

## RESOLUTIONS ADOPTED SEPTEMBER 20, 2010

- Res. #2010-234, Resolution Approving New Fee Schedule For Recreation Department (Increasing various fees associated with sports, cheerleading and the use of the municipal pool) (Withdrawn 9/8)
- Res. #2010-242, Payment of Vouchers, \$2,113,771.29
- Res. #2010-243, Resolution of the Township of Lower Approving An Absence From Meetings Policy for Elected Officials and Appointed Board Members (Suggested as part of Local Government Best Practices Checklist)
- Res. #2010-244, Identifying Small Cities Fair Housing and Equal Opportunity Officer
- Res. #2010-245, Adoption of State Model Citizen Participation Plan for DCA Small Cities Program
- Res. #2010-246, Submission of a Small cities Housing Rehabilitation Application, \$200,000
- Res. #2010-247, Public Facilities Grant Application for \$500,000, Repair Storm Sewer Outfall Lines (Wildwood, Arbor, Cloverdale, Greenwood & St. John's)
- Res. #2010-248, Authorization for the Refund of Taxes (2 properties - overpayments)
- Res. #2010-249, A Resolution Requesting Release of Demolition Bond for Block 114, Lots 21-26, 11 Bay Avenue, Villas
- Res. #2010-250, Resolution Approving Project Proposal Between Hatch Mott MacDonald and the Township of Lower for Engineering Services Related to Station Road & Municipal Parking Lot Improvements, Phase 2 (Final design, bid documents, permitting process for Count & State, \$30,250)
- Res. #2010-251, A Resolution of the Township of Lower Removing Certain Properties Leased by the Delaware River and Bay Authority at the Cape May Airport from the Tax Sale Scheduled for October 4, 2010
- Res. #2010-252, Authorization for Approval of Damage Reduction Agreement Between the Township of Lower and the State of New Jersey, NJ Department of Environmental Protection (Beachfill project - Cape May Meadows Area)
- Res. #2010-253, A Resolution Requesting Return of CD #xxxxx1467 for Canyon Club; Block 823, Lot 3.01; Escrow #P06-06-08 (Return of CD leaving other CD for Performance Guarantee)
- Res. #2010-254, Resolution Supporting New Jersey Run for the Fallen on September 25 and 26

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

RESOLUTION NO. 2010-234

**TITLE: RESOLUTION APPROVING NEW FEE SCHEDULE FOR THE RECREATION DEPARTMENT**

WHEREAS, the Township desires to approve a new fee schedule for the Recreation Department;

WHEREAS, the Township desires to amend daily pool fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the following fee schedule is hereby adopted:

**Pool Daily Fee:**

\$2.00 for children 12 years of age & under. \$3.00 for 13 years of age & up.

Children 2 years of age and under free.

I hereby certify the foregoing to be an original Resolution adopted by the Township Council at a meeting held on September 20, 2010.

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

	Conrad	Mazurek	Douglass	Lare	Beck
<b>Motion</b>	X				
<b>Second</b>			X		
<b>Aye</b>	X	X	X	X	X
<b>Nay</b>					
<b>Abstain</b>					
<b>Absent</b>					



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	10-02250	09/07/10	INTERNET ACCESS - TOWNHALL	Open	95.14	0.00		
					-----			
					155.18			
00852	CHERRY VALLEY TRACTOR CO.*							
	10-02043	08/06/10	ALTERNATOR FOR TRACTOR/DPW	Open	326.30	0.00		
00991	COLONIAL ELECTRIC SUPPLY*							
	10-02168	08/25/10	LIGHT BULBS - TOWNHALL	Open	141.60	0.00		
01009	EPLUS TECHNOLOGY INC*							
	10-02106	08/18/10	Receipt Paper	Open	46.15	0.00		
01019	LENDER BUSINESS PROC SERVICES							
	10-02325	09/15/10	RES #2010-248 REFUND HAUCK	Open	1,425.74	0.00		
01092	CONTINENTAL FIRE & SAFETY, INC*							
	10-02234	09/02/10	FIRE EXTINGUISHERS	Open	318.00	0.00		
01170	VERIZON WIRELESS* F/S							
	10-02246	09/03/10	CELL SERVICE - FIRE SAFETY	Open	72.53	0.00		
01171	VERIZON WIRELESS - TOWNHALL							
	10-02242	09/02/10	CELL SERVICE 7/24/10-8/23/10	Open	1,158.07	0.00		
01201	DELL CORPORATION*							
	10-02135	08/19/10	TONER/INK BUNDLES	Open	833.91	0.00		
01245	G & K SERVICES CO*							
	10-01695	06/30/10	SAFETY VESTS - DPW	Open	593.46	0.00		
	10-02297	09/09/10	UNIFORM RENTALS/DPW	Open	726.93	0.00		
					-----			
					1,320.39			
01285	DAVID DOUGLASS							
	10-02136	08/19/10	DONATION TO SCHOLARSHIP FUND	Open	1,000.00	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	10-02238	09/02/10	SECURITY & PARKING LOT LIGHTS	Open	1,250.00	0.00		
01530	FIRE DISTRICT #1							
	10-00148	01/22/10	FIRE SERVICES - 2010	Open	117,141.50	0.00		
01540	FIRE DISTRICT #2							
	10-00150	01/22/10	FIRE SERVICES - 2010	Open	256,980.00	0.00		
01550	FIRE DISTRICT #3							
	10-00198	01/26/10	FIRE SERVICES 2010	Open	170,767.75	0.00		
01781	HATCH MOTT MACDONALD, LLC*							
	10-02245	09/03/10	ESCROW BILLING	Open	890.60	0.00		
01806	ANTHONY J HARVATT, II, ESQ							

