

WORK SESSION AND REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

October 16, 2023 – 7:00 pm.

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

Work Session

Consent Agenda

Approval of Minutes – October 2, 2023

- Res. #2023-333 Authorization for the payment of vouchers \$ 391,043.75
- Res. #2023-334 Approval for the 2023 Lower Township Veterans Day Parade
- Res. #2023-335 A Resolution Requesting Release of Demolition Bonds for Block 350.01 Lot 13 107 Wildwood Avenue, Wachowski/Robb Demolition Bond \$250.00; Block 494.34 Lot 12 123 Heidi Avenue Delbuono, Demolition Bond \$1,500.00; Block 587 Lot 4 & 5 305 Beach Drive, Mader Michael, Demolition Bond \$1,500.00; Block 639 Lot 9, 506 Atlantic Avenue, Stay-Ro Builders Demolition Bond \$2,000.00; Block 678 Lot 9 717 Arctic Avenue, Cullen William, Demolition Bond \$500.00; Block 748 Lot 7.04 594 New England Road, Ewing George, Demolition Bond \$5,000.
- Res. #2023-336 Approving Final Change Order #3 to Fred M Schiavone Construction for A Reduction of As-Built Quantity Adjustments (LT-C-025)
- Res. #2023-337 Approving a Professional Service Contract with DeBlasio & Associates for Emergency Engineering Services to Survey and Base Mapping/Specification and Full Time Construction Observation During the Repair at Ohio Avenue and Delaware Avenue (\$ 39,000)
- Res. #2023-338 Insertion of Special Item of Revenue Pursuant to NJSA 40A:4-87, Chapter 159 (Emergency Management Performance Grant \$10,000)
- Res. #2023-339 Approval for 2023 Christmas Parade
- Res. #2023-340 Approving a Professional Service Contract with DeBlasio & Associates for Frances Avenue Storm Sewer Evaluation Survey and Engineering Phase Services (LT-C-045 \$31,000.)
- Res. #2023-341 Certification of Best Practices Inventory
- Res. #2023-342 Approving Change Order #3 to MJJ Construction, LLC for a Reduction of As-Built Quantity Adjustments (LT-C-035)
- Res. #2023-343 Amend Resolution #2023-08; Appointment of Municipal Engineer for the year 2023 as a Professional Service Contract without Public Bidding
- Res. #2023-344 Approval of Change Order #1 for DeBlasio & Associates for Engineering and Regulatory Permitting Phase for Additional Services Shadeland and Spruce Avenue Outfalls (LT-C-041)

Regular Agenda

Res. #2023-345 Authorization for the Payout of Accumulated Compensatory Time (M.Perry \$7,374.07)

Ord #2023-18 An Ordinance Amending Chapter 95, Regulation of Professional Service Contracts, of the Code of the Township of Lower, to Ensure Consistency with the Enactment of the New Jersey Election Transparency Act. This is the second reading and public hearing of this Ordinance. This Ordinance has been published, posted and made available to the public.

Ord #2023-19 An Ordinance Amending Chapter 432, Mercantile Licenses, in order to Modify the Annual Late Fee Imposed for Failing to Timely renew Annual Mercantile License. This is the second reading and public hearing of this Ordinance. This Ordinance has been published, posted and made available to the public.

Engineer's Report

Reports

Clerk, Construction, Dog, Tax, Vital

Public Comment

Council Comments

Adjourn

COUNCIL MEETING MINUTES – October 2, 2023

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on October 2, 2023 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 Kevin Coombs
Councilmember Roland Roy, Jr.
Deputy Mayor David Perry
Mayor Frank Sippel

Also present: Michael Laffey, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Work Session

Donna Blackley, Fire Official, Lower Township Bureau of Fire Safety, gave Council an update on the Bureau of Fire Safety and described the nature of their services to the community.

Councilmember Conrad complimented Ms. Blackley on a great job.

Mayor Sippel thanked Ms. Blackley for the update.

Deputy Mayor Perry reminded about Fire Prevention Week.

Consent Agenda

Approval of Minutes – September 18, 2023

Res. #2023-317 Authorization for the payment of vouchers \$858,662.11

Res. #2023-318 Authorization for the Payout of Accumulated Compensatory Time (M.James \$3,731.73)

Res. #2023-319 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:487; Chapter 159 (FEMA \$31,610.34)

Res. #2023-320 Authorization for the Waiver of Permitting Fees for Naval Air Station Wildwood Associated with the Restoration/Replacement Project - Roof B

Res. #2023-321 Approval for Cape May Hallowed Half Marathon

Res. #2023-322 Authorization for Refund of Taxes

Res. #2023-323 Authorization for the Payout of Accumulated Compensatory Time (C.Vasser \$2,690.62)

Res. #2023-324 Approving Change Order #1 for Trade In Allowance from the Purchase of Two (2) Chevrolet Equinox LS to Gentilini Chevrolet

Res. #2023-325 A Resolution Awarding a Non-Fair and Open Contract to Power DMS to Renew the Software and Maintenance for Lower Township Police Department (Powerdms \$10,469.19)

Res. #2023-326 A Resolution Awarding a Non-Fair and Open Contract to ProPhoenix Corporation to Renew the Software and Maintenance for Lower Township Fire Safety (ProPhoenix \$7,489.55)

Res. #2023-327 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on Govdeals Online Auction Website

Res. #2023-328 Approval for Harpoons on the Bay Oktoberfest, 2023

Res. #2023-329 Approving a Professional Service Contract with Concord Engineering to Evaluate and Provide a Condition Assessment Report for the HVAC Systems for Millman Community Center, Recreation Center, Township Hall, Construction and Zoning and Public Works Building (\$10,500)

Res. #2023-330 A Resolution Establishing an Emergency for a Sink Hole on Delaware Bay Drive Across from the Ohio Avenue Pumping Station

Res. #2023-331 Resolution to Award State Contract Vendor Axon Enterprise, Inc. to Purchase Twenty-One (21) Police Taser 7 (\$84,019.59)

Res. #2023-332 Resolution Providing for the Combination of Certain Issues and Determining the Form and other details of the offering of \$10,000,000 General Obligation Bond, Series 2023 of the Township of Lower, County of Cape May, State of New Jersey and providing for the sale of such bonds

Ord. #2023-20; An Ordinance Amending Chapter 340, Fire Prevention, of the Code of the Township of Lower in Order to Eliminate Reference to the BOCA Basic Fire Prevention Code and to Replace Same with the State of New Jersey Uniform Fire Code. This is the first reading of this Ordinance. Second reading and public hearing will be November 6, 2023

On the Consent:

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY			X				
PERRY		X	X				
SIPPEL			X				

Regular Agenda

Ord #2023-17 An Ordinance Amending and Supplementing Chapter 475, Parks and Recreation Areas, Article 1, General Rules and Regulations, to Address Recommendations Received from the Township's Insurance Carrier in Regards to Signage. This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD			X				
COOMBS	X		X				
ROY		X	X				
PERRY			X				
SIPPEL			X				

Reports

Personnel Action Report
Tax Collector Tax Sale Report
Floodplain Management 2023 Annual Progress Report

Call to the Public

Theresa Breslin, Shawcrest resident, addressed Council for an update on the subject of rent control. Mayor Sippel assured that the Township is looking into the matter. Manager Laffey noted that information is still being collected. Mr. Breslin, Shawcrest resident, commented about the increases in rent. Manager Laffey communicated Solicitor Belasco's advice about Landlord/Tenant matters being addressed through the NJ Courts. Mayor Sippel reminded that the matter is still being explored.

Council Comments

Councilmember Conrad commented in favor of Fishing Creek Road repairs and looks forward to future improvements to County roads.

Councilmember Coombs -- no comments

Councilmember Roy -- no comments

Deputy Mayor Perry thanked Donna Blackley for her report.

Mayor Sippel announced the following: Shred Day, Free Flu Clinic, Nationwide Alert Notification, Veterans Day Parade, Haunted Trails, Halloween Costume Parade, and Trunk or Treat.

Adjournment

There being no further business to address, motion to adjourn moved by Deputy Mayor Perry, seconded by Councilmember Coombs. Motion to adjourn was unanimous. Meeting adjourned at 7:12 p.m.

Frank Sippel, Mayor

Township Clerk

Approved:

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01530	FIRE DISTRICT #1	23-00655	03/13/23	2023 FIRE TAXES	Open	2,939.04	0.00		
01540	FIRE DISTRICT #2	23-00623	03/09/23	2023 FIRE DISTRICT #2 TAXES	Open	3,918.72	0.00		
01550	FIRE DISTRICT #3	23-00624	03/09/23	2023 FIRE DISTRICT #3 TAXES	Open	1,306.24	0.00		
01653	GENTILINI FORD	23-01867	07/19/23	PARTS FOR VEHICLES/DPW	Open	1,936.28	0.00		
		23-02112	08/16/23	PARTS FOR VEHICLES/DPW	Open	<u>2,073.54</u>	0.00		
						4,009.82			
01690	GRANTURK EQUIPMENT CO*	23-02433	09/25/23	SIDE BROOM/DPW	Open	1,069.92	0.00		
		23-02517	10/05/23	MATERIAL FOR TRUCKS/DPW	Open	<u>3,390.48</u>	0.00		
						4,460.40			
01741	GENTILINI CHEVROLET, LLC	23-01016	05/05/23	PARTS FOR VEHICLES/DPW	Open	22.83	0.00		B
01806	ANTHONY J HARVATT, II, ESQ	23-02524	10/05/23	ZBA BOARD SOLICITOR VOUCHERS	Open	600.00	0.00		
01942	INSTITUTE FOR PROF DEVELOP*	23-02226	08/31/23	Records Management Webinar	Open	150.00	0.00		
02025	HUNTER JERSEY PETERBILT~	23-02237	08/31/23	PARTS FOR TRUCKS/DPW	Open	1,646.82	0.00		
02223	LANDSMAN UNIFORMS*	23-02239	09/06/23	UNIFORMS	Open	969.50	0.00		
02292	DONALD LOMBARDO	23-02485	10/02/23	CONTRACTUAL REIMBURSEMENT M	Open	1,670.20	0.00		
02334	LOWER TWP CHAMBER OF COMMERCE	23-02514	10/04/23	Awards Dinner - 10/12/23	Open	225.00	0.00		
02461	JOHN MAHER	23-02486	10/02/23	CONTRACTUAL REIMBURSEMENT M	Open	3,265.01	0.00		
02677	KAREN F. WOLF	23-02578	10/11/23	CONTRACTUAL REIMBURSEMENT V	Open	291.00	0.00		
02688	MJJ CONSTRUCTION INC*	23-00874	04/14/23	RES#2023-139 LINCOLN RESTROOM	Open	87,712.94	0.00		B
03280	PARAMOUNT SANITARY SUPPLY ~	23-02482	09/29/23	36X60 3 MIL TRASH BAGS	Open	345.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03305	PEDRONI FUEL*	23-02508	10/03/23	NO LEAD GAS/DPW 9/25/23	Open	717.75	0.00		
03495	ELIZABETH BYRNE	23-00580	03/06/23	MEDICARE SUPPLEMENT	Open	243.90	0.00		
03518	RIGGINS, INC.*	23-02507	10/03/23	OFF HIGHWAY DIESEL/DPW 9/27/23	Open	1,454.48	0.00		
03537	RUTGERS, THE STATE UNIVERSITY*	23-02401	09/21/23	INTRO TO DUTIES OF CLERK	Open	745.00	0.00		
03611	SERVICE TIRE TRUCK CENTERS	23-01866	07/19/23	TIRES/RECY/SANT/DPW	Open	6,019.56	0.00		
03717	DEPT OF COMMUNITY AFFAIRS	23-02474	09/29/23	TECH ASSIT APPLICATION BLANDA	Open	91.00	0.00		
03786	BARRY THOMAS, SR.	23-02475	09/29/23	EXEMPT VET / VET DED	Open	462.27	0.00		
03820	MUNICIPAL UTIL. AUTH ON CALL	23-02506	10/03/23	REIMBURE HALF BILL 9/28/23	Open	326.57	0.00		
03844	GIACOMO TROMBETTA	23-02560	10/11/23	CONTRACTUAL REIMBURSEMENT M	Open	84.00	0.00		
03863	TREASURER, STATE OF NEW JERSEY	23-02504	10/03/23	JULY THRU SEPT REPORT	Open	10,724.00	0.00		
03894	SHERWIN WILLIAMS COMPANY*	23-02523	10/05/23	PAINT FOR ROAD & SIGN MAINT.	Open	987.71	0.00		
03915	TURF EQUIPMENT & SUPPLY CO	23-02347	09/14/23	PARTS FOR MOWER/DPW	Open	42.24	0.00		B
03917	STATE OF NJ DEPT OF CHILD/FAML	23-02537	10/05/23	Marriages	Open	1,375.00	0.00		
03971	VERIZON WIRELESS MDT POLICE	23-02529	10/05/23	VERIZON POLICE & TWP 8/21-9/20	Open	1,196.71	0.00		
03992	VAL-U AUTO PARTS LLC	23-01757	07/07/23	RDS/SANT/RECY/DPW	Open	6,721.01	0.00		
		23-02369	09/19/23	TOOLS/DPW	Open	3,595.77	0.00		
						10,316.78			
04085	CHRISTOPHER WINTER	23-02473	09/28/23	CONTRACTUAL REIMBURSEMENT M	Open	49.94	0.00		
04097	CINTAS FIRST AID AND SAFETY*	23-02465	09/27/23	REFILL MEDICAL CABINET	Open	21.19	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04097	CINTAS FIRST AID AND SAFETY*				Continued				
		23-02566	10/11/23	TOWNHALL FIRST AID 10/11/23	Open	41.48	0.00		
						62.67			
04266	NJ DEPT OF HEALTH&SENIOR SVCS								
		23-02571	10/11/23	Dog Lic Sept, 2023	Open	73.80	0.00		
04301	SEASHORE ASPHALT CORPORATION*								
		23-01235	05/19/23	PATCH/TWP/ROADS	Open	265.65	0.00		B
		23-01959	07/31/23	ASPHALT/DPW	Open	904.40	0.00		B
						1,170.05			
05083	ALLEGRA MARKETING, PRINT & MAIL								
		23-02467	09/27/23	VETERANS DAY POSTERS/FLYERS	Open	367.50	0.00		
2023	ATLANTIC TACTICAL INC*								
		23-01574	06/13/23	SAFARILAND QUICK KIT	Open	1,530.00	0.00		
5013	HARBORTOWN RESORT MARINA, INC								
		23-02381	09/21/23	REFUND OF UNSUED ESCROW	Open	720.00	0.00		
6063	CAPE MINING & RECYCLING, LLC*								
		23-02525	10/05/23	ASPHALT/ PICKED UP/DPW	Open	1,831.68	0.00		
6071	UNITED UNIFORMS LIMITED LIAB*								
		23-02066	08/14/23	SHIRTS PER SUPERVISORS CONTRAC	Open	712.00	0.00		
		23-02323	09/12/23	UNIFORMS	Open	220.00	0.00		
						932.00			
7019	OCEAN VIEW VETERINARY*								
		23-02530	10/05/23	Vet Services 09/05/2023	Open	173.16	0.00		
7119	ENGINEERING DESIGN ASSOC*								
		21-00150	01/13/21	RES 21-49 SCHELLENGERS-TRAFFIC	Open	236.00	0.00		B
7181	JENNIFER KELLY, PHD, LLC*								
		23-02466	09/27/23	NEW HIRE PSYCH EXAMS	Open	1,245.00	0.00		
7388	JONATHAN SCHECK								
		22-00895	04/07/22	EQUIPMENT ALLOWANCE 2022	Open	150.00	0.00		
		23-01224	05/19/23	2023 EQUIPMENT ALLOWANCE	Open	150.00	0.00		
						300.00			
7618	MEGONIGAL ELECTRIC LLC*								
		23-02502	10/03/23	FREEMAN DOUGLASS SCOREBOARD	Open	850.00	0.00		
7636	MOTT MACDONALD LLC*								
		23-02499	10/03/23	MOTT MACDONALD ZBA VOUCHERS	Open	2,357.42	0.00		
7689	GOVERNMENT FORMS AND SUPPLIES*								
		23-02316	09/12/23	Busiess Cards	Open	80.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7689	GOVERNMENT FORMS AND SUPPLIES*				Continued				
		23-02385	09/21/23	Fall Newsletter	Open	201.46	0.00		
						281.46			
7751	HOFFMAN'S EXTERMINATING*								
		23-00053	01/06/23	PEST AGREEMENT-CANAL PARK 2023	Open	132.60	0.00		B
7800	THE FOUNTAIN GUYS								
		23-02418	09/25/23	REPLACEMENT FOUNTAIN PUMP	Open	299.00	0.00		
7820	DEBLASIO & ASSOCIATES, P.C.*								
		22-01896	07/27/22	ROTARY PARK- ENGINEERING	Open	16.25	0.00		B
		22-02221	09/13/22	CHG ORD 1- MIAMI AVE ENGINEER	Open	32.50	0.00		B
		22-03181	12/22/22	SURVEY/DSGN RECONS WILDWOOD AV	Open	9,912.50	0.00		B
		23-00404	02/10/23	LIN BLVD RESTROOM RES#2021-82	Open	306.25	0.00		B
		23-01029	05/05/23	CHANGE ORDER #1 RES#2023-162	Open	9,937.50	0.00		B
		23-01274	05/24/23	RES #23-184 BAY OUTFALL EXT	Open	1,260.00	0.00		B
		23-01585	06/15/23	RES#23-199 ROTARY PARK	Open	1,158.75	0.00		B
		23-02393	09/21/23	ZBA BOARD ENGINEER VOUCHERS	Open	289.28	0.00		
						22,913.03			
7929	AMAZON CAPITAL SERVICES, INC ~								
		23-00175	01/18/23	BATTERIES & LIGHTS	Open	1,301.68	0.00		
		23-02343	09/14/23	OFFICE SUPPLIES	Open	145.48	0.00		
		23-02387	09/21/23	OFFICE ORGANIZATION	Open	161.70	0.00		
		23-02395	09/21/23	SD Card Reader Dual Connector	Open	9.59	0.00		
		23-02460	09/27/23	LIGHT BULBS & PAPER SHREDDER	Open	420.36	0.00		
		23-02481	09/29/23	DOGIPOT LITTER BAGS	Open	118.32	0.00		
		23-02483	09/29/23	SUPPLIES	Open	935.16	0.00		
						3,092.29			
8087	COOL POOLS CONSTRUCTION LLC *								
		23-01631	06/21/23	CHLORINE DELIVERY - POOL	Open	2,266.00	0.00		B
8211	CONFIRE FIRE PROT SERV LLC*								
		23-01904	07/21/23	Rec Fire & Ext inc DPW	Open	3,262.00	0.00		
8517	STEWART BUSINESS SYSTEMS *								
		23-02536	10/05/23	BOCA COPIER 7/1-9/30/23 OVERAG	Open	71.47	0.00		
8537	ASBURY PARK PRESS								
		23-02558	10/10/23	2023 E-SUBSCRIPTION 9/5/23	Open	14.99	0.00		PC1
8706	GOLDENBERG, MACKLER & SAYEGH								
		22-00413	02/10/22	RES2022-64 DNE \$10K TAX FOREC	Open	137.52	0.00		B
8721	BLANEY, DONOHUE, & WEINBERG PC								
		23-00036	01/06/23	RES#2023-02 LABOR DNE\$40K	Open	1,058.50	0.00		B
8818	POWERDMS INC ~								
		23-02487	10/03/23	POWER DMS PROFESSIONAL	Open	5,054.49	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type	
8818	POWERDMS INC									
				Continued						
		23-02488	10/03/23	PLANIT SCHED. APP 12/23-12/24	Open	3,464.70	0.00			
						8,519.19				
8829	ALLEGIANCE TRUCKS LLC									
		22-02037	08/17/22	2022 CV515 BOX TK W/ LIFT GATE	Open	103,591.00	0.00			
8848	COMFORT NOW LLC									
		23-01681	06/26/23	AC INSTALLATION FOR PLAN PRINT	Open	12,500.00	0.00			
8890	MILTON WILSON									
		23-02476	09/29/23	EXEMPT VETERAN / VET DED	Open	982.55	0.00			
8908	COMCAST BUISNESS									
		23-02564	10/11/23	VOICE PHONES 10/1-10/31/23	Open	1,435.07	0.00			
8909	COMCAST BUSINESS									
		23-02563	10/11/23	BUS INTERNET PD 10/1-10/31/23	Open	974.95	0.00			
8958	JOSEPH & COLLEEN GALLAGHER									
		23-01045	05/05/23	RELEASE OF DUNE REVIEW BOND	Open	1,000.00	0.00			
9022	SHERI HEMINGWAY ANDRZEJCZAK									
		23-01951	07/31/23	RETURN OF UNUSED ESCROW	Open	150.00	0.00			
9026	STARR SEPTIC LLC									
		23-02355	09/14/23	LINCOLN BLVD. JUNE-DECEMBER	Open	210.75	0.00		B	
		23-02356	09/14/23	CANAL PARK - JUNE- DECEMBER	Open	410.00	0.00		B	
		23-02528	10/05/23	LUXURY BATHROOM	Open	948.00	0.00			
						1,568.75				
9061	JOHN TEMPLE									
		23-02477	09/29/23	EXEMPT VETERAN	Open	402.08	0.00			
9062	PETER NEWELL MCBURNEY									
		23-02478	09/29/23	EXEMPT VETERAN 9/29/23	Open	493.94	0.00			
9063	SUSAN BENSON									
		23-02480	09/29/23	REIMBURSEMENT- SOCCER COACH	Open	15.00	0.00			
FBINA	FBINAA NJ CHAPTER*									
		23-01999	08/04/23	TRAINING OCT 1-3, 2023	Open	2,550.00	0.00			
HOOVER	ROBERT HOOVER & SONS INC*									
		23-02518	10/05/23	SWITCH/DPW	Open	29.19	0.00			
PRESS	PRESS OF ATLANTIC CITY									
		23-02534	10/05/23	OCT 2023 DIGITAL SUBSCRIPTION	Open	10.99	0.00		PC1	
<hr/>										
Total Purchase Orders:		113	Total P.O. Line Items:		0	Total List Amount:		389,913.75	Total Void Amount:	0.00

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

RESOLUTION #2023- 333

Title: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
NJ DOT	INSPECTION FEE SCHELLENGERS	\$1000.00
NJ DOT	SCHELLENGERS PERMIT APP	\$130.00
	TOTAL Manual Checks	\$1130.00
	TOTAL Computer Generated	\$389,913.75
	TOTAL BILL	\$391,043.75

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on Oct ,16 ,2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-334

Title: APPROVAL FOR THE 2023 LOWER TOWNSHIP VETERANS DAY PARADE

WHEREAS, Veterans are a vital part of our Community, and in honor of our Veterans, Lower Township will be hosting a Parade on Saturday, November 4, 2023; and

WHEREAS, Lower Township has received approval from the Cape May County Board of Chosen Freeholders to close a portion of Bayshore Road (County Road No. 603) from the Villas Fire House to the Lower Township Municipal Hall from 10:00 am until the conclusion of the parade, approximately 1:00 pm.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that permission is hereby granted for the above stated event to take place.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-335

Title: A RESOLUTION REQUESTING RELEASE OF DEMOLITION BONDS FOR: :

- Block 350.01 Lot 13 107 Wildwood Avenue, Villas, Wachowski/Robb;
Demolition Bond posted for: \$250.00
- Block 494.34 Lot 12 123 Heidi Avenue, Villas, Delbuono;
Demolition Bond posted for: \$1,500.00
- Block 587 Lot 4 & 5 305 Beach Drive, Villas, Mader Michael;
Demolition Bond posted for: \$1,500.00
- Block 639 Lot 9 506 Atlantic Avenue, Villas, Stay-Ro Builders;
Demolition Bond posted for: \$2,000.00
- Block 678 Lot 9 717 Arctic Avenue, Villas, Cullen William;
Demolition Bond posted for: \$500.00
- Block 748 Lot 7.04 594 New England Road, Lwr Twp, Ewing George;
Demolition Bond posted for: \$5,000

WHEREAS, the above referenced applicants, posted a Demolition Bond with the Township of Lower, in the amounts detailed above; and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Occupation was issued for each of the respective applicants.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the demolition bonds listed above be and are hereby released.

