

# WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

March 29, 2010 - 7:00 P.M.

## Meeting called to order.

Opening Announcement  
Pledge of Allegiance & Moment of Silence  
Roll Call & Determination of Quorum  
Certificates of Recognition - Lower Cape May Regional HS  
April - Autism Month - Jason Pisieczko

## Work Session

Leon Costello, Municipal Auditor - Budget Introduction Presentation  
Review of Consent & Regular Agenda Items

## Consent Agenda

Approval of Minutes March 15, 2010  
Membership Approval N.J. State Firemen's Association Application - Erma Vol. Fire Co. - Ryan S. Sheets & Evan D. Hansen, Villas Vol. Fire Co. - John C. Snyder, Robert J. Richman & Christopher M. Parcell  
Res. #2010-99, Payment of Vouchers, \$5,367,374.15  
Res. #2010-100, A Resolution Requesting Release of Maintenance Guarantee for Treasure Chest Antiques; Block 628, Lots etc.; Escrow P04-08-01  
Res. #2010-101, A Resolution Requesting Release of Performance Guarantee for S. W. Bajus, Ltd.; Block 690, Lot 1.01, Escrow P#08-04-65  
Res. #2010-102, Resolution for Emergency Temporary Appropriations  
Res. #2010-103, Refund of Taxes (5 refunds - duplicate)  
Res. #2010-104, Introduction of the 2010 Municipal Budget (Budget workshop 6 p.m. April 19, public hearing & adoption May 3)  
Res. #2010-105, Resolutions Amending the Meeting Time for April 19, 2010 (changing time from 7 p.m. to 6 p.m.)  
Res. #2010-106, Click It or Ticket  
Res. #2010-107, Recycling Tonnage Grant Application (Annual resolution)  
Res. #2010-108, Resolution Supporting New Jersey Department of Transportation's Recommendation to Establish A No Passing Zone the Entire Length of Route 9 in Lower Township (Recommendation & request of DOT)  
Res. #2010-109, Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower For Permitting and Engineering Services Related to Reconstruction of the Storm Damaged Area of the Outfall at Holmes Avenue and the Permit/Engineering Plans and Construction Documents for Holmes Avenue and the Five Remaining (\$41,350.00)  
Res. #2010-110, Resolution Supporting the Naval Air Station Wildwood Aviation Museum "ACE Summer Academy"

## Regular Agenda

### Administrative Reports

Manager's Budget Message

### Council Comments

### Call to the Public

### Adjournment

## Regular & Work Session Meeting Minutes - March 15, 2010

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 15, 2010 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

### Proclamation - Sexual Assault Awareness Month, April 2010

Mayor Beck read the proclamation for Sexual Assault Awareness Month.

## WORK SESSION

### Change of Meeting Date from April 5<sup>th</sup> to March 29, 2010

Mayor Beck said they had to change the date due to Council would not have a quorum for the April 5<sup>th</sup> meeting.

### Mayor's Advisory Board - Yearly Update

Mayor Beck said it was the one year anniversary of the Mayor's Advisory Board and he was thrilled with all the work they had done.

Eric Simenson introduced the Mayor's Advisory Board members present and wanted to summarize what the board had accomplished this past year. He said they had the website expansion project, monthly newsletter that the public could sign up for through the website. He said another program was the community volunteer workforce which were mostly retired volunteers.

Mr. Simenson mentioned the Fishing Creek School Restoration project which was currently underway and they were accepting memberships. They also had the cops stop program which encouraged communication between business owners and the police. He said the board had sent a memo to Mayor and Council about the 2010 budget and had asked they keep the local purpose tax at its current level with no increase. He said ongoing projects were the Township Heritage Wall to provide history, documents and pictures that pertain to the history of Lower Township that could be placed in Township Hall. He said the board would also like to help with the specific design of the board and commission applications.

Mayor Beck said when he and Deputy Mayor Lare ran for office one of their goals were to have good people involved. He said he attended the MAB meetings and knew how hard they worked and appreciated their efforts.

## Regular & Work Session Meeting Minutes - March 15, 2010

### Review of Consent and Regular Agenda Items

#### Fondacaro Settlement

Deputy Mayor Lare said maybe it would be appropriate for the Solicitor to give an overview of the Fondacaro case. Mayor Beck said the day after the election he and the Deputy Mayor came down and sat with the Township Manager and said it would probably cost between \$100,000 & \$ 200,000 for the lawsuit. He said the Solicitor had some good news regarding the case.

Solicitor Monzo said without going through the whole history of the case there was a resolution on the agenda approving the settlement of the case. He said there were 2 settlement agreements one with Fondacaro and one with International Fidelity Insurance Company which was the Surety Company that bonded the project. He said when he came into the case it had been dismissed and the case was put into arbitration and Fondacaro was seeking damages up to \$290,000.00.

Solicitor Monzo said the mediator suggested a settlement because there was some liability due to Fondacaro from the Township. He said they got the case back in court and attempted to resolve it. He said while preparing for trial they were able to convince International Fidelity even though they weren't a party in the case there was significant exposure to the extent they were able to successfully assert claims against Fondacaro which was a bankrupt company. He said they never had the ability to recover anything from Fondacaro, their main objective was to prevent the payment of any money to Fondacaro.

Solicitor Monzo said International Fidelity agreed with the Township's position and stepped in and worked out an agreement with Fondacaro's attorney for some payment of legal fees. They also worked on a settlement between all three parties that would dismiss all claims without any payment by the Township. He said the dismissal was without prejudice to the Township's claims they may have against third parties.

Solicitor Monzo stated in the course of preparing for trial they discovered there were several overbillings for electrical work. The change orders presented to the Township by Fondacaro were higher than the change orders Fondacaro presented to the electrical contractor by approximately \$55,000.00. He said they provided the County Prosecutor's Office with all of the information and it is under investigation and had nothing to do with the Township's settlement. He said they were considering the resolution because one of the conditions was that a resolution be adopted within sixty days from the date of settlement and he wanted to make sure the Township fulfilled all of its obligations to finalize the settlement.

Mayor Beck told Solicitor Monzo it was a job well done.

### Public Questions on Consent Agenda and/or Regular Agenda Items

#### Fondacaro Settlement

Ed Butler asked Solicitor Monzo if it was a wash. He also asked if there was a lawsuit for \$55,000.00.

Solicitor Monzo said it wasn't a lawsuit, it was a criminal investigation which could result in some restitution.

Fred Long of Cold Spring said the settlement was a great thing. He had a question for the Solicitor in signing the release was it still opened that they could be litigating whether or not the agreement was valid because of the activity going on with the Prosecutor's Office.

Solicitor Monzo said they could file a motion to vacate the settlement, but there were no grounds for that.

Mr. Long asked if there would be legal costs involved if they filed a motion.

Solicitor Monzo said he felt that was the type of motion you could get attorney fees for. He said it was being used as a threat.

#### Resolutions on Township Website

Mr. Long asked about Resolution #2010-94, Appropriation Transfers, and asked if it was possible to have the resolutions put on the website prior to the meeting.

## Regular & Work Session Meeting Minutes - March 15, 2010

Mayor Beck and the Manager said they would do it.

Clerk Kammer explained the resolutions would be marked "draft" because once they were out there and something was pulled at the last minute there was no way to get it back.

Manager McPherson said there would have to be a cut off for the agenda.

Janet Pitts, LTTA asked about the appropriation transfer resolution and questioned the amount for terminal leave and how many people that was.

