

RESOLUTIONS ADOPTED OCTOBER 5 2009

- Res. #2009-261, Payment of Vouchers, \$1,767,959.13
Res. #2009-262, Transfer of Taxi License for Ocean Cab Service (from a 1995 Ford Windstar to a 1998 Ford Windstar)
- Res. #2009-263, Authorization for Refund of Taxes (2 properties, paid twice in error)
Res. #2009-264, Authorization Determination of Municipal Service Fee for 2010 (Renewing the annual Municipal Service Fee for manufactured homes in mobile home parks)
- Res. #2009-265, Approval For Pyrotecnico Fireworks To Load And Unload A Fireworks Barge In Lower Township (Loading a barge in Lower Twp for an Ocean City event - Insurance and proper paperwork provided)
- Res. #2009-266, Local Art Program Grant
Res. #2009-267, Certification of Lot Clearing Charges (1 property)
Res. #2009-268, Authorization to Transfer Funds from the Tax Premium Account (Transferring unclaimed premium of \$8550 from Tax Premium Acct to Township Checking Account)
- Res. #2009-269, A Resolution Requesting Reduction of Performance Guarantee for Carlyle Realty Partners IV, L.P.; Block 699, Lots 3-14; Escrow #P06-01-02 (Reduction of Perf Guarantee for Grand Sales Trailer)
- Res. #2009-270, Authorizing Application for PetSmart Charities for Spay/Neuter Grant
Res. #2009-271, A Resolution of the Township of Lower Authorizing A Fundraiser to Benefit the Shelton Family

10/01/09
13:51:55

Lower Township
Bill List By Vendor Id

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00611 COUNTY OF CAPE MAY								
	09-02540	09/18/09	AUGUST, 2009 FUEL	Open	26,447.42	0.00		
	09-02613	09/29/09	MATHEW ECKER 2/25/08 PO9-25-08	Open	260.00	0.00		

					26,707.42			
00616 ANIMAL ALLIANCE OF CAPE								
	09-02609	09/29/09	TNR AND SPAY/NEUTER PROGRAM	Open	1,065.00	0.00		
00731 CAPE PORT MARINE*								
	09-02553	09/18/09	RAIN GEAR-SAFETY VESTS-DPW	Open	675.05	0.00		
00740 CAPE PHONE SERVICE,LLC								
	09-02467	09/11/09	ALCOTEST	Open	225.00	0.00		
00784 CAPE MAY STAR & WAVE								
	09-02543	09/18/09	LEGALS	Open	52.70	0.00		
	09-02562	09/22/09	LEGALS	Open	1,246.20	0.00		
	09-02633	09/30/09	LEGALS	Open	89.28	0.00		

					1,388.18			
00825 COMCAST*								
	09-02563	09/22/09	MONTHLY INTERNET ACCESS FIRE	Open	100.20	0.00		
01200 DELTA DENTAL PLAN OF NJ								
	09-02640	10/01/09	OCTOBER, 2009	Open	12,286.17	0.00		
01289 ROBERT DOUGLASS								
	09-02570	09/22/09	CONTRACTUAL REIMBURSEMENT	Open	261.89	0.00		
	09-02617	09/29/09	CONTRACTUAL REIMBURSEMENTS	Open	620.12	0.00		

					882.01			
01512 J.P. SPORTS INC.*								
	09-02457	09/09/09	SOCCER BALLS	Open	93.40	0.00		
	09-02463	09/10/09	MISC. FOOTBALL EQUIPMENT	Open	225.89	0.00		

					319.29			
01598 FT DEARBORN LIFE*								
	09-02597	09/24/09	OCTOBER, 2009 LIFE INSURANCE	Open	591.37	0.00		
01653 GENTILINI FORD*								
	09-02420	09/08/09	PARTS FOR RDS-DPW	Open	280.46	0.00		
01690 GRANTURK EQUIPMENT CO*								
	09-02401	09/03/09	PARTS FOR SWEEPER-DPW	Open	1,524.35	0.00		
01781 HATCH MOTT MACDONALD, LLC*								
	09-00662	03/18/09	SERVICES-OUTFALL/CAPEMAY CANAL	Open	135.00	0.00		B
	09-01918	07/10/09	PREPARE AN APPLICATION TO THE	Open	3,016.00	0.00		B