BE IT FURTHER RESOLVED that the Township Treasurer is granted permission to issue checks as indicated above in the amounts of:

\$ 250.00
\$1,500.00
\$1,500.00
\$2,000.00
\$ 500.00
\$5,000.00

Plus any accrued interest, if applicable, for payment of the above released demolition bonds.

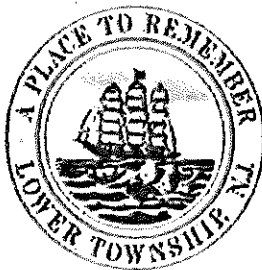
	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Mayor Frank Sippel &
Township Council Members

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

DATE: October 5, 2023

RE: Release of multiple Demolition Bonds listed below:
ROBB, HARRIET F. (Harriet F. Robb/Mary Wachowski)
107 Wildwood Avenue
Block: 350.01 Lot: 113
DELBUONO, Paul
123 Heidi Avenue
Block: 494.34 Lot: 12
MADER, Michael
305 Beach Drive
Block: 587 Lot 4&5
STAY-RO BUILDERS
506 Atlantic Avenue
Block: 639 Lot 9
CULLEN, William
717 Arctic Avenue
Block: 678 Lot 9
EWING, George
594 New England Road
Block: 748 Lot 7.04

Please release to all the above referenced applicants, the demolition bond that the Township of Lower is holding in trust, to assure the required demolition. Please be advised that Certificate of Occupancies were issued on all the above referenced applicants.

Thank you.

WJG:kms

Att.: (1)

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

RESOLUTION # 2023-336

Title: APPROVING FINAL CHANGE ORDER #3 TO FRED M. SCHIAVONE CONSTRUCTION FOR A REDUCTION OF AS-BUILT QUANTITY ADJUSTMENTS (LT-C-025)

WHEREAS, Fred M. Schiavone Construction Inc. was awarded on February 22, 2023 by Resolution #2023-98 for the Municipal Pool Renovations for \$221,997.00, Change Order #1 was awarded on May 1, 2023 by Resolution #2023-161 for \$21,490.89 and Change Order #2 was awarded by Resolution #2023-182 on May 15, 2023 for \$16,638.56 and

WHEREAS, DeBlasio & Associates have provided a proposal for a Final Change Order #3 in the reduction of the contract per the final As-Built Quantity Adjustments of \$4,038.40.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Change Order #3 attached hereto in the contract reduction of \$4,038.40 is hereby approved and decreasing the contract total to \$256,088.05.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

October 5, 2023

VIA EMAIL & REGULAR MAIL

Julie Picard, Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
Municipal Pool Renovations - Readvertised
D&A File #: LT-C-025**

Dear Ms. Picard:

Enclosed please find four (4) copies of **CHANGE ORDER NO. 3-Final** regarding the above referenced project for review and approval. Upon execution, please return three (3) copies to our office.

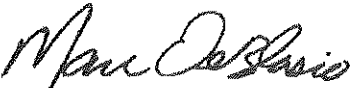
Please note that this change order reflects the following:

1. As-Built Quantity Adjustments.

Please note this change order will result in a decrease of \$4,038.40 to the amended contract amount of \$260,126.45 for a final contract amount of \$256,088.05.

Should you have any questions or require any additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.

President

T: 609-854-3311

Marc@deblasioassoc.com

cc: Mayor Frank Sippel, (via email w/encl.)
Michael Laffey, Manager (via email w/encl.)
Margaret Vitelli, QPA, Purchasing Agent (via email w/encl.)
Mitchell Plenn, Superintendent of Parks and Recreation (via email w/encl.)
Fred M. Schiavone Construction (via email w/encl.)

DEBIASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

Change Order #3-Final

Client: Township of Lower
 Date: October 5, 2023
 Project Name: Municipal Pool Renovations-Readvertised
 D&A Project #: LT-C-025

Contractor: Fred M. Schiavone Constructio
 2057 Tuckahoe Road
 Franklinville, NJ 08322

A. Reductions


Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
2	CONCRETE SIDEWALK, 4" THICK	S.Y.	-33	\$67.80	-\$2,237.40
5	6" HIGH VINYL FENCE SYSTEM(IF AND WHERE DIRECTED)	L.F.	-30	\$60.00	-\$1,800.00
9	TEST PIT EXCAVATION (IF AND WHERE DIRECTED)	UNIT	-1	\$1.00	-\$1.00


Subtotal: -\$4,038.40

Net Contract Change **(\$4,038.40)**
 Original Contract Amount: \$221,997.00
 Amended Contract Amount: \$260,126.45
 Contract Percentage Change (%): -1.82

Final Contract Amount: \$256,088.05

Approved and Accepted by:


 Marc DeBlasio, P.E., Township Engineer
 10/5/23
 Date


 Fred M. Schiavone Construction
 10/5/23
 Date

Township of Lower
 Date

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

RESOLUTION #2023-337

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH DeBLASIO & ASSOCIATES FOR EMERGENCY ENGINEERING SERVICES TO SURVEY AND BASE MAPPING/SPECIFICATIONS AND FULL TIME CONSTRUCTION OBSERVATION DURING THE REPAIR AT OHIO AVENUE AND DELAWARE AVENUE

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11-1 et seq. to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, DeBlasio & Associates has provided a proposal to Survey, Base Mapping, Plans and Specifications, Including Full Time Construction Observation based on One (1) Month of Construction and Contract Administration for the Emergency Established by Resolution #2023-330 at Ohio Avenue and Delaware Avenue Pumping Station area for a fee of \$39,000.00; and

WHEREAS, the Township Council desires to approve the proposal, and the CFO has certified the availability of funds in the following budget lines as evidenced her signature:

Appropriation: 3-01-20-165-299 \$10,000
C-04-55-433-910 \$29,000

Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding is awarded as follows:

The Proposal between DeBlasio & Associates and the Township of Lower, in the form attached hereto as EXHIBIT A for an amount of \$ 39,000.00 is hereby approved.

Survey & Engineering Phase Cost: \$22,000.00
Includes Survey and Base Mapping
Construction Phase Cost: \$17,000.00
Full time Construction Observation
Contract Administration

BE IT FURTHER RESOLVED that a notice of Award of Professional Service Contract for the above award shall be published in the Township's Official paper.

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT and 5 rows of names: CONRAD, COOMBS, ROY, PERRY, SIPPEL.

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

October 4, 2023

VIA EMAIL

Gary Douglass, Superintendent of Public Works
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
Ohio Avenue Pump Station Emergency Storm Sewer Replacement
D&A File #: LT-C-044**

Dear Mr. Douglass:

As per your request, DeBlasio & Associates, P.C. is pleased to provide a proposal for survey, engineering, and construction phase services for the **Ohio Avenue Pump Station Emergency Storm Sewer Replacement** in Lower Township.

As previously discussed with the Township, the recent repair work at the Ohio Avenue Pump Station has revealed that the piping from the neighboring creek to the pump station is deficient. It is our understanding that the Township has decided to replace this storm sewer on an emergency basis pursuant to the New Jersey Local Public Contracts Law, NJSA 40A:11-6 et seq.

To complete the above referenced scope of work, our professional service fee is listed below:

➤ Survey & Engineering Phase Cost:	\$22,000.00
• Survey and Base Mapping	
• Plans and Specifications	
➤ Construction Phase Cost:	\$17,000.00
• Full time Construction Observation Based on (1) One Month of Construction	
• Contract Administration	
Total Professional Service Fee	\$39,000.00

DeBlasio & Associates, P.C. looks forward to the opportunity of working with Lower Township on the **Ohio Avenue Pump Station Emergency Storm Sewer Replacement.**

Should you have any questions or require additional information, please do not hesitate to contact me in our Wildwood office at (609) 854-3311. We thank you for the opportunity to submit this proposal.

Very truly yours,

DeBlasio & Associates, P.C.



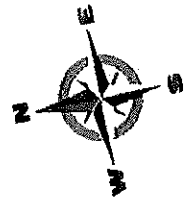
Marc DeBlasio, P.E., P.P., C.M.E.

President

T: 609-854-3311

Marc@deblasioassoc.com

cc: Mayor Frank Sippel (via email)
Michael Laffey, Manager (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)
Finance (via email)



PROJECT LOCATION MAP

OHIO AVENUE PUMP STATION EMERGENCY STORM SEWER REPLACEMENT

Township of Lower, Cape May County, New Jersey

Date: 10/04/2023

**DEBLASIO &
ASSOCIATES**

CONSULTING ENGINEERS AND PLANNERS

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

RESOLUTION #2023-338

Title: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$10,000 for an item of revenue in the budget of the year 2023 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - **Emergency Management Performance Grant**
Total with increase to be \$ 10,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - Emergency Management Performance Grant
State/Federal Share \$ 10,000.00
Non-State Share \$
Total with increase to be \$ 10,000.00

FURTHER RESOLVED that a certified copy of this Resolution with the appropriate documentation shall be electronically filed with the State of New Jersey, Division of Local Government Services.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk



STATE OF NEW JERSEY

VENDOR PAYMENT INQUIRY

- [Home](#) [Contact Us](#) [FAQs](#) [Logout](#)

Payment Details

The data displayed relates all of the payment line information provided to NJCFS to generate this payment.

If you are unable to identify this payment by the data displayed, you can contact the fiscal area of the originating State agency for assistance at KAREN.DRAKE@NJSP.ORG. Please include your vendor code and the voucher number in your message.

Options

[Printable Version](#)

[Return to Previous Page](#)

Vendor Name	LOWER TWP TREASURER
Vendor Code	21600570099
Payment Type	ACH
Check Number	2309210450
Payment Date	September 21, 2023
Check Total	\$10,000.00

Payment Line Details

Trans Code	UA
Voucher Agency	LAW AND PUBLIC SAFETY
Voucher Number	120DDG16857
Payee Reference	EMAA2022PW-EMPG.EMAA22
Line Number	01
Line Amount	\$10,000.00
Disbursed Amount	\$10,000.00

Additional Information

Budget Fiscal Year	2022
Fund	100
Agency	LAW AND PUBLIC SAFETY
Organization	NEW JERSEY STATE POLICE
Appr. Unit	726
Object	6120
Revenue Source	N/A
Purchase Order Number	N/A
Contract Number	N/A
CFDA Number	97.042
CFDA Description	EMERGENCY MANAGEMENT PERFORMANCE GRANTS

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

RESOLUTION #2023-339

Title: APPROVAL FOR 2023 CHRISTMAS PARADE

WHEREAS, Lower Township Rotary Club has been hosting the Lower Township Parade for a number of years and has requested permission to host the parade on Saturday, December 9, 2023; and

WHEREAS, Lower Township Rotary has provided proof of the proper insurance and has received the required permission from the Cape May County Board of Commissioners to close a portion of Breakwater Road and Bayshore Road from Breakwater to Rosehill Parkway from approximately 4:30 pm until the conclusion of the parade

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that permission is hereby granted for the above stated event to take place.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2022

Julie A Picard, Township Clerk

LOWER TOWNSHIP ROTARY

Parade Committee
638 Seashore Road
Cape May, NJ 08204

September 27, 2023

Mayor & Council
2600 Bayshore Road
Villas, NJ 08251

Dear Mayor and Councilmembers,

On behalf of the Lower Township Rotary Club, I am requesting support for this year's annual Tree Lighting & Veteran's Ceremony, and the 41st Annual Christmas Parade.