Manager McPherson said that amount was transferred to terminal leave, it was being put into the reserve.

Ms. Pitts said it wasn't for any certain people yet.

Manager McPherson said there was only one person this year, but next year there were a lot of people eligible to retire and they were trying to build up the reserve.

### Consent Agenda

Approval of Minutes	March 1, 2010
Res. #2010-90	Payment of Vouchers, \$335,463.44
Res. #2010-91,	Resolution Amending the Annual Meeting Schedule (Changing Apr. 5 to March 29)
Res. #2010-92,	Authorization for the Refund of Taxes (2 refunds - duplicate payments)
Res. #2010-93,	Authorization for the Payout of Accumulated Compensatory Time (M. Szemcsak \$1,756)
Res. #2010-94,	Transfer of Appropriations, \$375,000 (From Clerk, Treasurer, Manager, BOCA, DPW S & W, Insurance, Heating Oil, Gas & Tipping Fees OE to Legal & Terminal Leave)
Res. #2010-95,	Acceptance of Bid & Contract Award for Roofing and Exterior Repairs of Public Safety Building (Capri Construction \$141,355)
Res. #2010-96,	Resolution Authorizing Settlement of Litigation Known as <u>Fondacaro Companies, Inc. v Lower Township v. Van-Note Harvey Associations and Bruce S. Graham, P.E.</u>
Res. #2010-97,	Issuance of 2010 Limousine & Operator's Licenses (Shore Limo - 3 Vehicles - 2 Drivers)

Councilmember Mazurek motioned to adopt the consent agenda, seconded by Councilmember Conrad. 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".

### Administrative Reports

Personnel Action Report

February Reports      Animal Control, Construction, Dog Licenses, Engineer, Municipal Court, Municipal Judge, Police, Tax, Collector, Treasurer, Vital Statistics

### Council Comments

## Regular & Work Session Meeting Minutes - March 15, 2010

### Census Questionnaires

Councilmember Conrad said the Census paperwork was out and asked everyone to make sure they fill it out and mail it, it only took three minutes to do it.

### Richard Teitelman Band

Councilmember Conrad said the Richard Teitelman Band would be in New York at the St. Patrick's Day Parade and the kids had to earn the money for the trip.

### Water Problems from the Storms

Councilmember Conrad said the Township was under water and he would like to push the County to drain and let some of the water out of Cox Hall Creek and Fishing Creek. He said New York emptied their reservoir to reduce flooding. He said the Township was almost at sea level and all the marshes were filled up with water and back filling. He said it was common sense if they emptied them where they were supposed to be that water would go away. He said to open the flood gates and let some water out.

### Water Supply for the Township

Councilmember Mazurek said he and the Mayor attended a County meeting last week concerning the fifty year plan for water for the County. He said Lower Township was a big part of it since we were having the most trouble with the water compared to other areas. He said at the meeting they gave different scenarios that the Township would have to be looking at in the future to protect the water supply. He said they were planning 50 years ahead and we needed to do some things to ensure water would be here in the future.

### Richard Teitelman Band

Councilmember Douglass said the Teitelman Band had been going to New York for years and he had gone with the band 6 times and it was an outstanding event.

### Pumps

He said Mr. Winters had asked him about the pump regarding the automated system and alarm. He said the County was looking into that and thought it was a good idea but they had were checking into prices.

### Tiger Basketball Team

Deputy Mayor Lare said he wanted to congratulate Pat Holden and the Tiger Basketball team.

### Budget

He said March 29<sup>th</sup> they would be introducing the budget. He said he would like to hear Mr. Long's ideas for the budget and anyone else. He said if there were any changes to be made in the budget it would be easier to change them now instead of after introduction because they would have to reintroduce it.

Manager McPherson said they would have to do an amendment.

Mayor Beck said that was fine he didn't have a problem with it. He said until they saw what the Governor had to say and what he had in store for the municipalities, things could change. He said they may have to go and make even more cuts if what the Governor brings is drastic to the towns and he felt it would be. He said everyone would have to bear the burden.

### Census

Mayor Beck said the census was important. He said if people weren't counted that cut the Township out of some fund they maybe eligible for. He said it was important that everyone cooperated and filled out the papers and get an accurate count.

### Public Comments

Joe Winters of Florida Avenue asked if the County could pull the pump out that didn't work.

Mayor Beck said he would ask the County about it.

### Outfall Pipe Project

Mr. Winters said he liked to ask where they stood on the outfall project.

Manager McPherson said they had an engineers report and she reviewed what it said.

## Regular & Work Session Meeting Minutes - March 15, 2010

Mr. Winters asked when the job would be completed.

Manager McPherson said before April 15<sup>th</sup>.

Gary Douglass said they were on schedule with the project.

### Budget

Ed Butler asked the worse scenario if the Township received nothing from the State what would each Councilmember consider to reduce the budget.

Mayor Beck said they couldn't discuss about personnel, that was a Council decision. He said Mr. Long mentioned across the board reduction of the OE by 10% and that was about \$105,000.00.

Manager McPherson said that was the departments expenses. She said that was the only OE you could consider.

Mr. Butler said the OE that was left at the end of the year was always transferred.

Manager McPherson said most departments spent their OE.

Mr. Butler said if there had to be a special meeting to discuss it he would like to have the public input on it.

Mayor Beck said it was an unique year and it wasn't that they wanted to avoid their input.

Mr. Butler said the residents of the Township can't keep floating things with taxes.

### Board Appointments

Fred Long of Cold Spring said he would like to offer a suggestion to Council for the board appointments. He said one thing they would be discussing at the next Mayor's Advisory Board meeting was the Citizens Service Act which they had a sample form that could be customized to what you wanted on you application. He added that the board vacancies should also be posted on the website.

Mr. Long said the MAB had sent the Mayor a recommendation that the municipal levy be held where it was last year. He felt it could be accomplished a couple ways. He said last year the Township paid \$379,000 in overtime. He said in some cases maybe it should have been an emergency appropriation situation. He said the Township had done a good job of keeping track of it.

Mr. Long said surplus was another area that could be looked at. He said the year end number of surplus for the past eight years averaged at about 3 million.

Manager McPherson said it was in the fund balance.

Mr. Long said in the past when he spoke about OE he didn't realize that insurance cost were included in there which was a big item. He said if he was told to run his business with 5% than last year, he said it would get done.

Mayor Beck said they were looking closely at overtime, one thing was when you lower the number of the workforce sometimes you end up paying overtime in other departments.

Manager McPherson revenues had been going down and if more of the surplus was applied to the budget that money wouldn't be made back by the end of the year and the surplus starts going the other way.

Mr. Long said when you look at the total reserve left over that wasn't paid out of an appropriation it came up to almost one million dollars.

Manager McPherson said it isn't one million because in the beginning of the year bills were coming in from the prior year. She said it wasn't black and white and they had to budget for the worse case.

Manager McPherson further explained how various thing came up through the year that had to be addressed.

Jack Sparks said there was a situation in the country people were being thrown out of office and it all had to do with taxes. He said the people who worked for the government their pays steadily increased and everyone who didn't their earnings went down and that wasn't how it was supposed to work. He said he knew there were contract with the employees and knew there was a 3.75% increase for the people in Township Hall and the same for the police only it was higher because they had seniority issues. He said he was told some were making 17% or 18% more, it didn't make any sense. He was aware there was an attempt to negotiate with the police and they didn't want to hear it.

