

WORK SESSION AND REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

April 17, 2023 – 7:00 pm.

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

Work Session

Proclamation - Wear Purple Day – April 21,2023

Consent Agenda

Approval of Minutes –April 3, 2023

Res. #2023-142 Authorization for the payment of vouchers \$ 200,887.73

Res. #2023-143 Authorizing the Payout of Terminal Leave (D.Douglass \$31,666.93)

Res. #2023-144 Authorizing the Payout of Terminal Leave (D.Clark \$16,393.27)

Res. #2023-145 A Resolution requesting Reduction of Performance Guarantee for Earl Drive Estates Major Subdivision, Block 501; Lot 11.01; Escrow #P08-02-05

Res. #2023-146 Affidavit of Foreclosure Group 2

Res. #2023-147 Contract Award to Provide the 2023 Fireworks Show including the Barge to S. Vitale Pyrotecnico Industries Inc (\$63,500)

Res. #2023-148 A Resolution Authorizing the Acceptance of Cops in Shops Funding Summer Shore Initiative 2023

Res. #2023-149 A Resolution Authorizing and Approving a Shared Service Agreement Between the Township of Lower and the City of Wildwood for Emergency Medical Services

Res. #2023-150 Proclamation – Wear Purple Day – April 21, 2023

Res. #2023-151 Approving Change Order #1 and Final Payment to Fred M Schiavone Construction to Reattach Post to Concrete at Entrance for Millman Center Improvements Project (LT-C-030) (\$4,509.60)

Res. #2023-152 Resolution Authorizing the Award of a Non-Fair and Open Contract for a Porter Athletic Divider Curtain with Center Roll Electric for Lower Township Recreation Gymnasium (\$21,690.00)

Ordinance #2023-07 An Ordinance Amending and Supplementing Chapter 3, Administration of Government, of the Code of the Township of Lower, to Establish New Article IX, Municipal Property, Buildings, Structure sand Facilities, Conditions of Entry, in order to Designate Restricted Areas on Township Property, In Buildings, Structures and other Facilities limited to Authorized Personnel Only to Protect and Safeguard Public Records containing Personally Identifiable Information and to Provide a Safe and Secure Work Space free from Intrusion and Disruption for Township Officials and Employees

Ordinance #2023-08 Bond Ordinance Providing for Various 2023 Capital Improvements, By and In the Township of Lower, in the County of Cape May, State of New Jersey (the Township) Appropriating \$3,000,000 Therefore and Authorizing the Issuance of \$2,850,000 Bonds or Notes of the Township to Finance Part of the Costs thereof

Ordinance #2023-09 An Ordinance Amending and Supplementing Chapter 7, Traffic, of the Code of the Township of Lower in Order to Establish a Municipal Parking Program for Purple Heart Recipients and Disabled Veterans

This is the first reading of Ordinances #2023-07, 2023-08 and 2023-09. The second reading and public hearing has been scheduled for May 1st at 5:00

Regular Agenda

Ordinance #2023-05 Salary and Benefit Ordinance for the Township of Lower. This is the second reading and public hearing of this Ordinance. This Ordinance has been published, posted and made available to the public.

Engineer Report

Monthly Reports

Clerk, Construction, Dog, Tax, Vital

Public Comment

Council Comments

Adjourn

COUNCIL MEETING MINUTES – April 3, 2023

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on April 3, 2023 at 7:00 p.m. in the meeting room of 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 – via phone

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

Work Session

Autism Awareness - Jacyn Pisieczko

Jacyn Pisieczko addressed Council to talk about the struggles and blessings of living with autism and thanked all those that have supported him along the way.

Councilmember Coombs commended Jacyn's progress, as he was his student in 3rd/ 4th grade.

Deputy Mayor Perry read a proclamation proclaiming April as Autism Awareness Month in Lower Township.

Deputy Mayor Perry read a proclamation supporting 2023 U Drive, U Text, U Pay distracted driving crackdown.

Consent Agenda

Approval of Minutes – March 20, 2023

Res. #2023-125 Authorization for the payment of vouchers \$ 575,598.41

Res. #2023-126 Resolution for Emergency Temporary Appropriations

Res. #2023-127 Rebid Acceptance and Award of Replacement of three (3) Pavilions located at David Douglass Memorial Park (\$277,000)

Res. #2023-128 Authorizing the Assignment of Three (3) Tax Sale Certificates

Res. #2023-129 Affidavit of Assignment Posting and Publishing

Res. #2023-130 Issuance of 2023 Limousine and Operator Licenses

Res. #2023-131 Renewal of 2023 Campground Licenses

Res. #2023-132 A Resolution Authorizing the Transfer of a Fleet Maintenance Truck and a Bucket Truck, No Longer Needed for Public Use to the Lower Township Municipal Utilities Authority

Res. #2023-133 Award National Cooperative Purchasing Agreement with Sourcewell to Granturk Equipment Company Inc. to Purchase One (1) Leach 25 Cu. Yd 2R-111 Rear Loader Mounted on Existing 2011 Peterbilt Chassis Sourcewell #091219-LEG (\$114,541.40)

Res. #2023-134 2023 U Drive U Text U Pay Enforcement Mobilization

Res. #2023-135 Click It or Ticket 2023 Seat Belt Mobilization

Res. #2023-136 Approving a Professional Service Contract with DeBlasio & Associates for Beach Access Paths Survey (\$34,000.)

Res. #2023-137 Approving a Professional Service Contract with DeBlasio & Associates for Beach Access Paths Installation – Engineering and Bidding Phase Service LT-C-038 (\$20,000)

Res. #2023-138 Bid Acceptance and Award of Reconstruction of Carriage Lane, Briarwood Drive, Bridle Path, Paddock Lane, Timber Lane and Trotter Way (South State \$1,414,000.00)

Res. #2023-139 Bid Acceptance and Award of Lincoln Boulevard Restroom Facility (MJJ Construction \$401,260.)

Res. #2023-140 Approving a Professional Service Contract with DeBlasio & Associates for Reconstruction of Carriage Lane, Briarwood Drive, Bridle Path, Paddock Lane, Timber Lane and Trotter Way (67,000.)

Res. #2023-141 Authorizing the Disposal of Township of Lower Surplus No Longer Needed for Public use

Ordinance #2023-06 An Ordinance of the Township of Lower Vacating, Surrendering and Extinguishing the Public Rights of a Portion of Yuma Avenue located between Cardinal Avenue and Georgia Avenue. This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for May 1, 2023

On the Consent:

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

Regular Agenda

Call to the Public

Andrew Bulakowski, Cape May County Board of Commissioners, commended Council on both proclamations and voiced support on behalf of the Commissioners.

Deputy Mayor Perry voiced favor with the Commissioners' presence and support.

Manager Laffey thanked the Commissioners for the work they're doing throughout the County.

Council Comments

Councilmember Conrad reminded residents to use caution during Spring break while kids are at play.

Councilmember Coombs reiterated Councilmember Conrad's comments.

Councilmember Roy reminded that the Spring leaf and branch schedule is in effect.

Mayor Sippel – no comments

Deputy Mayor Perry announced the following upcoming events: Rabies Clinic, Easter Egg Hunt and Shred Day.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Coombs. Motion to adjourn was unanimous. Meeting adjourned at 7:19 p.m.

Mayor

Township Clerk

Approved:

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01200	DELTA DENTAL PLAN OF NJ				Continued				
		23-00811	04/10/23	MARCH 2023 DENTAL ADMIN	Open	1,387.10	0.00		
						18,189.00			
01220	DRAEGER, INC*								
		23-00328	02/03/23	ALCOTEST CERTIFICATION	Open	179.00	0.00		
01649	GARDEN STATE HWY PRODUCTS, INC*								
		23-00142	01/11/23	GRACO FIELD LAZER S100	Open	517.44	0.00		
01653	GENTILINI FORD*								
		23-00805	04/10/23	PARTS FOR VEHICLES/DPW	Open	1,530.25	0.00		
01690	GRANTURK EQUIPMENT CO*								
		23-00802	04/10/23	MATERIALS FOR VEHICLES/DPW	Open	1,711.13	0.00		
01741	GENTILINI CHEVROLET, LLC*								
		23-00806	04/10/23	SENSOR/DPW	Open	48.66	0.00		
01806	ANTHONY J HARVATT, II, ESQ								
		23-00768	04/03/23	ZBA RESOLUTION VOUCHERS	Open	300.00	0.00		
02025	HUNTER JERSEY PETERBILT*								
		23-00812	04/10/23	PARTS OR VEHICLES/DPW	Open	2,397.62	0.00		
02027	JESCO INC*								
		23-00103	01/11/23	PARTS FOR BACKHOE/DPW/JAN	Open	760.32	0.00		
02292	DONALD LOMBARDO								
		23-00763	04/03/23	CONTRACTUAL REIMBURSEMENT M	Open	1,670.20	0.00		
02461	JOHN MAHER								
		23-00764	04/03/23	CONTRACTUAL REIMBURSEMENT M	Open	3,325.86	0.00		
02948	NATW*								
		23-00612	03/09/23	ANNUAL MEMBERSHIP FEE 2022	Open	35.00	0.00		
03021	NJ MOTOR VEHICLE COMMISSION								
		23-00782	04/10/23	TITLE CHANGE/DPW	Open	60.00	0.00		PC1
03072	NJ STATE LEAGUE OF MUNICIPALITY*								
		23-00815	04/10/23	2023 MEMBERSHIP DUES	Open	1,725.00	0.00		
03158	NYSCLA*								
		23-00590	03/07/23	RENEWING LACROSSE COACHES	Open	120.00	0.00		
03518	RIGGINS, INC.*								
		23-00800	04/10/23	DIESEL OFF HIGHWAY 3/29/23	Open	1,527.46	0.00		
03537	RUTGERS, THE STATE UNIVERSITY*								
		23-00293	01/31/23	CLERKS CLASS MC-4001-SP23-2	Open	653.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03573	SAFETY-KLEEN CORP*	23-00807	04/10/23	EQUIP MAINTENCE/DPW 3/17/23	Open	500.74	0.00		
03611	SERVICE TIRE TRUCK CENTERS*	23-00803	04/10/23	TIRES/RDS/SANT/RECY/DPW	Open	6,454.30	0.00		
03692	SOUTH JERSEY GAS CO*	23-00860	04/12/23	2/18/23-3/20/23 NATURAL GAS	Open	13,525.09	0.00		
03820	MUNICIPAL UTIL. AUTH ON CALL	23-00810	04/10/23	REIMBURSE HALF OF TOTAL BILL	Open	544.10	0.00		
03863	TREASURER, STATE OF NEW JERSEY	23-00793	04/10/23	FIRST QUARTER 2023 REPORT	Open	9,160.00	0.00		
03899	UPS	23-00780	04/10/23	ALCHOTEST SHIPPING	Open	27.61	0.00		
03904	LOWE'S HOME CENTER INC*	23-00604	03/07/23	SUPPLIES/DPW	Open	174.27	0.00		
03971	VERIZON WIRELESS MDT POLICE	23-00773	04/03/23	VERIZON POLICE & TWP	Open	1,166.60	0.00		
03985	VILLAS NAPA AUTO PARTS	23-00244	01/24/23	RAMPS/DPW	Open	2,862.22	0.00		
03992	VAL-U AUTO PARTS LLC*	23-00614	03/09/23	RDS/SANT/RECY/DPW	Open	4,773.72	0.00		
04097	CINTAS FIRST AID AND SAFETY*	23-00772	04/03/23	RE-STOCK REC DEPT. CABINET	Open	201.85	0.00		
		23-00839	04/12/23	MEDICAL CABINET REFILL	Open	30.01	0.00		
		23-00859	04/12/23	TOWNHALL FIRST AID 3/29/23	Open	14.75	0.00		
						246.61			
04266	NJ DEPT OF HEALTH&SENIOR SVCS	23-00761	04/03/23	DOG LICENSE FEBRUARY, 2023	Open	282.60	0.00		
		23-00838	04/12/23	DOG LICENSES - MARCH, 2023	Open	203.40	0.00		
						486.00			
04301	SEASHORE ASPHALT CORPORATION*	22-02038	08/17/22	ASPHALT VARIOUS ROADWAYS	Open	1,113.00	0.00		B
05066	MICHAEL REEB	23-00717	03/21/23	DJ EASTER EGG HUNT 4/1 9-12	Open	150.00	0.00		
5954	LIVEFIRE TACTICAL TRAINING LLC	23-00733	03/28/23	TACTICAL TRAINING ROUNDS	Open	720.00	0.00		
6063	CAPE MINING & RECYCLING, LLC*	22-00112	01/11/22	SUPPLIES FOR TWP. ROADS	Open	68.86	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7098	SHORE VETERINARIAN ANIMAL *	23-00840	04/12/23	MARCH 2023 ANIMAL CONTROL	Open	375.00	0.00		
7199	STAPLES CREDIT PLAN-INSTORE PU	23-00519	02/28/23	COPY PAPER	Open	319.90	0.00		
		23-00801	04/10/23	BINDERTEX BINDER/DPW	Open	26.49	0.00		
						346.39			
7354	FLEETPRIDE INC.*	23-00804	04/10/23	SUPPLIES/BLDG	Open	81.89	0.00		
7475	SUZANNE M SCHEID	23-00777	04/06/23	CONTRACTUAL REIMBURSEMENT M	Open	43.89	0.00		
7478	WINDSTREAM COMMUNICATION INC*	23-00857	04/12/23	MARCH 27TH INV PHONE	Open	736.12	0.00		
7482	MUNICIPAL MAINTENANCE CO *	22-01179	05/10/22	REPLACE SEPTIC PUMP/ DOUGLASS	Open	5,500.00	0.00		
7507	STEFANKIEWICZ & BELASCO LLC*	23-00035	01/06/23	RES#2023-01 EXPENSES DNE\$116K	Open	7,324.26	0.00		B
7559	NJ ASSOC PLUMBING-HEATING-COOL	23-00657	03/14/23	2021 plumbing code book	Open	115.00	0.00		
7577	GARY'S AUTOMOTIVE	23-00798	04/10/23	DIESEL STICKER	Open	255.00	0.00		
7649	RICHARD E. PIERSON MATERIALS*	23-00556	03/02/23	I-5 GRAVEL FOR VILLAGE RD ACES	Open	717.90	0.00		
7689	GOVERNMENT FORMS AND SUPPLIES*	23-00642	03/13/23	Merc License Renewal Post Card	Open	503.00	0.00		
		23-00776	04/05/23	PRINTING - NEWSLETTER	Open	332.55	0.00		
						835.55			
7751	HOFFMAN'S EXTERMINATING*	23-00053	01/06/23	PEST AGREEMENT-CANAL PARK 2023	Open	132.60	0.00		B
		23-00779	04/10/23	2023 PEST CONTROL CONTRACT	Open	2,475.00	0.00		
						2,607.60			
7800	THE FOUNTAIN GUYS	23-00702	03/20/23	2 FOUNTAIN PUMPS	Open	518.00	0.00		
7820	DEBLASIO & ASSOCIATES, P.C*	21-02889	11/17/21	ENGI SERVICES/MILLMAN 2021-353	Open	2,303.75	0.00		
		22-00548	02/28/22	REPLACE PAVILIONS RES2022-89	Open	639.86	0.00		B
		22-01121	05/02/22	RES.#2022-140 CO#1 DIAMOND BEA	Open	1,150.00	0.00		
		22-01963	08/08/22	RES #2022-251 POOL RENOVATIONS	Open	4,927.52	0.00		B
		23-00404	02/10/23	LIN BLVD RESTROOM RES#2021-82	Open	9,696.25	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7820	DEBLASIO & ASSOCIATES, P.C*				Continued				
		23-00638	03/13/23	ZBA BOARD ENGINEER VOUCHERS	Open	35.00	0.00		
						18,752.38			
7929	AMAZON CAPITAL SERVICES, INC*								
		23-00694	03/17/23	OFFICE COMPUTER SUPPLIES	Open	48.99	0.00		
		23-00718	03/21/23	TOWNHALL MICROWAVE	Open	254.99	0.00		
		23-00724	03/22/23	GIRLS LACROSSE GOALIE HELMETS	Open	419.97	0.00		
		23-00727	03/23/23	FS Amazon ink	Open	344.23	0.00		
		23-00737	03/28/23	OFFICE SUPPLIES	Open	458.30	0.00		
						1,526.48			
8131	DOCUVault SECURE SHREDDING LC*								
		23-00856	04/12/23	3/31/23 SHREDDING	Open	148.05	0.00		
8173	CUB SCOUT PACK 87								
		23-00775	04/03/23	FIRST CLEAN UP	Open	500.00	0.00		
8197	GREAT AMERICAN FINANCIAL SERV								
		23-00222	01/23/23	MAIL MACHINE LEASE 2023	Open	560.00	0.00		
8517	STEWART BUSINESS SYSTEMS *								
		23-00865	04/12/23	BOCA COPIER 1/1-3/31/23 OVERAG	Open	39.59	0.00		
8524	FRED M SCHIAVONE CONSTRUCTION*								
		23-00698	03/20/23	POOL RENO REBID #2023-98	Open	30,846.48	0.00		B
8537	ASBURY PARK PRESS								
		23-00314	02/01/23	2023 E-SUBSCRIPTION	Open	9.99	0.00		PC1
8672	LOGMEIN INC.								
		23-00049	01/06/23	2023 GO TO MEETINGS	Open	19.00	0.00		PC1
8706	GOLDENBERG, MACKLER & SAYEGH								
		22-00413	02/10/22	RES2022-64 DNE \$10K TAX FOREC	Open	667.38	0.00		B
8721	BLANEY, DONOHUE, & WEINBERG PC								
		23-00036	01/06/23	RES#2023-02 LABOR DNE\$40K	Open	1,319.50	0.00		B
8772	RSK DOUGHNUTS								
		23-00651	03/13/23	EASTER EGG HUNT	Open	720.00	0.00		
8824	MUNICIPAL EQUIPMENT								
		22-02101	08/24/22	VEHICLE LOCKBOX + INSTALLATION	Open	2,313.38	0.00		
8831	SOUTH JERSEY INTERPRETERS LLC								
		23-00770	04/03/23	COURT - SPANISH INTERPRETER	Open	187.50	0.00		
8849	HORNER ENTERPRISES LLC								
		23-00739	03/28/23	SPRING FLING - BOUNCE HOUSES	Open	1,550.00	0.00		
8908	COMCAST BUISNESS								
		23-00855	04/12/23	VOICE PHONES 4/1-4/30/23	Open	1,456.97	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8909	COMCAST BUSINESS	23-00851	04/12/23	BUS INTERNET PD 4/1-4/30/23	Open	974.95	0.00		
8936	IAAI INC	23-00622	03/09/23	Belles Membership dues	Open	98.00	0.00		
BLAUE	BLAUER ASSOCIATES INC*	19-02385	08/28/19	SCPF ROTARY PARK RES 2019-246	Open	540.00	0.00		B
BOSNA	KAREN MANETTE BOSNA	23-00814	04/10/23	YOGA- MONTH OF MARCH '23	Open	310.00	0.00		
DOUGHERT	GEORGIA DOUGHERTY	23-00820	04/11/23	CONTRACTUAL REIMBURSEMENT M	Open	499.00	0.00		
JUSTF005	SHANNON NAGEL	23-00769	04/03/23	FACE PAINTER - SPRING FLING	Open	200.00	0.00		
KELLE005	KELLEIGH TOMMASSELLO	23-00771	04/03/23	FACE PAINTER-SPRING FLING	Open	300.00	0.00		
PRESS	PRESS OF ATLANTIC CITY	23-00848	04/12/23	NOTICE TO BIDDERS 3/15/23	Open	184.00	0.00		
Total Purchase Orders: 102 Total P.O. Line Items: 0 Total List Amount: 200,887.73 Total Void Amount: 0.00									

	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 April 17, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-143

Title: AUTHORIZING THE PAYOUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has resigned from the Township and is entitled to payment for accumulated vacation, compensatory, personal and sick 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 Lauren Picard that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a payment due to Don Douglass in the amount of \$31,666.93 is authorized and is chargeable to Reserve for Accumulated Absences.

	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 April 17, 2023.

Julie A Picard, Township Clerk

Douglass, Don

TOWNSHIP OF LOWER
RETIREMENT PAYOUT ANALYSIS
DATE:

EMPLOYEE: Douglass, Don
DATE OF RETIREMENT 4/1/2023
DATE OF PAYMENT:
RESOLUTION #:

Annual Salary:	\$64,229.36
Hourly Rate:	\$30.8795
Longevity	\$0.00

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	14.50	30.88	447.75
Personal	14.00	30.88	432.31
Sick	960.00	30.88	29,644.32
Vacation	37.00	30.88	1,142.54
Terminal Leave Payout			\$31,666.93

	(A)	(B)	(C)	(B * C)	(E)	A + D - E	
	Carryover	Annual	13/ 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp	14.50			0.00		14.50	
Personal	6.00	32.00	0.25	8.00	0.00	14.00	contract max
Sick	1,068.75	120.00	0.25	30.00	8.00	960.00	960 hours
Vacation	78.00	200.00	0.25	50.00	91.00	37.00	
Holidays							
Total	1,167.25	352.00	0.75	88.00	99.00	1,025.50	

Accrual and time used are current to 03/18/2023 subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

Date: _____

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

RESOLUTION #2023-144

Title: AUTHORIZING THE PAY OUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has resigned from the Township and is entitled to payment for accumulated vacation, compensatory, personal and sick 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 Lauren Picard that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a payment due to Donald Clark in the amount of \$16,393.27 is authorized and is chargeable to Reserve for Accumulated Absences.

	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 April 17, 2023.