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
	10-01272	05/24/10	ZONING BOARD SOLICITOR SALARY	Open	300.00	0.00		
	10-02244	09/03/10	ESCROW RESOLUTIONS	Open	450.00	0.00		
					-----			
					750.00			
02223			LANDSMAN UNIFORMS*					
	10-01995	07/30/10	UNIFORMS	Open	453.00	0.00		
02247			LAWSON PRODUCTS, INC.*					
	10-02027	08/03/10	SUPPLIES FOR GARAGE/DPW	Open	1,270.99	0.00		
02320			LOWER TOWNSHIP BRD OF EDUCATN					
	10-01087	05/03/10	SCHOOL TAX DUE 1ST OF MONTH	Open	1,437,188.90	0.00		
02415			STEPHEN FLITCROFT					
	10-02281	09/08/10	SHOE ALLOWANCE FOR 2010/DPW	Open	79.99	0.00		
02541			ROBERT D. MARTIN, JR					
	10-02252	09/07/10	CONTRACTUAL REIMBURSEMENT	Open	139.00	0.00		
02715			MODERN HANDLING EQUIP CO*					
	10-02113	08/18/10	GENERATOR REPAIR	Open	400.50	0.00		
02811			JAMES MOY					
	10-02251	09/07/10	CONTRACTUAL REIMBURSEMENT	Open	165.00	0.00		
03022			PRICE CHOPPER, INC*					
	10-01871	07/15/10	WRISTBANDS	Open	235.85	0.00		
03109			TRU GREEN CHEMLAWN					
	10-02222	08/31/10	WEED CONTROL/WALKING PATH	Open	250.00	0.00		
03177			OCEAN CREST PRINTING*					
	10-01910	07/22/10	BUSINESS CARDS - GRANTS	Open	25.00	0.00		
	10-02061	08/10/10	BUSINESS CARDS	Open	75.00	0.00		
					-----			
					100.00			
03350			MICHAEL PERRY					
	10-02228	09/02/10	TRAINING MEALS	Open	20.06	0.00		
03414			WILLIAM PRIOLE					
	09-01352	05/20/09	2009 EQUIP ALLOW	Open	29.80	0.00		
	10-01767	07/06/10	2010 EQUIP ALLOW	Open	150.00	0.00		
					-----			
					179.80			
03583			ROBERT SMITH JR					
	09-01354	05/20/09	2009 EQUIP ALLOW	Open	150.00	0.00		
	10-01769	07/06/10	2010 EQUIP ALLOW	Open	150.00	0.00		
					-----			
					300.00			



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
10-02239	09/02/10	STATE DOG LICENSE FEES	Open	79.20	0.00			
04285	NIA GROUP, LLC							
10-02175	08/26/10	GROUP ACCIDENT INSURANCE	Open	350.00	0.00			
04301	SEASHORE ASPHALT CORPORATION*							
10-02154	08/23/10	ASPHALT/PAVING/DPW	Open	15,822.20	0.00			
04366	GENO WHITE							
10-01932	07/26/10	BAND FOR FARMER'S MARKET	Open	300.00	0.00			
IDEA	IDEARC MEDIA CORP							
10-01883	07/19/10	PHONE BOOKS/LONG DISTANCE/DPW	Open	153.79	0.00			
MULLOCK	ANNIE MULLOCK*							
10-01133	05/06/10	EVENT COORD - FARMERS MARKET	Open	2,000.00	0.00			B
PENNING	DEBBIE PENNINGTON							
10-02295	09/09/10	SOCCER REFUND FOR D.PENNINGTON	Open	10.00	0.00			
WELLSF	WELLS FARGO REAL ESTATE TAX							
10-02321	09/14/10	REFUND 3RD QTR 2010 TAX	Open	629.02	0.00			
Total Purchase Orders:		80	Total P.O. Line Items:	164	Total List Amount:	2,113,771.29	Total Void Amount:	0.00

