 10:00 am at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, New Jersey; and

WHEREAS, included in the tax sale are several properties leased by the Delaware River and Bay Authority ("DRBA") at the Cape May Airport, namely Block 410.01, Lots 36.03, 36.09, 36.15, 36.17, and 36.18 (the "Properties") on the current Tax Map of the Township of Lower, County of Cape May, State of New Jersey; and

WHEREAS, there is a dispute regarding the taxation of the Properties that the DRBA and Township have been unable to resolve before the scheduled tax sale; and

WHEREAS, the DRBA has expressed a desire to meet with Township officials in an effort to negotiate a resolution of the existing tax issues as well as to establish a process for assessment and collection of taxes on all properties that are owned and/or leased by the DRBA within Lower Township as provided for and permitted under the New Jersey Tax Law, N.J.S.A. 54:3-1 et seq. as well as the Delaware-New Jersey Compact, N.J.S.A. 32:11E-1 et seq.; and

WHEREAS, in an effort to cooperate and reach an amicable resolution of these issues within the parameters established by the applicable laws, the Lower Township Council (the "Council") desires to remove the Properties from the tax sale in accordance with the terms and conditions of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey that the Properties, known as Block 410.01, Lots 36.03, 36.09, 36.15, 36.17 and 36.18 on the Tax Map of the Township of Lower, County of Cape May, State of New Jersey, be removed from the tax sale scheduled September 21, 2009 at 10:00 a.m. at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, New Jersey.

BE IT FURTHER RESOLVED that, in the event the taxes owed are not paid and/or cancelled within ninety (90) days from the date of this resolution, a tax sale for the Properties shall be held on December 21, 2009.