Julie A Picard, Township Clerk

Clark, Donald

TOWNSHIP OF LOWER
 RETIREMENT PAYOUT ANALYSIS
 DATE:

EMPLOYEE: Clark, Donald
 DATE OF RETIREMENT 4/1/2023
 DATE OF PAYMENT:
 RESOLUTION #:

Annual Salary:	\$61,911.95
Hourly Rate:	\$29.7654
Longevity	\$0.00

TERMINAL LEAVE:			
	Hours	Rate	Total
Comp	0.00	29.77	0.00
Personal	(8.00)	29.77	(238.12)
Sick	555.25	29.77	16,527.22
Vacation	3.50	29.77	104.18
Terminal Leave Payout			\$16,393.27

	(A)	(B)	(C)	(B * C)	(E)	A + D - E	
	Carryover	Annual	13/ 52 weeks	Prorated Time Due	Time Used	Hours to be paid	
Comp				0.00		0.00	
Personal	0.00	32.00	0.25	8.00	16.00	(8.00)	contract max
Sick	679.25	120.00	0.25	30.00	154.00	555.25	960 hours
Vacation	1.50	200.00	0.25	50.00	48.00	3.50	
Holidays							
Total	680.75	352.00	0.75	88.00	218.00	550.75	

Accrual and time used are current to 03/31/2023 subject to change if time is used or not currently reported.

Employee Signature: _____

Date: _____

Treasurer's Signature: _____

Date: _____

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

RESOLUTION #2023-145

Title: A RESOLUTION REQUESTING REDUCTION OF PERFORMANCE GUARANTEE FOR EARL DRIVE ESTATES MAJOR SUBDIVISION, BLOCK 501; LOT 11.01; ESCROW #P08-02-05

WHEREAS, Thomas Hartle posted a Performance Guarantee with the Township of Lower in the amount of \$138,695.60 for the major subdivision referenced above; and

WHEREAS, the Township Engineer has recommended that improvements having a total value of \$24,240.00 have been properly installed and are presently acceptable; and

WHEREAS, the Township Engineer has recommended that the Performance Bond be reduced by the said amount of \$24,240.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Performance Guarantee of \$138,695.60 be and hereby is reduced by the sum of \$24,240.00 leaving a remaining balance of \$114,455.60.

BE IT FURTHER RESOLVED that the Township Treasurer be granted permission to issue a check in the amount of \$24,240.00 plus any accrued interest, if applicable, in payment of the reduced Performance Guarantee.

	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 April 17, 2023.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2500 Bayside Road
Villas, New Jersey 08257



Incorporated 1798

(609) 886-2003

MEMORANDUM

TO: Township Council

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

DATE: March 31, 2023

RE: Resolution #2023-145
Major Subdivision
Earl Drive Estates
Block 501, Lot 11.01
Thomas Hartle
Twp Escrow #P08-02-05

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

Pursuant to the above referenced Subsection 400-81E, Resolution #2023-145 is required to reduce the Performance Guarantee held in trust by the Township of Lower for Thomas Hartle.

The required final inspection report, certifying completion, compliance and condition of the work, has been received from the Township Engineer, Mott MacDonald. The Township Engineer recommends the reduction of the retained \$138,695.60.

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

Improvements having a total value of \$24,240.00 have been completed. Therefore, the Township Engineer recommends the reduction of the Performance Guarantee.

cc: financial file



Mr. William Galestok, PP, AICP
 Lower Township Planning Director
 2600 Bayshore Road
 Villas, NJ 08251

Via E-mail

Your Reference
 Twp. No P08-02-05

Our Reference
 MM No. 507100071-028

3 Paragon Way
 Freehold, NJ 07728

T +1 (609) 465 9377
 F +1 (609) 465 5270
 www.mottmac.com

**Major Subdivision Earl Drive Estates – Performance Guarantee
 Reduction
 Block 501, Lot 11.01
 Township of Lower, Cape May County**

March 30, 2023

Dear Mr. Galestok:

The applicant, Tom Hartle, has requested a reduction in the performance guarantee for the above referenced project, specifically for Item #1 - Site Clearing and Item #10 - 6" Dense Graded Aggregate. Item #1 is in the amount of \$5,000 and Item #10 is in the amount of \$15,200.

Mott MacDonald has conducted multiple inspections at the project site, and has found the construction to be in conformance with the approved plan set; therefore, we recommend the performance guarantee be reduced from **\$138,695.60** to **\$114,455.60** as indicated in red on the table below.

PERFORMANCE GUARANTEE ITEMS					
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL
1	Site Clearing	1	LS	\$5,000.00	\$5,000.00
2	Deciduous Tree	20	EA	\$225.00	\$4,500.00
3	Concrete Driveway Apron	1,006	SF	\$12.00	\$12,072.00
4	Concrete Sidewalk	216	SF	\$10.00	\$2,160.00
5	Concrete Rolled Curb	162	LF	\$40.00	\$6,480.00
6	Demolition and Restoration of Existing Cul-De-Sac	1	LS	\$12,000.00	\$12,000.00
7	Manhole Cover	1	EA	\$750.00	\$750.00
8	1.5" Asphalt Surface Course	149	TON	\$105.00	\$15,645.00
9	3" Asphalt Base Course	298	TON	\$100.00	\$29,800.00
10	6" Dense Graded Aggregate	1,520	SY	\$10.00	\$15,200.00
11	Street Light	2	EA	\$2,500.00	\$5,000.00
12	Concrete Monument	8	EA	\$225.00	\$1,800.00
13	Seeding	10,060	SF	\$0.10	\$1,006.00
ESTIMATED IMPROVEMENT TOTAL (PERFORMANCE GUARANTEE ITEMS)					\$91,213.00



SAFETY AND STABILIZATION GUARANTEE	\$5,000.00
PERFORMANCE GUARANTEE TO BE SUBMITTED <i>(N.J.S.A. 40:55D-53.a.1 - (120% of estimated improvement total – Performance Guarantee Items) & Safety and Stabilization Guarantee)</i>	\$138,695.60
PERFORMANCE GUARANTEE BASED ON COMPLETED ITEMS <i>(N.J.S.A. 40:55D-53.a.1 - (120% of estimated improvement total – Performance Guarantee Items) & Safety and Stabilization Guarantee)</i>	\$114,455.60

Should you have any questions, please do not hesitate to call.

Very truly yours,

Mott MacDonald, LLC

A handwritten signature in black ink, appearing to read 'Shawn A. Carr'.

Shawn A. Carr, PE, CME
Principal Project Manager
T 609.465.9377 F 609.465.5270
Shawn.Carr@mottmac.com

SAC
encl.

cc: Patrick Wood, Lower Township (via email)
Tim Clarke, Mott MacDonald (via email)
Tom Hartle (via email)

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

RESOLUTION #2023-146

Subject: Affidavit of Foreclosure #Group 2

DATE: April 5, 2023

I KATHY BROWN, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. I Kathy Brown, tax collector of The Township of Lower, County of Cape May, State of New Jersey of full age, by way of certification in accordance with R.1:4-4(b), says
2. I am an agent of the plaintiff in foreclosure action #F-003044-23
3. On April 5, 2023, I posted a copy of the Notice of In Rem Tax Foreclosure of Tax Lien Titles, dated and published on April 5, 2023 in five locations set forth on the list below, the same being conspicuous places within the Township of Lower.
4. I certify that the foregoing statements made by me are true.
5. A Copy of the Notice of Sale was set up in five of the public places in the Municipality, namely:

Township of Lower Town Hall
 2600 Bayshore Road
 Villas, NJ 08251
Posted April 5, 2023

Cape May County Library, Lower Township Branch
 2600 Bayshore Road.
 Villas, NJ 08251
Posted April 5, 2023

United States Post Office in Villas
 1814 Bayshore Road, Suite 1
 Villas, NJ 08251
Posted April 5, 2023

Lower Township MUA
 2900 Bayshore Road
 Villas, NJ 08251
Posted April 5, 2023

United States Post Office
 3860 Bayshore Road
 Cape May, NJ 08204
Posted April 5, 2023

 Kathy Brown, C.T.C.
 Lower Township

Sworn and subscribed to before me,
 A Notary Public of New Jersey, this
 ____ Day of _____

I, Julie A Picard, Township Clerk of the Township of Lower, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Council at a meeting of said Lower Township Council, held on December 19, 2022 and said Resolution was adopted by not less than a two-thirds vote of the members of the Township Committee.

Witness my hand and seal of
 the Township of Lower, this
 6th day of April 2023

 Julie A Picard, Township Clerk

 Karen S Fournier, Notary Public

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

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

RESOLUTION # 2023-147

Title: **CONTRACT AWARD TO PROVIDE THE 2023 FIREWORKS SHOW INCLUDING THE BARGE TO S. VITALE PYROTECNICO INDUSTRIES INC.**

WHEREAS, On June 6, 2022 Resolution #2022-192 Accepted and Awarded the Independence Day Fireworks Show Contract including Barge for 2023 with an option of 2024 and 2025 Year to Pyrotecnico Fireworks Inc.; and

WHEREAS, Pyrotecnico Fireworks Industries Inc. complied with the specifications and supplied all required bid documents and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: 3-01-30-420-254

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 following contract is hereby awarded:

AWARD TO: S. VITALE PRYOTECNICO INDUSTRIES INC.
TOTAL: 2023 YEAR (1 of 3) \$61,000.00 w/Rain Delay Terms of \$8,765.00 and \$2,500.00 for Incurred Barge Fees
(Township shall provide loaded barge Police Security on July 3, 2023)

	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 April 17, 2023.

Julie A Picard, Township Clerk

PLEASE EXECUTE THIS FORM & SUBMIT WITH THE BID PACKAGE

Bid# 2022-04 PROPOSAL FORM

**Fireworks Display Including Barge for Independence Day Event
2023 and 2024 with a 2025 option**

In accordance with the Bid Proposal, General Instructions, Conditions and Specifications, we wish to bid the following; **Supply & perform a minimum Twenty Three (23) minute Independence Day Pyro theatrical performance of a fireworks show on July 3 @ 9:00 PM EDT with a rain date of July 5 for each calendar year.**

***A copy of the proposed program for the aerial display shall be provided with the submittal of the bid proposal. Failure to supply the required program with the proposal shall be considered just cause for the Township's rejection of the bid. Barge Show Must be Electronically Fired.**

1.	2023 Independence Day Firework Show Bid Price	\$ <u>61,000.00</u>
		2023
2.	2024 Independence Day Firework Show Bid Price	\$ <u>65,000.00</u>
		2024
3.	2025 Independence Day Firework Option Price	\$ <u>69,000.00</u>
		2025

RATE FOR WEATHER/RAIN DELAY/POSTPONEMENT

Weather/Rain Delay/Postponement Date/Time: If required this date shall be determined by the Township at the time of the postponement of the originally scheduled show.

Note: This fee shall only be paid by the Township, if the weather/rain delay/postponement is evoked by the Township and if **less** than twenty-four (24) hours of notice is given to the contractor.