I hereby certify this is the original resolution adopted by the Township Council at the meeting of September 20, 2010

  
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION NO. 2010-243

**TITLE: RESOLUTION OF THE TOWNSHIP OF LOWER APPROVING AN ABSENCE FROM MEETINGS POLICY FOR ELECTED OFFICIALS AND APPOINTED BOARD MEMBERS**

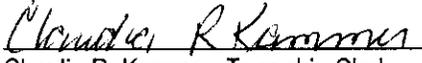
WHEREAS, the Mayor and Council of the Township of Lower (the "Township Council") desires to enact a policy to encourage regular attendance by members of the Township Council at all official meetings of the Township Council and by all members of board, commissions and authorities appointed by the Township Council at their respective meetings including, without limitation, the Lower Township Planning Board, Zoning Board of Adjustment, Mayor's Advisory Board, Recreation Advisory Board, Environmental Commission and Lower Township Municipal Utilities Authority (the "Appointed Officials"); and

WHEREAS, the Township desires to make attendance records, reflected in the minutes of all meetings of the Township Council and Appointed Officials, readily accessible to the public and furnished to Township Council for review and approval at its regular meetings from time to time, and also posted on the Lower Township website.

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 Absence from Meetings Policy is hereby approved as follows:

1. The Township Council and all Appointed Officials are expected to attend regular and special public meetings at the time and place where said meetings are held and for the entirety of each meeting.
2. The attendance of the Township Council and Appointed Officials shall be taken at all meetings and reflected within the minutes of all meetings.
3. Attendance records shall be furnished to the Township Council, and shall be made available to the public pursuant to a request for public records and also posted on the Lower Township website. Attendance records shall be considered prior to the reappointment of such board members.
4. The purpose of this policy is to encourage all members of the Township Council and Appointed Officials to regularly attend meetings of the public body to which they are elected and/or appointed. The purpose of this policy is also to hold all members of the Township Council accountable to the public who elects them and to hold all Appointment Officials accountable to the Township Council who appoints them, which will be considered by the public and/or the Township Council in their election and/or appointment process.

I hereby certify this is the original Resolution adopted by the Township Council at a meeting held on September 20, 2010.

  
 Claudia R. Kammer, Township Clerk

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

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

RESOLUTION #2010-244

**TITLE: Identifying Small Cities Fair Housing and Equal Opportunity Officer**

WHEREAS, the Township of Lower is an applicant for Department of Community Affairs Fiscal Year 2011 funds for \$200,000 from the NJ DCA Small Cities Program for a housing rehabilitation program and for \$500,000 for a public facilities program to repair outfall lines in the Villas section of the Township; and

Whereas, the Township of Lower must make efforts to affirmatively further fair housing; and

Whereas, the Township of Lower has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

Whereas, the Township of Lower has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

Now, Therefore, Be It Resolved that the Colleen Crippen shall be designated as the Small Cities Program Fair Housing and Equal Opportunity Compliance Officer for the Township of Lower; and

Be It Further Resolved that the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

Be It Further Resolved, that the Compliance Officer shall provide fair housing and equal opportunity advisory services and assistance and referral advice to persons requesting such assistance from the Township of Lower; and

Be It Further Resolved, that the Township of Lower will publish in the local newspaper of record and post at the Township Municipal Building a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

I hereby certify this is the original resolution adopted by the Township Council on September 20, 2010

  
 Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
INTRODUCED		X	X		
SECONDED					
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

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

RESOLUTION #2010-245

TITLE: ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM

WHEREAS, the Township of Lower is an applicant for Department of Community Affairs Fiscal Year 2011 funds for \$200,000 from the NJ DCA Small Cities Program for a housing rehabilitation program and for \$500,000 for a public facilities program to repair outfall lines in the Villas section of the Township; and

WHEREAS, the Township will enter into grant agreement(s) for said grant(s) if approved; and

WHEREAS, that grant agreement(s) will require the Township of Lower to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the Township of Lower has reviewed the citizen plan prepared for Small Cities CDBG grantees;

NOW, THEREFORE BE IT RESOLVED by the Mayor and the Township Council of the Township of Lower, County of Cape May and State of New Jersey, that;

The Citizen Participation Plan developed by the New Jersey Department of Community Affairs, Small Cities CDBG is adopted by the Township of Lower; and

The Township of Lower will follow all regulations set forth in that document throughout the term of the grant agreement cited above.

I hereby certify this is the original resolution adopted by the Township Council on September 20, 2010.

