

WORK SESSION AND REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
January 19, 2022 – 7:00 pm.

Meeting called to order

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

Work Session

Presentation - Township Engineer Marc DeBlasio

Consent Agenda

Approval of Minutes – January 3, 2022

- Res. #2022-61 Authorization for the payment of vouchers \$234,874.13
Res. #2022-62 Authorizations for Refund of Taxes
Res. #2022-63 Authorizing Payment of 2022 County Taxes (First Quarter) and 2021 Added Taxes
Res. #2022-64 Appointment of Keith Bonchi, Esq. as Tax Foreclosure Attorney for the Township of Lower as a Professional Service Contract without Public Bidding
Res. #2022-65 A Resolution Awarding a Professional Service Contract without Public Bidding to Surenian, Edwards & Nolan, LLC to Serve as Special Counsel to the Township of Lower for Affordable Housing Matters/Litigation (NTE \$25,000)
Res. #2022-66 Approval of a Secondhand Merchant and Dealer of Precious Metals License
Res. #2022-67 A Resolution Awarding a Professional Service Contract without Bidding to Thomas Planning Associates, LLC to serve as the Professional Planner to the Township of Lower for Affording Housing Matters/Litigation (NTE \$16,000)
Res. #2022-68 Final Year Contract Award to Provide the 2022 Fireworks Show including the Barge to S. Vitale Pyrotecnico Industries, Inc. (\$53,100 w Rain Delay Terms \$7,685.)
Res. #2022-69 A Resolution Awarding a Contract to Cape Mining and Recycling, LLC for the Removal and Disposal of Woodchips Located at the Municipal Utility Authority on an As Needed Basis
Res. #2022-70 Authorization for 2021 Incentive Award for Insurance Waiver (C.Vanaman \$1,825.)
Res. #2022-71 Issuance of 2022 Taxi, Limousine and Operator Licenses

Regular Agenda

Engineer Report

Manager's Report

Monthly Report

Clerk, Construction, Dog, Tax, Vital
Annual Report on Variances heard by Zoning Board – 2021
2021 Tax Collector Year End Report

Public Comment

Council Comments

Closed Session

- Res. #2022-72 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **Attorney-Client Privilege**

Adjourn

COUNCIL MEETING MINUTES – January 3, 2022

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on January 3, 2022 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Clerk announced that the meeting was being held in compliance with the Open Public Meetings Act and that adequate notice of the meeting had been provided according to law.

Police Chaplain, Leo Dodd, gave the Invocation.

The following members of Council were present for roll call taken by the Clerk:

- Councilmember Thomas Conrad
- Councilmember Kevin Coombs
- Councilmember Roland Roy, Jr.
- Deputy Mayor David Perry
- Mayor Frank Sippel

Also present: Michael Laffey, Township Manager and David Stefankiewicz, Township Solicitor, via phone.

Work Session

Presentation – Chief William Priole - Mayor Frank Sippel

Mayor Frank Sippel and Township Council presented Chief William Priole with a plaque and a Proclamation celebrating his retirement. They thanked him for his 30 plus years of dedicated service to the residents of Lower Township.

Oath of Office – Chief Kevin Lewis – Mayor Frank Sippel

Mayor Frank Sippel administered the Oath of Office to Kevin Lewis. The Bible was held by his son, Kody, and his daughter, Brooklyn, pinned his badge.

Res. #2022-01 Appointment of Municipal Solicitor for the year 2022 as a Professional Service Contract without Public Bidding (Stefankiewicz & Belasco NTE \$150,000)