The **Tree Lighting & Veteran's Ceremony** is planned ^{28th} for Tuesday, November 28th at 7:00 p.m. at the Recreation Center and the Annual Christmas Parade will be Saturday, December 9, beginning at 6:00 p.m. I have included our Certificate of Insurance and will complete the use of facilities form for the Tree Lighting.

Our Rotary Club appreciates the support of the Township to aid us in hosting these events. This year our President wanted to bring something new and special to the parade that children and adults may not have seen in person before, so we have contracted with a farm in North Jersey to bring down two Clydesdale Horses and a Carriage to join the parade.

We are filing the request to the County for the temporary road closings of Breakwater Road from Fishing Creek to Bayshore Road and Bayshore Road from Breakwater to Rosehill Parkway. Our correspondence to the County Commissioners will be copied to the Police Chief and we will make ourselves available to meet if necessary. discuss the parade details if needed.

THANK YOU for your continued support. Your assistance in spreading the word would be appreciated. We look forward to having you join us in these upcoming holiday celebrations. Please let us know if you have any questions.

Sincerely,


Claudia Kammer,
Lower Township Rotary Club.

Cc: Michael Laffey, Manager
Kevin Lewis, Police Chief

Included: Certificate of Insurance

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

RESOLUTION #2023-340

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH DeBLASIO & ASSOCIATES FOR FRANCES AVENUE STORM SEWER EVALUATION SURVEY AND ENGINEERING PHASE SERVICES (LT-C-045)

WHEREAS, the Township of Lower is given authority by N.J.S.A. 40A:11-1 et seq. to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, DeBlasio & Associates have provided a proposal for Frances Avenue Storm Sewer Evaluation Survey & Engineering Phase Services (LT-C-045); and the CFO has certified the availability of funds in the following budget lines as evidenced her signature:

Appropriation:

Signature: _____
Lauren Read, CFO

WHEREAS, the Township Council desires to approve the proposal;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a Professional Service Contract without public bidding is awarded as follows:

- 1. The Proposal between DeBlasio & Associates and the Township of Lower, in the form attached hereto as EXHIBIT A, for an amount of \$ 31,000.00 is hereby approved.

BE IT FURTHER RESOLVED that a notice of Award of Professional Service Contract for the above award shall be published in the Township's Official paper.

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT. Rows include names: CONRAD, COOMBS, ROY, PERRY, SIPPEL.

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

October 5, 2023

VIA EMAIL

Gary Douglass, Superintendent
Township of Lower Public Works
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County
Frances Avenue Storm Sewer Evaluation
Survey and Engineering Phase Services
D&A File #: LT-C-045**

Dear Mr. Douglass:

As per your request, DeBlasio & Associates, P.C. is pleased to provide our proposal for professional engineering and survey services for the **Frances Avenue Storm Sewer Evaluation-Survey and Engineering Phase Services**.

Flooding has been identified as a persistent issue along Frances Avenue in Lower Township during various rain events. The purpose of this project is to convey excess stormwater from Frances Avenue to the Ohio Avenue Pump Station to alleviate flooding on Frances Avenue.

Based on our conversations and meetings with the Township's Public Works Department, it has been conveyed to our office that redirecting stormwater from Frances Avenue to the Ohio Avenue pump station will not affect the functionality of the existing pump station. Furthermore, we have been informed that a new pump will be installed. It has been assumed by our office that no evaluation of the existing pump station is necessary.

To complete the above referenced scope of work, our professional service fee is listed below:


➤ Survey & Engineering Phase Cost:	\$31,000.00
• Survey and Base Mapping	
• Plans and Specifications	
• Contract Administration	

Total Professional Service Fee \$31,000.00

This proposal does not include any construction observation. Once the designs are completed and the full scope of the construction phase is determined, a separate proposal can be provided to the Township upon request.

Should you have any questions or require additional information, please do not hesitate to contact me or Will Hanson at our office. We thank you for the opportunity to submit this proposal.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

Cc: Mayor Frank Sippel (via email)
Julie Picard, Clerk (via email)
Michael Laffey, Township Manager (via email)
Margaret Vitelli, QPA (via email)
Finance (via email)



PROJECT AREA



PROJECT LOCATION MAP

FRANCES AVENUE STORM SEWER EVALUATION

Township of Lower, Cape May County, New Jersey

Date: 10/05/2023

**DEBLASIO &
ASSOCIATES**

CONSULTING ENGINEERS AND PLANNERS

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

RESOLUTION #2023-341

Title: CERTIFICATION OF BEST PRACTICES INVENTORY

WHEREAS, the New Jersey State Appropriations Act (P.L. 2011, c85) requires the Division of Local Government Services (DLGS) to determine the payment amount for each municipality's final share of State Aid based upon the results of the Best Practices Checklist; and

WHEREAS, the purpose of the Best Practices worksheet is to promote and improve financial accountability and transparency by withholding some or all of the final payment of State Aid from municipalities who do not score high enough on the annual worksheet; and

WHEREAS, the attached 2023 Best Practices Inventory for the Township of Lower shows that the Township scored 37.5 of a possible 42. (No aid withholding for scores >29) .

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the 2023 Best Practices Inventory has been reviewed and can be forwarded to the State of New Jersey Department of Community Affairs.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

Best Practices Inventory Online Platform

2023 Survey

Lower Township

Printable Current Answers

001	Unscored Survey	Budget	[0.00] 100%
002	What portion of ARP LFRF dollars will your municipality obligate toward eligible uses by December 31, 2024?	Budget	[0.00] 100%
003	<p>Core Competencies</p> <p>Unless the Director sets forth a later date pursuant to N.J.S.A. 40A:4-5.1, N.J.S.A. 40A:4-5 requires that calendar year municipalities approve their introduced budgets no later than February 10 (or August 10 for state fiscal year municipalities) and N.J.S.A. 40A:4-10 requires that calendar year municipalities adopt their budgets no later than March 20 (or September 20 for state fiscal year municipalities). Timely budget adoption helps a municipality avoid having to issue estimated tax bills or tax anticipation notes (TANs). Did your municipality introduce and adopt its current year budget no later than the dates provided by law or as extended by the Director in Local Finance Notice 2022-22? This question may only be answered N/A if your municipality's budget is subject to adoption by the Local Finance Board under State Supervision or if the Division instructed the municipality to delay budget adoption.</p>	Budget	[1.00] Yes

004	Core Competencies	Budget	<p>Pursuant to N.J.S.A. 40A:2-40, the chief financial officer each municipality shall, before the end of the first month of the fiscal year, file its Annual Debt Statement with the Division of Local Government Services. Did your municipality file its Annual Debt Statement for the preceding fiscal year with the Division no later than January 31 (July 31 for SFY municipalities)?</p>	[1.00] Yes
005	Core Competencies	Budget	<p>Has your municipality electronically submitted to the Division the User-Friendly Budget section of its adopted budget?</p>	[1.00] Yes
006	Best Practices	Budget	<p>Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5? Only answer N/A if your municipality 1) does not offer (for any employee hired after a certain date) payouts upon retirement for accumulated sick leave, and 2) no current employee has a grandfathered right to sick leave payouts upon retirement.</p>	[0.50] Yes
007	Best Practices	Budget	<p>N.J.S.A. 40A:4-62.1 allows municipalities to establish a storm recovery reserve for purposes such as, but not limited to, snow, ice, and debris removal. Unexpended balances budgeted annually for storm recovery purposes may be lapsed into the reserve. Has your municipality established a storm recovery reserve to ensure the consistent availability of funds for this purpose?</p>	[0.50] Yes
008	Core Competencies	Capital Projects	<p>Sections 7 and 8 of P.L. 2021, c. 184 amended N.J.S.A. 40A:4-43 and 4-44 to require any municipality having its own water system to reflect in its capital budget and capital program the water infrastructure improvements listed on the annual Water Quality Accountability Act (WQAA) capital improvement report submitted to the Department of Environmental Protection (DEP). The Local Finance Board recently adopted amendments to N.J.A.C. 5:30-4.3 incorporating this statutory change into the municipal budget process. If your municipality has its own water system, does the capital budget and program reflect the capital projects listed in the annual WQAA report submitted to DEP that fall within the time period of the municipality's capital budget and capital program?</p>	[1.00] N/A

009 Core Competencies

Capital Projects

Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings? Only answer N/A if your municipality does not have a capital budget and is not required to adopt a capital budget pursuant to N.J.A.C. 5:30-4.3. [1.00] Yes

010 Best Practices

Capital Projects

Does your municipality have a schedule for road repair and improvement projects based on a priority scoring system? [0.50] Yes

011 Unscored Survey

Capital Projects

Please select the categories of projects that are listed in your municipality's most recent capital budget or capital program. More than one selection is permissible. If selecting Vehicles, please include the type of vehicle(s) in the Comment field. Only answer N/A if your municipality is not required to adopt a capital budget pursuant to N.J.A.C. 5:30-4.3. Comment: Vehicles are 4WD SUV or pickup trucks for police, public works and general administrative usage.

012 Unscored Survey

Capital Projects

As of April 20, 2021, a municipality may enter into project labor agreements for any public works project for construction, reconstruction, demolition or renovation, so long as 1) the project requires payment of prevailing wage under State law; and 2) the total project cost, exclusive of land acquisition costs, will equal or exceed \$5 million. See Local Finance Notice 2021-20 for further details. Does your municipality require a project labor agreement for all or a portion of its eligible public works projects as permitted by P.L. 2021, c. 69? [0.00] Yes

013 Core Competencies

Cybersecurity

A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. Plans such as those adopted by a governing body or from a municipality's JIF address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan? [1.00] Yes

014	Core Competencies	Cybersecurity	
	Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?		[1.00] Yes
015	Core Competencies	Cybersecurity	
	Does your municipality perform off-network daily incremental backups with weekly full backups of all data?		[1.00] Yes
016	Core Competencies	Cybersecurity	
	Is Multi Factor Authentication (MFA) required for remote access to your municipality's network? If yes, please state under Comments where your municipality deploys MFA (e.g. banking, privileged users in-network, off-network back ups).		[1.00] Yes Comment: Banking
017	Core Competencies	Cybersecurity	
	Does your municipality require a password policy for all network users requiring alphanumeric complexity, length requirements, and either 1) at least annual updating; or 2) a password meeting advanced standards such as those from the National Institute of Standards & Technology (NIST)?		[1.00] Prospective
018	Best Practices	Cybersecurity	
	Has your municipality enrolled for membership in the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC)? An NJCCIC membership provides access to the latest cyber alerts, bulletins, training notifications and other important updates.		[0.50] Yes
019	Best Practices	Environment	
	Have one or more public electric vehicle charging stations been installed on municipal property?		[0.00] No
020	Best Practices	Environment	
	When purchasing new vehicles, does your municipality have a formal policy to purchase hybrid or alternative fuel vehicles whenever such vehicles are suited to the intended use? Only answer N/A if your municipality does not own any vehicles.		[0.00] No

021

Core Competencies

Ethics

The Local Government Ethics Law, designed to ensure transparency in government, requires local government officers to file Financial Disclosure Statements (FDSs) annually. Compliance by local elected officials is required by N.J.S.A. 40A:9-22.6. Did all governing body members timely file their annual Financial Disclosure Statements for 2023 such that they were not issued a Notice of Violation (NOV) by the Local Finance Board? A "No" answer is permissible if the governing body members' NOV were rescinded by the Board. Only answer N/A if your municipality has an ordinance on the books establishing a municipal ethics board.