  
 Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
INTRODUCED		X			
SECONDED			X		
AYE	X	X	X	X	X
NAY					
ABSTAIN					
ABSENT					

**TOWNSHIP OF LOWER CITIZEN PARTICIPATION PLAN**  
**SEPTEMBER 2010**

The Township of Lower has adopted the following Citizen Participation Plan, which will be followed in the management of Small Cities Program operations pursuant to the receipt of Housing Rehabilitation Funds.

1. Ongoing Responsibilities: Pre-Application

- a. The Grants Office staff will continually monitor the housing conditions of the various Township neighborhoods.
- b. The Grants Office will maintain a log of all inquiries about housing rehabilitation problems, indicating what forms of assistance are potentially available.

2. Township Application Phase

- a. The Grants Office will publicize the availability of grants, and Township intentions to apply for Federal/State assistance.
- b. Public Hearings will be held, as required, in order to involve the residents in the development of applications and in setting priorities for low and moderate-income households.
- c. The Grants Office will survey the Target Neighborhood, including property visitations, to document in the application the extent of need.
- d. The Grants Office will address groups representative of the neighborhood, particularly the low-income elderly.

3. Resident Application Phase

- a. The Grants Office will notify each eligible resident on the waiting list by mail of the availability of the grant funds and the conditions of the eligibility. The

mailing will be made simultaneously to each household, and the applications will be received on a first-come, first-served basis.

- b. The Grants Office will assist each applicant to fill out the application, and provide all other technical assistance to effect a successful rehabilitation project.

4. Subsequent Project Monitoring Phase

- a. The Grants Office will respond to all questions or complaints respecting the workmanship, the repayment obligation (if any), etc.
- b. The Grants Office will provide the Governing Body with reports on all households assisted with grant funds, and will respond to the Governing Body whenever citizen inquiries or complaints surface.

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

**RESOLUTION #2010-246**

**Title:** Submission of a Small Cities Housing Rehabilitation Application, \$200,000

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$200,000 to carry out a project for the purpose of subsidizing the rehabilitation of homes owned and occupied by low and moderate income homeowners in Lower Township; and

BE IT THEREFORE RESOLVED,

- 1) that the Mayor and Township Council does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement form 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 Community Affairs.

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

Michael Beck  
 (signature)  
 Michael Beck  
 Mayor

Kathleen McPherson  
 (signature)  
 Kathleen McPherson  
 Township Manager

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 20, 2010.

Claudia R. Kammer  
 Claudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
INTRODUCE		X			
SECOND			X		
AYE	X	X	X	X	Y
NAY					
ABSTAIN					
ABSENT					

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

**RESOLUTION #2010-247**

**Title: PUBLIC FACILITIES GRANT APPLICATION FOR \$500,000, REPAIR  
STORM SEWER OUTFALL LINES**

WHEREAS, the Township of Lower desires to apply for and obtain a grant from the New Jersey Department of Community Affairs Small Cities CDGB Public Facilities Program for approximately \$500,000 to carry out a project to repair storm sewer outfall lines in the Villas section of the Township; and

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 Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement form 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 Community Affairs.

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

Michael Beck  
(signature)

Kathleen McPherson  
(signature)

Michael E. Beck

Kathleen McPherson

Mayor

Township Manager

I hereby certify the foregoing to be a resolution adopted by the Township Council on September 20, 2010.

Cláudia R. Kammer  
Cláudia R. Kammer, Township Clerk

	CONRAD	MAZUREK	DOUGLASS	LARE	BECK
INTRODUCED		X			
SECONDED			X		
AYE	X	X	X	X	X
NAY					
ABSTAIN					

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

RESOLUTION #2010-248

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>
643	8	Wells Fargo	Paid twice	629.02
719	1.08 C-203	Lereta LLC	Paid twice	1,425.74

I hereby certify the foregoing to be a resolution adopted by the governing body at a meeting held on September 20, 2010.

  
Claudia R. Kammer, Township Clerk

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

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

**RESOLUTION #2010-249**

**TITLE: A Resolution Requesting Release of Demolition Bond for Block 114,  
Lots 21-26, 11 Bay Avenue, Villas**

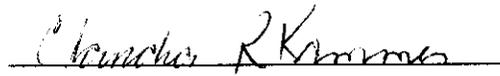
WHEREAS, Nicholas W. Gallaccio, Jr., posted a Demolition Bond with the Township of Lower, in the amount of \$4,000.00, and

WHEREAS, the Township Building Inspector made an inspection and the garage was removed, and

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

AND HEREBY BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$4,000.00 plus any accrued interest for payment of the above released demolition bond.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of September 20, 2010.