I hereby certify the foregoing to be an original Resolution adopted by the Township Council at a meeting held on September 21, 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 #2009-253
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
00041 ADAMSON INDUSTRIES CORP.*						
09-02016	07/22/09	PATROL OP SUPPLIES	Open	159.75	0.00	
00055 LARRY AKINS						
09-02449	09/09/09	CONTRACTUAL REIMBURSEMENTS	Open	94.00	0.00	
00085 AMERICAN SWIMMING POOLS*						
09-02069	07/28/09	MISC. SUPPLIES FOR POOL AUG.09	Open	236.95	0.00	
00110 ANCO HOME CENTER*						
09-02068	07/28/09	MISC. SUPPLIES REC. AUG. 09	Open	264.64	0.00	
09-02149	08/05/09	SUPPLIES FOR SIGNS/BLDG	Open	425.56	0.00	
				690.20		
00111 APEX AUTO ELECTRIC*						
09-02419	09/08/09	PARTS FOR RDS-DPW	Open	500.00	0.00	
00180 AUTO PARTS CO, INC*						
09-02070	07/28/09	MISC. SUPPLIES REC. AUG. 09	Open	45.40	0.00	
09-02147	08/05/09	PARTS FOR RDS/SANT/RECY/DPS	Open	2,676.81	0.00	
				2,722.21		
00195 B.F. MOLZ, INC*						
09-02035	07/23/09	OFFICE SUPPLIES	Open	420.24	0.00	
00206 JOSHUA MARCUS GROUP LIMITED*						
09-02307	08/20/09	FIRE SAFETY HATS/BAGS/KITS	Open	4,013.50	0.00	
00301 BELMONT AND CRYSTAL SPRINGS*						
09-02430	09/08/09	BOTTLED WATER - TOWNHAL	Open	79.67	0.00	
09-02454	09/09/09	BOTTLED WATER FOR MONTH OF AUG	Open	63.53	0.00	
09-02462	09/09/09	BOTTLED WATER - FIRE SAFETY	Open	6.33	0.00	
09-02465	09/11/09	WATER DPS	Open	49.67	0.00	
09-02519	09/16/09	BOTTLED WATER - COURT	Open	32.39	0.00	
09-02529	09/16/09	BOTTLED WATER - DPW	Open	97.62	0.00	
				329.21		
00373 DONNA BLACKLEY						
09-02452	09/09/09	SPAY/NEUTER PROGRAM	Open	30.00	0.00	
09-02461	09/09/09	FOOTBALL REFUND FOR VOLUNTEER	Open	20.00	0.00	
				50.00		
00480 BURKE CHEVROLET*						
09-01938	07/10/09	PARTS FOR DPS	Open	35.67	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
00616 ANIMAL ALLIANCE OF CAPE						
09-02515	09/16/09	TNR & SPAY/NEUTER PROGRAM	Open	270.00	0.00	
00651 MUNICIPAL UTIL AUTH DUMP FEES						
09-02522	09/16/09	DUMPING FEES - DPW - AUG.2009	Open	81,876.56	0.00	
00733 CAPE POWER EQUIPMENT INC*						
09-02071	07/28/09	MISC. SUPPLIES REC. AUG. 09	Open	112.86	0.00	
00739 CAPE MAY VETERINARY HOSPITAL						
09-02531	09/16/09	STRAY SPAY/NEUTER PROGRAM	Open	165.00	0.00	
09-02532	09/17/09	STRAY SPAY/NEUTER PROGRAM	Open	25.00	0.00	
				190.00		
00741 CMC CHIEF'S OF POLICE ASSOC.						
09-02303	08/19/09	ANNUAL LETN CONTRACT	Open	1,742.00	0.00	
00775 CAPRIONI PORTABLE TOILETS,INC*						
09-01681	06/15/09	JULY 4 CELEBRATION - TOILETS	Open	855.00	0.00	
09-02440	09/08/09	HANDICAP TOILET WITH WKLY/INS.	Open	130.00	0.00	
				985.00		
00820 COMCAST OF WILDWOOD* DPW						
09-02402	09/03/09	INTERNET PROVIDER-DPW	Open	95.24	0.00	
00825 COMCAST*						
09-02471	09/11/09	MONTHLY INTERNET ACC-TOWNHALL	Open	95.24	0.00	
00928 CAPE MAY COUNTY CLERK						
09-02414	09/04/09	RECORDING FEE - CAFRA MODIF	Open	8.00	0.00	
00981 COLLINS IRON WORKS*						
09-02444	09/08/09	MISC. PARTS FOR DRIVE GATE	Open	7.08	0.00	
00991 COLONIAL ELECTRIC SUPPLY*						
09-02186	08/07/09	BALLAST & EXIT BULBS TWP HALL	Open	236.50	0.00	
09-02427	09/08/09	EXIT LIGHT PARTS	Open	168.48	0.00	
				404.98		
01014 CHARLES HEWITT & SONS*						
09-02014	07/22/09	BATHROOM RENOVATIONS	Open	5,107.50	0.00	
01074 BALDWIN COOKE*						
09-02198	08/11/09	2010 CALENDARS	Open	364.70	0.00	
01118 DAYCARE CLEANING SERVICE*						
09-02413	09/04/09	SEPTEMBER, 2009 CLEANING SVC	Open	2,279.17	0.00	
01170 VERIZON WIRELESS* F/S						

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
09-02409	09/04/09	CELL SERVICE - FIRE SAFETY	Open	171.44	0.00	
01201 DELL CORPORATION*						
09-01843	07/06/09	PRINTER TONER CART	Open	413.94	0.00	
01245 G & K SERVICES CO*						
09-02425	09/08/09	UNIFORM RENTALS - DPW	Open	696.25	0.00	
01254 JAMES DIETTERICH, II						
09-02472	09/11/09	CONTRACTUAL REIMBURSEMENT	Open	199.99	0.00	
01519 TOM FOLS ELECTRICALCONTRACTOR*						
09-02460	09/09/09	MISC. REPAIRS TO WIRING FOR	Open	150.00	0.00	
09-02527	09/16/09	DPW SIGN - BENNETT FIELD DPW	Open	450.00	0.00	
				600.00		
01530 FIRE DISTRICT #1						
09-00461	02/25/09	FIRE SERVICES - 2009	Open	112,284.75	0.00	
01540 FIRE DISTRICT #2						
09-00463	02/25/09	FIRE SERVICE 2009	Open	256,980.00	0.00	
01550 FIRE DISTRICT #3						
09-00462	02/25/09	FIRE SERVICE 2009	Open	161,619.25	0.00	
01582 FLAGHOUSE, INC.*						
09-02101	07/31/09	G1868 FORTRESS TABLE TENNIS	Open	785.20	0.00	
01590 FORD, SCOTT, SEIDENBURG,ET AL*						
09-00751	03/31/09	ANNUAL SECONDARY DISCLOSURE	Open	1,200.00	0.00	
09-02415	09/08/09	FINAL BILL FOR AUDIT/BUDGET	Open	22,200.00	0.00	
				23,400.00		
01734 CHURCH'S SEASHORE NURSERY INC*						
09-02334	08/26/09	RELOCATE 9 SPRINKLER HEADS	Open	800.00	0.00	
09-02478	09/14/09	PARTS & LABOR ON DAMAGED	Open	75.00	0.00	
				875.00		
01761 GOVDEALS INC*						
09-02312	08/21/09	AUCTION FEES	Open	1,029.46	0.00	
01781 HATCH MOTT MACDONALD, LLC*						
09-02408	09/04/09	ESCROW BILLING	Open	1,087.30	0.00	
01806 ANTHONY J HARVATT, II, ESQ						
09-00319	02/09/09	PROFESSIONAL SERVICE/ZONING BO	Open	300.00	0.00	
09-02407	09/04/09	ESCROW ACCT RESOLUTIONS	Open	900.00	0.00	
				1,200.00		