Mr. Sparks said the employees should be asked to cut their percentage increase. He said 51% of the kids in school

## Regular & Work Session Meeting Minutes - March 15, 2010

their parents were below poverty level. He reviewed the different income qualifications that kids were eligible for meals in school and sometime that's the only time the kids ate. He said people would say they like the people in office but they really didn't. He said Council needed to do what they had to.

Mr. Sparks felt the auditor wanted the Township to have a big surplus to make him look good.

Bob Rizzo said the Solicitor had done a good job and deserved a hand. He told the Mayor Lower Township was more open and above board than almost any other municipality in Cape May County as far as the public getting information.

### Storm Clean Up

He said public works had been overwhelmed with all the trees and debris from the storms than they could handle.

### Joe Hauser

He mentioned attending Joe Hauser's viewing and said to take a minute to remember him.

Mayor Beck said Mr. Hauser did a lot for the Township and wasn't afraid to speak his mind but he did have a soft side to him and cared about people.

### Storm Clean Up

Joe Winters asked about skipping recycling and go back to every other week until they were caught up on the tree pick up.

Councilmember Conrad thought it was a good idea.

Gary Douglass said people were used to every week recycling.

Manager McPherson said the tipping fee was down by having weekly recycling.

Mr. Douglass said the branches were about 30% picked up. He said the spring branch pick would be delayed a month.

Mayor Beck asked Mr. Douglass what he would recommend.

A discussion ensued regarding the clean up, overtime and possibly declaring the storm an emergency.

Councilmember Douglass asked Gary if people could take the branches directly to the MUA.

Mr. Douglass said he didn't think their insurance would allow that.

Councilmember Conrad asked Mr. Douglass if he was recommending another weekend for branch pick up.

Mr. Douglass said it was taking one truck a day on a street to clean up the branches.

Mayor Beck said he would leave it up to Gary to make the call.

Mr. Douglass said he would meet with the Manager to discuss it.

Mr. Winters asked if the overtime offset the tipping fees.

Deputy Mayor Lare asked if FEMA would pick up the cost.

Manager McPherson said they were keeping track of the hours.

Councilmember Conrad said there was a good chance FEMA might reimburse the Township.

Mayor Beck said it wasn't a guarantee.

Janet Pitts said all the branches on her street were causing moles and water was backing up in yards. She said she would prefer to clean up the branches and hold off on the recycling.

Mr. Douglass said on the weekend they could get all the trucks and workforce out there.

Colleen Hughes felt weekly recycling was needed.

Resolution #2010-98, 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

Councilmember \_\_\_\_\_ motioned to adopt the ordinance, seconded by Councilmember \_\_\_\_\_. 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".

Regular & Work Session Meeting Minutes - March 15, 2010

Council returned to open session and there being no further comment, Councilmember Conrad motioned to adjourn the meeting, seconded by Councilmember Douglass the meeting unanimously adjourned by verbal "ayes" at 8:12 p.m.

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Mayor

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Township Clerk

Approved: March 29, 2010



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00445 BOANJ	10-00479	03/03/10	2010 MEMBERSHIP FEE	Open	150.00	0.00		
00480 BURKE CHEVROLET*	10-00462	03/01/10	PARTS FOR DPS-POLICE VEH.	Open	337.10	0.00		
00616 ANIMAL ALLIANCE OF CAPE	10-00630	03/18/10	TNR AND SPAY/NEUTER PROGRAM	Open	120.00	0.00		
	10-00631	03/18/10	2010 PETSMART GRANT - CATS	Open	215.00	0.00		
	10-00650	03/23/10	2010 PETSMART GRANT - CATS	Open	86.00	0.00		
	10-00651	03/23/10	TNR AND SPAY/NEUTER PROGRAM	Open	260.00	0.00		
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					681.00			
00731 CAPE PORT MARINE*	10-00497	03/04/10	FOUL WEATHER GEAR- DPW	Open	589.50	0.00		
00775 CAPRIONI PORTABLE TOILETS, INC*	10-00608	03/15/10	HANDICAP & STANDARD TOILET	Open	130.00	0.00		
00784 CAPE MAY STAR & WAVE	10-00603	03/15/10	LEGALS	Open	53.94	0.00		
	10-00661	03/23/10	LEGALS	Open	21.70	0.00		
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					75.64			
00852 CHERRY VALLEY TRACTOR CO.*	10-00354	02/18/10	PARTS FOR FRONT-END LOADER	Open	1,895.42	0.00		
00854 JOHN CHEW JR.	10-00610	03/15/10	TEAINING - MEALS	Open	23.49	0.00		
01127 GAYLE CROOKSTON	10-00597	03/15/10	CONTRACTUAL REIMBURSEMENT - V	Open	275.00	0.00		
01245 G & K SERVICES CO*	10-00594	03/15/10	UNIFORM RENTALS-DPW	Open	588.60	0.00		
01319 EDWARD EDWARDS	09-01332	05/20/09	2009 EQUIP ALLOW	Open	74.61	0.00		
	10-00623	03/17/10	2010 EQUIPMENT ALLOWANCE	Open	150.00	0.00		
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					224.61			
01530 FIRE DISTRICT #1	10-00148	01/22/10	FIRE SERVICES - 2010	Open	99,570.27	0.00		
01540 FIRE DISTRICT #2	10-00150	01/22/10	FIRE SERVICES - 2010	Open	342,640.00	0.00		
01550 FIRE DISTRICT #3	10-00198	01/26/10	FIRE SERVICES 2010	Open	145,152.58	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01575 DAVID FISHER	10-00609	03/15/10	TRAINING MEALS	Open	38.36	0.00		
01582 FLAGHOUSE, INC.*	10-00475	03/02/10	DOZ. G523 BUDGET PINGPONG	Open	75.85	0.00		
01598 DEARBORN NATIONAL	10-00657	03/23/10	APRIL, 2010 LIFE INSURANCE	Open	581.61	0.00		
01655 GANN LAW BOOKS*	10-00385	02/19/10	NJ ZONING & LAND USE BOOK	Open	98.00	0.00		
01727 CHANNEL MARINE CONSTRUCITON IN	10-00151	01/22/10	DELEWARE BAY OUTFALL EXTENSIO	Open	142,939.50	0.00		
	10-00356	02/18/10	OUTFALL - CHANGE ORDER #1	Open	1,390.00	0.00		
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					144,329.50			
01781 HATCH MOTT MACDONALD, LLC*	09-01216	05/11/09	QUALIFIED WITNESS IN FACT	Open	67.50	0.00		B
	09-02159	08/05/09	DELAWARE BAY SHORE OUTFALL EXT	Open	5,225.00	0.00		
	09-03324	12/09/09	AIR QUALITY APPLICATION	Open	295.00	0.00		B
	09-03487	12/24/09	VARIOUS DRAINAGE REVIEW-DPW	Open	877.50	0.00		B
	10-00357	02/18/10	HOLMES AVE - FEMA DISASTER ASS	Open	4,400.00	0.00		
	10-00359	02/18/10	TAX MAP FOR FORMAL INSPECTION	Open	1,603.00	0.00		B
	10-00384	02/19/10	VARIOUS DRAINAGE/FEMA INVEST.	Open	3,000.00	0.00		B
	10-00585	03/15/10	ENGINEERING/HOLMES/FEMA	Open	383.00	0.00		B
	10-00634	03/19/10	ESCROW BILLING	Open	5,243.63	0.00		
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					21,094.63			
01807 MARLIN HEDUM	10-00648	03/23/10	TRAINING - MEALS	Open	20.00	0.00		
01834 RICHARD HOOYMAN	10-00600	03/15/10	CONTRACTUAL REIMBURSEMENT	Open	48.00	0.00		
02025 HUNTER JERSEY PETERBILT*	10-00505	03/04/10	PART FOR TRASH TRUCK-DPW	Open	22.13	0.00		
02063 JOHNSTONE SUPPLY*	10-00533	03/08/10	BUILDING MAINT	Open	94.01	0.00		
02108 KEEN COMPRESSED GAS CO*	10-00265	02/04/10	BOTTLED GAS FOR GARAGE-DPW	Open	282.52	0.00		
02125 KDI*	10-00540	03/09/10	COPIER OVERAGES 2009	Open	772.41	0.00		
02213 LAB SAFETY SUPPLY, INC.*	10-00344	02/16/10	SMOKE ALARM TESTER	Open	168.49	0.00		