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	09-01941	07/10/09	PROF SVC-HALL PKG LOT PHASE 1	Open	3,549.00	0.00		B
	09-01942	07/10/09	PROF SVC DPS ROOFING SYSTEM	Open	5,208.00	0.00		B
	09-02159	08/05/09	DELAWARE BAY SHORE OUTFALL EXT	Open	5,148.00	0.00		
	09-02362	09/01/09	OUTFALL PIPES CHANGE-09-00576	Open	1,490.34	0.00		B
	09-02534	09/17/09	EMERSON AVE BEACH ACCESS	Open	405.00	0.00		
	09-02535	09/17/09	GENERAL ENGINEERING WIND MILL	Open	270.00	0.00		
	09-02536	09/17/09	LIBRARY/GAS MAIN FOR TWP	Open	607.50	0.00		
	09-02542	09/18/09	ESCROW BILLING	Open	8,696.35	0.00		
					----- 28,525.19			
01834	RICHARD HOOYMAN							
	09-02581	09/23/09	CONTRACTUAL REIMBURSEMENT	Open	18.00	0.00		
01837	ROBERT HODSDEN							
	09-02567	09/22/09	CONTRACTUAL REIMBURSEMENTS	Open	264.37	0.00		
02025	HUNTER JERSEY PETERBILT*							
	09-02421	09/08/09	PARTS FOR RDS/TRASH/DPW	Open	369.79	0.00		
02064	MARKSTAAR*							
	09-02253	08/17/09	PATROL OPERATION SUPPLIES	Open	293.13	0.00		
02108	KEEN COMPRESSED GAS CO*							
	09-02148	08/05/09	BOTTLED GAS FOR GARAGE-DPW	Open	187.26	0.00		
02140	KINDLE FORD LINC/MERC., INC.*							
	09-02439	09/08/09	PARTS FOR DPS VEHICLES	Open	739.48	0.00		
02223	LANDSMAN UNIFORMS*							
	09-01908	07/08/09	UNIFORMS	Open	592.00	0.00		
	09-02302	08/19/09	UNIFORMS	Open	912.00	0.00		
					----- 1,504.00			
02248	LAWMEN SUPPLY*							
	09-01788	06/25/09	AMMO	Open	564.52	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		
02410	MAGLOCLLEN*							
	09-02275	08/18/09	ANNUALUSER FEE CONTRACT	Open	400.00	0.00		
02473	FRANCIS P. MAJANE							
	09-02582	09/23/09	CONTRACTUAL REIMBURSEMENTS	Open	300.00	0.00		
02652	MCMANIMON & SCOTLAND L.L.C.*							
	09-02612	09/29/09	PROF.SVCS. RE: ORD 09-12	Open	1,204.60	0.00		
02719	MITCHELL PLENN							
	09-02576	09/23/09	REIMBURSEMENT FOR BACKUP	Open	29.44	0.00		

10/01/09
13:51:55

Lower Township
Bill List By Vendor Id

Page No: 4

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
03026	NJ STATE HEALTH BENEFITS					
09-02639	10/01/09 OCTOBER, 2009 HEALTH BENEFITS	Open	179,300.50	0.00		
03132	NEXTEL COMMUNICATIONS					
09-02636	10/01/09 NEXTEL - TOWNHALL	Open	573.01	0.00		
03158	NYSKA*					
09-02431	09/08/09 COACHING CERTIFICATIONS	Open	40.00	0.00		
09-02445	09/08/09 COACHING CERTIFICATION	Open	20.00	0.00		