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

Consent Agenda

Approval of Minutes – December 20, 2021

- Res. #2022-02 Appointment of Township Labor Attorney for the year 2022 as a Professional Service Contract without Public Bidding (W. Blaney NTE \$40,000)
- Res. #2022-03 Appointment of Township Tax Appeal Attorney for the year 2022 as a Professional Service Contract without Public Bidding (M. Karavan NTE \$10,000)
- Res. #2022-04 Appointment of Paul J Baldini, Esq as Conflict Counsel for the Township of Lower as a Professional Service Contract without public bidding (NTE 7,500)
- Res. #2022-05 Appointment of Lower Township Conflict Hearing Officer as a Professional Service Contract without Public Bidding (NTE \$7,500)
- Res. #2022-06 Appointment of Municipal Prosecutor for the Year 2022 (Blaney, Donohue & Weinberg \$42,500)
- Res. #2022-07 Appointment of Municipal Public Defender for the Year 2022 (S. Fuscellaro \$16,500)
- Res. #2022-08 Appointment of Municipal Auditor for the Year 2022 as a Professional Service Contract without Public Bidding (Ford, Scott NTE \$40,000)
- Res. #2022-09 Appointment of Public Information Officer for the year 2022 as a Professional Service Contract without Public Bidding (L. Suit \$16,280)
- Res. #2022-10 Appointment of Municipal Engineer for the Year 2022 as a Professional Service Contract without Public Bidding (DeBlasio & Associates NTE \$450,000)

- Res. #2022-11 Appointment of Risk Management Consultant Atlantic County JIF (J. Byrne Agency year 2 of 3 year agreement)
- Res. #2022-12 Appointment of Health Insurance Brokerage Consultant for the Year 2022 as A Professional Service Contract without Public Bidding (Marsh & McLennan \$43,517.)
- Res. #2022-13 Approval of Petty Cash Funds – 2022 (annual)
- Res. #2022-14 Establishment of Council Meeting Dates and Times for the Year 2022
- Res. #2022-15 Setting the Interest Rate for Delinquent Taxes (annual)
- Res. #2022-16 Designation of Official Newspapers for Legal Advertising for the Year 2022 (annual)
- Res. #2022-17 Approval of Annual Contribution to Volunteers in Medicine (annual)
- Res. #2022-18 Appointment of Bond Counsel for the Year 2022 as a Professional Service Contract without Public Bidding (Archer & Greiner)
- Res. #2022-19 Annual Approval of Emergency Management Council (annual)
- Res. #2022-20 Authorizing the Clerk to Issue Bingo & Raffle Licenses Throughout 2022 to Qualified Organizations (annual)
- Res. #2022-21 Authorization for Public Bidding (annual)
- Res. #2022-22 Designation of Public Agency Compliance Officer for Lower Township (M. Vitelli, QPA)
- Res. #2022-23 Authorizing the Tax Assessor to file Tax Appeals (annual)
- Res. #2022-24 Resolution Establishing the Quote Threshold Pursuant to NJSA 40A:11-3a (annual)
- Res. #2022-25 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission (annual)
- Res. #2022-26 Designation of Official Depositories (annual)
- Res. #2022-27 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (annual)
- Res. #2022-28 Authorizing the Cash Management Plan (annual)
- Res. #2022-29 Contract Award for Township of Lower Animal Control Services – Year 3 of 3
- Res. #2022-30 Renewal of Trailer Park Licenses for the Year 2022
- Res. #2022-31 A Resolution Authorizing and Directing the Lower Township Planning Board to Review and Report on a Redevelopment Plan for the Fulling Mill Road Area in Need of Rehabilitation Identified as Block 410.01; Lots 82,83,84 & 87.01 on the Tax Map of the Township of Lower
- Res. #2022-32 Approving 2022 Contract with Cape Assist (annual)
- Res. #2022-33 Approving a Professional Service Contract with Remington & Vernick Engineers for Design and Engineering on the Sheriff Taylor Boulevard and Cresse Lane Project (\$45,000)
- Res. #2022-34 Approving 2022 Contract with Cape Mediation Services (annual \$3,201.24)
- Res. #2022-35 Approval of Change Order #3 for a Reduction in the Contract Amount to Del-Tech Inc, for the Judge Nathaniel Foster House for the Final Payment
- Res. #2022-36 Contract Award to OceanFirst Bank for Banking Services for the Township of Lower 2022 & 2023
- Res. #2022-37 Authorization for the Payout of Accumulated Sick Time (C.Crippen \$15,756.)
- Res. #2022-38 Authorization for the Payout of Accumulated Sick Time (G.Douglass \$30,524.40)
- Res. #2022-39 Authorization for the Payout of Accumulated Sick Time (E.Kreis \$15,010.)
- Res. #2022-40 Authorization for the Payout of Accumulated Sick Time (L.Read \$16,012.63)
- Res. #2022-41 Approval of Change Order #5 to Fred M Schiavone Construction for the Clem Mulligan Sports Complex Renovations Project: Increasing Contract Time
- Res. #2022-42 Authorizing Payment for 2022 Local School Taxes to Lower Township Board of Education (annual)
- Res. #2022-43 Authorizing Payment for 2022 Regional School Taxes to Lower Cape May Regional (annual)
- Res. #2022-44 Authorizing Debt Service Payment for the Joint Public Safety Payment (annual)
- Res. #2022-45 Authorizing 2022 Annual Payments for Animal Shelter Fees to Cape May County (annual)
- Res. #2022-46 Adopting 2022 Temporary Current Budget (annual)
- Res. #2022-47 Authorizing Payment of 2022 Pension Amounts Due 4/01/2022
- Res. #2022-48 Resolution to Defer the Regional School Tax (annual)
- Res. #2022-49 Authorizing Payment of 2022 Debt Service (annual)
- Res. #2022-50 Authorizing Payout of Terminal Leave (W.Priole \$58,473.79)
- Res. #2022-51 Resolution Authorizing Contracts with approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a
- Res. #2021-52 Authorizing Payment for Dispatch Services
- Res. #2021-53 Authorizing Payout of Terminal Leave (D.McFeeters \$11,579.76)
- Res. #2022-54 Junk Yard License for Cape May Associates, LLC for the Year 2022
- Res. #2022-55 Contract Award to Barber Consulting Services, LLC for Management Information System Consultant (MIS) for the Township of Lower Departments and Lower Township Police Department for 2022 with an option for 2023