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	10-00627	03/17/10	PROPANE FOR SHED & CONCESSION	Open	702.02	0.00		
03427 POLAR BEAR*	10-00383	02/19/10	ANNEX BUILDING	Open	70.00	0.00		
03440 QUALITY COMMUNICATIONS*	10-00525	03/04/10	VEHICLE OUTFITTING	Open	146.20	0.00		
03449 QC INC*	10-00365	02/18/10	2010 SEASONAL POOL TESTING	Open	294.25	0.00		
03478 RED THE UNIFORM TAILOR, INC.*	10-00534	03/08/10	UNIFORMS	Open	38.00	0.00		
03491 RENTAL COUNTRY*	10-00502	03/04/10	PARTS FOR CHAIN SAW - RDS	Open	8.82	0.00		
03518 RIGGINS, INC.*	10-00615	03/16/10	OFF-HIGHWAY DIESEL-DPW	Open	786.15	0.00		
03549 RICHO CORPORATION	10-00251	02/04/10	BOCA	Open	109.05	0.00		
03551 RT. 47 STORAGE INC*	10-00560	03/09/10	BARRELS WITHOUT LIDS (BROWN)	Open	800.00	0.00		
03611 SERVICE TIRE TRUCK CENTERS*	10-00263	02/04/10	TIRES FOR RDS/SANT/RECY	Open	3,794.54	0.00		
03637 SHOPPE	10-00216	02/01/10	FARMERS MARKET CLASSIFIED/DISP	Open	27.00	0.00		B
03663 SOUTH JERSEY AUTO SUPPLY*	10-00048	01/07/10	PARTS FOR SANT/RECY/RDS/DPW	Open	48.38	0.00		
03723 STAPLES, INC.*	10-00467	03/01/10	TONER/CUPS	Open	204.94	0.00		
03733 JAMES D. STRICKLAND	10-00656	03/23/10	CONTRACTUAL REIMBURSEMENTS	Open	67.73	0.00		
03766 JOAN TAYLOR	10-00601	03/15/10	2010 OVER 65 MED SUPPLEMENT	Open	800.00	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	10-00616	03/17/10	SEWER SERVICE DUE 4/01/10	Open	1,160.00	0.00		
03898 STATE OF NJ DIV OF PENSIONS	10-00690	03/25/10	EMPLOYER SHARE PERS DUE 4/1	Open	529,657.00	0.00		
	10-00691	03/25/10	EMPLOYER SHARE PFRS DUE 4/1	Open	845,716.00	0.00		
					----- 1,375,373.00			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03910 UNIFORM CONST.CODE OFF. OF SJ*	10-00480	03/03/10	2010 MEMBERSHIP	Open	150.00	0.00		
03921 UNIFORM & ACCESSORIES WHSE*	09-03160	11/20/09	DURANGO OUTFITTING	Open	688.90	0.00		
03926 STEVEN WINTER ASSOCIATES*	09-02615	09/29/09	CLEAN ENERGY AUDIT PROGRAM	Open	13,422.00	0.00		B
03935 STAPLES BUSINESS ADVANTAGE*	10-00490	03/04/10	TONER - ANIMAL CO/TAX ASSESSOR	Open	121.59	0.00		
	10-00532	03/08/10	OFFICE SUPPLIES	Open	11.26	0.00		
	10-00544	03/09/10	OFFICE SUPPLIES	Open	75.69	0.00		
					-----			
					208.54			
03963 US LUBES, LLC *	10-00504	03/04/10	HYDRAULIC OIL - GARAGE -DPW	Open	1,314.07	0.00		
03968 TRIAD ASSOCIATES	09-03179	11/23/09	JAG GRANT ADMINISTRATIVE SVCS	Open	2,414.38	0.00		
04150 BARRY, CORRADO, GRASSI &	10-00531	03/08/10	CONFLICT PROSECUTOR	Open	320.00	0.00		
04175 MARTEL ELECTRONICS, INC*	10-00396	02/23/10	DICTATION EQUIPMENT	Open	120.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	10-00607	03/15/10	FEBRUARY, 2010 DOG LICENSES	Open	466.20	0.00		
04300 W B MASON CO INC*	09-03141	11/17/09	5 DRAWER VERTICAL FILING CABI	Open	809.97	0.00		
	10-00612	03/15/10	BATHROOM DOOR SIGN - HALL	Open	34.65	0.00		
	10-00622	03/17/10	COPY PAPER - DPS	Open	559.80	0.00		
					-----			
					1,404.42			
04301 SEASHORE ASPHALT CORPORATION*	10-00498	03/04/10	PATCH PROVIDED AT PLANT-DPW	Open	426.55	0.00		
04320 PREMIER OFFICE SUPPLY*	10-00393	02/22/10	OFFICE SUPPLIES - FIRE SAFETY	Open	101.88	0.00		
BLAUE BLAUER ASSOCIATES INC*	09-02199	08/11/09	DCA 08 PUB FACILITIES - ADA	Open	375.00	0.00		B
	09-02857	10/28/09	ARA 09 PUB FACILITIES - OUTFAL	Open	1,350.00	0.00		B
					-----			
					1,725.00			
CARROT CARROT-TOP INDUSTRIES, INC*	10-00373	02/19/10	5x8 POLY US FLAGS ITEM #AA240	Open	766.00	0.00		

03/25/10  
08:57:39

Lower Township  
Bill List By Vendor Id

Page No: 7

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
CARTER KYLE CARTER	10-00598	03/15/10	REFUND MENS HOCKEY	Open	75.00	0.00		
FIRSTAME FIRST AMERICAN REAL ESTATE TAX	10-00625	03/17/10	REFUND 1ST QTR 2010 TAX	Open	3,738.85	0.00		
GRYZIE JOSEPH GRYZIEWICZ	10-00604	03/15/10	SPAY/NEUTER PROGRAM	Open	35.00	0.00		
LAREM MARK LARE	10-00617	03/17/10	REFUND HOCKEY	Open	85.00	0.00		
MADDOX ASHLEY MADDOX	10-00618	03/17/10	VOL REFUND FOR COACHING	Open	15.00	0.00		
NOCAMAC NOCAMAC,LLC C/O J.BURCH, VP	10-00682	03/24/10	RELEASE PERFORMANCE BOND	Open	106,256.48	0.00		
PANKOWSK LAURA PANKOWSKI	10-00654	03/23/10	REFUND FOR SOCCER	Open	20.00	0.00		
SALINSKY NICOLE SALINSKY	10-00599	03/15/10	REIEMB BACKGROUND INVESTIGATIO	Open	26.25	0.00		
-----								
Total Purchase Orders:	121	Total P.O. Line Items:	244	Total List Amount:	5,367,374.15	Total Void Amount:		0.00
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**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