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
01834 RICHARD HOOYMAN						
09-02455	09/09/09	CONTRACTUAL REIMBURSEMENT	Open	84.00	0.00	
02140 KINDLE FORD LINC/MERC., INC.*						
09-02153	08/05/09	PARTS FOR DPS VEHICLES	Open	2,208.92	0.00	
02247 LAWSON PRODUCTS, INC.*						
09-02152	08/05/09	SUPPLIES FOR GARAGE-DPW	Open	1,298.08	0.00	
09-02325	08/25/09	SUPPLIES FOR RDS.TRASH.RECY	Open	911.34	0.00	
				2,209.42		
02320 LOWER TOWNSHIP BRD OF EDUCATN						
09-01062	04/27/09	SCHOOL TAXES DUE 1ST OF MONTH	Open	1,437,188.90	0.00	
02402 MGL PRINTING SOLUTIONS						
09-02242	08/17/09	TAX OFFICE WIND ENV/POST TAX	Open	592.00	0.00	
02607 MICHAEL MAJANE						
08-01825	07/01/08	2008 EQUIP ALLOW	Open	150.00	0.00	
09-01346	05/20/09	2009 EQUIP ALLOW	Open	97.50	0.00	
				247.50		
02809 MORPHOTRAK, INC*						
09-02310	08/20/09	MAINT. CONTRACT	Open	4,630.50	0.00	
02973 NATIONWIDE PROVIDENT						
09-02405	09/03/09	REPLACE CK #688	Open	28.10	0.00	
03072 NJ STATE LEAGUE OF MUNICIPALI*						
09-02459	09/09/09	LEGISLATIVE BULLETIN 2008-2009	Open	28.00	0.00	
03177 OCEAN CREST PRINTING*						
09-02404	09/03/09	TAX SALE CARDS	Open	98.00	0.00	
03279 PARDO'S TRUCK PARTS WHSE*						
09-02154	08/05/09	PARTS FOR RDS/SANT/RECY/DPW	Open	411.33	0.00	
03280 PARAMOUNT SANITARY SUPPLY*						
09-02252	08/17/09	CLEANING SUPPLIES	Open	356.92	0.00	
09-02266	08/18/09	POOL TOILETPAPAPER	Open	19.95	0.00	
				376.87		
03305 PEDRONI FUEL*						
09-02423	09/08/09	NO LEAD GAS - DPW	Open	1,103.22	0.00	
03417 PROFESSIONAL GOV'T.EDUCAT.INC*						
09-02099	07/31/09	TAX CALCULATIONS SEMINAR	Open	90.00	0.00	
03427 POLAR BEAR*						
09-02368	09/01/09	HVAC - RESCUE	Open	800.50	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
03450 QUALITY PANELING &HOME CENTER*						
09-01381	05/26/09	KITCHEN	Open	4,224.00	0.00	
03518 RIGGINS, INC.*						
09-02422	09/08/09	OFF-HIGHWAY DIESEL-DPW	Open	978.64	0.00	
03700 SPORTS-N-STUFF*						
06-03712	11/14/06	HALLOWEEN HAYRIDE SWEATSHIRTS	Open	1,150.00	0.00	
03733 JAMES D. STRICKLAND						
09-02406	09/04/09	CONTRACTUAL REIMBURSEMENTS	Open	119.00	0.00	
09-02448	09/09/09	CONTRACTUAL REIMBURSEMENTS	Open	101.00	0.00	
				220.00		
03810 MUNICIPAL UTIL AUTH USAGE COST						
09-02514	09/16/09	SEWER CHARGES DUE 10/01/09	Open	1,423.15	0.00	
03920 RAYMOND GARRISON						
09-02453	09/09/09	REIMBURSEMENT FOR PLUMBING	Open	4.26	0.00	
03935 STAPLES BUSINESS ADVANTAGE*						
09-02329	08/25/09	MEMOREX TAPES FOR COUNCIL MTGS	Open	29.10	0.00	
09-02343	08/26/09	OFFICE SUPPLIES	Open	79.04	0.00	
09-02410	09/04/09	PAYROLL ENVELOPES/BINDERS	Open	74.88	0.00	
				183.02		
03953 VESPIA TIRE CENTERS, INC.*						
09-01189	05/06/09	TIRES FOR DPS VEHICLES	Open	858.04	0.00	
03963 US LUBES, LLC *						
09-02340	08/26/09	DRUMS OF ANTIFREEZE-DPW	Open	383.38	0.00	
03975 VERIZON CABS T-1*						
09-02466	09/11/09	VERIZON CABS	Open	398.07	0.00	
04082 USA MOBILITY WIRELESS INC*						
09-02523	09/16/09	PAGER - DPW	Open	6.24	0.00	
04100 RICH WILLIAMS*						
09-02015	07/22/09	BATHROOM RENOVATIONS	Open	4,138.00	0.00	
04266 NJ DEPT OF HEALTH&SENIOR SVCS						
09-02412	09/04/09	AUGUST, 2009 DOG LIC	Open	82.20	0.00	
04300 W B MASON CO INC*						
09-02082	07/29/09	OFFICE SUPPLIES - FIRE SAFETY	Open	115.95	0.00	
04301 SEASHORE ASPHALT CORPORATION*						
09-02341	08/26/09	ASPHALT - DPW	Open	2,036.60	0.00	