			60.00			
03258	NANCE M. BERNARD					
09-02545	09/18/09 TRANSCRIPTION SERVICE	Open	820.15	0.00		
03293	BLAINE PAYNTER					
09-02568	09/22/09 CONTRACTUAL REIMBURSEMENT	Open	29.00	0.00		
03301	RED BANK VETERINARY HOSPITAL					
09-02611	09/29/09 ANIMAL CONTROL - EMERGENCY	Open	60.00	0.00		
03347	DAVID PERRY					
09-02573	09/23/09 REIMB UPS CHARGES	Open	20.09	0.00		
03365	LYNN JEFFERIS					
09-02585	09/24/09 CONTRACTUAL REIMBURSEMENT	Open	143.00	0.00		
03478	RED THE UNIFORM TAILOR, INC.*					
09-02229	08/12/09 UNIFORMS - S/O C. DONOHUE	Open	202.90	0.00		
03484	LAUREN M. READ					
09-02631	09/30/09 REIMBURSE PARKING FEES	Open	46.00	0.00		
03495	ELIZABETH BYRNE					
09-02548	09/18/09 LUNCHEON MEETING	Open	30.00	0.00		
03518	RIGGINS, INC.*					
09-02601	09/28/09 OFF-HIGHWAY DIESEL-DPW	Open	1,981.73	0.00		
03549	RICHO CORPORATION					
09-01884	07/08/09 PRINTER PAPER	Open	168.81	0.00		
03611	SERVICE TIRE TRUCK CENTERS*					
09-02155	08/05/09 TIRES FOR RDS/SANT/RECY/DPW	Open	2,619.80	0.00		
03613	SEA ISLE ICE CO. INC.*					
09-02399	09/03/09 BAGGED ICE - DPW	Open	140.00	0.00		
03692	SOUTH JERSEY GAS CO*					
09-02586	09/24/09 AUGUST, 2009	Open	18.67	0.00		
03723	STAPLES, INC.*					
09-02305	08/20/09 WIRELESS RANGEBOOSTER	Open	139.99	0.00		

10/01/09
13:51:55

Lower Township
Bill List By Vendor Id

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
09-02411	09/04/09 PRINTER INK	Open	61.08	0.00		

			201.07			
03733	JAMES D. STRICKLAND					
09-02564	09/22/09 CONTRACTUAL REIMBURSEMENT	Open	93.00	0.00		
03783	THIS AND THAT UNIFORMS*					
09-02470	09/11/09 UNIFORMS - FIRE SAFETY	Open	432.00	0.00		
03809	MUNICIPAL UTIL AUTH TAX OFFICE					
09-02587	09/24/09 TAX SALE PAYMENTS DUE TO MUA	Open	28,882.79	0.00		
03861	TRICO EQUIPMENT*					
09-02327	08/25/09 MOWER PARTS - DPW	Open	2,000.58	0.00		
03920	RAYMOND GARRISON					
09-02578	09/23/09 WORK BOOTS PER UNION CONTRACT	Open	104.49	0.00		
03935	STAPLES BUSINESS ADVANTAGE*					
09-02447	09/09/09 OFFICE SUPPLIES	Open	40.00	0.00		
09-02473	09/11/09 TONER - CLERK'S OFFICE	Open	89.35	0.00		

			129.35			
03969	VERIZON					
09-02572	09/23/09 PHONE SERVICE	Open	442.95	0.00		
03992	VAL-U AUTO PARTS LLC*					
09-02418	09/08/09 PARTS FOR RDS/SANT/RECY/DPS	Open	4,054.98	0.00		
04059	THOMAS WILL					
09-02604	09/28/09 DMV TITLE EXPENSE - DPW	Open	60.00	0.00		
04075	BARBER CONSULTING SERVICES LLC					
09-00289	02/04/09 WEB HOSTING 2/09-12/31/09	Open	300.00	0.00		B
09-02561	09/22/09 COMPUTER SERVICES SEPT,2009	Open	150.00	0.00		