**RESOLUTION #2010-100**

**TITLE: A resolution requesting release of Maintenance Guarantee for  
Treasure Chest Antiques; Block 628, Lots 108 etc.; Escrow P04-08-01**

WHEREAS, James C. Waldie posted a Maintenance Guarantee with the Township of Lower, in the amount of \$4,263.30; 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 March 29, 2010

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
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ABSTAIN					
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Res. 2010-100

MEMORANDUM

TO: Township Council

FROM: William J. Galestok, PP,AICP

DATE: March 16, 2010

RE: Treasure Chest Antiques  
508 Townbank Road  
North Cape May, NJ 08204  
Block 628, Lot 108  
Resolution #2010-100

The Land Development Ordinance of the Township of Lower, Chapter XVI, Subsection 400-81E, requires that "The governing body shall by resolution, release or declare in default, each Maintenance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution #2010-100 is required to **release** the Maintenance Guarantee held in trust by the Township of Lower for James Waldie.

The required final inspection report, certifying completion, compliance and condition of work, has been received from the Township Engineer, Hatch Mott MacDonald.

The Township Engineer recommends **release** of the retained \$4,263.30.

WJG:las

att.

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

**RESOLUTION #2010-101**

**TITLE: A resolution requesting RELEASE of Performance Guarantee for S. W. Bajus, Ltd.; Block 690, Lot 1.01, Escrow #P08-04-05**

WHEREAS, S. W. Bajus, Ltc. posted a Performance Guarantee with the Township of Lower, in the amount of \$120,033.60; and

WHEREAS, the Township Engineer has recommended the improvements having a total value of \$120,033.60 have been properly installed and are presently acceptable; and

WHEREAS, the Township of Lower Land Development ordinance requires the posting of a fifteen percent (15%) Maintenance Guarantee prior to the complete release of the original Performance Guarantee; and

WHEREAS, fifteen percent (15%) of the original Performance Bond Estimate equals \$15,004.20

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof, that the Performance Guarantee be and hereby is **released** leaving a balance of \$15,004.20 on account as Maintenance Guarantee.

AND HEREBY BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue a check in the amount of \$105,029.40 plus any accrued interest for payment of the above released Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of March 29, 2010

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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MEMORANDUM

TO: Mayor Michael Beck &  
Council members

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

DATE: March 16, 2010

RE: S. W. Bajus, Ltd.  
3860 Bayshore Road  
North Cape May, NJ 08204  
Block 690, Lot 1.01  
Resolution # 2010-101

The Land Development Ordinance of the Township of Lower, Chapter, XVI, Subsection 400-81E, requires that, "The governing body shall by resolution, release or declare in default each Performance Guarantee".

Pursuant to the above referenced Subsection 400-81E, Resolution # 2010-101 is required to release the Performance Guarantee held in trust by the Township of Lower for S. W. Bajus, Ltd., Block 690, Lot 1.01. The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer Hatch Mott MacDonald.

The Township Engineer recommends release of the retained \$120,033.60.

The inspection and construction costs of the bonded improvements have been paid for by the developer. All mandated improvements must be completed for the project's final approval.

Subsection 400-81F(3) of the Land Development Ordinance of the Township of Lower requires that a Maintenance Guarantee, in an amount equal to not more than fifteen percent (15%) of the original estimate of the cost of improvements, shall be filed by the owner. Therefore, \$15,004.20, which is fifteen percent, shall be retained as the Maintenance Guarantee.

cc: financial file

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

**RESOLUTION #2010-102**

**Title: RESOLUTION FOR EMERGENCY TEMPORARY APPROPRIATIONS**

**WHEREAS**, N.J.S.A. 40A: 4-20 authorizes the Governing Body of the Township of Lower to make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between January 1, 2010 and the date of the adoption of the 2010 budget; and

**WHEREAS**, the temporary budget includes monies to operate through March 31, 2010 and the Township requires an additional increase to allow for operations through April 30, 2010; and

**WHEREAS**, the total of the increase to appropriations, which shall not exceed 1/12<sup>th</sup> of the 2009 budget, exclusive of debt service and capital improvement fund appropriations, is \$1,836,796.16.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the 2010 Temporary Current Budget is set at an amount not to exceed \$7,622,704.06.

**BE IT FURTHER RESOLVED** that a copy of this resolution is forwarded to the Director of the Division of Local Government Services upon adoption.

**I hereby certify the foregoing to be a resolution adopted by the Township Council on March 29, 2010.**

\_\_\_\_\_  
Claudia R. Kammer, RMC, Township Clerk

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

RESOLUTION #2010-103

**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>
140	4	First American	paid twice	570.42
310	26	First American	paid twice	672.95
410.10	6	First American	paid twice	514.84
501	9.10	First American	paid twice	914.30
753.14	1	First American	paid twice	1,066.34

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on March 29, 2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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

RESOLUTION #2010-105

**TITLE: RESOLUTION CHANGING THE MEETING TIME FOR THE APRIL 19, 2010 MEETING**

WHEREAS, Resolution #2010-11 established the annual meeting schedule of the Township Council,  
and

WHEREAS, it has become necessary to revise the meeting time for the 2<sup>nd</sup> meeting in April to allow  
ample time for the budget discussion and all other regular business.

NOW, THEREFORE, BE IT RESOLVED by the Township Council the time for the regularly  
scheduled meeting for Monday, April 19, 2010 shall be changed from 7:00 p.m. to 6:00 p.m.

FURTHER RESOLVED the Clerk will publish a notice of the meeting time change in the Cape  
May Star & Wave.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 29, 2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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

**RESOLUTION #2010-106**

**TITLE: Click It or Ticket 2010 Mobilization**

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety for \$4000.00 to carry out a Click It or Ticket Seat Belt Campaign from May 24 – June 6, 2010.

BE IT THEREFORE RESOLVED, that the Township of Lower does hereby authorize the application for such a grant; and, upon receipt of the grant agreement from the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Highway Traffic Safety.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

\_\_\_\_\_  
(Signature)  
Michael E. Beck, Mayor

\_\_\_\_\_  
(Signature)  
Edward Donohue, Chief of Police

I hereby certify this is the original resolution adopted by the Township Council on March 29, 2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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State of New Jersey

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF HIGHWAY TRAFFIC SAFETY  
PO Box 048  
TRENTON, NJ 08625-0048

CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

PAULA T. DOW  
Attorney General

PAMELA S. FISCHER  
Director

March 18, 2010

**Re: Click It or Ticket Seat Belt Campaign  
May 24-June 6, 2010 Enforcement Grant**

Dear Chief:

I am pleased to offer your department the opportunity to participate in our next *Click It or Ticket* Enforcement Grant. You are receiving this application because of your prior efforts in this program. The Division of Highway Traffic Safety is prepared to offer your department \$4,000 in overtime enforcement grant funding, to be utilized during the two-week Click It or Ticket campaign from May 24 – June 6, 2010. This is the only *Click It or Ticket* seat belt enforcement campaign that will be conducted this year and our office is looking for maximum participation throughout the state.