2023 = \$8,765.00 + Incurred Barge Fees

2024 = \$9,340.00 + Incurred Barge Fees


2025 = \$9,915.00 + Incurred Barge Fees

\$ 2023/2024/2025

****Detailed Description of type and amount of shells per "Show" must accompany the proposal.**

Submitted by: Pyrotecnico Fireworks, Inc.
(Name of Firm)

Name: Lynn Ann Hamed
(Please Type or Print)

Signature: 

Title: Corporate Secretary (Authorized Signatory)

March 28, 2022

Dated: / /

2023 Fireworks Independence Day Event Contract
AGREEMENT FOR PROVISION OF FIREWORKS
IN ACCORDANCE WITH BID

THIS AGREEMENT is entered into on the 6th day of June 2022 by and between TOWNSHIP OF LOWER, a municipal corporation with offices located at 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as "Township") and **PYROTECNICO**, a New Jersey corporation with offices located at P.O. Box 149, New Castle, Pennsylvania 16103 (hereinafter referred to as "Pyrotecnico").

WHEREAS, the Township requires a Fireworks Display to be launched in the Delaware Bay on July 3, 2023 (the "Fireworks Display"), which is a highly specialized and qualitative service requiring a certain level of expertise, extensive training and a proven reputation in the field of fireworks display.

WHEREAS, the Township has selected Pyrotecnico to provide the Fireworks Display based upon its response to a Sealed Bid, Pyrotecnico being the only respondent. 2023 will be the first year of a three-year contract ending in 2025 and on the strong recommendations received from other governmental entities that display of fireworks in the State of New Jersey;

WHEREAS, the Township therefor desires to enter into a contract with Pyrotecnico for the Fireworks Display in accordance with the terms and conditions set forth herein; and

WHEREAS, this Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the parties hereto, intending to be legally bound hereby covenant and agree as follows:

1. Scope of Services. Pyrotecnico agrees to provide and perform certain specialized services for Township in accordance with the terms and conditions of the Pyrotecnico Contract attached hereto as EXHIBIT A and incorporated herein by this reference as well as in conformance with this agreement and Resolution 2023-__, the terms of which are also incorporated herein by reference. These items shall constitute the contract by and between the parties (the "Contract"). All terms and conditions of the Pyrotecnico Contract and the BID shall remain in full force and effect unless in conflict with this Agreement, in which case the terms of this Agreement shall control, or unless specifically modified by this Agreement.

2. Barge Company. Pyrotecnico shall also contract with a fully licensed and qualified Barge Company (the "Barge Company") to provide the barge services necessary for the Fireworks Display. Pyrotecnico shall be responsible for the Barge Company and all services to be provided by the Barge Company in connection with the Fireworks Display. The fireworks necessary for the Fireworks Display shall be loaded within Lower Township at the Dock of Cape Fisheries for display on the evening of July 3, 2023.

3. Scheduling Issues. The scheduled Fireworks Display shall be on July 3, 2023, with a window start time of between 9:00 P.M. and 10:00 P.M. It will be determined by 6:00 A.M. on July 3, 2023 as to whether the Fireworks Display can occur due to weather conditions. In the event that the Fireworks Display is cancelled because of weather conditions, which determination shall be made by Pyrotecnico in consultation with the Township Manager, Fire Official and Chief of Police, all in accordance with the terms of the BID, the rain date will be July 5, 2023.

4. Compensation. As a fee for providing the Fireworks Display for 2023 event, the Township shall pay to Pyrotecnico the sum of Sixty-One Thousand Dollars (\$61,000.00), which shall be due and payable on or before July 7, 2023. From this amount, Pyrotecnico shall compensate the Barge Company for its fee in providing the transportation services necessary for the Fireworks Display. Any Police security fees associated with Lower Township's Fireworks display for July 3, 2023 only will not be charged to Pyrotecnico. Services or agreements with any other Town or Contract must be secured with an appropriate Township of Lower 3rd Party Agreement, which must be approved and scheduled accordingly.

In the event that Weather/Rain Delay/Postponement occurs the terms and conditions for compensation will be as per Pyrotecnico submitted bid proposal. If the Fireworks Display is cancelled because of weather conditions, which determination shall be made by Pyrotecnico in consultation with the Township Manager, Fire Official and Chief of Police, all in accordance with the terms of the BID, the rain date will be July 5, 2023 at a cost of Eight Thousand Seven Hundred Sixty-Five Dollars (\$8,765.00) plus Barge Fees of Two Thousand Five Hundred (\$2,500.00).

5. Assignment. Services provided under this Agreement and the Contract is for the exclusive use of Township. Neither Township nor Pyrotecnico shall assign its interest in this Agreement or the Contract without the written consent of the other.

6. Severability. The terms, conditions, covenants, and provisions of this Agreement and Contract shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity of any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

7. Other Agreements. This Agreement, the Pyrotecnico Contract and BID #2022-04, represent the entire agreement between the parties hereto and there are no other or collateral oral agreements or understandings. No addition, modification or variation from this Agreement as compiled shall be enforceable unless the same shall be in writing and signed by the parties hereto.

8. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

9. Choice of Law/Venue. This Agreement, the Pyrotecnico Contract and BID #2022-04 shall be governed by and construed in accordance with the laws of the State of New Jersey, excluding choice of law rules thereof. Any and all actions to enforce or to interpret This Agreement, the Pyrotecnico Contract and BID No 2022-04 shall be brought in the Superior Court of New Jersey, Cape May County and any language in any compiled document to the contrary is hereby superseded by this provision and of no force or effect.

10. Waiver. The parties hereto waive a trial by jury of any and all issues arising in any action or proceeding between them under or connected with this Agreement or Contract or any of the provisions or any negotiations in connection therewith.

11. Paragraphs. The titles to paragraphs of this Agreement are for convenience of reference only, and are not to be construed as defining, limiting or modifying the scope or intent of any of the terms and conditions of this Agreement.

12. Counterparts; Facsimiles. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original. Facsimile copies hereof shall be deemed to be originals.

13. Approval by Township Council. This Agreement is contingent upon approval by the Township Council of the Township of Lower, Cape May County.

14. Compliance with Laws and Regulations. During the performance of this Agreement, Pyrotecnico agrees as follows:

A. Pyrotecnico, or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. Pyrotecnico will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to, the following: (i) employment, upgrading, demotion, or transfer; (ii) recruitment or recruitment advertising; (iii) layoff or termination; (iv) rates of pay or other forms of compensation; and (v) selection for training, including apprenticeship. Pyrotecnico agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this non-discrimination clause.

B. Pyrotecnico, or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of Pyrotecnico, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex.

C. Pyrotecnico, or subcontractor, where applicable, will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of Pyrotecnico' commitments under applicable law, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. Pyrotecnico, or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer of the State of New Jersey ("Treasurer") pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

E. Pyrotecnico, or subcontractor, where applicable, agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

F. Pyrotecnico, or subcontractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

G. Pyrotecnico, or subcontractor, where applicable, agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable federal law and applicable federal court decisions.

H. Pyrotecnico, or subcontractor, where applicable, shall furnish such reports or other documents to the Affirmative Action Office as may be requested from time to time in order to carry out the purposes of the regulations of the Treasurer promulgated under P.L. 1975, c.127, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conduction of a compliance investigation pursuant to Subchapter 10 of N.J.A.C. 17:27.

IN WITNESS WHEREOF, the parties have hereunto signed and sealed the date first above written.

ATTEST:

TOWNSHIP OF LOWER

Julie Picard, Township Clerk

BY: _____
Frank Sippel, Mayor

ATTEST:

PYROTECNICO

, Secretary

BY: _____
Representative

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

RESOLUTION #2023-148

Title: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF COPS IN SHOPS FUNDING SUMMER SHORE INITIATIVE 2023

WHEREAS, the Township of Lower has applied for and obtained a grant – Grant #AL-23-45-05-03 from the New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control to run the Cops in Shops Summer Shore Initiative 2023 for the period of May 24, 2023 through September 15, 2023.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lower, County of Cape May, State of New Jersey does hereby authorize the grant agreement AL-23-45-05-03 in the amount of \$1,440.00, and does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Lower and the New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control.

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

(Signature)
Frank Sippel, Mayor

(Signature)
Kevin Lewis, Chief of Police

	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 April 17, 2023

Julie A Picard, Township Clerk



STATE OF NEW JERSEY

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
P.O. BOX 087
TRENTON, NJ 08625-0087
PHONE: (609) 984-2830 FAX: (609) 633-6078
WWW.NJ.GOV/OAG/ABC

PHILIP D. MURPHY
Governor

MATTHEW J. PLATKIN
Acting Attorney General

SHEILA Y. OLIVER
Lt. Governor

JAMES B. GRAZIANO
Director

April 11, 2023

Chief Kevin Lewis
Lower Twp. Police Department
405 Breakwater Road
Erma, New Jersey 08204

RE: COPS IN SHOPS FEDERAL FISCAL YEAR 2023
SUBGRANT # ABC-10-23
PROGRAM: SUMMER SHORE INITIATIVE 2023

Dear Chief Lewis:

The Division of Alcoholic Beverage Control ("ABC") is pleased to accept your municipality's application for grant funds to participate in Cops In Shops FFY 2023. This Initiative is supported by FFY 2023 National Priority Safety Programs (CFDA NO. 20.616) funding from the Department of Transportation, National Highway Traffic Safety Administration.

GRANT AWARD

After careful consideration of your application, ABC has allocated **\$1440.00** to your municipality for the assignment of officers to Cops in Shops details during the **Summer Shore Initiative 2023**. This figure is based on 2-officer teams conducting 4-hour details at the reimbursement rate of \$60.00 per hour per officer. The program period is from May 24, 2023 through September 15, 2023.

Details are authorized to be conducted at the following cooperating plenary distribution licensees located in your municipality:

Crest Tavern
Villas Liquor Store

Acme Markets
Joe Canals of Cape May

Neither ABC nor any other State agency will be responsible for any funds expended or liabilities incurred in excess of the amount set forth above. This subaward is subject to the requirements set forth in all applicable Federal and State statutes and regulations and the Award Conditions included with your application. This subaward also incorporates all conditions and representations contained or made in the application and notice of award.

The municipality agrees that the failure to comply with the agreement as set forth in the application could result in the forfeiture of the right to receive these funds. Each municipality should consult with its municipal attorney in connection with any legal or liability issues that may be related to this project.

PROGRAM FORMS – ENCLOSED

As a condition of funding to implement the Cops in Shops program, the municipality agreed to complete all Program Forms in an accurately and timely manner. It is imperative that program participants follow the instructions regarding completion and submission of the Monthly Reimbursement Forms, Summary of Arrest Forms and Arrest/Citation Report Forms. Failure to do so could affect reimbursement. **Please do not utilize forms from past programs.**

MUNICIPAL RESOLUTION, SUBAWARD FORM & SPECIAL CONDITIONS

Each municipality is required to pass a resolution and submit a copy to ABC, authorizing the acceptance of Cops in Shops funding, prior to reimbursement. The resolution must include all of the elements stated in the checklist (enclosed). In addition, the subaward form and special conditions (enclosed) must be signed by the appropriate officials and submitted. Municipalities should email these to Assistant Manager of Finance & Operations, Lisa Lowe as soon as possible. **Without a municipal resolution, subaward form and special conditions your municipality will not be reimbursed for Cops in Shops details.**

Should you have any questions regarding this grant or any Cops in Shops related issues, please contact me at (609) 376-9673 or Lisa.Lowe@njoag.gov.