[1.00] Yes

022

Core Competencies

Ethics

If your municipality has a municipal ethics board, did the municipal ethics board enforce the Financial Disclosure Statement (FDS) statute by issuing violations to local government officers (LGOs) who were on the 2023 roster but did not file the FDS by April 30, 2023? Only answer N/A if your municipality does not have an ordinance on the books establishing a municipal ethics board.

[1.00] N/A

023

Unscored Survey

Ethics

N.J.S.A. 40A:9-22.21 of the Local Government Ethics Law requires a municipality that has established its own municipal ethics board to enact a municipal code of ethics. The municipal ethics code must be either identical to or more restrictive than the provisions of N.J.S.A. 40A:9-22.5. If your municipality has an ordinance on the books establishing a municipal ethics board, does your municipality have a municipal code of ethics that is identical to, or more or less restrictive than, the provisions of N.J.S.A. 40A:9-22.5?

[0.00] No ordinance establishing a municipal ethics board

024

Unscored Survey

Ethics

If your municipality has an ethics board with at least a quorum for conducting business, how many matters were adjudicated by the municipal ethics board in 2022 (excluding FDS non-filing matters)? A municipal ethics board shall consist of six members, at least two of whom shall be public members. No more than three members shall be of the same political party.

[0.00] No ordinance establishing a municipal ethics board

025

Core Competencies

Financial Administration

[1.00] Yes

At its July 2023 meeting, the Local Finance Board adopted an amendment to N.J.A.C. 5:30-8.2 that converted the previously suggested surety bond schedule for a CMFO to a mandatory minimum schedule. This change will come into effect on January 1, 2024. See https://www.nj.gov/dca/divisions/dlgs/resources/rules_docs/5_30/njac_5308.pdf for further details and to view the exposure index. Through a blanket bond or an individual bond, does your municipality provide a fidelity bond with faithful performance coverage for the CMFO that meets at least the minimum schedule set forth in N.J.A.C. 5:30-8.2?

026

Core Competencies

Financial Administration

[1.00] Yes

At its July 2023 meeting, the Local Finance Board adopted updates to N.J.A.C. 5:30-5.7 requiring municipalities to maintain a general ledger for not only the current fund, but also for all other funds. The updated N.J.A.C. 5:30-5.7 codifies previously issued guidance in Local Finance Notice CFO 2003-14 on maintaining general ledger accounting systems, except that all local units, including authorities and fire districts, are now required to post the totals for all funds to the general ledger on at least a monthly basis. See https://www.nj.gov/dca/divishttps://www.nj.gov/dca/divisions/dlgs/resources/rules_docs/5_30/njac_5305.pdf for further details. Does your municipality maintain a general ledger for its current fund and all other funds in accordance with N.J.A.C. 5:30-5.7?

027

Core Competencies

Financial Administration

[1.00] Yes

N.J.S.A. 40A:5-7 requires a synopsis of all audits, together with the auditor's recommendations, to be prepared and published by the municipal clerk at least once in the municipality's official newspaper or, if there is none, in a newspaper published in the local unit or, if there is no newspaper published in the local unit, in a newspaper having a general circulation in the municipality. If the municipal clerk fails to have publication of the synopsis and recommendations made within 30 days of receipt of the annual audit, the clerk shall be subject to a fine of \$10.00 payable to the local unit for each day after the expiration of the 30 days that such publication fails to appear. At its July 2023 meeting, the Local Finance Board adopted updates to N.J.A.C. 5:30-6.4 that codifies the minimum content of the synopsis of audit along with the process for publishing the synopsis and corrective action plan. Does your municipality publish the synopsis of audit as required pursuant to N.J.S.A. 40A:5-7?

028

Core Competencies

Financial Administration

[1.00] Yes

Effective for CY2022/SFY2023 and CY2023/SFY2024 municipal budgets, the annual maximum contribution a municipality can appropriate for use by its volunteer fire companies or board of fire commissioners pursuant to N.J.S.A. 40A:14-34 is \$161,526.00. In any municipality where there are more than three volunteer fire companies or fire districts, the governing body may appropriate an additional \$50,000 annually for each additional volunteer company or fire district. At least 50% of the municipality's annual appropriation must be used by a volunteer fire company or board of fire commissioners for the purchase of fire equipment, materials and supplies. N.J.S.A. 40A:14-34 requires the volunteer fire company or fire district to provide the municipal governing body, on an annual basis, an accounting of the use of all municipal funds. See Local Finance Notice 2022-19 for further details. Is your municipality obtaining from each volunteer fire company or fire district an accounting of the use of all municipal funds?

029

Core Competencies

Financial Administration

[1.00] N/A

N.J.S.A. 40:5-2 limits to \$125,000 the maximum annual dollar amount that a municipality may contribute to a duly incorporated first aid and emergency or volunteer ambulance or rescue squad association, except that if any such associations experience extraordinary need, a municipality may contribute an additional amount of not more than \$70,000 annually. Whenever the total annual contribution exceeds \$70,000, the municipal CFO shall receive an audit performed by a CPA or RMA of the association's current year financial records which shall certify that such records are being maintained in accordance with sound accounting principles. If your municipality contributed in excess of \$70,000 toward a first aid, ambulance, rescue or EMS squad in its current budget, was an audit performed pursuant to N.J.S.A. 40:5-2?

030

Core Competencies

Financial Administration

[1.00] Yes

Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?

Best Practices Financial Administration

031

N.J.A.C. 5:30-8.3(a)(3) establishes a schedule of minimum dollar amounts for tax collector surety bonding. However, to provide a higher level of security for public funds, municipalities are encouraged to adopt the more stringent schedule for tax collector surety bonding specified in N.J.A.C. 5:30-8.3(a)(4). Has your municipality adopted the more stringent surety bonding schedule for tax collectors set forth in N.J.A.C. 5:30-8.3(a)(4) or higher? [0.00] No

Best Practices Financial Administration

032

N.J.A.C. 5:30-8.4 (a) establishes a schedule of minimum dollar amounts for municipal court surety bonding, specifically for municipal judges and municipal court administrators. However, subsection (b) of 5:30-8.4 encourages municipalities to adopt a more stringent schedule for municipal court surety bonding that is specified in the subsection. Has your municipality adopted the more stringent surety bonding schedule for municipal court judges and court administrators set forth in N.J.A.C. 5:30-8.4(b) or higher? [0.00] No

Unscored Survey Garbage & Recycling

033a

How is residential solid waste collected?

[0.00] Municipal pickup

Unscored Survey Garbage & Recycling

033b

If your municipality provides residential solid waste pickup, or contracts with a private hauler or another local unit to do so, how many times per week is pickup scheduled for? [0.00] Once per-week

Unscored Survey Garbage & Recycling

033c

If residential solid waste is collected through a private hauler contracted by the municipality, how many bids did your municipality receive in response to its most recent advertisement for residential solid waste collection or a joint solid waste/recycling collection bid? [0.00] N/A

Unscored Survey Garbage & Recycling

033d

Is residential solid waste picked up utilizing a truck with an automated single arm? Answer N/A if residents contract directly with a private hauler or bring garbage to a central location run by a local government. [0.00] N/A

033e	Unscored Survey	Garbage & Recycling	If your municipality's residential solid waste pickup is done through a private hauler contracted directly by residents, how many hauler services are currently servicing residents?	[0.00] N/A
034a	Unscored Survey	Garbage & Recycling	How is residential recycling collected?	[0.00] Municipal pickup
034b	Unscored Survey	Garbage & Recycling	What type of residential recycling program does your municipality have? Select only one.	[0.00] Single-stream
034c	Unscored Survey	Garbage & Recycling	Is residential recycling picked up utilizing a truck with an automated single arm?	[0.00] No
034d	Unscored Survey	Garbage & Recycling	If your municipality provides residential recycling pickup, or contracts with a private hauler or another local unit to do so, how many times per week is pickup scheduled for?	[0.00] Once per-week
034e	Unscored Survey	Garbage & Recycling	If residential recycling is collected by a private hauler procured separately by your municipality, how many bids did your municipality receive in response to its most recent advertisement for residential recycling collection?	[0.00] N/A
034f	Unscored Survey	Garbage & Recycling	If your municipality's residential recycling pickup is done through a private hauler contracted directly by residents, how many hauler services are currently servicing residents?	[0.00] N/A

035	Unscored Survey	Lead Remediation	<p>If additional funding were to be made available for the Lead Grant Assistance Program (LGAP), would your municipality be interested in applying? Answer "N/A" if your municipality will have no local lead inspection activities that could be funded by the grant program or does not have any dwellings eligible for inspection. If "Yes", provide in the Comments a requested funding amount. If "No" or "N/A", enter "Not Applicable" in the Comments.</p>	[0.00] Yes
036	Unscored Survey	Lead Remediation	<p>What portion of LGAP dollars has your municipality obligated to date?</p>	[0.00] Less than 50%
037	Unscored Survey	Lead Remediation	<p>Does your municipality have a permanent local agency that is currently conducting inspections for lead-based paint hazards in rental dwellings and enforcing the provisions of P.L. 2021, c. 182? If your answer is "Other" fill-in the name of the municipal agency under Comments. If your answer is "Shared Service", please fill-in the name of the agency and the local unit providing the service under Comments. Further information concerning the requirements of this recently enacted law are available at https://www.nj.gov/dca/divisions/codes/resources/leadpaint.html.</p>	[0.00] UCC Construction Code Enforcement
038	Unscored Survey	Lead Remediation	<p>If your municipality does not have a permanent local agency or a shared service currently conducting inspections for lead-based paint hazards in rental dwellings to enforce the provisions of P.L. 2021, c. 182, has your municipality retained a lead evaluation contractor to provide paid lead inspection services?</p>	[0.00] No
039a	Unscored Survey	Lead Remediation	<p>Pursuant to P.L. 2021, c. 182, has your municipality identified rental dwellings that have experienced tenant turnover since July 22, 2022?</p>	[0.00] No
039b	Unscored Survey	Lead Remediation	<p>If your municipality has identified rental dwellings that have experienced tenant turnover since July 22, 2022, have all of those units been inspected prior to re-occupancy?</p>	[0.00] N/A

040a	Unscored Survey	Lead Remediation	How many visual lead-based paint inspections did your municipality conduct (directly, through shared services, or through a certified lead evaluation contractor) since 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.	Comment: 0
040b	Unscored Survey	Lead Remediation	How many dust wipe-sampling lead-based paint inspections did your municipality conduct (directly, through shared services, or through a certified lead evaluation contractor) since 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.	Comment: 0
040c	Unscored Survey	Lead Remediation	How many post-remediation lead-based paint inspections has your municipality conducted (directly, through shared services, or through a certified lead evaluation contractor) since 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.	Comment: 0
041a	Unscored Survey	Lead Remediation	How many lead safe certifications have been issued by your municipality since 2022? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.	Comment: 0
041b	Unscored Survey	Lead Remediation	What is the number of lead safe certifications issued by the municipality in the past fiscal year, as used by the municipality? Please only include numbers (no text or explanation) under Comments to facilitate tabulation.	Comment: 0
042	Core Competencies	Personnel	For any municipal officers and employees NOT required by contract or municipal policy to make health benefit contributions following the Chapter 78 health benefit contribution grid (excluding Rx and dental), is your municipality requiring those employees to contribute at least 1.5% of base salary towards health benefits pursuant to P.L. 2010, c. 2? See Local Finance Notices 2010-12 and 2011-20R for further details. Answer N/A if all of your municipality's officers and employees are required by contract or municipal policy to contribute at least the amount required by P.L. 2011, c. 78 for health benefits.	[1.00] N/A

043

Core Competencies

Personnel

Payments for waivers filed before May 21, 2010 and maintained continuously since, cannot exceed fifty percent (50%) of the amount saved by the local unit as a result of the employee's waiver of coverage. For waivers filed on or after May 21, 2010, which is the effective date of P.L. 2010, c. 2, payments cannot exceed the lesser of twenty-five percent (25%) of the amount saved by the local unit as a result of the waiver, or \$5,000. When calculating an employee's waiver payment, the local unit must deduct the employee's healthcare contribution obligation from the total premium cost. Local units have sole discretion as to whether or not to offer employees payments for waiver of health benefits, and may offer waiver payments below the statutory maximum. Health benefit waiver payments are statutorily excluded from collective bargaining. See Local Finance Notices 2010-12 and 2016-10 for further discussion on health benefit waiver payments. Are your municipality's healthcare waiver payments at or below the statutory maximum? "N/A" is only applicable where the municipality does not make payments in lieu of health benefits.