Claudia R. Kammer, Township Clerk

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

Resolution #2010-249

RESOLUTION #2010-250

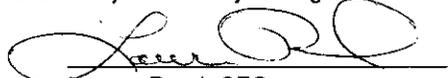
**TITLE: RESOLUTION APPROVING PROJECT PROPOSAL BETWEEN HATCH MOTT MACDONALD AND THE TOWNSHIP OF LOWER FOR ENGINEERING SERVICES RELATED TO STATION ROAD & MUNICIPAL PARKING LOT IMPROVEMENTS, PHASE 2**

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 Station Road & Municipal Parking Lot Improvements - Phase 2 which is set forth on EXHIBIT A attached hereto (the "Project Proposal"); and

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

WHEREAS, the Township Council desires to approve the Project Proposal and the CFO has certified the availability of funds by her signature in the budget as follows:

  
Lauren Read, CFO

Ord #05-08 C.04-55-381-910  
Account

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, in the form attached hereto as EXHIBIT A, for a total amount of \$30,250., 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 September 20, 2010.

  
Claudia R. Kammer, Township Clerk

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



**Hatch Mott  
MacDonald**

**Hatch Mott MacDonald**  
833 Rt 9 North  
PO Box 373  
Cape May Court House, NJ 08210  
T 609.465.9377 www.hatchmott.com

September 14, 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: Professional Engineering Services Proposal  
Station Road and Municipal Parking Lot Improvements - Phase 2  
Township of Lower  
Cape May County, New Jersey**

Dear Ms. McPherson:

Please find enclosed herewith our proposal for professional engineering services to prepare the final design, bid documents and required permitting with the County and NJDOT Local Aid offices for the above referenced project based on the approved conceptual design presented to Township staff on August 25, 2010.

As you are aware the Township received a NJDOT FY2010 grant in the amount of \$130,000 for improvements to Station Road from Bayshore Road to States Avenue. Included with the proposed improvements to Station Road are the creation of additional parking that will be provided in front of the Planning and Construction Office Building and the realignment of existing parking along the North side of the Municipal Building.

As discussed at our meeting, the improvements will be designed and bid under one overall contract once approval from the NJDOT Local Aid office has been secured. The following is our proposed scope of work:

- Design of the following improvements to the parking and circulation at the Municipal Hall complex and roadway realignment of Station Road:
  1. One-way access to the Municipal Building parking directly off Station Road;
  2. Proposed expanded parking area in front of the Planning & Zoning/Construction Office;
  3. Inbound and outbound access to Bayshore Road from the newly expanded parking area;
  4. Reconfiguration of the intersection of Station Road and States Avenue to include outbound access from the municipal parking area with stop control along States Avenue;
  5. Proposed speed table (raised crosswalk) to provide traffic calming on Station Road;
  6. Improvements to crosswalk areas and existing handicap ramps and access ways (where required);
  7. Drainage improvements to collect runoff from the proposed parking area, reconfiguration of existing underdrains and rerouting of existing roof leaders along the Bayshore Road side of the Planning/Construction office;
  8. Proposed rain garden/bio-infiltration system adjacent to the proposed parking area;
  9. Site lighting location for the proposed parking area (selection of the light fixtures and lighting conduit design/installation to be provided by others); and



10. New geometry, lane alignments, pavement markings, sign designations and details, lane width dimensions, markings and stop bars as required for each element of the above proposed street improvements and parking plan.

- HMM will forward the proposed design to the Cape May County Engineer's office for review and approval.
- HMM will forward the proposed design to the NJDOT Local Aid office along with justification for any design exceptions from AASHTO standards (if applicable). HMM will coordinate the design and bidding of this project with the NJDOT as required under the grant conditions.
- An updated set of plans will be prepared incorporating any comments received from the NJDOT and County Engineer's office.
- Coordinate with the Public Works Department the construction scheduling and 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. Details sheets and Specifications shall be prepared based upon the NJDOT 2007 Standard Specifications for Road and Bridge Construction.
- 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 for the lump sum amount of **\$30,250**.

Compensation for this project shall be on a lump sum basis and the Township shall be invoiced on a percent complete basis. We thank you for the opportunity to provide this scope of work for the Station Road and Municipal Parking Lot Improvements project.