In order to be considered for funding, please complete the attached six-page grant application and return it to my attention by the deadline of **April 20, 2010**. On Page 1 of the application please fill in Box A and Boxes C through J. On Page 3 please obtain the signatures and email addresses of the Project Director, Chief Financial Officer and Authorizing Government Official (Mayor).

In addition, please familiarize yourself with the Project Guidelines, as you will be expected to adhere to all components of the grant. This is a reimbursement grant, meaning your agency will incur the costs and then submit documentation to this Division to be reimbursed. The maximum hourly rate that will be reimbursed for the enforcement overtime is \$50 per hour.

Also, please be advised that competition for this grant is intense. Every effort will be made to fund as many departments as possible, however, returning the grant application does not guarantee that your agency will be funded. If you have any questions, please do not hesitate to call me at (609) 633-9093.

Sincerely,

Raymond Reeve  
Senior Highway Traffic Safety Specialist  
NJ Division of Highway Traffic Safety

**\*\*\*\*Please note that there are potential problems on the federal level with the funding of this year's Click It or Ticket program. Please stay in touch with your DHTS Program Advisor and refer often to the DHTS website for the latest information and for the status of your application.\*\*\***



TEL: (609) 633-9300 (800) 422-3750 FAX: (609) 633-9020

[www.njsaferoads.com](http://www.njsaferoads.com)



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

RESOLUTION #2010-107

**TITLE: RECYCLING TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2009 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower that Lower Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda Thomas to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 29, 2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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

RESOLUTION #2010-108

**TITLE: RESOLUTION SUPPORTING NEW JERSEY DEPARTMENT OF TRANSPORTATION'S RECOMMENDATION TO ESTABLISH A NO PASSING ZONE THE ENTIRE LENGTH OF ROUTE 9 IN LOWER TOWNSHIP**

WHEREAS, the State Dept. of Transportation afer an investigation has recommended revising the centerline pavement markings to establish a No Passing Zone on the entire length of Route NJ109 in Lower Township, and

WHEREAS, the State has requested the Township adopt a resolution confirming their recommendations in order for them to complete their process.

NOW, THEREFORE, BE IT RESOLVED that Lower Township supports the recommendations of the State Department of Transportation to establish a No Passing Zone along the entire portion of Route NJ 109 in Lower Township.

FURTHER RESOLVED, a certified copy of this resolution be forwarded to the State Department of Transportation..

I hereby certify the foregoing to be a true copy of a resolution adopted by the Township at a meeting held on March 29,2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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ABSENT					



RECEIVED  
MAR 23 2010

## State of New Jersey

DEPARTMENT OF TRANSPORTATION  
P.O.Box 600  
TRENTON, NEW JERSEY 08625-0600

CHRIS CHRISTIE  
Governor

JAMES S. SIMPSON  
Acting Commissioner

No Passing Zone  
Route NJ 109  
Lower Township  
Cape May County

March 23, 2010

Claudia R. Kammer  
Municipal Clerk  
Lower Township  
2600 Bay Shore Road  
Villas, NJ 08251-2005

Dear Ms. Kammer:

This is in reference to an investigation conducted by the New Jersey Department of Transportation to inventory the existing centerline markings along Route NJ 109 in Lower Township.

Staff of the Bureau of Traffic Engineering and Investigations (BTEI) has completed an investigation. Based on this investigation it has been recommended to revise the centerline pavement markings to a No Passing Zone for the entire length of Route NJ 109 in Lower Township.

In order to legally establish the No Passing Zones the New Jersey Department of Transportation is required to promulgate a Traffic Regulation Order (TRO). An initial step in the TRO process is to receive a resolution of support from the municipal governing body. It is therefore requested that a certified adopted resolution of concurrence be submitted to this office for the item discussed above. Please note that N.J.S.A. 39:4-8.4c establishes that a resolution is to be received from the municipality rather than an ordinance.

Once this office is in receipt of the certified adopted resolution of concurrence from the Lower Township governing body a Traffic Regulation Order will be promulgated. The Centerline Markings will then be revised by NJDOT forces to reflect the No Passing Zones.

Should you have any questions please feel free to contact Robert Smetanka, Principal Traffic Investigator at 609-530-2657.

Sincerely,

Michael E. Mihalic  
Supervisor, Traffic Investigations  
Traffic Engineering & Investigations

C: Chief John D. Maher

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

RESOLUTION #2010-109

**TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP FOR PERMITTING AND ENGINEERING SERVICES RELATED TO RECONSTRUCTION OF THE STORM DAMAGED AREA OF THE OUTFALL AT HOLMES AVENUE AND THE PERMIT/ENGINEERING PLANS AND RECONSTRUCTION DOCUMENTS FOR HOLMES AVENUE AND FIVE REMAINING OUTFALLS**

WHEREAS, Hatch Mott MacDonald is currently serving as the Municipal Engineer (the "Engineer") based upon a Contract For Services which sets forth their standard hourly rates as approved by the Township Council and executed by the Mayor and Clerk (the "Engineer's Contract");

WHEREAS, the Engineer has provided a separate fee proposal for engineering services related to Permitting and Engineering for Reconstruction of the storm damaged area of the Holmes Avenue Outfall and the Permit/Engineering Plans & Construction Documents for Reconstruction of Holmes Avenue and remaining five outfalls, which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

WHEREAS, the Township Council desires to approve the Project Proposal.

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

1. The Project Proposal between Hatch Mott MacDonald and the Township of Lower, for Permitting & Engineering for the Reconstruction of Storm Damaged Area of the Outfall at Holmes Avenue & the Permit/Engineering Plans & Construction Documents for the Reconstruction of Holmes Avenue and the remaining five outfalls in the form attached hereto as EXHIBIT A, for a total amount of \$41,350.00 , is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Project Proposal on behalf of the Township of Lower, and to take any and all other actions necessary to effectuate the purposes thereof.
3. All of the terms and conditions of the Engineer's Contract except for the specific terms and conditions of the Project Proposal shall continue in full force and effect and the Project Proposal shall be deemed a supplement thereto.

I hereby certify the foregoing to be an original resolution adopted by the Township Council of the Township of Lower at a meeting held on March 29, 2010.

\_\_\_\_\_  
Claudia R. Kammer, Township Clerk

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**Claudia R. Kammer**

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**From:** Kathleen McPherson [kmcpherson@townshipoflower.org]  
**Sent:** Wednesday, March 24, 2010 3:17 PM  
**To:** Claudia R. Kammer; Morey, Steven C  
**Subject:** Fw: Holmes Avenue Outfall Proposal  
Claud,

Here is the proposal from Hatch Mott for the agenda.

Kathy

----- Original Message -----

**From:** Morey, Steven C

**To:** Kathleen McPherson

**Cc:** gdouglasslowertownship@comcast.net ; Sray, Mark R

**Sent:** Wednesday, March 24, 2010 1:13 PM

**Subject:** Holmes Avenue Outfall Proposal

Hi Kathy;

I've attached our proposal for the scope of work required to reconstruct the FEMA disaster storm damaged Holmes Ave outfall. We are submitting this proposal for your next council meeting agenda so once authorized we can begin design and preparation of permit applications for NJDEP and USACE permits and the Tidelands License that are required prior to construction. As you are aware it is typically a six month process for the involved agencies to review and approve these permits. It is our understanding that the Township would like to include this outfall project with the Fall 2010 re-bid of the other five remaining outfalls that were not constructed this spring. We also understand that FEMA has approved disaster assistance for the replacement and upgrade of the damaged section of pipe. Our proposal includes the design and permitting of the entire damaged and undamaged sections of the outfall. We realize that the Township's mitigation request for the remaining section of pipe has not yet been approved by FEMA. The additional cost in our proposal for engineering to include this portion of the project is \$2,000. However once designed and permitted the Township can include the reconstruction of the undamaged portion of the outfall as an alternate bid in the Fall 2010 construction bid request leaving you the option to not rebuild the entire pipe should FEMA not approve the additional mitigation measure and the Township choose not to fund that portion of the project. Constructing less would not negatively affect the permits that will be in hand authorizing full reconstruction.