Very truly yours,



Lisa Lowe
Assistant Manager, Finance & Operations

c: DSG. Michael Perry, via e-mail only, Enclosures



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

RESOLUTION #2023-149

Title: A RESOLUTION AUTHORIZING AND APPROVING A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE CITY OF WILDWOOD FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the Township of Lower desires to enter into a Shared Service Agreement with the City of Wildwood to permit Wildwood to provide all of the usual and ordinary Emergency Medical Services for the area known as "Schooner Island" in the Township of Lower; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes any local government to enter into a contract with any other local government unit to provide and receive any service that each unit is empowered to provide and receive within its own jurisdiction; and

WHEREAS, this Shared Service Agreement is in the best interest for the safety of the residents and visitors of the Township of Lower; and

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

Amount: \$3,333.34
Appropriation: 3-01-25-260-274

Signature: Lauren Reed

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, in the County of Cape May, State of New Jersey, that the shared services agreement between the Township of Lower and the City of Wildwood be and is hereby authorized and accepted and that the proper officials of the Township of Lower are authorized to execute said contract.

BE IT FURTHER RESOLVED, that the contract shall take effect on May 1, 2023 and shall terminate on December 31, 2025 in accordance with N.J.S.A. 40A:65-1 et seq.

	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 April 17, 2023.

Julie A Picard, Township Clerk

SHARED SERVICE AGREEMENT

BY AND BETWEEN

THE TOWNSHIP OF LOWER

AND

THE CITY OF WILDWOOD

DATED

AN AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE CITY OF WILDWOOD
FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR SCHOONER ISLAND
MARINA

A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE CITY OF WILDWOOD FOR THE PROVISION OF EMERGENCY MEDICAL SERVICES FOR SCHOONER ISLAND MARINA

THIS SHARED SERVICE AGREEMENT is made this ____ day of _____, 2023 by and between the TOWNSHIP OF LOWER (the “Township”), a municipal corporation of the State of New Jersey whose administrative offices are located at 2600 Bayshore Road, Villas, New Jersey 08251 and the CITY OF WILDWOOD (the “City”), a political subdivision of the State of New Jersey, with municipal offices located at 4400 New Jersey Avenue, Wildwood, New Jersey 08260, and who may collectively be denominated as the “Parties” in this Agreement, and each may be called, separately, a “Party.”

WITNESSETH:

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the “Act”), authorizes local units of this State to enter into agreements with any other local unit or units in order to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Lower has identified a need to procure usual and ordinary Emergency Medical Services for the area of the Township known as Schooner Island Marina; and

WHEREAS, the City has expressed a willingness to enter into a Shared Services Agreement with the Township for the provision of all usual and ordinary Emergency Medical Services for the area of the Township known as Schooner Island Marina; and

WHEREAS, in the spirit of interlocal cooperation, and in furtherance of the principals underlying the Act, the Township and the City have negotiated an Agreement and deem it necessary and proper to memorialize these terms, as set forth below, in order to outline their respective rights and responsibilities for the benefit of both parties.

NOW THEREFORE, the Parties hereto, intending to be legally bound, do hereby adopt and endorse the following agreement to outline their rights and responsibilities in order for the City to provide website design, hosting, and maintenance services to the Township:

1. **PREAMBLE:** All of the Statements of the Preamble to this Agreement are repeated and incorporated herein by reference as if set forth in full.

2. **TERM OF THE AGREEMENT:** This Agreement shall take effect on May 1, 2023 through December 31, 2025.

3. TOWNSHIP RESPONSIBILITIES:

- A. The Township will pay the City the following sums of money for the provision of all usual and ordinary Emergency Medical Services for the area of the Township known as Schooner Island Marina:
 - i. \$3,333.34 due on or before July 1, 2023 for the term commencing on May 1, 2023 through December 31, 2023;
 - ii. \$5,000 due on or before July 1, 2024 for the term commencing on January 1, 2024 through December 31, 2024; and
 - iii. \$5,000 due on or before July 1, 2025 for the term commencing on January 1, 2025 through December 31, 2025.

4. CITY RESPONSIBILITIES:

- A. The City shall provide first response for Emergency Medical Services throughout the area of the Township known as Schooner Island.
- B. The City shall provide the same priority and the same level of emergency medical service for calls received from Schooner Island Marina as is currently provided by the City throughout the City of Wildwood.
- C. Calls for Emergency Medical Services shall be routed to the City of Wildwood, and the City shall respond to emergency medical service calls received from these locations immediately upon dispatch.
- D. In accordance with the Cape May County Mutual Aid Policy, in the event that the City is committed to prior emergency service calls/responses at the time that a call for emergency services is received from Schooner Island Marina, either the City of North Wildwood or the Borough of Wildwood Crest will respond through Mutual Aid to the emergency service calls received from Schooner Island Marina.

6. TERMINATION: Notwithstanding the foregoing, this Agreement may be terminated, on ninety (90) days written notice to the other party, for any reason or no reason, or if a provision of the Agreement is breached by the non-breaching party by notifying the breaching party, in writing, of the grounds associated with the alleged breach. The breaching party shall have fifteen (15) days in which to answer and cure said breach. If the breach is not adequately cured within that time, the non-breaching party shall have the immediate option to declare this Agreement terminated.

7. INSURANCE AND INDEMNIFICATION: The parties represent that each is insured for liability purposes and agree to remain insured by for so long as this Agreement remains in effect. The parties agree, to the extent possible under the terms of their respective insurance

coverages, to name each other as additional insured on such policies of insurances to protect against liability arising from the provision of services under this Agreement, and to maintain such coverages throughout the duration of this Agreement.

The parties hereby agree to mutually indemnify, defend and hold one another harmless from any and all claims, demands, liabilities, causes of action, complaints, suits (at law or in equity), damages, penalties, fines, judgments, losses, costs and expenses (including without limitation reasonable attorneys' fees, court costs, consultants' and experts' fees, and the cost of enforcing this agreement) (collectively "claims"), arising out of the sole negligence, criminal acts and/or intentional conduct of either the Township or City or any employees, agents or officers thereof or acting on that Party's behalf, related to, either directly or indirectly, the performance by such Party contemplated by this Agreement.

The Parties agree to submit a copy of this Shared Services Agreement to their respective insurance carriers prior to the execution of same. The Parties agree that during the term of this Agreement they shall keep in force a policy of general and comprehensive liability insurance that will insure each party against any claims for any actions or omissions charged against either or both parties during the term of this Agreement. Each Party agrees to cooperate with the other in the defense of any claim or claims assessed against either or both parties arising out of the rendering or non-rendering of services contemplated by this Agreement.

8. ADDITIONAL SERVICES: In the event additional services associated with this Agreement are required and/or deemed necessary, which are not specifically set forth within this Agreement, the parties are free to enter into additional written agreements in order to effectuate the intent and purposes of this Agreement, without the need for official authorization from the parties. The parties expressly understand and agree that any fees associated with additional services must be negotiated and agreed upon in advance prior to undertaking said services and prior to requesting payment in connection with same.

9. ASSIGNMENT: The rights and the obligations under this Agreement shall not be assigned by either party without the express written consent of the other.

10. APPLICABLE LAW: This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

11. ENTIRE AGREEMENT: This Agreement represents the entire Agreement between the parties and may not be changed orally, and may only be modified or amended by a written statement signed by both parties.

12. SEVERABILITY: If any part of this Agreement shall be held to unenforceable or invalid the remainder of the Agreement shall nevertheless remain in full force and effect.

13. WAIVER: Failure to insist upon strict compliance with any of the terms, covenants or conditions of this Agreement at any one time shall not be deemed a waiver of such term, covenant or condition at any one time nor shall any waiver or relinquishment of any right or

power herein at any time be deemed a waiver of relinquishment of the same or any other right or power at any other time.

14. AUTHORIZATION OF OFFICIALS; COUNSEL APPROVAL: The parties acknowledge that this Agreement has been executed and sealed by officials authorized and directed to execute same on behalf of the respective Parties by duly adopted resolutions for such purposes.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the date first above written.

ATTEST:

TOWNSHIP OF LOWER

Julie Picard, Township Clerk

Frank Sippel, Mayor

ATTEST:

CITY OF WILDWOOD

Peter Byron, Mayor

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

RESOLUTION #2023-150

Proclamation

"Wear Purple Day – April 21, 2023"

WHEREAS, Alcohol is the most commonly used addictive substance in the United States; and

WHEREAS, One in every 12 adults suffers from alcohol abuse or dependence and more than half of all adults have a family history of alcoholism or problem drinking; and

WHEREAS, 100,000 persons die each year from alcohol-related causes (drunk driving crashes, other accidents, falls, fires, alcohol-related homicides and suicides); and

WHEREAS, Teens who start drinking before the age of 14 are 7 times more likely to develop alcohol problems by the time they are 21; and

WHEREAS, The month of April has been recognized as Alcohol Awareness Month by NCADD (National Council on Alcoholism and Drug Dependence), the founder and sponsor of Alcohol Awareness Month; and

WHEREAS, The color that NCADD uses is in the purple/violet family – a color that is similar to the amethyst. Here is the reasoning behind the amethyst color: AMETHYST is the most beautiful and valuable form of Quartz. The word 'amethyst' stems from a Greek word meaning "without drunkenness," for in ancient times it was believed that anyone carrying or wearing this stone could not become intoxicated." Anyone who displays the amethyst color announces that they know someone whose life has been improved through alcoholism treatment.

NOW, THEREFORE, BE IT RESOLVED, that Lower Township has recognized that Friday April 21, 2023 is "Wear Purple Day" in recognition of Alcohol Awareness Month and encourages all of the citizens throughout Lower Township to join in wearing purple.

	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 April 17, 2023

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-151

Title: APPROVING CHANGE ORDER #1 AND FINAL PAYMENT TO FRED M SCHIAVONE CONSTRUCTION TO REATTACH POST TO CONCRETE AT ENTRANCE FOR MILLMAN CENTER IMPROVEMENTS PROJECT (LT-C-030)

WHEREAS, Fred M. Schiavone Construction Inc. was awarded on January 4, 2023 by Resolution #2023-52 for the Millman Center Improvements (LT-C-030) for \$56,300.00; and

WHEREAS, DeBlasio & Associates has provided a proposal for Change Order #1 to Reattach the Post to concrete at the entrance of the Millman Center for \$4,509.60; and

WHEREAS, the Township Council desires to approve Change Order #1 in the amount of \$4,509.60; and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation C-04-55-433-662

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 Change Order #1 attached hereto in the amount of \$4,509.60 is hereby approved and increasing the contract total to \$60,809.60.