Vendor # Name / PO #	PO Date	Description	Status	Amount	Void Amount	Contract
04325 AMERICAN SECURITY EDUCATORS IN						
09-02050	07/27/09	HANDBOOKS	Open	120.95	0.00	
BLAUE BLAUER ASSOCIATES INC*						
09-02199	08/11/09	DCA 08 PUB FACILITIES - ADA	Open	225.00	0.00	
ELLISON MEEGHAN ELLISON						
09-02306	08/20/09	REFUND INSPECTION FEE	Open	100.00	0.00	
G-MUA LTMUA						
09-02400	09/03/09	RECYCLING MONITORING FEES	Open	1,015.00	0.00	
G-YAP CENTER FOR COMMUNITY ARTS						
09-02351	08/28/09	FINAL PAYMENT FOR YOUTH SUMMER	Open	3,250.00	0.00	
HARRIS JOE HARRIS						
09-02469	09/11/09	FOOTBALL REFUND FOR MATTHEW	Open	20.00	0.00	
HARRISON DAVID HARRISON						
09-02533	09/17/09	FOOTBALL REFUND FOR VOLUNTEER	Open	20.00	0.00	
HOFFFT FLORENCE T HOFF						
09-02479	09/14/09	REFUND FOR CHEERLEADING COACH	Open	20.00	0.00	
IDEA IDEARC MEDIA CORP						
09-01820	06/30/09	OUTSIDE AREA PHONEBOOKS	Open	156.23	0.00	
PANFILI CONSTANTINO PANFILI, JR						
09-02451	09/09/09	RETURN UNUSED ESCROW	Open	23.75	0.00	
SMITHM MARGUERITE SMITH						
09-02446	09/08/09	FOOTBALL REFUND FOR VOLUNTEER	Open	20.00	0.00	
STARN KENNETH E STARNES						
09-02488	09/15/09	CONTRACTUAL REIMBURSEMENT	Open	257.38	0.00	
WHALENM MARK E. WHALEN						
09-02475	09/14/09	SPAY.NEUTER PROGRAM	Open	35.00	0.00	