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

Mark R. Sray PE, CME  
Senior Associate  
T 609.465.9377 F 609.465.5270  
mark.sray@hatchmott.com

Steven C. Morey, CEP  
Associate  
T 609.465.9377 F 609.465.5270  
steven.morey@hatchmott.com

cc (via Email): Robert C. Mainberger, PE, CME, Hatch Mott MacDonald  
File: 270885CM10-III-3

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

RESOLUTION #2010-251

**TITLE: A RESOLUTION OF THE TOWNSHIP OF LOWER REMOVING CERTAIN PROPERTIES LEASED BY THE DELAWARE RIVER AND BAY AUTHORITY AT THE CAPE MAY AIRPORT FROM THE TAX SALE SCHEDULED FOR OCTOBER 4, 2010**

WHEREAS, a tax sale has been scheduled by the Lower Township Tax Collector for October 4, 2010 at 10:00 am at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, New Jersey;

WHEREAS, included in the tax sale are several properties leased by the Delaware River and Bay Authority ("DRBA") at the Cape May Airport, namely, Block 410.01, Lots 36.03, 36.09, 36.15, 36.16, 36.17 and 36.18 (the "Properties") on the current Tax Map of the Township of Lower, County of Cape May, State of New Jersey;

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Township of Lower, County of Cape May, State of New Jersey that the Properties, known as Block 410.01, Lots 36.03, 36.09, 36.15, 36.16, 36.17 and 36.18, on the Tax Map of the Township of Lower, County of Cape May, State of New Jersey, be removed from the tax sale scheduled October 4, 2010 at 10:00 a.m. at the Lower Township Municipal Building, 2600 Bayshore Road, Villas, New Jersey.

I hereby certify the foregoing to be an original Resolution adopted by the Township Council at a meeting held on September 20, 2010.

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

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

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

RESOLUTION #2010-252

**TITLE: AUTHORIZATION FOR APPROVAL OF STORM DAMAGE REDUCTIONS EASEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE STATE OF NEW JERSEY, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the State of New Jersey, Department of Environmental Protection has been involved with the US Army Corps of Engineers to construct the Lower Cape May Meadows-Cape May Point, NJ Ecosystem Restoration Project defined in the July 28, 2003 Project Cooperation Agreement between the Department of Army and the State of New Jersey, and

WHEREAS, the next phase of work in the project requires an easement from the Township for Storm Damage Reduction, and

WHEREAS, the easement has been reviewed and approved by the appropriate Township officials.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the Mayor is hereby authorized to sign the Deed of Dedication and Perpetual Storm Damage Reduction Easement for Block 792, Lots 20.02 & 21, Block 888, Lot 1 & 19; Block 897, Lots 30, 32, 34, 36 & 38; and Block 898, Lots 31, 33 & 35 between the Township of Lower and the State of New Jersey, NJ Dept. of Environmental Protection.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 20, 2010.

  
Claudia R. Kammer, Township Clerk

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

Prepared by:

DEED OF DEDICATION AND PERPETUAL STORM

DAMAGE REDUCTION EASEMENT

THIS DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT is made this 30<sup>th</sup> day of September, 2010 BY AND

BETWEEN

**THE TOWNSHIP OF LOWER**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 2600 Bay Shore Road, Villas, New Jersey 08251-1399, referred to herein as Grantor,

AND

**THE TOWNSHIP OF LOWER**, a Municipal Corporation of the State of New Jersey whose post office address is Municipal Clerk, 2600 Bay Shore Road, Villas, New Jersey 08251-1399, AND **THE STATE OF NEW JERSEY** referred to herein collectively as the Grantees,

WITNESSETH

**WHEREAS**, Grantor is the owner of that certain tract of land, located in the Township of Lower, County of Cape May, State of New Jersey, and identified as Block 792, Lots 20.02 & 21; Block 888, Lots 1 & 19; Block 897, Lots 30, 32, 34, 36 & 38; and Block 898, Lots 31, 33 & 35; on the official tax map of the Township of Lower hereinafter the "Property," and Grantor holds the requisite interest to grant this Deed of Easement; and

**WHEREAS**, the Grantees recognize that the beach at Lower Township, New Jersey is subject to constant erosion and degradation, thereby destroying a valuable natural resource and threatening the safety and property of the Grantor and of all of the citizens of the State; and,

**WHEREAS**, the Grantees desire to participate with each other and/or the United States Army Corps of Engineers to construct the Lower Cape May Meadows-Cape May Point, New Jersey Ecosystem Restoration Project, as defined in the July 28, 2003 Project Cooperation Agreement between the Department of the Army and the State of New Jersey, hereinafter the "Project"; and,

**WHEREAS**, construction of the Project includes periodic renourishment, which may be performed solely by the Grantees or in conjunction with the United States Army Corps of Engineers; and,

**WHEREAS**, in order to accomplish part of the Project, Grantees need a Perpetual Storm Damage Reduction Easement on portions of said Property herein described; and,

**WHEREAS**, the State of New Jersey and/or the United States Army Corps of Engineers will not participate in the Project unless the Grantees acquire the real property interest herein described in all real property needed for the Project; and,

**WHEREAS**, the Township of Lower shall consider this Deed of Easement in establishing the full assessed value of any lands subject to such restrictions; and,

**WHEREAS**, the Grantor desires to cooperate in allowing the Project to take place on a portion of said Property; and,

**WHEREAS**, the Grantor acknowledges that it will benefit from the successful implementation of the Project; and,

**WHEREAS**, the Grantor acknowledges that after successful implementation of the Project the beach and dune are still subject to the forces of nature which can result in both erosion and accretion of the beach and dune; and,

**WHEREAS**, this Deed of Easement will also serve to implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of the beach and ocean.