	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 April 17, 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

April 12, 2023

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

Re: **Township of Lower, Cape May County, NJ**
Millman Center Improvements
D&A File #: LT-C-030

Dear Ms. Picard:

Enclosed please find four (4) copies of **CHANGE ORDER NO. 1** 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 work:

1. Reattach Post to Concrete.

Please note this change order will result in an increase of \$4,509.60 to the original contract amount of \$56,300.00 for an amended contract amount of \$60,809.60.

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: 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.)

DEBLASIO & ASSOCIATES
CONSULTING ENGINEERS AND PLANNERS

Change Order #1

Client: Township of Lower
Date: 04/12/2023
Project Name: Millman Center Improvements
D&A Project #: LT-C-030

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

A. Supplemental Items

Contract Pay Item Number	Description	Unit	Quantity	Contract Unit Price	Contract Total
S1	REATTACH POST TO CONCRETE	LS	1	\$4,509.60	\$4,509.60
Subtotal:					\$4,509.60

Net Contract Change: \$4,509.60
Original Contract Amount: \$56,300.00
Contract Percentage Change (%): 8.01
Amended Contract Amount: \$60,809.60

Approved and Accepted by:

Marc DeBlasio 4/12/23
Marc DeBlasio, P.E., Township Engineer Date

Roberta M. Schiavone 4/12/23
Fred M. Schiavone, Inc. Date

Township of Lower Date



P.O. Box 416
 Malaga, NJ 08328
 Ph: 856-697-4558, Fax 856-697-9612

March 22, 2023

DeBlasio & Associates
 9508 Second Avenue
 Stone Harbor, NJ 08247
 ATTN: Marc DeBlasio

Change Order Proposal # 1 : Millman Center Improvements

Change Order Proposal # 11	QUANTITY	UNIT	UNIT PRICE	EXTENSION
Reattach Post to Concrete				
	Quantity	Unit	Price	Total
Material				
Simpson Clips & Anchors	1	ls	\$262.00	\$262.00
PVC Trim	1	ls	\$328.00	\$328.00
Labor				
Carpenter Foreman	12	Hrs	\$137.00	\$1,644.00
Carpenter	12	Hrs	\$127.00	\$1,524.00

Sub Total	\$3,758.00
20% OH	\$751.60
Total	\$4,509.60

Thank you
 Fred M. Schiavone Jr.
 Fred M. Schiavone Construction, Inc.

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

RESOLUTION #2023-152

Title: RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR A PORTER ATHLETIC DIVIDER CURTAIN WITH CENTER ROLL ELECTRIC FOR LOWER TOWNSHIP RECREATION GYMNASIUM

WHEREAS, the Township of Lower has a need to purchase a Porter Athletic Electric Retractable Gym Divider Curtain for \$21,690.00 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Qualified Purchasing Agent has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, Degler Whiting Inc. has submitted a proposal indicating they will provide the Removal and disposal of existing curtain; Installation based on New Jersey Prevailing Wage Rates of (1) One new Porter Athletic 2080 Center Roll electric divider curtain up to 80 Feet Long and 30 Feet High with Sportsonic II transmitter and Receiver kit for \$21,690.00; and

WHEREAS, Degler Whiting Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Degler Whiting Inc. has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit the Degler Whiting Inc. from making any reportable contributions through the term of the contract, and

WHEREAS, the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: C-04-55-433-620 (ORD #22-05)

Signature: Lauren Read, CFO

NOW THEREFORE, BE IT RESOLVED that the Township of Lower authorizes the Purchasing Agent to enter into a contract with Degler Whiting Inc. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a notice of award shall be published in the official Township Newspaper.

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT and 5 rows: 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 April 17, 2023.

Julie A Picard, Township Clerk



**SOURCEWELL VENDOR CONTRACT #082114-PTA
Lower Township Gym Curtain**

Porter Q# 1019795

LINE	PART #	ITEM DESCRIPTION	QTY	NJPA PRICE EA	PRICE TOTAL
1	2080D080L30H	2080 Curtain Spanning Up To 80 FT Long 30 FT High	1	\$15,318.19	\$15,318.19
2	CURTINSTALL4	2080 Curtain Spanning Up To 80 FT Long 30 FT High	1	\$3,200.00	\$3,200.00
3	LOADINSTALL	Unloading	1	\$1,000.00	\$1,000.00
4	REMOVAL1	Removal of existing material curtain level	2	\$400.00	\$400.00
5	12002100	Sportsonic II transmitter Kit	1	\$313.50	\$313.50
6	12002200	Sportsonic receiver kit	1	\$563.35	\$563.35
TOTAL SOURCEWELL CONTRACT*					\$20,795.04
OTHER - NOT UNDER CONTRACT					
FREIGHT - DEDICATED TRUCKS			1	\$894.96	\$894.96

Installation prices are based on using New Jersey Prevailing Wage Rates

EXCLUSIONS:

The following shall not be considered as part of the scope of work to be covered within the grand total of this proposal:

- Different color/finish other than standard Porter offerings.
- Applicable sales taxes.
- ALL conduit, wiring (including controls), electric boxes etc. for hook up of winches/motors. These to be provided by GC or "Others".
- Freight is not part of the NJPA contract. Number provided is an estimate and can change anytime due to fuel's price volatility, weather conditions, etc.

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Firm Name: Degler-Whiting, Inc.

Name of Agent: Timothy E. Whiting

Title: President

Date: 4/13/2023

**LOWER TOWNSHIP
2600 BAYSHORE ROAD
VILLAS, NJ 08251
(609) 886-2005**

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

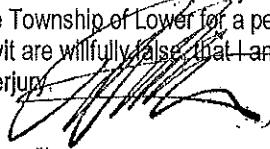
2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

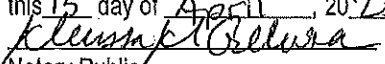
3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

<u>Date</u>	<u>Name of Organization</u>	<u>Amount</u>
	NONE	

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.



Sworn and Subscribed to before me
this 13 day of April, 2023

Notary Public

Commonwealth of Pennsylvania - Notary Seal
MELISSA M. GELWICKS, Notary Public
Chester County
My Commission Expires June 4, 2025
Commission Number 1398519

BUSINESS ENTITY DISCLOSURE CERTIFICATION

NON-FAIR AND OPEN CONTRACTS
Required Pursuant To N.J.S.A. 19:44A-20.8
TOWNSHIP OF LOWER

Part I – Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name Degler-Whiting, Inc. has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Frank Sippel	
David Perry	Any present or future candidate committee or
Rolland Roy	joint candidate committee or local political party
Thomas Conrad	committee formed for the election of members of
Kevin Coombs	the Lower Township governing body.

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

Partnership Corporation Sole Proprietorship Subchapter
 S Corporation Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Timothy E. Whiting	1423 Warwick Furnace Road, Pottstown, PA 19465
Richard Whiting, Jr.	5 Cambridge Road, Downingtown, PA 19335

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Degler-Whiting, Inc.

Signed: [Signature] Title: President

Print Name: Timothy E. Whiting Date: 4/13/2023

Subscribed and sworn before me this 13 day of April, 2023.

My Commission expires: 6/4/2025

[Signature] (Affiant)
 (Print name & title of affiant) (Corporate Seal)

Commonwealth of Pennsylvania - Notary Seal
 MELISSA M. GELWICKS, Notary Public
 Chester County
 My Commission Expires June 4, 2025
 Commission Number 1398519

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

ORDINANCE #2023-07

Title: AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF LOWER, TO ESTABLISH NEW ARTICLE IX, MUNICIPAL PROPERTY, BUILDINGS, STRUCTURES, AND FACILITIES, CONDITIONS OF ENTRY, IN ORDER TO DESIGNATE RESTRICTED AREAS ON TOWNSHIP PROPERTY, IN BUILDINGS, STRUCTURES AND OTHER FACILITIES LIMITED TO AUTHORIZED PERSONNEL ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS CONTAINING PERSONALLY IDENTIFIABLE INFORMATION AND TO PROVIDE A SAFE AND SECURE WORK SPACE FREE FROM INTRUSION AND DISRUPTION FOR TOWNSHIP OFFICIALS AND EMPLOYEES

WHEREAS, the Township of Lower is required to comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records; and

WHEREAS, pursuant to the Act, the Township of Lower has a responsibility to maintain and safeguard public records that consist of or contain confidential information, reports, and documents in municipal offices that are not available for immediate public view and which are deemed confidential pursuant to federal, state, and/or local law; and

WHEREAS, ensuring the security of these records is vital to maintaining the integrity of same and ensuring that confidential information, including but not limited to personal information, phone numbers, social security numbers, dates of birth and other confidential information is safeguarded from public disclosure; and

WHEREAS, the Township desires to provide a productive, safe and secure work environment in which Township officials and employees can perform their official duties and responsibilities unimpeded or disturbed by intrusion or disruption; and

WHEREAS, it is the desire of the Township Council of the Township of Lower to protect public records, and to create secure areas with clear signage that will prohibit persons from entering secured areas where government records exist and to a create safe, secure productive work environment in which Township officials and employees can perform their duties and responsibilities.

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. Section 1. Chapter 3, Administration of Government, Article IX, Municipal Property, Buildings, Structures, and Facilities; Conditions of Entry, is hereby enacted as follows:

Article IX Municipal Property, Buildings, Structures and Facilities; Conditions of Entry

3-46 Purpose.

Municipal offices, work areas, break rooms, storage areas and other such areas not open to the public, located in, or adjacent to any municipally owned property, leased, or controlled by the Township of Lower shall be secured against public entry for the purpose of protecting documents, digital data and other written, copied or printed materials, displayed on computer terminals or screens, that are not subject to the Open Public Records Act, which may include, but are not limited to, personally identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States and to provide a productive, safe and secure work environment in which Township officials and employees can perform their official duties and responsibilities unimpeded or disturbed by intrusion or disruption.

3-47 Conditions Imposed on Access to Municipal Property, Buildings, Structures, and Facilities.

All persons entering into or onto Township owned property, buildings, structures, and facilities, shall

be subject to the following conditions upon entering onto, into or remaining in any such property, building, structure or facility.

- (1) All persons shall have access only to areas that are open to the public and shall not proceed past any posted sign as provided for herein and shall not enter before such time that the property, building, structure, or facility has been opened to the public, or remain therein after such property, building, structure, or facility has been closed to the public.
- (2) All persons entering into or on Township property, buildings, structures, and facilities, shall comply with the directions of any Township employee, official, or agent to immediately leave any area that has been designated as a restricted area, and to immediately relocate to nearest public area. Such directions, notwithstanding any posted signage, shall constitute notice of violation of the conditions of entry imposed upon persons of the public

3-48 Restricted Areas.

Municipal office areas, storage rooms, and work stations within the Township of Lower have been secured and are closed to the public for the purposes set forth within this Article in an effort to ensure the security of documents, digital data, and other written, copied, and/or printed materials that may contain confidential information that is protected by federal, state, and/or local laws.

3-49 Signage.

The Township shall post signs outside of restricted offices, storage rooms, and work areas that read, "Authorized Personnel Only."

3-50 Violations and Penalties.