[1.00] Yes

044

Core Competencies

Personnel

The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality refrain from paying overtime to employees classified as exempt under the FLSA?

[0.00] No

045

Core Competencies

Personnel

Has your municipality reviewed and updated its employee personnel manual/handbook within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date which the personnel manual was officially updated using the MM/DD/YYYY format. If not yes, please type "Did Not Answer Yes" into the comment box.

[1.00] Yes

Comment: 4/4/2022

046 Core Competencies Personnel [1.00] Prospective
At its July 2023 meeting, the Local Finance Board updated N.J.A.C. 5:30-16.2 to require a municipality's purchasing agent, certified public works manager, and business administrator/municipal manager to register for GovConnect by November 1, 2023. If your municipality has one or more of the above-referenced titles, have the individuals in those titles registered for GovConnect?

047 Best Practices Personnel [0.50] Yes
Has your municipality established by ordinance an anti-nepotism policy that, at minimum, only authorizes the hiring the family members/relatives of municipal officials and employees if the individuals involved would not work in a direct supervisory relationship, or in job positions in which a conflict of interest could arise. The term "family member/relatives" should be defined to include but not necessarily be limited to spouses, children, siblings, parents, in-laws, and step-relatives.

048 Unscored Survey Personnel
Does your municipality currently have an unlicensed individual serving as an acting municipal clerk, temporary chief municipal finance officer, temporary purchasing agent, and/or a temporary chief public works manager? Select as many as are applicable or None of the Above.

049 Unscored Survey Personnel [0.00] No
Does your municipality currently retain a chief financial officer through a professional services contract?

050 Core Competencies Procurement [1.00] Prospective
The purchase of insurance coverage and consultant services is a limited exception to public bidding by virtue of being deemed an Extraordinary Unspecifiable Service (EUS) pursuant to N.J.S.A. 40A:11-5(a)(ii) and 40A:11-5(1)(m). Page 3 of Local Finance Notice AU-2022-2 for further details. The standard EUS certification declaration (do not submit the form to DLGS) is available at https://www.nj.gov/dca/divisions/dlgs/programs/plc_docs/eus_letter.pdf. If your municipality has procured insurance under the EUS exception to public bidding, has your municipality followed the procedural requirements of an EUS in doing so?

051 Best Practices

Procurement

If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law (LPCL) bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law? Only answer N/A if your municipality does not contract with an insurance broker for health insurance or, if it does, the contract does not exceed your municipality's LPCL bid threshold. [0.50] N/A

052 Best Practices

Procurement

Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees? Only answer N/A if your municipality does not contract with an insurance broker for health insurance. [0.50] Yes

053 Core Competencies

Shared Services

N.J.S.A. 40A:65-4(b) requires a copy of each shared services agreement to be filed with the Division of Local Government Services. Has your municipality filed with the Division the most current copy of each shared services agreement under which the municipality provides one or more services to another local unit as defined by N.J.S.A. 40A:65-3 of the Uniform Shared Services and Consolidation Act? Only answer N/A if your municipality does not provide a shared service to another local unit. [1.00] Yes

054a Unscored Survey

Shared Services

If your municipality currently provides a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendent to another municipality pursuant to a shared services agreement, please select one or more of the options provided and list under Comments each municipality (and the county in which that municipality is located) along with the position being provided to that municipality. If your municipality currently provides none of these positions pursuant to a shared services agreement, select None of the Above and insert N/A into Comments. Comment: N/A

058 Core Competencies

Transparency

Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions? [1.00] Yes

059 Core Competencies

Transparency

N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us. Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions. [1.00] Yes

060 Core Competencies

Transparency

Pursuant to N.J.S.A. 34:13A-16.8(d)(2), PERC requires a summary of the cost impact associated with a municipality's completed contracts for all bargaining units. Police and fire contracts have one summary form, while non-police and fire contracts have another form. The summary forms and filing instructions are located at <https://www.state.nj.us/perc/conciliation/contracts/>. Has your municipality filed the required PERC summary forms for all current completed labor agreements? Only answer N/A if your municipality does not have any employee labor unions. [1.00] Yes

061 Core Competencies

Transparency

In accordance with Governor Murphy's Executive Order 267 dated October 8, 2021 and outlined in LFN 2022-08 dated March 2, 2022, municipalities and counties were required to provide DLGS with a copy of all American Rescue Plan (ARP) LFRF reports filed with U.S. Treasury, including Project and Expenditure Reports, Interim Reports, and Recovery Plan and Performance Reports?. Did your municipality file with DLGS all reports filed with Treasury? Only answer N/A if your municipality refused ARP LFRF Funding [1.00] Yes

062 Core Competencies

Transparency

P.L. 2023, c. 30, known as the "Elections Transparency Act," made various significant changes to New Jersey's pay-to-play laws. One of these changes is the prohibition on imposing pay-to-play provisions that are more restrictive than those in State law. The repeal of N.J.S.A. 40A:11-51, the statute that originally authorized local pay-to-play restrictions or grandfathered existing ones, is effective retroactive to January 1, 2023. See Local Finance Notice 2023-14 for further details. Has your municipality repealed any local pay-to-play ordinances or resolutions originally authorized or grandfathered by N.J.S.A. 40A:11-51? Answer N/A if your municipality did not have local pay-to-play restrictions on the books.

[1.00] Yes

063 Best Practices

Transparency

Does your municipality feature a link on its website to the Division of Taxation's Property Tax Relief Program webpage at <https://www.state.nj.us/treasury/taxation/relief.shtml>?

[0.50] Yes

064 Core Competencies

Utilities

P.L. 2022, c.107 (N.J.S.A. 48:2-29.57 et seq. or the "Utility Reporting Law") requires the Board of Public Utilities (BPU) to collect data from both investor-owned utilities and local government-owned utilities regarding service to residential and commercial customers. The reporting template is available at <https://nj.gov/bpu/agenda/doc/PL107/ReportingRequirementTemplateFinal.xlsx>. If your municipality has a water, sewer, or electric system, has your municipality complied with the reporting requirement in the Utility Reporting Law?

[1.00] N/A

065 Core Competencies

Utilities

P.L. 2023, c. 33, signed on April 5, 2023, required that all investor-owned utilities and all local units that directly bill residential ratepayers for water and/or sewer sign a vendor contract with Department of Community Affairs (DCA) to participate in the Low Income Household Water Assistance Program (LIHWAP). See Local Finance Notice 2023-09 for further details. If your municipality directly bills for water and/or sewer, did your municipality enter into an agreement with DCA to participate in LIHWAP?

[1.00] N/A

066

Core Competencies

Utilities

Section 4 of P.L. 2021, c. 317 establishes a Winter Termination Program allowing eligible residential customers to avoid service shutoff from November 15 through March 15 for non-payment of water, sewer, or electric service provided by a local unit. See Local Finance Notice 2023-09 for further details. Has your municipality notified its residential ratepayers about the Winter Termination Program in the manner required under law with respect to the utility services it provides? [1.00] N/A

067

Core Competencies

Utilities

P.L. 2021, c. 97 requires municipalities with their own water, sewer, or electric service to provide monthly notice to residential ratepayers concerning local utility service and bill payment assistance. Please review Local Finance Notice 2023-09 for more information on the law's requirements. Is your municipality complying with the monthly notice requirements of P.L. 2021, c. 97? Only answer N/A if your municipality does not have its own water, sewer, or electric service. [1.00] N/A

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

RESOLUTION # 2023-342

Title: **APPROVING CHANGE ORDER #3 TO MJJ CONSTRUCTION LLC FOR A REDUCTION OF AS-BUILT QUANTITIY ADJUSTMENTS (LT-C-035)**

WHEREAS, MJJ Construction LLC was awarded on April 3, 2023 by Resolution #2023-139 for the Lincoln Boulevard Restroom Facility in the amount of \$401,260.00, Change Order #1 was awarded on June 19th by Resolution #223-229 for the addition of a shower, foot-wash and bottle filling station in the amount of \$11,119.00, and Change Order #2 was awarded on June 19, 2023 by Resolution #2023-235 for a contract extension at no cost; making the total contract \$412,379.00; and

WHEREAS, DeBlasio & Associates have provided a proposal for a Change Order #3 in the reduction of the contract per the final As-Built Quantity Adjustments of \$6,276.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Change Order #3 attached hereto for a reduction of \$6,276.00 is hereby approved the contract total of \$406,103.00.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

October 11, 2023

VIA EMAIL & REGULAR MAIL

Julie Picard, Clerk
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
Lincoln Boulevard Restroom Facility
D&A File #: LT-C-035**

Dear Ms. Picard:

Enclosed please find four (4) copies of **CHANGE ORDER NO. 3-Final** regarding the above referenced project for review and approval. Upon execution, please return three (3) copies to our office.

Please note that this change order reflects the following:

1. As-Built Quantity Adjustments.

Please note this change order will result in a decrease of \$6,276.00 to the amended contract amount of \$412,379.00 for a final contract amount of \$406,103.00.

Should you have any questions or require any additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Mayor Frank Sippel, (via email w/encl.)
Michael Laffey, Manager (via email w/encl.)
Margaret Vitelli, QPA, Purchasing Agent (via email w/encl.)
Mitchell Plenn, Superintendent of Parks and Recreation (via email w/encl.)
MJJ Construction (via email w/encl.)