**NOW, THEREFORE**, in consideration for the benefits to be received by the Grantor from the successful implementation of the Project, the Grantor grants and conveys to Grantee an irrevocable, assignable, perpetual and permanent easement as set forth herein:

**GRANT OF EASEMENT:** A perpetual and assignable easement and right-of-way for the Lower Cape May Meadows-Cape May Point, New Jersey Ecosystem Restoration Project in, on, over and across that land of the Property as shown on the Township of Lower official tax maps for the Blocks and Lots listed above for use by the State of New Jersey and the Township of Lower, their representatives, agents, contractors and assigns to:

- a. Construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach, dune system, and other erosion control and storm damage reduction measures together with appurtenances thereto, including the right to deposit sand, to accomplish any alterations of the contours on said land, to construct berms and dunes, and to nourish and renourish periodically;
- b. Move, temporarily store and remove equipment and supplies;
- c. Erect and remove temporary structures;
- d. Perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Lower Cape May Meadows-Cape May Point, New Jersey Ecosystem Restoration Project together with the right of public use and access;
- e. Post signs, plant vegetation on said dunes and berms;
- f. Erect, maintain, and remove silt screens and snow fences;
- g. Facilitate preservation of dune and vegetation through the limitation of public access to dune areas;
- h. Trim, cut, fell, and remove from said land all trees, underbrush, debris, obstructions, and any other vegetation, structures, and obstacles within the limits of the easement.
- i. Implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of the beach and ocean.

The easement reserves to the Grantor, the Grantor's heirs, successors and assigns the right to construct a private dune overwalk structure in accordance with any applicable Federal, State, or local laws or regulations, provided that such structure shall not violate the integrity of the dune in shape, dimension, or function. Prior approval of the plans and specifications for such structures must be obtained from the Township of Lower and the State of New Jersey. Such structures are to be considered subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project. The easement reserves to the Grantor, the Grantor's heirs, successors, and assigns all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby conveyed to the Grantees, subject however to existing easements for utilities and pipelines, existing public highways, existing paved public roads and existing public streets. Grantor hereby expressly agrees not to grade or excavate within the easement area or to place therein any structure or material other than a dune walkover as referenced above without prior approval of the plans and specifications for said activities from the Township of Lower, the State of New Jersey and/or any applicable Federal agency, as required.

**Duration of Easement:** The easement granted hereby shall be in perpetuity, and in the event that the Township of Lower or the State of New Jersey shall become merged with any other geo-political entity or entities, the easement granted hereby shall run in favor of surviving entities. The covenants, terms, conditions and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns and shall continue as a servitude running in perpetuity with the land.

**Municipality to Maintain Beach:** The Township of Lower agrees, consistent with all Federal, State and local statutes and regulations, that at all times it shall use its best, good-faith efforts to cause the beach area abutting Grantor's lands to be maintained, consistent with any applicable Federal, State or local laws or regulations, notwithstanding any action or inaction of the State of New Jersey, Department of Environmental Protection or the United States Army Corps of Engineers to maintain the beach area.

**Character of Property:** Notwithstanding the foregoing, nothing herein is intended or shall be deemed to change the overall character of the Property as private property; nothing herein shall be deemed to grant to the Grantee or otherwise permit the Grantee or any other person to cross over or use any part of the Property which is not within the Easement Area; nothing herein is intended or shall be deemed to alter the boundary lines or setback lines of the Property.

By the acceptance of this Deed of Easement, the Municipality agrees, to the extent allowed by applicable law, that the Lands burdened by the easement herein described shall not be excluded from the calculation of minimum square footage requirements when construing applications under the Zoning Ordinance of the Municipality.

**Miscellaneous:**

1. The enforcement of the terms of this Easement shall be at the discretion of the Grantees and any forbearance by Grantees to exercise their rights under this Easement in the event of any violation by Grantor shall not be deemed or construed to be a waiver by Grantees of such term or of any subsequent violation or of any of Grantee's rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any violation by Grantor shall impair such rights or remedies or be construed as a waiver of such rights or remedies.
2. The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of New Jersey.
3. If any provision of this Deed of Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.
4. Any notice, demand, request, consent, approval or communication under this Deed of Easement shall be sent by regular first class mail, postage prepaid and by Certified Mail, Return Receipt Requested, addressed to the mailing addresses set forth above or any other address of which the relocating party shall notify the other, in writing.
5. The captions in this Deed of Easement have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon its construction or interpretation.