Any person violating or failing to comply with any of the provisions of this article shall be subject to prosecution pursuant to N.J.S.A. 2C:18-3.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. 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 5. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

First Reading: April 17, 2023

Adopted:

Roland Roy, Jr., Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE NUMBER 2023-08

BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Township of Lower, in the County of Cape May, State of New Jersey (the "Township"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$3,000,000, said sum being inclusive of a down payment in the aggregate amount of \$150,000 for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$3,000,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the aggregate principal amount not exceeding \$2,850,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Township in an aggregate principal amount not exceeding \$2,850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Recreation – Various Improvements To Rotary Park And Recreation Center Including, But Not Limited To, Acquisition And Installation, As Applicable, Of Playground Equipment; Repaving of Driveway At Mitnick School; And Acquisition Of Various Equipment For Municipal Complex Including, But Not Limited To, Trash And Recycling Containers;	\$1,436,939	\$1,365,093	\$71,846	14.85 years
(ii) Public Works (DPW) – Acquisition And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, A Backhoe, A Street Sweeper, A Wheeled Loader, A Stop Sign And Post, And Various Miscellaneous Shop Equipment;	\$733,000	\$696,350	\$36,650	9.67 years
(iii) Police Department - Acquisition And Installation, As Applicable, Of Various Equipment Including, But Not Limited To, Tasers, Gas Masks, A Security Cabinet, Camera System, Automatic License Plate Reader System, Various Hardware, Software And Office Equipment Radio Equipment For Police Vehicles, An All	\$518,311	\$492,395	\$25,916	5.00 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Wheel Drive Vehicle And Two Non-Passenger Vehicles;				
(iv) <u>Administration</u> – General Capital Improvements, And/Or Acquisition And Installation, As Applicable, Of Equipment And Non-Passenger Vehicles, As Applicable, Including, But Not Limited To, Replacement Of Heating, Ventilation And Air Conditioning System, Emergency Equipment, Hardware And Software Upgrades For Various Township Offices, Furniture Replacement, Filing Systems And Archiving Of Records.	\$311,750	\$296,162	\$15,588	5.00 years
TOTALS	<u>\$3,000,000</u>	<u>\$2,850,000</u>	<u>\$150,000</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,850,000.

(c) The aggregate estimated cost of said improvements or purposes is \$3,000,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the aggregate down payment available for said purposes.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Cape May make a contribution or grant in aid to the Township for the improvements and purposes authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Cape May. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Cape May shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Township shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Township is hereby amended to conform with the

provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, is on file in the Office of the Clerk of the Township and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.85 years.
- (c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,850,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
- (d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements herein before described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township hereby declares the intent of the Township to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Township Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Township Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Township covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: April 17, 2023

JULIE PICARD,
Clerk of the Township of Lower

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

ADOPTED ON SECOND READING
DATED: May 1, 2023

JULIE PICARD,
Clerk of the Township of Lower

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2023.

FRANK SIPPEL,
Mayor of the Township of Lower

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

ORDINANCE #2023-09

Title: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, OF THE CODE OF THE TOWNSHIP OF LOWER IN ORDER TO ESTABLISH A MUNICIPAL PARKING PROGRAM FOR PURPLE HEART RECIPIENTS AND DISABLED VETERANS**

WHEREAS, the Township Council of the Township of Lower would like to acknowledge the significant sacrifices that men and women who serve and have served in our armed forces have made for our Country which often go unrecognized; and

WHEREAS, in accordance with N.J.S.A. 39:4-207.10, disabled veterans and recipients of Purple Hearts are exempt from the payment of municipal parking meter fees when a motor vehicle owned by the disabled veteran or the Purple Heart recipient displays disabled veteran's or Purple Heart license plates or a placard issued by the New Jersey Motor Vehicle Commission, for a period not to exceed twenty-four (24) hours; and

WHEREAS, in an effort to honor those men and women who have served in our armed forces who are disabled and/or are recipients of a purple heart, the Township Council of the Township of Lower finds that it is appropriate to establish a parking program to reserve certain public parking spaces for the exclusive use of these individuals;

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. Section 1. Chapter 7, Traffic, Article III, Purple Heart/Disabled Veteran Parking, is hereby enacted as follows

7-21 Purpose.

The Township Council of the Township of Lower recognizes the significant sacrifices that have been made by the men and women who selflessly serve and have served in the armed forces. All too often the sacrifices made by these individuals go unrecognized. In an effort to recognize and honor the men and women who have served in our armed forces, the Township has determined that it is appropriate to establish a parking program to dedicate certain public parking spaces to be utilized exclusively by disabled veterans and veterans who have received a Purple Heart.

7-22 Purple Heart/Disabled Veteran Parking Meter Exemption.

In accordance with N.J.S.A. 39:4-207.10, purple heart recipients and disabled veterans are exempt from payment of municipal parking meter fees, for up to 24 hours, provided their motor vehicle displays a Purple Heart license plate or a placard issued by the New Jersey Motor Vehicle Commission. This exemption shall apply provided the purple heart recipient or disabled veteran is the driver or passenger of the motor vehicle.

7-23 Designation of Parking Spaces.

No person shall stop, stand or park a vehicle in any area designated as Disabled Veteran and Purple Heart parking unless the vehicle bears a Purple Heart license plate or a placard issued by the New Jersey Motor Vehicle Commission.

7-24 Designated Parking Locations.

Pursuant to the provisions of this Article, the following locations within the Township are designated as Purple Heart/Disabled Veteran parking:

- (1) Two (2) parking spaces in the Township Municipal Complex parking lot located at 2600 Bayshore Road;
- (2) Two (2) parking spaces in the Lower Township Police Department parking lot located at 405 Breakwater Road;
- (3) Two (2) parking spaces in the Lower Township Municipal Court parking lot located at 401 Breakwater Road;
- (4) Two (2) parking spaces in the Lower Township Recreation Building parking lot located at 2600 Bayshore Road
- (5) Two (2) parking spaces in the Clem Mulligan Complex parking lot located at 240 Caroline Avenue;
- (6) Two (2) parking spaces in the Lower Township Rotary Park located on Bayshore Road;
- (7) Two (2) parking spaces in the Mindy Park parking lot located on Mindy Avenue;
- (8) Two (2) parking spaces in the David C. Douglass Park parking lot located at the Cape May Lewes Ferry;
- (9) Two (2) parking spaces in the Freeman Douglass, Jr. Memorial Park parking lot located at 677 Route 9;
- (10) Two (2) parking spaces in the Diamond Beach Park parking lot located at Rochester & Pacific Avenues; and
- (11) Two (2) parking spaces in the Jonathan Hoffman Park, a/k/a Mitnick Park, parking lot located on Jonathan Hoffman Road.
- (12) Two (2) parking spaces at the Millman Community Center, 209 Bayshore Road

7-25 Violations and Penalties.

- A. Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$100 for a first offense and a fine of \$200 for a second and/or subsequent violation.
- B. The violation of any provision of this article shall be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. 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 5. 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: April 17, 2023

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2023-05

SALARY AND BENEFIT ORDINANCE FOR THE TOWNSHIP OF LOWER

BE IT ORDAINED by the Township Council, the governing body of the Township of Lower, County of Cape May, State of New Jersey, that the following ranges and rates of pay are established as follows, exclusive of longevity:

TOWNSHIP COUNCIL

Mayor	18,000	to	20,500
Councilmembers	15,000	to	17,500

NON-UNION ADMINISTRATIVE/MANAGEMENT PERSONNEL

Township Manager	85,000	to	135,000
Township Clerk	74,000	to	110,000
Chief Financial Officer	77,000	to	121,000
Assistant Township Clerk	46,000	to	65,000
Personnel Officer	70,000	to	90,000
Appointing Authority	5,000	to	10,000

NON-UNION POLICE PERSONNEL

Chief of Police	107,584.	to	181,500
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SUPERIOR OFFICER – POLICE

Police Captain	100,034	to	152,000
Police Lieutenant	94,000	to	140,000

SUPERVISORS UNION

General Supervisor Public Works	59,000	to	96,000
Tax Assessor	60,000	to	99,584
Tax Collector	60,000	to	97,500
Construction Official	52,000	to	90,500
Supt. Parks & Rec	56,000	to	92,100
Supt. Public Works	75,000	to	120,000
Planning Director	60,000	to	115,000
Court Administrator	55,000	to	92,000
Coordinator Fed & State Aid	50,000	to	90,000
Deputy Court Administrator	45,000	to	60,000
Supervisor of Garage Services	66,000	to	90,000
Supervisor Buildings & Grounds	59,000	to	90,000
Qualified Purchasing Agent	45,000	to	90,000
Purchasing Agent	45,000	to	75,200
Township Engineer	70,000	to	108,245

AFSCME

Cashier	30,211	to	41,133
Clerk Typist / Keyboarding Clerk 1	30,211	to	45,463
Clerk	30,211	to	45,463
Assessing Clerk	30,211	to	45,463
Assessing Clerk Typist	30,211	to	45,463
Assistant Assessor Trainee	30,211	to	45,463
Assistant Assessor	30,211	to	45,463
Senior Assistant Assessor	30,211	to	45,463
Principal Assistant Assessor	30,211	to	45,463
Chief Assistant Assessor	30,211	to	45,463
Tax Clerk	30,211	to	45,463

Building Maintenance Worker	26,966	to	48,000
Building Maintenance Worker (P/T)	15,000	to	40,000
Building Service Worker	26,966	to	48,000
Sr. Building Service Worker	38,000	to	65,000
Account Clerk - Typist	26,966	to	45,463
Computer Operator	26,966	to	45,463
Senior Tax Clerk / Keyboarding Clerk 2	30,567	to	48,710
Senior Police Record Clerk	30,567	to	48,710
Senior Account Clerk	30,567	to	48,710
Senior Assessing Clerk	30,567	to	48,710
Senior Clerk Typist	30,567	to	48,710
Senior Clerk Stenographer	30,567	to	48,710
Senior Telephone Operator/Receptionist	30,567	to	48,710
Senior Computer Operator	30,567	to	48,710
Code Enforcement Officer	30,567	to	56,000
Registrar of Vital Statistics	30,567	to	48,710
Assessing Aide	34,168	to	56,287
Senior Code Enforcement Officer	34,168	to	59,287
Supervising Code Enforcement Officer	34,168	to	65,000
Principal Clerk / Keyboarding Clerk 3	34,168	to	62,782
Principal Account Clerk	34,168	to	62,782
Principal Assessing Clerk	34,168	to	62,782
Principal Clerk Stenographer	34,168	to	62,782
Principal Clerk Typist	34,168	to	62,782
Supervising Computer Operator	34,168	to	62,782
Building Inspector	37,769	to	58,287
Building Inspector (PT)	10,000	to	45,000
Building Sub-Code Official	5,000	to	58,287
Plumbing Sub-Code Official	5,000	to	58,287
Plumbing Sub-Code Inspector (P/T)	10,000	to	45,000
Plumbing Inspector	26,062	to	56,287
Plumbing Inspector (P/T)	10,000	to	45,000
Electrical Sub-Code Official	37,769	to	58,287
Electrical Inspector	26,062	to	58,287
Electrical Inspector (P/T)	10,000	to	45,000
Fire Protection Inspector	26,062	to	56,287
Fire Protection Inspector (P/T)	10,000	to	45,000
Assistant Zoning Officer	37,769	to	56,287
Assistant Tax Collector	37,769	to	60,000
Assistant Treasurer (F/T)	37,769	to	60,000
Assistant Supt. Of Parks & Rec	37,769	to	56,287
Assistant Supt of Parks & Rec (P/T)	27,000	to	56,287
Public Safety Tele-communicator Trainee	30,000	to	54,122
Relief Public Safety Tele-communicator Trainee	15.00 hr	to	19.00 hr
Violations Clerk	30,567	to	44,380