- Res. #2022-56 A Resolution Reaffirming the Designation of Inspira Medical Centers, Inc. as the Provider of Basic Life Support and Emergency Medical Services Throughout the Township of Lower
- Res. #2022-57 Authorization for Refund of Taxes (1 property \$1,737.12)
- Res. #2022-58 Authorization for the Payout of Accumulated Sick Time (\$32,813.00)
- Res. #2022-59 Authorization for the Payment of Vouchers – 2021 \$ 283,304.46
- Res. #2022-60 Authorization for the Payment of Vouchers – 2022 \$ 379,426.86
- Ordinance #2022-01 An Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A.40A:4-15.14) This is the first reading of this Ordinance; The second reading and public hearing has been scheduled for January 19,2022.

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

Regular Agenda

Ordinance #2021-22; An Ordinance Amending Chapter Seven Entitled "Traffic" of the General Ordinances of the Township of Lower. This is the 2nd reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

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

Public Comment - None

Council Comments

Deputy Mayor Perry wished everyone a Happy New Year and spoke of the leadership at the Police Department. He also thanked the Public Works Department for their hard work and requested the public be patient with the storm cleanup.

Councilmember Roy wished everyone a Happy New Year and congratulated the Chief.

Councilmember Coombs wished everyone a Happy New Year and congratulated the Chief.

Councilmember Conrad wished everyone a Happy New Year and spoke of the fantastic work the Public Works Department is doing during this emergency.

Mayor Sippel thanked the Department of Public Works for the great job they are doing noting that they have been preparing since Sunday. He also thanked OEM Coordinator Donohue for the fine job he is doing, noting that the Emergency Operation System has been activated today. He wished everyone a Happy New Year.

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 7:30 p.m.

Mayor

Township Clerk

Approved:

P.O. Type: All
Range: First to Last
Format: Condensed

Include Project Line Items: Yes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00110	ANCO HOME CENTER*								
		21-01712	07/09/21	SUPPLIES	Open	5.18	0.00		
		21-03038	12/03/21	DECEMBER MONTHLY	Open	176.68	0.00		
		21-03141	12/15/21	RDS/SIGNS/BLDG/DPW	Open	150.13	0.00		
		22-00103	01/11/22	ICE MELT/2022	Open	1,381.97	0.00		
						1,713.96			
00153	ATLANTIC CITY ELECTRIC*								
		21-02875	11/16/21	DEC 2021 STREETLIGHTS ENCUMBER	Open	34,236.20	0.00		
00194	ADVANCED VIDEO & SOUND LLC*								
		21-03152	12/17/21	CONFERENCE ROOM PROJECT	Open	1,270.00	0.00		
00301	BELMONT AND CRYSTAL SPRINGS*								
		21-02869	11/16/21	WATER NOV & DEC 2021 - DPS	Open	180.31	0.00		
		22-00134	01/11/22	DEC 2021 12/6 TO 12/21/21	Open	33.33	0.00		
		22-00138	01/11/22	TOWNHALL WATER 12/6 -12/20/21	Open	77.37	0.00		
						291.01			
00630	CMC CHAMBER OF COMMERCE								
		21-01512	06/18/21	CMC Chamber Dues 2021	Open	630.00	0.00		
00650	CAPE MAY COUNTY CLERK'S ASSN								
		22-00057	01/07/22	2022 DUES	Open	375.00	0.00		
00784	CAPE MAY STAR & WAVE								
		21-03235	12/29/21	LEGAL PUB - RE-ORG 12/22/21	Open	10.00	0.00		
00825	COMCAST*								
		22-00136	01/11/22	INTERNET (2954) 1/1-1/31/22	Open	229.90	0.00		
01125	MARGARET CROMPTON								
		22-00072	01/10/22	22 CONTRACTUAL REIMBURSMENT M	Open	100.00	0.00		B
01171	VERIZON WIRELESS - TOWNHALL								
		21-02877	11/16/21	DEC 2021 IPHONE ENCUMBER	Open	973.30	0.00		
		21-02878	11/16/21	DEC 2021 FLIP PHONE ENCUMBER	Open	376.04	0.00		
						1,349.34			
01200	DELTA DENTAL PLAN OF NJ								
		22-00034	01/06/22	DEC 2021 CLAIMS	Open	11,130.80	0.00		
01219	CONTRACTOR SERVICE*								
		21-03175	12/21/21	SAW	Open	2,400.00	0.00		
01267	EDWARD DONOHUE								
		22-00075	01/10/22	CONTRACTUAL REIMBURSMENT M	Open	85.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01496	TIMOTHY FAIRMAN	22-00076	01/10/22	CONTRACTUAL REIMBURSEMENT V	Open	600.00	0.00		
01603	GENERAL CODE PUBLISHERS*	22-00059	01/07/22	E CODE MAINT - 11/21-11/22	Open	1,195.00	0.00		
01690	GRANTURK EQUIPMENT CO*	21-03253	12/30/21	LEAF VAC PARTS	Open	2,543.81	0.00		
01785	ROBERT HARTMAN SR	22-00080	01/11/22	CONTRACTUAL REIMBURSEMENT M	Open	510.30	0.00		
01806	ANTHONY J HARVATT, II, ESQ	21-03107	12/10/21	ZONING BOARD RESOLUTIONS	Open	300.00	0.00		
02010	ISLAND TROPHY*	21-03256	12/30/21	PLAQUE - CHIEF PRIOLE	Open	45.00	0.00		
02108	KEEN COMPRESSED GAS CO*	22-00139	01/11/22	BOTTLED GAS/DPW	Open	119.25	0.00		
02248	LAWMEN SUPPLY*	21-02625	10/28/21	NAME STRIPS FOR BPV	Open	290.00	0.00		
02292	DONALD LOMBARDO	22-00073	01/10/22	CONTRACTUAL REIMBURSEMENT M	Open	1,591.66	0.00		
02461	JOHN MAHER	22-00074	01/10/22	CONTRACTUAL REIMBURSEMENT M/V	Open	3,231.00	0.00		
02538	MARSH & MCLENNAN AGENCY, LLC*	22-00069	01/10/22	RES 2022-12 MONTHLY DNE\$43517.	Open	3,626.42	0.00		B
02541	ROBERT D. MARTIN, JR	22-00078	01/10/22	CONTRACTUAL REIMBURSEMENT M	Open	49.88	0.00		
02948	NATW*	22-00093	01/11/22	ANNUAL MEMBERSHIP FEE 2022	Open	35.00	0.00		
02968	PATTI'S PARTY WORLD*	21-03170	12/21/21	DECORATIONS FOR NYE PARTY	Open	375.00	0.00		