			450.00			
04097	CINTAS FIRST AID AND SAFETY*					
09-02342	08/26/09 FIRST-AID KIT SUPPLIES-DPW	Open	185.20	0.00		
04155	BLACKLEY MASONRY LLC*					
09-02429	09/08/09 REMOVE AND DISPOSE OF AREAS	Open	5,486.75	0.00		
04280	GOV'T FINANCE OFFICERS' CONF					
09-02129	08/03/09 GFOA FALL CONFERENCE - CFO	Open	525.00	0.00		
09-02516	09/16/09 ETHICS SESSION	Open	69.00	0.00		

			594.00			
04300	W B MASON CO INC*					

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
09-02205	08/11/09	SUPPLIES FOR OFFICE-DPW	Open	187.00	0.00			
09-02350	08/28/09	BOCA SUPPLIES	Open	579.58	0.00			
					766.58			
04308	WILLIAM WEISBERG, MD							
09-02588	09/24/09	RELEASE MAINT BOND	Open	8,493.79	0.00			
1STAM	FIRST AMERICAN TAX SERVICE							
09-02584	09/24/09	REFUND 3RD QTR 09 TAX RES 263	Open	1,448.97	0.00			
ALEXA	JAY ALEXANDER							
09-02608	09/28/09	REIMBURSEMENT FOR BACKGROUND	Open	26.25	0.00			
BOSNA	KAREN MANETTE BOSNA							
09-02632	09/30/09	YOGA CLASS INSTRUCTOR	Open	135.00	0.00			
CALFINA	GREGORY CALFINA							
09-02603	09/28/09	REIMBURSEMENT FOR BACKGROUND	Open	51.25	0.00			
FRAME	NICHOLE FRAME							
09-02574	09/23/09	FOOTBALL REFUND FOR VOLUNTEER	Open	20.00	0.00			
MULHOL	FRANCIS MULHOLLAND							
09-02580	09/23/09	REIMBURSEMENT FOR BACKGROUND	Open	26.25	0.00			
SEAGE	SEAGEAR MARINE SUPPLY*							
09-02477	09/14/09	RAIN GEAR	Open	477.00	0.00			
SMILYK	CINDY SMILYK							
09-02489	09/15/09	SOCCER REFUND FOR EVAN SMILYK	Open	15.00	0.00			
STARN	KENNETH E STARNES							
09-02565	09/22/09	CONTRACTUAL REIMBURSEMENT	Open	206.00	0.00			
Total Purchase Orders: 105				Total P.O. Line Items: 290	Total List Amount: 1,767,959.13	Total Void Amount: 0.00		

Motion: Douglass
Second: Conrad

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Conrad	X			
Mazurek				X
Douglass	X			
Lare	X			
Beck	X			

Approved: 10-5-09

Clarence R. Korman

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

RESOLUTION #2009-262

TITLE: AUTHORIZATION FOR OCEAN CAB SERVICE TO TRANSFER TAXI LICENSE FROM 1995 WINDSTAR TO A 1998 FORD WINDSTAR

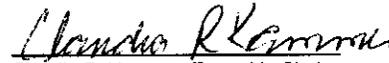
WHEREAS, Ocean Cab Service applied for and received a taxi license for a 1995 Ford Windstar Vin #2FMDA5147SBB15639, and

WHEREAS, Ocean Cab Service has replaced the above vehicle with a 1998 Ford Windstar, VIN # 32FMDA514WBB96522 and has requested the license be transferred to the new vehicle, and

WHEREAS, Ocean Cab Service has paid the required Twenty Five Dollar (\$25) transfer fee and provided the required insurance certificate showing the new vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the license transfer is hereby approved.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 5, 2009.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-263

TITLE: AUTHORIZATION FOR REFUND OF TAXES

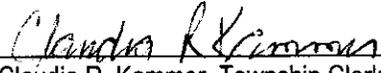
WHEREAS, the Township Tax Collector has certified an overpayment due to the reasons listed below:
and

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>
263	7.02	First American	paid twice	602.69
31	1.01	First American	paid twice	846.28

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on October 5, 2009.