DeBlasio & Associates

CONSULTING ENGINEERS AND PLANNERS

Change Order #3-Final

Client: Township of Lower
 Date: October 10, 2023
 Project Name: Lincoln Boulevard Restroom Facility
 D&A Project #: LT-C-035

Contractor: MJJ Construction, LLC
 471 White Horse Pike
 Atco, NJ 08004

A. Supplemental Items

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
52	MISC SITEWORK	LUMP SUM	1	\$4,700.00	\$4,700.00
Subtotal:					\$4,700.00

B. Extras

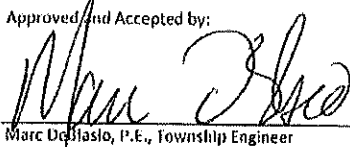
Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
3	CONCRETE SIDEWALK, 4" THICK	S.Y.	10	\$190.00	\$1,900.00
12	TRAFFIC MARKINGS LINES, THERMOPLASTIC - 4"	L.F.	10	\$10.00	\$100.00
Subtotal:					\$2,000.00

C. Reductions

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
4	8" x 18" CONCRETE VERTICAL CURB	L.F.	-11	\$78.00	-\$858.00
6	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M64, 2" THICK	TON	-41	\$178.00	-\$7,298.00
7	HMA MILLING, 2" DEPTH	S.Y.	-165	\$27.00	-\$4,455.00
11	TRAFFIC MARKINGS LINES, THERMOPLASTIC - 24"	L.F.	-11	\$25.00	-\$275.00
13	TRAFFIC STRIPES, EPOXY RESIN - 4"	L.F.	-9	\$10.00	-\$90.00
Subtotal:					-\$12,976.00

Net Contract Change (\$6,276.00)
 Original Contract Amount: \$401,260.00
 Amended Contract Amount: \$412,379.00
 Contract Percentage Change (%) Based on CO#3: -1.56
 Total Contract Percentage Change (%): 1.21
 Final Contract Amount: \$406,103.00

Approved and Accepted by:


 Marc DeBlasio, P.E., Township Engineer

10/11/23
 Date


 MJJ Construction, LLC

Date

Township of Lower

Date

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

RESOLUTON #2023-343

Title: **AMEND RESOLUTION #2023-08; APPOINTMENT OF MUNICIPAL ENGINEER FOR THE YEAR 2023 AS A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING**

WHEREAS, Resolution #2023-08 was adopted by Township Council at a meeting held January 4, 2023 to appoint DeBlasio & Associates as the Township Engineers for the year 2023 at the amount of Not To Exceed \$450,000.00; and

WHEREAS, DeBlasio & Associates have provided proposals for Capital Projects resulting in a request to increase the Not To Exceed Amount by an additional \$ 200,000.00 ; making the new Not To Exceed Amount \$ 650,000

WHEREAS, the CFO has determined sufficient funds will be available in the budget as follows:

Appropriation: Various Capital Ordinances

CFO Signature: Lauren Read
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the aforementioned amendment to Resolution #2023-08 in the amount of \$ 200,000 is hereby approved, increasing the Not To Exceed amount to \$ 650,000.00

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on November 15, 2021.

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-344

Title: APPROVAL OF CHANGE ORDER #1 FOR DeBLASIO & ASSOCIATES FOR ENGINEERING AND REGULATORY PERMITTING PHASE FOR ADDITIONAL SERVICES SHADELAND AND SPRUCE AVENUE OUTFALLS (LT-C-041)

WHEREAS, DeBlasio and Associates was awarded a professional Service Contract by Resolution #2023-184 on May 15, 2023 for the Design, Engineering and Permitting Phase of the Bay Outfall Extensions Project (LT-C-041) for \$45,000.00; and

WHEREAS, DeBlasio and Associates have provided a proposal for Shadeland Avenue and Spruce Avenue, including NJDEP Waterfront Development Permit, CAFRA Permit and Army Corps of Engineers Permit to include Professional Services to Survey and Base Mapping, Permit Plans and Specifications and Permit Applications for an additional cost of \$9,000.00; and

WHEREAS, the Township Council desires to approve the Change Order #1 and the CFO has certified the availability of funds by her signature in the budget as follows:

Appropriation # _____

CFO Signature _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Change Order #1 for DeBlasio and Associates is hereby approved to increase the contract total to \$54,000.00.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
COMRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on October 16, 2023.

Julie A. Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260 PHONE: 609-854-3311 • FAX: 609-854-4323

October 11, 2023

VIA EMAIL

Gary Douglass, Superintendent of Public Works
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

Re: Township of Lower, Cape May County, NJ
Bay Outfall Extensions – Engineering and Regulatory Permitting Phase
Additional Services: Shadeland and Spruce Avenue Outfalls
D&A File #: LT-C-041

Dear Mr. Douglass:

As per your request, **DeBlasio & Associates, P.C.** is pleased to provide a proposal for survey, engineering, and permitting phase services for additional **Bay Outfall Extensions Engineering and Regulatory Permitting Phase *Additional Services: Shadeland and Spruce Avenue Outfalls*** in Lower Township.

Currently, ten (10) bayside outfalls are being designed. It is our understanding that the Township wants to include two (2) additional outfalls to allow for the existing storm sewer system to function more efficiently. The outfalls included in this proposal are located at the following locations:

- Shadeland Avenue
- Spruce Avenue

Due to the outfalls' proximity to a water body and many of them being located below the Mean Low Water Line (MLWL), multiple permits from various agencies will be required to extend and replace the outfalls. As such, the following permits will be required:

- NJDEP Waterfront Development Permit
- CAFRA Permit
- Army Corps of Engineers Permit

DeBlasio & Associates, P.C. has previously conducted a jurisdictional determination with the NJDEP and Army Corps of Engineers for the ten (10) outfalls to be included within the permit application and has confirmed the above are the only permits required. DeBlasio & Associates, P.C. will be responsible for all items necessary for complete permit packages in order to submit for these permits and Lower Township will be responsible for all application fees. The outfalls need to be surveyed and permit ready designs completed.

To complete the above referenced scope of work, our professional service fee is listed below:

- | | |
|---|-------------------|
| ➤ Survey, Engineering and Permitting Phase Cost: | \$9,000.00 |
| • Survey and Base Mapping | |
| • Permit Plans and Specifications | |
| • Permit Applications | |

Total Professional Service Fee \$9,000.00

Please note that this proposal does not include bid-ready construction documents. Should you require construction documents for a public bid, our office can provide an additional proposal for this work. Should you have any questions or require additional information, please do not hesitate to contact me or Will Hanson at our office. We thank you for the opportunity to submit this proposal.

Very truly yours,
DeBlasio & Associates, P.C.



Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

cc: Mayor Frank Sippel (via email)
Michael Laffey, Manager (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)
Finance (via email)

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

RESOLUTION # 2023-345

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME

WHEREAS, the employee listed below has accrued compensatory time due from the Township and has requested payment for this time, and

WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

WHEREAS, it has been determined by the Township Treasurer as evidenced by her signature _____ that adequate funding is available for such payment in the current budget for Salaries and Wages.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May State of New Jersey that payment to Michael Perry in the amount of 7,374.07 is authorized and chargeable to the 2023 Budget account 3-01-25-240-125.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held October 16, 2023.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief Kevin Lewis
FROM: Sergeant First Class Michael C. Perry
DATE: October 9, 2023
SUBJECT: Comp. Time Cash Out.

Sir,

This is a formal request to cash in one hundred and thirty-seven ^{four 134} (137) hours comp. time.
Thank you for your consideration in this matter.

Respectfully Submitted,

SFC:  #178

Michael C. Perry
Sergeant Badge 178

C	File	Date	Officer	Comments
		10-9-23	181 PEL	SENT TO TOWN HALL TO PROCESS

0 *
1 1/2 X
SUM =
7374.07

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

ORDINANCE #2023-18

Title: AN ORDINANCE AMENDING CHAPTER 95, REGULATION OF PROFESSIONAL SERVICE CONTRACTS, OF THE CODE OF THE TOWNSHIP OF LOWER TO ENSURE CONSISTENCY WITH THE ENACTMENT OF THE NEW JERSEY ELECTION TRANSPARENCY ACT

WHEREAS, on April 3, 2023, New Jersey Governor Philip Murphy signed the New Jersey Elections Transparency Act, P.L. 2023, C.30, into law which revises the State of New Jersey's campaign finance and pay-to-play laws; and

WHEREAS, the New Jersey Elections Transparency Act reduces the Election Law Enforcement Commission reporting threshold of campaign contributions made to campaign/political committees from \$300 per year to \$200 per calendar year; and

WHEREAS, the New Jersey Elections Transparency Act continues to preclude municipalities from awarding non-fair and open contracts in excess of \$17,500 to individuals and business entities who make reportable campaign contributions in excess of the reporting threshold in excess of \$200 per calendar year; and

WHEREAS, the New Jersey Elections Transparency Act also modifies the maximum amount of permitted campaign contributions to any municipal committee of a political party operating within said municipality from \$7,200 per year to \$14,400 per year, and the maximum amount of permitted campaign contributions to any county committee of a political party from \$37,000 per year to \$75,000 per year; and

WHEREAS, the New Jersey Elections Transparency Act eliminates prohibitions preventing Counties and/or Municipalities from awarding non-fair and open contracts to individuals and business entities making reportable campaign contributions above the \$200 threshold to a political party's county or municipal committee; and

WHEREAS, the Code of the Township of Lower, specifically Chapter 95, Regulation of Professional Service Contracts, sets forth regulations governing reportable campaign contributions which require modification in order to ensure consistency with the provisions of the recently enacted New Jersey Election Transparency Act;

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

Section 1. Chapter 95, Regulation of Professional Service Contracts, is hereby repealed and replaced as follows:

95-1 Definitions.

BUSINESS ENTITY SEEKING A PUBLIC CONTRACT

An individual, including the individual's spouse, if any, and any child living at home, person, firm, corporation, professional corporation, partnership, organization or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

PROFESSIONAL BUSINESS ENTITY

A business entity as defined in this section which provides services by individuals who are required to be professionally licensed under the laws or regulations of this State or which provides "extraordinary unspecifiable services" pursuant to N.J.S.A. 40A:11-5(1)(a)(ii).

95-2

Prohibition of awarding public contract to certain contributors.

- A. Any other provision of law to the contrary notwithstanding, the Township of Lower or any of its purchasing agents or agencies or those of its independent authorities, boards or commissions, as the case may be, shall not enter into a non-fair and open contract or agreement to procure services from any professional business entity if that entity has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions, to a campaign committee or joint campaign committee of any candidate(s) for, or holder of, the office of Mayor or Council of the Township of Lower in excess of the thresholds specified in Subsection C of this section within one calendar year immediately preceding the date of the contract or agreement.
- B. No professional business entity which enters into negotiations for or agrees to the award of any non-fair and open contract or agreement with the Township of Lower or any department or agency thereof or of its independent authorities, boards or commissions for the provision of professional services shall knowingly solicit or make any contribution of money or pledge of a contribution including in-kind contributions in excess of the thresholds specified in Subsection C of this section to a campaign committee or joint campaign committee of any candidate(s) for, or holder of, the office of Mayor or Council of the Township of Lower between the time of first communications between that business entity and the Township of Lower regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.
- C. Notwithstanding Subsections A and B above, any individual who is a professional business entity may annually contribute a maximum of \$200 each for any purpose to any campaign committee or joint campaign committee of any candidate(s) for, or holder of, the offices of Mayor or Council of the Township of Lower without violating this § 95-2; provided, however, that no group of individuals meeting the definition of a professional business entity may contribute annually for any purpose in excess of \$5,200 to a campaign committee or joint campaign committee of any candidate(s) for, or holders of, the offices of Mayor or Council without violating § 95-2.
- D. Notwithstanding the foregoing, pursuant to the New Jersey Election Transparency Act, N.J.S.A. 19:44A-1 et seq., individuals and/or business entities which enter into negotiations for or agrees to the award of any non-fair and open contract or agreement with the Township of Lower or any department or agency thereof or of its independent authorities, boards or commissions for the provision of professional services shall not be precluded from entering into a non-fair and open contract or agreement with the Township of Lower for making reportable campaign contributions in excess of the \$200 threshold to any municipal committee of a political party operating within said municipality or to any county committee of a political party per calendar year.

95-3

Contributions made prior to the effective date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for, or holder of, the office of Mayor or Council of the Township of Lower shall be deemed a violation of this chapter, nor shall an agreement for services be disqualified thereby, if that contribution or agreement was made by the professional business entity prior to the effective date of this chapter.

95-4

Contribution statement required by professional business entity.

- A. Prior to awarding any non-fair and open contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies or independent authorities, boards or commissions, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the professional business entity has not made a contribution in violation of § 95-2.