03072	NJ STATE LEAGUE OF MUNICIPALITI*	22-00119	01/11/22	2022 MEMBERSHIP DUES+	Open	1,702.00	0.00		
03305	PEDRONI FUEL*	21-03129	12/14/21	NO LEAD FUEL/ENCUMBER/DPW	Open	393.61	0.00		
03448	REMINGTON, VERNICK & WALBERG*	20-02627	11/13/20	CHANGE ORD 1-RECONSTR STAR AVE	Open	180.00	0.00		B
03518	RIGGINS, INC.*	21-03130	12/14/21	OFF HIGHWAY DIESEL/ENCUMBER	Open	1,240.16	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03544	PORTER LEE CORP*	22-00052	01/07/22	ANNUAL SOFTWARE SUPORT - BEAST	Open	1,126.00	0.00		
03611	SERVICE TIRE TRUCK CENTERS*	21-03007	12/01/21	TIRES/RECY/DPW/NOV	Open	1,496.04	0.00		
03683	SNAP-ON TOOLS*	21-02850	11/10/21	21.4 SOLUS EDGE USD UPGRADE	Open	773.22	0.00		
03917	STATE OF NJ DEPT OF CHILD/FAML	22-00058	01/07/22	4th qtr marr/CU 2021	Open	600.00	0.00		
03971	VERIZON WIRELESS MDT POLICE	21-02883	11/16/21	VERIZON - MDT	Open	760.58	0.00		
03985	VILLAS NAPA AUTO PARTS	21-02180	09/02/21	RDS/SANT/REC/DPW/DEC	Open	673.51	0.00		
03992	VAL-U AUTO PARTS LLC*	21-02183	09/02/21	RDS/SANT/RECY/DPW/DEC	Open	2,646.58	0.00		
04075	BARBER CONSULTING SERVICES LLC	21-03225	12/28/21	UPDATE SERVER CONNECTION	Open	554.98	0.00		
		22-00084	01/11/22	MALWAREBYTES	Open	2,672.47	0.00		
						3,227.45			
04101	GREGORY HOUSER SR (SPANKY'S)	21-03250	12/30/21	NEW YEAR'S EVE FOOD	Open	525.00	0.00		
6071	UNITED UNIFORMS LIMITED LIAB*	21-03163	12/17/21	EMPLOYEE HYDRATION UNITS	Open	1,799.10	0.00		
		21-03251	12/30/21	TOWNSHIP SHIRTS	Open	390.00	0.00		
						2,189.10			
7066	KETCHUM MFG CO INC*	21-02491	10/12/21	2022 DOG TAGS	Open	428.50	0.00		
7079	SUBURBAN PROPANE L P*	22-00133	01/11/22	PROPANE-FREEMAN DOUGLASS MAIN.	Open	265.72	0.00		
7098	SHORE VETERINARIAN ANIMAL *	22-00071	01/10/22	RES #22-29 ANIMAL CONT DNE\$57K	Open	4,750.00	0.00		B
		22-00081	01/11/22	ANIMAL CONTROL DECEMBER 2021	Open	225.00	0.00		
						4,975.00			
7132	BUSINESS WATCH INTERNATIONAL*	22-00053	01/07/22	ANNUAL LICENSE - RAPID	Open	250.00	0.00		
7196	LAUREN HUGGINS SUIT*	22-00068	01/10/22	RES22-09 PUBLIC INFO DNE\$16280	Open	1,356.67	0.00		B
7310	CORELOGIC REAL ESTATE TAX SER	22-00032	01/06/22	B-223 L-14 KENNEDY	Open	505.71	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7310	CORELOGIC REAL ESTATE TAX SER				Continued				
		22-00033	01/06/22	B-499.10 L-2 BOYLE	Open	<u>753.88</u>	0.00		
						1,259.59			
7354	FLEETPRIDE INC.*								
		21-03126	12/14/21	MATERIALS FOR TRUCKS/DPW	Open	279.68	0.00		
7388	JONATHAN SCHECK								
		20-01041	04/22/20	EQUIPMENT ALLOWANCE 2020	Open	76.10	0.00		
7475	SUZANNE M SCHEID								
		22-00079	01/10/22	CONTRACTUAL REIMBURSMENT M/V	Open	45.49	0.00		
7478	WINDSTREAM COMMUNICATION INC*								
		21-02880	11/16/21	DEC 2021 PHONE ENCUMBER	Open	3,121.99	0.00		
7507	STEFANKIEWICZ & BELASCO LLC*								
		22-00062	01/10/22	RES 2022-01 DNE\$34K MONTHLY	Open	2,833.33	0.00		B
7508	BLANEY & KARAVAN PC*								
		20-01652	07/08/20	RES 20-162 MORREL & HANSEN	Open	37.50	0.00		B
		21-00012	01/05/21	2021-02 LABOR ATTORNEY DNE\$40K	Open	1,918.00	0.00		B
		21-00013	01/05/21	2021-03 TAX APPEAL DNE\$10K	Open	<u>237.50</u>	0.00		B
						2,193.00			
7618	MEGONIGAL ELECTRIC LLC*								