Total Purchase Orders: 103 Total P.O. Line Items: 243 Total List Amount: 2,135,694.76 Total Void Amount: 0.00

	Motion	Second	Aye	Nay	Abstain	Absent
Conrad			X			
Mazurek	X		X			
Douglass		X	X			
Lare			X			
Beck			X			

Approved: Sept. 21, 2009

Claudia R Kammer

Claudia R. Kammer, Township Clerk

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

RESOLUTION #2009-254

TITLE: **A resolution requesting release of Maintenance Guarantee for Dr. William Weisberg @ Cape Urgent Care; Block 776, Lots 21-24; Escrow P05-02-04**

WHEREAS, Dr. William Weisberg posted a Maintenance Guarantee with the Township of Lower, in the amount of $7,347.00; and

WHEREAS, the Township Engineer has recommended that the improvements have been properly installed and are presently acceptable; and.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Maintenance Guarantee is released.

AND, HEREBY BE IT FURTHER RESOLVED that the Township Treasurer be granted permission to issue a check in the amount of $7,347.00 plus any accrued interest in payment of the released Maintenance Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of September 21, 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 #2009-255

TITLE: A RESOLUTION APPROVING THE AWARD FOR THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM TO STEVEN WINTER ASSOCIATES, INC.

WHEREAS, the Township of Lower was approved to participate in the Local Government Energy Audit Program with an incentive commitment from Clean Energy Grant Program from the State of New Jersey, and

Whereas, the State of NJ has provided Lower Township with a certified list of vendors to be used for the Local Government Energy Audit Program, a New Jersey Board of Public Utilities Clean Energy Program; and

Whereas, the Township of Lower sent RFP's to the State approved certified vendors and received three proposals by the August 11, 2009 at 11:00 a.m deadline; and

Whereas, Steven Winter Associates submitted the lowest proposal and the CFO has certified the availability of funds in the budget as listed below:

Lauren Read, CFO

Ord. #2006-13 C04-55-389-553
Budget Line

Whereas, the New Energy Clean Energy Program has approved the award of the bid to Steven Winters Associates for $26,844.00.

Now, Therefore Be It Resolved, the bid be awarded as follows:

AWARD TO: STEVEN WINTER ASSOCIATES, INC.
AMOUNT: $26,844.00

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 21 , 2009.

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 #2009-256

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 $20,133.00 for an item of revenue in the budget of the year 2009 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Local Government Energy Audit Program
Total with increase to be $20,133.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of $20,133.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Local Government Energy Audit Program
State/Federal Share $ 20,133.00
Non State Share $
Total with increase to be $ 20,133.00

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 September 21, 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 #2009-257

TITLE: **A resolution requesting release of Maintenance Guarantee for Seapointe Associates, LLC, Ibis Condominium; Block 719, Lots 3.02 & 3.03; Escrow Z05-05-02**

WHEREAS, Seapointe Associates, LLC posted a Maintenance Guarantee with the Township of Lower, in the amount of $64,135.80; and

WHEREAS, the Township Engineer has recommended that the improvements have been properly installed and are presently acceptable; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Maintenance Guarantee is released.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of September 21, 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 #2009-258

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 $31,275.00 for an item of revenue in the budget of the year 2009 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Justice Assistance Grant Program
Total with increase to be $31,275.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of $31,275.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Justice Assistance Grant Program
State/Federal Share $ 31,275.00
Non State Share $
Total with increase to be $ 31,275.00

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 September 21, 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					

D26

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

RESOLUTION #2009-259

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 $262,388.00 for an item of revenue in the budget of the year 2009 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - Small Cities ARRA
Total with increase to be $262,388.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of $262,388.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Small Cities ARRA
State/Federal Share $ 262,388.00
Non State Share $
Total with increase to be $ 262,388.00

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 September 21, 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 # 2009-260

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. (Supervisors & Superior Officers)

____ (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. (Fondacaro v Lower Twp.)

____ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely

affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township council of the Township of Lower, assembled in public session on September 21, 2009 that an Executive Session closed to the public shall be held on this date at approximately 7:30 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 Sept. 21, 2009.

Claudia R Kammer

Claudia R. Kammer, Township Clerk