- B. Prior to awarding any non-fair and open contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies or independent authorities, boards or commissions, as the case may be, shall also receive a sworn statement from the professional business entity made under penalty of perjury disclosing all contributions made by the professional business entity during the immediately preceding 12 months to any New Jersey state, municipal, and/or county political party committees which contributions, when added to any contributions made to any Township of Lower political party committees during the same time period, exceed the sum of \$200.
- C. The professional business entity shall have a continuing duty to report any violations of this Chapter that may occur and to report any additional contributions to New Jersey state, municipal, and/or county political party committees above the amounts set forth in Subsection B of this section during the negotiation or duration of a contract.
- D. The sworn statement required under this section shall be made prior to entry into the non-fair and open contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

95-5

Penalty.

- A. All Township of Lower professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity to violate § 95-2 or to knowingly conceal or misrepresent contributions given or received or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- B. Any professional business entity who knowingly fails to reveal a contribution made in violation of § 95-2 or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution shall be disqualified from eligibility for future Township contracts for a period of four calendar years from the date of the violation.
- C. Nothing herein shall be deemed to apply to contributions made to any county or state campaign committee, candidate or officeholder, or to any municipal, county or state political party committee, however, such contributions are subject to the disclosure provision that may apply as set out in § 95-4C.

95-6

Procedures to ensure compliance with regulation.

- A. Neither the Chief Financial Officer nor his or her designee shall issue a certification of availability of funds without first receiving a certification from the Township Manager that the disclosures required by this chapter have occurred and that such disclosures do not violate the contribution limits set forth herein.
- B. No contract or agreement for professional services shall be signed and delivered to any professional business entity without full compliance with this chapter.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

First Reading: September 18, 2023

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2023-19

Title: AN ORDINANCE AMENDING CHAPTER 432, MERCANTILE LICENSES, IN ORDER TO MODIFY THE ANNUAL LATE FEE IMPOSED FOR FAILING TO TIMELY RENEW ANNUAL MERCANTILE LICENSES

WHEREAS, pursuant to N.J.S.A. 40:52-1 et seq. the Township of Lower is given the power to license and regulate commercial activities within its jurisdiction; and

WHEREAS, pursuant to N.J.S.A. 40:52-2, the Township of Lower "may fix the fees for all such licenses, which may be imposed for revenue, and may prohibit all unlicensed persons and places and vehicles, businesses and occupations from acting, being used, conducted or carried on" within its jurisdiction; and

WHEREAS, pursuant to § 432-3, Term of License, all mercantile licenses, with the exception of mercantile licenses associated with rental units, must be renewed on or before July 15th of each year, and rental unit mercantile licenses must be renewed on or before March 15th of each year; and

WHEREAS, pursuant to § 432-4(N), individuals who fail to renew mercantile licenses, with the exception of mercantile licenses associated with rental units, by August 15th of each year, and April 15th for rental unit mercantile licenses, are subject to a late fee of \$75.00; and

WHEREAS, following a review of the late fees imposed in connection with the failure to renew annual mercantile licenses, the Township Council of the Township of Lower has determined that it is appropriate to reduce applicable late fees for failing to timely renew mercantile licenses, as the current late fee, in many cases, exceeds the actual cost associated with the annual renewal of a mercantile license;

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

Section 1. Chapter 432, Mercantile Licenses, Subsection 4(N), Late Fees, is hereby repealed and replaced with:

432-4 Annual Fees.

N. Late Fees.

- (1) All annual fees for mercantile licenses, with the exception of rental units, are to be paid on or before July 15th of the year of intended operation or conduction of business. Any business owner or operator who conducts any business governed by Chapter 432 of the Lower Township Code, with the exception of rental units, who has not paid the required annual fee set forth herein by the July 15th deadline, will be subject to a late fee of \$ 25.00 in addition to the application fee which is normally required
- (2) All annual fees for rental unit mercantile licenses are to be paid on or before March 15th of the year of intended operation or conduction of business. Any business owner or operator who engages in the rental of a unit, as set forth within § 432-4(I), who has not paid the required annual fee set forth herein by the March 15th deadline, will be subject to a late fee of \$ 25.00 in addition to the application fee which is normally required.
- (3) Individuals and/or Businesses who fail to renew their mercantile license, with the exception of rental units, by August 15th, and by April 15th for rental unit mercantile licenses, shall be subject to the potential revocation of their mercantile license pursuant to § 432-17.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

David Perry, Deputy Mayor

First Reading: September 18, 2023

Frank Sippel, Mayor

Adopted:

Attest: _____
Julie A Picard, Township Clerk

Council

Register Report - Last month

9/1/2023 through 9/30/2023

10/6/2023

Page 1

Date	Account	Num	Amount
	INCOME		10,480.00
	Bus Mercantile 2023-2024		6,400.00
	Short Term Rental 2023-2024		1,090.00
	Street Openings		340.00
	Vac Prop Reg		1,500.00
	VACANT PROPERTY REGISTRATION		1,000.00
	Yard Sales		150.00
	TRANSFERS		-10,480.00
	OVERALL TOTAL		0.00

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-8862005

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 09/01/2023 To 09/30/2023

October 02, 2023 9:30:36AM

SUMMARY

<u>CONSTRUCTION COSTS</u>		<u>COUNT</u>			
Cost Of Construction:	\$1,790,700.00	Cubic Footage:	168254 Cu.ft	Permit Issued:	115
Cost Of Alteration:	\$1,331,413.00	Square Footage:	15091 Sq.ft	Updates Issued:	9
Cost Of Demolition:	\$5,000.00			All Fees Waived:	2
Total Cost:	\$3,127,113.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>	<u>ADMIN FEES</u>	<u>WAIVED FEES</u>	<u>TOTAL FEES</u>
Building: \$29,189.00	Building: \$0.00	Building: \$0.00	Building Fees: \$29,189.00
Electrical: \$8,384.00	Electrical: \$0.00	Electrical: \$0.00	Electrical Fees: \$8,384.00
Fire : \$5,335.00	Fire : \$0.00	Fire : \$150.00	Fire Fees: \$5,185.00
Plumbing: \$7,720.00	Plumbing: \$0.00	Plumbing: \$0.00	Plumbing Fees: \$7,720.00
Elevator: \$306.00	Elevator: \$0.00	Elevator: \$306.00	Elevator Fees: \$0.00
Mechanical: \$2,250.00	Mechanical: \$0.00	Mechanical: \$0.00	Mechanical Fees: \$2,250.00
		* Total Waived: \$456.00	Technical Fees: \$52,728.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$624.00	\$0.00	\$624.00
Alteration Training Fee:	\$2,538.00	\$0.00	\$2,538.00
DCA Minimum Fee:	\$3.00	\$0.00	\$3.00
Sub total Training Fee:	\$3,165.00	\$0.00	\$3,165.00

TECHNICAL ISSUES

Building Technical:	47
Electrical Technical:	81
Fire Protection Technical:	31
Plumbing Technical:	55
Elevator Technical:	1
Mechanical Technical:	31

Certificate of Occupancy Fee:	\$3,398.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$3,398.00

PERMIT FEES:	\$52,728.00
DCA FEES:	\$3,165.00
CERTIFICATE FEES:	\$3,398.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$59,291.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$59,291.00

CERTIFICATE ISSUES

Certificate of Occupancy:	16
Certificate of Approval:	46
Certificate of Continued Occupancy:	0

* By State law (see N.J.S. 52:27D-126c): \$456.00

* By Municipality (see N.J.S. 52:27D-126b): \$0.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 09/01/2023 To 09/30/2023

October 2, 2023 9:31:06AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$3,137.00	\$56,154.00	\$0.00	\$59,291.00
BOUNCED CHECK	Sub Totals:	\$20.00	\$0.00	\$0.00	\$20.00
DUMPSTER	Sub Totals:	\$10.00	\$0.00	\$0.00	\$10.00
CONTRACTOR LICENSE	Sub Totals:	\$0.00	\$450.00	\$0.00	\$450.00
GRA		\$3,167.00	\$56,604.00	\$0.00	\$59,771.00

Council Report

DOG REPORT
SEPTEMBER 2023

Date	#s	Void/Dup	5	10	\$5.00	Total D	Total E	
			#S/N	Non S/N	Late Fee			Deposit
9/1/2023	946-947		2			\$10.00	\$0.00	\$10.00
9/5/2023	948-949			2	\$5.00	\$0.00	\$20.00	\$25.00
9/8/2023	950			1		\$0.00	\$10.00	\$10.00
9/12/2023	951-954		2	2	\$5.00	\$10.00	\$20.00	\$35.00
9/13/2023	955-956		1	1	\$5.00	\$5.00	\$10.00	\$20.00
9/14/2023	957		1			\$5.00	\$0.00	\$5.00
9/20/2023	958			1	\$5.00	\$0.00	\$10.00	\$15.00
9/22/2023	959-960			2		\$0.00	\$20.00	\$20.00
9/25/2023	961-963		2	1	\$15.00	\$10.00	\$10.00	\$35.00
9/26/2023	964-966		2	1	\$10.00	\$10.00	\$10.00	\$30.00
9/27/2023	967-968		1	1	\$15.00	\$5.00	\$10.00	\$30.00
9/28/2023	969-972		3	1	\$20.00	\$15.00	\$10.00	\$45.00
9/29/2023	973-974		2		\$10.00	\$10.00	\$0.00	\$20.00
						\$0.00	\$0.00	\$0.00
			16	13	90	\$80.00	\$130.00	\$300.00
Total Licenses collected w/fees			29					
	Twp. Fee	\$110.20		Pd State	\$73.80			
	State Reg.	\$29.00						
	Pilot Clinic	\$5.80		Twp. Fee	\$226.20			
	Anim. Pop.	\$39.00						
	Anim. Pop.	\$26.00						
	Late Fee	\$90.00						
	Total Collected	\$300.00						

**2023 CASH RECEIPTS
SEPTEMBER**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Preliminary Tax Year (2024)	64,782.48	1,104,372.19
Current year taxes (2023)	882,155.84	53,955,864.81
Prior year taxes (2022)	60,410.78	480,366.08
Previously exempt property		0.00
State Audit Pay Back		0.00
Municipal Lien		44,391.97
Recording		1,768.05
Bankruptcy	724.74	724.74
6% Penalty		0.00
Municipal Service Fees	3,810.00	60,210.00
Tax Search Fees		0.00
Interest	20,334.80	142,930.66
Lot clearing	4,960.00	7,435.00
Returned Check Fees*	20.00	500.00
Duplicate Bills	90.00	630.00
Trash	4,969.75	70,606.15
Tax Sale Costs	6,528.17	8,442.66
MUA	82,793.47	125,890.18
TOTAL DEPOSITS	1,131,580.03	56,004,132.49
DEPOSITED TO COUNCIL CHECK	756,433.69	48,867,338.39
DEPOSITED TO WIPP ACCOUNT	375,146.34	7,136,794.10
TOTAL DEPOSITS	1,131,580.03	56,004,132.49
NSF Reversals *		63,364.16
WIPP NSF Reversals	3,961.12	71,505.17
NSF Fee Reversal (20.00)*		0.00
TOTAL NSF	3,961.12	134,869.33
TOTAL	1,127,618.91	55,869,263.16

Prepared by Kathy Brown

**SEPTEMBER 2023
VITAL STATISTICS**

Marriages,Civil Unions	20
Domestic Partners	0
Certified Copies	165
Certified Copies EDRS	1
Burial Permits	0

Marriages, Civil Unions State	\$500.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$60.00
Domestic Partners Twp	\$0.00
Certified Copies	\$1,650.00
Certified Copies EDRS	\$10.00
Burial Permits	\$0.00

TOTAL \$2,220.00