		21-03196	12/22/21	BENNETT FIELD- GATE NOT CLOSIN	Open	775.00	0.00		
		21-03197	12/22/21	REPLACE LIGHT @ REC.PLAYGROUND	Open	852.00	0.00		
		21-03198	12/22/21	WORK @ BENNETT -LIGHTS	Open	<u>835.00</u>	0.00		
						2,462.00			
7636	MOTT MACDONALD LLC*								
		20-02222	09/23/20	ROTARY PARK IMPROVEMENT PROJEC	Open	1,027.00	0.00		B
		22-00050	01/07/22	ZBA ENGINEER VOUCHERS	Open	<u>1,604.00</u>	0.00		
						2,631.00			
7820	DEBLASIO & ASSOCIATES, P.C*								
		22-00051	01/07/22	ZBA ENG. VOUCHERS	Open	140.00	0.00		
7833	AARONS MOBILE DETAILING LLC*								
		21-03223	12/28/21	PATROL VEHICLE CLEANING - 3	Open	765.00	0.00		
7921	WILLIAM PORCH								
		20-01038	04/22/20	EQUIPMENT ALLOWANCE 2020	Open	26.66	0.00		
		21-01463	06/11/21	EQUIPMENT ALLOWANCE 2021	Open	<u>23.36</u>	0.00		B
						50.02			
7929	AMAZON CAPITAL SERVICES, INC*								
		21-02934	11/22/21	WALL CLOCK	Open	1.17	0.00		
		21-03164	12/17/21	SUPPLIES	Open	345.23	0.00		
		21-03176	12/21/21	FENCE POST CAPS & ROLODEX	Open	41.77	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7929	AMAZON CAPITAL SERVICES, INC*				Continued				
		21-03202	12/22/21	SUPPLIES	Open	907.74	0.00		
						1,295.91			
8000	MICHAEL HARKIN								
		20-01023	04/22/20	EQUIPMENT ALLOWANCE 2020	Open	150.00	0.00		
8257	STEPHANIE FRITSCH								
		22-00077	01/10/22	CONTRACTUAL REIMBURSMENT V	Open	182.45	0.00		
8448	STAR GENERAL CONTRACTING *								
		21-03195	12/22/21	DPW BATHROOM UNIT NOV/DEC 2021	Open	1,896.00	0.00		
8459	BATTERIES PLUS BULBS #636 *								
		21-03237	12/29/21	BATTERIES/DPW	Open	940.00	0.00		
8524	FRED M SCHIAVONE CONSTRUCTION*								
		21-01854	07/23/21	CLEM MULLIGAN RENOVATIONS	Open	98,832.02	0.00		B
8672	LOGMEIN INC.								
		22-00130	01/11/22	2022 GO TO MEETING	Open	19.00	0.00		B
8709	KERRY MOLESKI								
		21-03137	12/15/21	RELEASE OF DEMO BOND	Open	5,236.21	0.00		
8721	BLANEY, DONOHUE, & WEINBERG PC								
		22-00067	01/10/22	RES 2022-06 PROSECUT DNE\$42500	Open	3,541.66	0.00		B
8724	JOSEPH HENNESSY								
		22-00043	01/07/22	B-499.10 L-6 HENNESSEY	Open	827.20	0.00		
ANTHO010	ANTHONY DE ANGELIS								
		22-00049	01/07/22	B-512.27 L-6 DE ANGELIS	Open	1,361.08	0.00		
BOSNA	KAREN MANETTE BOSNA								
		22-00100	01/11/22	YOGA- MONTH OF DECEMBER,2021	Open	170.00	0.00		
CAROL005	CAROL D SNEDEKER								
		22-00044	01/07/22	494.01 27.06 SNEDEKER	Open	741.71	0.00		
CHARL005	CHARLES C DAHMS								
		22-00048	01/07/22	B-410.17 L3 DAHMS	Open	357.74	0.00		
DENNI005	DENNIS REED								
		22-00046	01/07/22	499.15-8 REED, DENNIS	Open	250.00	0.00		
G-CMC	CAPE MAY COUNTY CLERK								
		21-03146	12/15/21	RECORD TAX SALE CERT 99-200	Open	13.00	0.00		
GEREA005	GERALD BOYLE								
		22-00045	01/07/22	499.10 2 BOYLE	Open	250.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
JOANA005	JOAN ANN FLICKINGER	22-00047	01/07/22	BLOCK 670 LOT 12 FLICKINGER	Open	738.84	0.00		
NJSCO	NJ SEX CRIMES OFFICERS ASSOC*	21-02141	08/31/21	TRAINING DECEMBER 21	Open	425.00	0.00		
TREAS	STATE OF NEW JERSEY	22-00082	01/11/22	4TH QUART REPORT	Open	7,888.00	0.00		
WELLSF	WELLS FARGO REAL ESTATE TAX	22-00031	01/06/22	B-499.15 L-8 REED, DENNIS	Open	720.04	0.00		