 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-264

TITLE: AUTHORIZATION : DETERMINATION OF MUNICIPAL SERVICE FEES FOR 2010

WHEREAS, the Township of Lower has by ordinance no. 2003-12 provided for the imposition of an annual municipal service fee on manufactured homes installed in mobile home parks within the confines of the Township of Lower; and

WHEREAS, section 2A-9.2 states that the municipal service fee shall be determined by resolution each year by the Township Council on or before November 1 of the pre-tax year.

WHEREAS, Tax Collector and CFO have established the annual fee based on the established formula.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Tax Collector is hereby authorized to bill the owners of the mobile home parks within the confines of the Township of Lower \$120.00 per each manufactured home for the year 2009 to be paid quarterly on March 15, June 15, September 15 and December 15.

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township at a meeting held on October 5, 2009.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-265

TITLE: APPROVAL FOR PYROTECNICO FIREWORKS TO LOAD AND UNLOAD A FIREWORKS BARGE IN LOWER TOWNSHIP

WHEREAS, Pyrotecnico Fireworks has requested permission to load and unload barge in Lower Township for a fireworks display on October 10, 2009 for the Ocean City B.A.N.D. Inc., and

WHEREAS, Pyrotecnico Fireworks will be required to provided proof of liability insurance as required by Uniform Fire Code Section 5:18-3.27 and sign a Hold Harmless agreement required before a permit by the Fire Official will be issued, and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower that Pyrotecnico Fireworks is hereby granted permission to load and unload the "fireworks barge" for the Ocean City B.A.N.D. Inc. display on October 10, 2009, in accordance with all other necessary approvals and permits.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of October 5, 2009.


Claudia Kammer, Township Clerk

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

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

RESOLUTION #2009-266

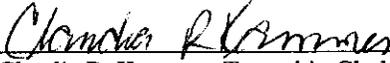
TITLE: LOCAL ARTS PROGRAM GRANT

WHEREAS, it is the desire of the governing body of the Township of Lower to apply for and obtain a grant from the New Jersey State Council on the Arts, Cape May County Division of Culture and Heritage, for funding in the amount of \$6,500 to carry out a Local Arts Program to create a summer youth arts program.

BE IT THEREFORE RESOLVED, that the governing body of the Township of Lower does hereby authorize the application for and the execution of a contract for the receipt of such a grant from the New Jersey State Council on the Arts, Cape May County Division of Culture and Heritage, and does further, upon the execution of such a contract, authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Lower and the New Jersey State Council on the Arts, Cape May County Division of Culture and Heritage.

BE IT FURTHER RESOLVED, that in the event that a grant agreement is executed between the New Jersey State Council on the Arts, Cape May County Division of Culture and Heritage and the Township of Lower, the chief executive officer and the grants officer, 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 on October 5, 2009


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-267

TITLE: CERTIFICATION OF LOT CLEARING CHARGES TO THE TAX COLLECTOR

WHEREAS, Ordinance #99-10 establishes the minimum regulations governing the conditions and maintenance of all property, buildings and structures within the Township of Lower, which is also known as the Property Maintenance Code, and

WHEREAS, according to Section 302.4 of the Property Maintenance Code, all premises and exterior property shall be maintained free from weeds or plant growth in excess of 10" and all obnoxious weeds shall be prohibited: and

WHEREAS, the properties listed below contained conditions which violated Section 302.4 of the Property Maintenance Code; and notice was duly sent to the property owners to abate the conditions and such conditions were not abated; and

WHEREAS, the Township of Lower has abated the conditions pursuant to the requirements of the Property Maintenance Code and desires to place a lien on the properties listed below:

WHEREAS, the Code Enforcement Officer of the Township of Lower has certified the costs incurred to abate such conditions to the Township Council, which has examined the certification and has found it to be correct.

NOW, THEREFORE, be it resolved by the Township Council of the Township of Lower, County of Cape May and State of New Jersey that the costs and fees set forth below incurred by the Township of Lower to abate the unlawful conditions on the properties listed below are charges as a lien against such properties, to be added to and become part of the taxes next to be assessed and levied upon such properties, to bear interest at the same rate as taxes, and to be collected and enforced in the same manner as taxes.