Please do not hesitate to contact me if you have any questions regarding the above.

Thanks,  
Steve M.

Steven C. Morey, CEP  
Associate  
Hatch Mott MacDonald  
T: 609-465-9377  
F: 609-465-5270  
[steven.morey@hatchmott.com](mailto:steven.morey@hatchmott.com)



Please consider the environment before printing this e-mail

---

Attention:

This e-mail and any files transmitted with it from Hatch Mott MacDonald are confidential and intended solely for use of the individual or entity to whom they are addressed. If you have received this e-mail in error please immediately notify the sender.

---

3/24/2010



**Hatch Mott  
MacDonald**

833 Rt 9 North  
PO Box 373  
Cape May Court House, NJ 08210-0373  
T 609.465.9377 www.hatchmott.com

March 24, 2010

Via email: [kmcpherson@townshipoflower.org](mailto:kmcpherson@townshipoflower.org)

Ms. Kathleen McPherson, Township Manager  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

**RE: Permitting and Engineering Proposal  
Holmes Avenue Outfall  
Township of Lower, Cape May County, New Jersey**

Dear Ms. McPherson:

Please find enclosed herewith our proposal to complete the professional surveying, engineering and environmental permitting required to secure the Federal and State permits necessary for the Township to reconstruct the storm damaged outfall located at Holmes Avenue. Task 5 of this proposal also includes the preparation of bid documents to publicly advertise in the Fall of 2010 (Fall Contract) for the reconstruction of the Holmes Avenue outfall and the remaining five (5) outfalls that were not constructed in the Spring of 2010.

The Holmes Avenue outfall was not part of the original twelve outfalls that were proposed for reconstruction by the Township in 2010. However, a large section of the Holmes Avenue corrugated metal outfall pipe and crib structures were damaged during the November 2009 declared disaster storm (FEMA-1867-DR-NJ).

FEMA personnel have met with the Township and field inspected the damaged outfall pipe. The Township has requested and will receive FEMA disaster assistance to reconstruct and upgrade the damaged section of pipe and its support structure. The Township has also submitted a Letter of Intent for hazard mitigation funding under Section 404 (Stafford Act) for the enhancement of the remaining undamaged section of pipe and its support structure by proposing to reconstruct the entire outfall structure with more appropriate materials that will meet acceptable engineering design standards for an outfall structure at its present location on the beach.

The Township proposes to reconstruct the outfall structure with 24" TR-Flex ductile iron pipe and reconstruct new support cribbing on 12" diameter timber piles. The proposed upgrade of pipe material from corrugated metal to ductile iron and the proposed reconstruction of the pile supported timber cribbing to support and cradle the new pipe will enhance the outfall structure's ability to resist damage from future storm events. The minimum necessary repair of the damaged section of pipe will require Federal and State regulatory approvals prior to commencement of construction. These costs are included within the FEMA disaster assistance to be received by the Township. No additional engineering costs for permitting are required or included for the proposed Section 404 mitigation scope.



The following is a description of the tasks that we have identified at this time to complete the additional design and permitting required for the Holmes Avenue outfall reconstruction:

<b>Task 1</b>	<b>Topographic Survey</b>
---------------	---------------------------

A field survey will be performed for the purposes of identifying topographic features and boundary information as required at the Holmes Avenue outfall to satisfy permit application requirements. The plan will then be submitted to the NJDEP and USACE in support of the permit applications to those respective agencies. The following outlines our proposed scope of services for work included under Task 1 for the Holmes Avenue outfall:

- HMM will establish survey control for the site utilizing GPS equipment. The Horizontal Datum will be NAD83 (NJ State Plane Coordinate System) and the Vertical Datum will be NAVD 88.
- Undertake a specific topographic survey of the Holmes Avenue outfall location identifying all features required. The outfall shall be located by reference to State Plane coordinates. The survey will detail existing spot elevations recorded in the field and contours at an appropriate interval (if necessary for clarification).
- Map the following tidal areas associated with the site including: Tidelands Claim Lines, High Tide Line, Mean High Water Line and Mean Low Water Line.
- HMM will prepare a base map for the Holmes Avenue outfall alignment to be used as the permit plan which will be forwarded to the NJDEP and USACE (See Tasks 2, 3 & 4) as part of the permit applications

We propose to complete the scope of work outlined above **Task 1** for the lump sum amount of **\$4,500**.

<b>Task 2</b>	<b>NJDEP Individual CAFRA/Waterfront Development Permit Application</b>
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Under the NJDEP Coastal Permit Program Rules N.J.A.C. 7:7-2.1(a)1, a CAFRA permit shall be required for any development in the CAFRA area located on a beach or dune. Under N.J.A.C. 7:7-2.3(a)2, a Waterfront Development permit shall be required for any activities in any tidal waterway up to and including the mean high water line. The location of the Holmes Avenue outfall meets both of the above criteria therefore a combined CAFRA/Waterfront Development permit will be required for the proposed activities. The following outlines our proposed scope of services for work included under Task 2 for the Holmes Avenue outfall:



- Research existing site conditions to obtain necessary information in support of the preparation of a CAFRA permit application to the NJDEP;
- Assemble documents and prepare materials required for the preparation of a Coastal Zone Management (CZM) rules EIS or Compliance Statement and CAFRA application submission;
- Preliminary review indicates that potential Endangered or Threatened Wildlife or Plant Species are on or abutting the project site. Therefore, an Endangered or Threatened Wildlife or Plant Species Habitat Impact Assessment will be prepared in accordance with N.J.A.C. 7:7-C.4 to demonstrate that identified species habitat would not be adversely affected by the proposed project;
- Request a certified Adjoining Property Owners list from the municipality and prepare public notifications to governmental agencies, newspaper and adjacent property owners as required;
- Communication, coordination and review of information to be submitted to the NJDEP with Township representatives;
- Monitor and respond to NJDEP information requests to deem application complete for final review and review of permit and conditions with the Township.

We propose to complete the scope of work outlined above in **Task 2** for the lump sum amount of **\$9,250**.

This lump sum cost for **Task 2** is based on the following:

1. The lump sum cost, as outlined above, is for the initial submittal of the project plans to the NJDEP Land Use Regulation Program, and includes all work required to fulfill general CAFRA submittal requirements. Our scope of work does not include the cost for any additional requests from regulatory and governmental agencies not previously specified or identified, or subsequent revisions to the CAFRA application based on 1) major project revisions or modifications; 2) issues resulting from public comment; or 3) responses to permit conditions. Any work associated with the above additional requests, revisions or modifications will be considered outside the scope of work included herein.
2. The Township will pay all of the permit application fees required for the project.