POLICE PERSONNEL

Police Sergeant	86,051	to	130,000
Police Officer	33,000	to	120,000
Special Law Enforcement Officer (Class I)	14.13 hr	to	13.00 hr
Special Law Enforcement Officer (Class II)	14.13 hr	to	20.00 hr
Special Law Enforcement Officer WITHOUT Police Academy Certification			

Applicable Minimum Wage Established by the Dept of Labor

PUBLIC WORKS PERSONNEL (PER HOUR)

Equipment Operator	23.81	to	35.00
Senior Equipment Operator	30.00	to	40.00
Supervising Equipment Operator	25.82	to	40.00
Motor Broom Driver	22.58	to	35.00

Mechanic	26.50	to	40.00
Mechanics Helper	24.14	to	32.00
Supervising Mechanic Diesel	38.00	to	48.00
Senior Mechanic/Diesel	28.25	to	45.00
Maintenance Repair	23.06	to	30.00
Sr. Maintenance Repair	26.43	to	33.00
Supervising Maintenance Repair	33.00	to	40.00
Laborer 1	14.42	to	30.00
Laborer 2	17.00	to	34.00
Laborer 3	18.00	to	35.00
Supervising Laborer	23.84	to	32.00
Parks & Rec Maintenance Worker/Groundskeeper	17.42	to	26.00
Electrician	22.64	to	35.00
Sign Maker/Wood & Metal	22.17	to	27.63
Senior Groundskeeper	19.03	to	28.00
Groundskeeper	14.42	to	27.23
Temporary Laborer	15.00	to	17.95
Recycling Program Aide	14.13	to	15.61
Animal Control Officer	21.83	to	27.23

OTHER EMPLOYEES

Deputy Manager	2,600	to	3,500
Court Attendant	8,000	to	9,000
Township Prosecutor	14,000	to	25,000
Municipal Judge	40,000	to	50,000
Public Defender	11,000	to	18,000
Recording Secretary Planning/Zoning Board	3,500	to	4,000
Fire Sub-Code Official	1,000	to	18,000
Safety Coordinator	3,000	to	4,000
District Recycling Coordinator	250	to	5,000
Emergency Management Coordinator	6,900	to	25,000
Emergency Management Deputies	2,000	to	10,000
Code Enforcement Officer Trainee	13.00 hr	to	18.00 hr
Assistant Treasurer	6,900	to	15,000
Tax Search Officer	3,000	to	13,500
Terminal Agency Coordinator	1,500	to	1,500
Animal Control (P/T)	4,000	to	10,000
JIF Fund Commissioner	2,000	to	3,500
Claims Coordinator	1,000	to	3,500
Short Term Rental Coordinator	1,000	to	5,000

HOURLY EMPLOYEES

Lifeguard/Swimming Instructor	13.00	to	18.00
Recreation Aide	13.00	to	20.00
Senior Citizen Program Aide	13.00	to	18.00
Ticket Taker	13.00	to	18.00
Park Attendant	13.00	to	25.00
Field Inspector	13.00	to	30.00

BUREAU OF FIRE SAFETY

Fire Official	67,000	to	94,172
Fire Prevention Specialist (F/T)	42,000	to	62,782
Fire Inspector (P/T)	13.00 hr	to	25.00 hr
Fire Prevention Specialist (P/T)	13.00 hr	to	25.00 hr
Fire Safety Clerk	26,966	to	45,463
Senior Fire Safety Clerk	30,567	to	48,710
Principal Fire Safety Clerk	34,168	to	62,782
Fire Investigator	2,500	to	5,000
Fire Safety Board Members	1,400 Annually		

Section 2. Longevity pay is only applicable to PBA union employees hired prior to May 10, 2012. All other employees (union and non-union) are ineligible for longevity pay.

Section 3. Owners of private automobiles that are used for travel in connection with Township business shall be reimbursed for the use of said automobiles in accordance with the business use mileage rate established by the Internal Revenue Service in the year in which the travel occurred. All employees who do use their personal cars for Township business must furnish the Department of Revenue & Finance with a Certificate of Insurance supplied by the employee's insurance agent.

Section 4. Whenever a salary range is provided in this ordinance, the Township Council pursuant to the Lower Township Administrative Code and pursuant to contract shall determine the salary of the employees involved in the range, such determination to be made on the basis of time holding the position, experience, ability and performance. The Township shall not be obligated with respect to any employee to grant an increase in any year, except as may be provided by contract.

A. The Township Clerk shall be granted the same salary increase as shall be agreed for the Township Chief Financial Officer/Treasurer, Township Tax Assessor and Township Tax Collector pursuant to contract and New Jersey State Statute.

B. Permanent managerial/confidential employees not part of any bargaining unit by nature of their position shall continue to be governed by and receive the same benefits pursuant to the union contract which governs their annual increase.

C. All other non-union personnel shall be granted such salary increases as approved by the Township Council.

Section 5. The Chief Executive Official is hereby authorized to adopt a group hospitalization plan and other insurance plans pursuant to contract and to provide that such premiums be paid by the Township of Lower.

Section 6. The Township Council is hereby authorized to award overtime pay at the rate of one and one half of the regular rate, in accordance with the Federal Labor Standards Act applicable thereto, pursuant to contracts for all employees.

Section 7. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

First Reading: March 20, 2023

Thomas Conrad, Councilmember

Second Reading:

Kevin Coombs, Councilmember

Roland Roy, Jr. Councilmember

Attest: _____
Julie A Picard, Township Clerk

David Perry, Deputy Mayor

Frank Sippel, Mayor

Clerk Report March 2023

Register Report - Last month

3/1/2023 through 3/31/2023

4/10/2023

Page 1

Date	Description	Memo	Category	Clr	Amount
	INCOME				46,456.60
	Bus Mercantile 2023-2024				1,675.00
	Campgrounds & Trailers				8,846.00
	Ice Cream License				270.00
	Short Term Rental 2023-2024				29,970.60
	Vac Prop Reg				5,500.00
	Yard Sales				45.00
	Year Round Rental				150.00
	TRANSFERS				-46,456.60
	Council Checking				-46,456.60
	OVERALL TOTAL				<u>0.00</u>

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

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 03/01/2023 To 03/31/2023

April 05, 2023 3:17:07PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$22,041,785.00	Cubic Footage:	1111915 Cu.ft	Permit Issued:	72
Cost Of Alteration:	\$4,279,016.00	Square Footage:	82588 Sq.ft	Updates Issued:	17
Cost Of Demolition:	\$17,000.00			All Fees Waived:	5
Total Cost:	\$26,337,801.00			Municipal Fees Waived:	1

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$63,566.00	Building:	\$0.00	Building:	\$28,131.00	Building Fees:	\$35,435.00
Electrical:	\$12,352.00	Electrical:	\$0.00	Electrical:	\$4,529.00	Electrical Fees:	\$7,823.00
Fire :	\$6,915.00	Fire :	\$0.00	Fire :	\$2,405.00	Fire Fees:	\$4,510.00
Plumbing:	\$8,235.00	Plumbing:	\$0.00	Plumbing:	\$1,646.00	Plumbing Fees:	\$6,589.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$1,245.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$1,245.00
				* Total Waived:	\$36,711.00	Technical Fees:	\$55,602.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$4,127.00	\$1,908.00	\$2,219.00
Alteration Training Fee:	\$2,057.00	\$430.00	\$1,627.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$6,184.00	\$2,338.00	\$3,846.00

TECHNICAL ISSUES

Building Technical:	54
Electrical Technical:	71
Fire Protection Technical:	31
Plumbing Technical:	36
Elevator Technical:	
Mechanical Technical:	18

CERTIFICATE ISSUES

Certificate of Occupancy:	6
Certificate of Approval:	47
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$8,750.00
Waived Certificate Fees:	\$3,540.00
Sub Total Certificate Fees:	\$5,210.00

PERMIT FEES:	\$55,602.00
DCA FEES:	\$3,846.00
CERTIFICATE FEES:	\$5,210.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$64,658.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$100.00
GRAND TOTAL FEES:	\$64,758.00

* By State law (see N.J.S. 52:27D-126c): \$39,085.00

* By Municipality (see N.J.S. 52:27D-126b): \$1,166.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 03/01/2023 To 03/31/2023

April 5, 2023 3:17:40PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$2,157.00	\$62,601.00	\$0.00	\$64,758.00
HOMEOWNER LICENSE	Sub Totals:	\$50.00	\$0.00	\$0.00	\$50.00
CONTRACTOR LICENSE	Sub Totals:	\$0.00	\$2,250.00	\$0.00	\$2,250.00
NSF CHECK	Sub Totals:	\$0.00	\$-5,203.00	\$0.00	\$-5,203.00
GRAND TOTALS:		\$2,207.00	\$59,648.00	\$0.00	\$61,855.00

**2023 CASH RECEIPTS
MARCH**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Current year taxes (2023)	1,037,226.37	17,200,762.78
Prior year taxes (2022)	75,160.62	287,212.71
Previously exempt property		0.00
State Audit Pay Back		0.00
Municipal Lien	80.15	80.15
Recording	25.00	25.00
Bankruptcy		0.00
6% Penalty		0.00
Municipal Service Fees	3,390.00	12,930.00
Tax Search Fees		0.00
Interest	13,874.55	27,057.97
Lot clearing		0.00
Returned Check Fees	60.00	160.00
Duplicate Bills	15.00	145.00
Trash	11,382.30	48,811.55
TOTAL DEPOSITS	1,141,213.99	17,577,185.16
DEPOSITED TO COUNCIL CHECK	781,601.51	15,267,162.56
DEPOSITED TO WIPP ACCOUNT	359,612.48	2,310,022.60
TOTAL DEPOSITS	1,141,213.99	17,577,185.16
NSF Reversals	1,381.77	15,675.58
WIPP NSF Reversals	808.64	29,741.42
NSF Fee Reversal		
TOTAL NSF	2,190.41	45,417.00
TOTAL	1,139,023.58	17,531,768.16

Prepared by Kathy Brown

**MARCH 2023
VITAL STATISTICS**

Marriages,Civil Unions	7
Domestic Partners	0
Certified Copies	14
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	waived
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$0.00
Domestic Partners Twp	\$0.00
Certified Copies	\$140.00
Certified Copies EDRS	\$0.00
Burial Permits	\$0.00

TOTAL	\$140.00
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