<u>Owner and Location of Property</u>	<u>Cost</u>	<u>Administrative Fee</u>
Steelman, Joseph H. & Debra 365 Corson Lane Block 485, Lot 46	\$320.00	\$25.00

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 5, 2009


Cláudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-268

TITLE: AUTHORIZATION TO TRANSFER FUNDS FROM THE TAX PREMIUM ACCOUNT

WHEREAS, NJSA54:5-33 states that if redemption is not made within five years from date of tax sale, the premium payments shall be turned over to the treasurer of the municipality and become part of the funds of the municipality: and

WHEREAS, tax sale certificate 04-023 was sold at tax sale on September 21, 2004 and has not been redeemed within the five year time period: and

WHEREAS, the certificate has a premium of \$8,550.00:

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 is authorized and directed to transfer \$8,550.00 from the tax premium account to council checking.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 5, 2009.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-269

TITLE: A resolution requesting reduction of Performance Guarantee for Carlyle Realty Partners IV, L.P.; Block 699; Lots 3-14; Escrow #P06-01-02

WHEREAS, Carlyle Realty Partners, IV, LP posted a Performance Guarantee with the Township of Lower in the amount of \$339,748.80 for the Grand Sales Center referenced above; and

WHEREAS, the Township Engineer has recommended that improvements having a total value of \$339,748.80 have been properly installed and are presently acceptable; and

WHEREAS, the Township Engineer has recommended that the Performance Bond be reduced leaving a balance of \$101,924.64

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the governing body thereof, that the Performance Guarantee of \$339,748.80 be and hereby is reduced leaving a remaining balance of \$101,924.64

I hereby certify this is the original resolution adopted by the Township Council at the meeting of October 5, 2009


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-270

TITLE: AUTHORIZING APPLICATION TO PETSMART CHARITIES FOR SPAY/NEUTER GRANT

WHEREAS, it is the desire of the governing body of the Township of Lower to apply for and obtain a grant from PetSmart Charities for funding to carry a Free Roaming Cats Spay/Neuter Program.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Township of Lower does hereby authorize the application for and the execution of a contract for the receipt of such a grant from PetSmart Charities and does further, upon execution of such a contract authorize the expenditure of such funds pursuant to the terms of said contract between the Township of Lower and PetSmart Charities.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on October 5, 2009.


Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2009-271

TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER AUTHORIZING A FUNDRAISER TO BENEFIT THE SHELTON FAMILY

WHEREAS, Frederick H. Shelton, a resident of the Township of Lower, was killed in an automobile crash on Saturday, September 12, 2009;

WHEREAS, Mr. Shelton's wife, Sheri Shelton, and their 13 year old daughter were seriously injured in the crash; and

WHEREAS, various civic groups in the Township have requested that the Township sponsor as a Township event a fundraiser, the date and time of which is to be determined, at the Freeman Douglass Recreation Complex to benefit the Shelton family.

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

1. That the Mayor and Council authorize and lend their support to the fundraising efforts of the various civic groups in the Township for the benefit of the Shelton family;
2. That the Mayor and Council authorize the use of the Freeman Douglass Recreation Complex for a single fundraising event, at such time and date and upon such conditions as may be imposed by the Township Manager in consultation with the Township's Director of Recreation;
3. That the Mayor and Council hereby urge the residents of the Township to give their support to this worthwhile endeavor.

I hereby certify the foregoing to be an original Resolution adopted by the Township Council at a meeting held on October 5, 2009.


Claudia R. Kammer, Township Clerk

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

Res. #2009-271

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

RESOLUTION # 2009-272

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 or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- _____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.
- _____ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

- X (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. (Personnel)
- _____ (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 October 5, 2009 that an Executive Session closed to the public shall be held on this date at approximately 7:50 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 October 5, 2009.


Claudia R. Kammer, Township Clerk