<b>Task 3</b>	<b>New Jersey Tidelands One-Fee License Application</b>
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A Tidelands License is a rental agreement from the State of New Jersey for the use of tidelands, which are all lands currently and formerly flowed by the mean high tide. The State may rent tidelands by issuance of a Tidelands License. Licenses for permanent utility related structures such as storm sewer outfalls fall under the category of "one-fee



licenses.” This “one-fee license” is a perpetual license for the outfall structures that, under current regulations, will not require renewal or periodic re-licensing fees. The following outlines our proposed scope of services for work included under Task 3 for the Holmes Avenue outfall:

- Assemble documents and prepare materials required for the preparation of a NJDEP Bureau of Tidelands Management “One-Fee License” application submission for the Holmes Avenue Outfall.
- Communication, coordination and review of information to be submitted to the NJDEP in support of the License application with Township representatives.

We propose to complete the scope of work outlined above in **Task 3** for the lump sum amount of **\$3,600**.

<b>Task 4</b>	<b>USACE Nationwide Permit Application</b>
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The USACE regulates activities that take place in navigable waters under Section 10 of the Rivers and Harbors Act of 1899. This Act prohibits the obstruction or alteration of navigable waters of the US without a permit from the Corps of Engineers. The proposed activities that will take place below the high tide line for the extension of the Holmes Avenue outfall will require authorization for USACE Nationwide Permits 7 and 12. As a requirement of these Nationwide Permits the Township must submit a pre-construction notification to the district engineer prior to commencing work on the project. The following outlines our proposed scope of services for work included under Task 4 for the Holmes Avenue outfall:

- Assemble documents and prepare materials required for the preparation of a USACE Nationwide Permit Pre-construction Notification application and submission.
- Communication, coordination and review of information to be submitted to the NJDEP in support of the USACE application with Township representatives.

We propose to complete the scope of work outlined above in **Task 4** for the lump sum amount of **\$7,500**.

<b>Task 5</b>	<b>Permit/Engineering Plans &amp; Construction Documents</b>
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An updated set of permit/engineering plans will be prepared which will include all of the required information to secure the above referenced permits. HMM will prepare the design and construction bid documents (plans and specifications) for the following stormwater outfall extensions:



Site	Roadway	Tax Id No.	Outfall	Ownership
1	Broadway	Beach Ave. R.O.W. Block 385.01, Lot 1	48"	Township
2	Shadeland Avenue	Beach Ave. R.O.W. Block 385.01, Lot 1	21"	Township
3	Beverly Road	Block 533.02, Lot 1.01	42"	Cape May Beach H.A.
4	Emerson Avenue	Block 631.02, Lot 1	30"	Township
5	Lincoln Boulevard.	Block 631.02, Lot 1	36"	Township
6	Holmes Avenue	Block 631.02, Lot 1	24"	Township

HMM will provide the following services under Task 5:

- Review existing inventory of materials previously acquired under the original construction contract and partially utilized by the Township and the Contractor under the Spring 2010 contract;
- Coordinate with the Public Works Department the division of work that will be publicly bid and work that will be constructed utilizing Township forces;
- Prepare Construction Drawings for the public bidding of the project;
- Prepare Construction Specifications for the public bidding of the project; and
- Prepare an Engineer's Estimate of Construction.

We propose to complete the scope of work outlined above in **Task 5** for the lump sum amount of **\$13,000**.

<b>Task 6</b>	<b>Direct Expenses</b>
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The scope of work under this section includes the following services and direct expenses that will be spent during our scope of work for the entire project (Tasks 1 thru 5):

- Attendance at Meetings (NJDEP, USACE, Township, etc. if required)
- Travel, Postage, Public Notifications
- Reproduction of plans and applications for all permit applications (NJDEP CAFRA, USACE Nationwide Permits, Tidelands License)

The majority of these expenses will be the cost of application reproduction. For budgeting purposes, we estimate that printing will total approximately **\$2,500** and meeting attendance and other direct expenses will total approximately **\$1,000**.

We propose to perform the work under Task 6 based upon a **reimbursable method of compensation for the actual time required** and at the actual hourly rates for the individual(s) employed in accordance with our current rate schedule.



FEE SUMMARY			
<u>Scope Of Work</u>	<u>Description</u>	<u>Payment Method</u>	<u>Cost/Budget</u>
Task 1	Topographic Survey	Lump Sum	\$4,500
Task 2	NJDEP Individual CAFRA/WFD Permit Application	Lump Sum	\$9,250
Task 3	New Jersey Tidelands One-Fee License Application	Lump Sum	\$3,600
Task 4	US Army Corps of Engineers Nationwide Permit Application	Lump Sum	\$7,500
Task 5	Permit/Engineering Plans & Construction Documents	Lump Sum	\$13,000
Task 6	Reimbursable Services & Direct Expenses	Reimbursable	\$3,500
<b>TOTAL</b>			<b>\$41,350</b>

We thank you for the opportunity to provide this Scope of Work for the Holmes Avenue Outfall Modifications. Should you have any questions regarding the above information or should you wish to discuss this proposal in more detail, please do not hesitate to contact this office.

Very truly yours,

Hatch Mott MacDonald

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File: 255139CM10-III-3

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

RESOLUTION #2010-110

**TITLE: RESOLUTION SUPPORTING THE NAVAL AIR STATION WILDWOOD AVIATION MUSEUM "ACE SUMMER ACADEMY"**

WHEREAS, the Naval Air Station Wildwood Aviation Museum has asked for Lower Township's support for their ACE Summer Academy (Aviation Career Education) to be held July 19-23, 2010;

WHEREAS, the Academies had been ongoing in more than 30 states for years and the goal of the Academy is to direct young adults toward careers within the "STEM" (Science, Technology, Engineering and Math) particularly those related to general, commercial, military and aerospace industry, and

WHEREAS, the tentative plans for the final day of the academy are "static" (non flying) displays and presentations by pilots and professionals representing: Atlanticare Medivac, NJ State Police, US Army and US Navy followed by a closing ceremony.

NOW, THEREFORE, BE IT RESOLVED the Lower Township Council is in full support of the Ace Summer Academy program and wishes them success in their endeavor.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 29, 2010.

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Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
MOTION					
SECOND					
AYE					
NAY					
ABSTAIN					
ABSENT					



**NAVAL AIR STATION WILDWOOD  
AVIATION MUSEUM**

500 FORRESTAL ROAD  
CAPE MAY AIRPORT, NJ 08242  
(609) 886-8787  
(609) 886-1942 FAX  
[www.usnasw.org](http://www.usnasw.org)

March 5, 2010

Mr. Mayor and members of council:  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

Dear Mayor Beck and Council:

Naval Air Station Wildwood Aviation Museum would like to request the official support of The Township of Lower for our "ACE Summer Academy" to be held July 19-23, 2010. (Aviation Career Education) The ACE Academies have been ongoing in more than thirty states for many years.

The goal of the academy is to direct young adults toward coursework and careers within the "STEM" (Science, Technology, Engineering and Math) areas of study particularly those related to the general, commercial, military and aerospace industry. The museum will partner with the FAA William J. Hughes Technical Center to conduct the Academy.

Tentatively planned for the final day of the academy are "static" (non flying) displays and career presentations by pilots and professionals representing: Atlanticare Medivac, NJ State Police, US Army and US Navy followed by a closing ceremony. Members of council are welcome to attend as guests of the museum.

Thank you for your continued support.

Bruce A. Fournier

Academy Director/Museum Educator