IN WITNESS WHEREOF, with the parties understanding and agreeing to the above, they do hereby place their signatures on the date at the top of the first page.

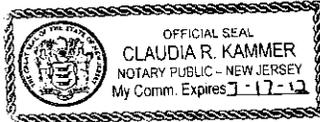
Accepted by the  
TOWNSHIP OF LOWER, GRANTOR

Witnessed by:

BY: Michael E Beck  
(Signature)

Claudia R Kammer  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY  
9-20-10

Michael E. Beck  
(Print Name)



Mayor  
(Official Title)

Date: September 20, 2010

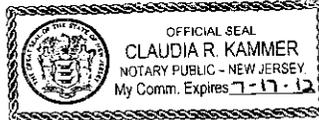
Accepted by the  
TOWNSHIP OF LOWER, GRANTEE

Witnessed by:

BY: Michael E Beck  
(Signature)

Claudia R Kammer  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY  
9-20-10

Michael E. Beck  
(Print Name)



Mayor  
(Official Title)

Date: September 20, 2010

Accepted by the  
STATE OF NEW JERSEY, GRANTEE

Witnessed by:

BY: \_\_\_\_\_  
David Rosenblatt  
Administrator  
Office of Engineering & Construction

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

Date \_\_\_\_\_

STATE OF NEW JERSEY, COUNTY OF CAPE MAY SS.:

I CERTIFY that on \_\_\_\_\_ 2010,

personally came before me and this person acknowledged under oath, to my satisfaction that this person (or if more than one, each person);

- 1) is named in and personally signed this Deed of Easement;
- 2) signed, sealed and delivered this Deed of Easement as his or her act and deed;
- 3) holds the requisite ownership interest and authority to execute this Deed of Easement; and
- 4) made this Deed of Easement for the full and actual consideration as set forth herein.

\_\_\_\_\_  
NOTARY PUBLIC OF THE  
STATE OF NEW JERSEY

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

**RESOLUTION #2010-253**

**TITLE:** A resolution requesting return of CD #xxxxx1467 for Canyon Club; Block 823, Lot 3.01; Escrow #P06-06-08

WHEREAS, Webco Association, Inc. posted two certificate of deposits (CD) with the Township of Lower, in the amount of \$116,790.46 and \$120,991.31; and

WHEREAS, the Township Engineer has verified that a total value of \$71,489.18 is required to secure the bonds for the project; and

WHEREAS, Mr. Chuck Weber, GB, Canyon Club, has requested the return of CD #xxxxx1467 [\$120,991.31 balance as of August 9, 2010]; and

WHEREAS, CD #xxxxx1499, current balance of \$116,790.49, as of July 15, 2010, is sufficient to secure the total required bonding amount of \$71,489.18; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, the Governing body thereof that CD #xxxxx1467 hereby is released for return, leaving CD #xxxxx1499 on account as Performance Guarantee.

I hereby certify this is the original resolution adopted by the Township Council at the meeting of September 20, 2010

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

	Conrad	Mazurek	Douglass	Lare	Beck
Motion		✓			
Second			✗		
Aye	✗	✗	✗	✗	✗
Nay					
Abstain					
Absent					

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

RESOLUTION #2010-254

**TITLE: RESOLUTION SUPPORTING NEW JERSEY RUN FOR THE FALLEN ON SEPTEMBER 25 AND 26**

WHEREAS, the Township of Lower and its Governing Body express appreciation and support for our service men and women in all branches of the military who are serving faithfully and honorably, both at home and abroad; and

WHEREAS, the Township of Lower and its Governing Body wish to acknowledge the sacrifice that all members of our military make, especially those who gave their life, as they serve to protect and preserve the freedoms that all Americans enjoy; and

WHEREAS, the Township of Lower is on the route of the 2010 New Jersey Run for the Fallen, honoring those who have made the ultimate sacrifice in Operations Iraqi Freedom and Enduring Freedom;

NOW, THEREFORE BE IT RESOLVED, the Township of Lower and its Governing Body wish to support efforts to honor our fallen soldiers such as the NJ Run for the Fallen, to be held on September 25 and 26, 2010 beginning in Cape May, NJ and ending in Holmdel, NJ, and to encourage the residents of their town to come out and show their support for the runners as they pass through the town.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on September 20, 2010.

  
Claudia R. Kammer, Township Clerk

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