Total Purchase Orders: 98 Total P.O. Line Items: 0 Total List Amount: 234,835.73 Total Void Amount: 0.00

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

RESOLUTION #2022- *LD1*

Title: **AUTHORIZING THE PAYMENT OF VOUCHERS**

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
NJ DEPT OF HEALTH & SENIOR SVCS	CORRECTION OCT-DEC 2021	\$38.40
	TOTAL Manual Checks	\$38.40
	TOTAL Computer Generated	\$234,835.73
	TOTAL BILL	\$234,874.13

	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 JAN , 19 2022.

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

RESOLUTION #2022-62

Title: **AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, a refund is due.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasure is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
512.27	6	Anthony DeAngelis 3008 Bybrook Drive	Exempt Vet	\$ 1,361.08
410.17	3	Charles C Dahms 301 E Drumbed Rd	Exempt Vet	\$ 357.74
499.1	2	Corelogic – Boyle 3 Mimosa Drive	Exempt Vet	\$ 753.88
223	14	Core Logic – Kennedy 30 Maryland Ave	Exempt Vet	\$ 505.71
670	12	Joan Ann Flickinger 611 Eldredge Ave	Exempt Vet	\$ 738.84
499.15	8	Dennis Reed 115 Old Mill Drive	Refund Vet Deduction	\$ 250.00
499.15	8	Wells Fargo – Reed 115 Old Mill Drive	Exempt Vet	\$ 720.04
499.1	2	Gerald Boyle 3 Mimosa Drive	Refund Vet Deduction	\$ 250.00
494.01	27.06	Carol D Snedeker 407 Tahoe Drive	Exempt Vet	\$ 741.71
499.1	6	Joseph Hennessy 11 Mimosa Drive	Exempt Vet	\$ 827.20
643	9	Scali Lynn	Paid wrong property	\$ 2,263.52

	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 January 19, 2022.

Julie A Picard, Township Clerk

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

RESOLUTION #2022-63

Title: AUTHORIZING PAYMENT OF 2022 COUNTY TAXES (First Quarter) AND 2021 ADDED TAXES

WHEREAS, the amounts listed below are due to Cape May County and it is necessary to receive authorization for the payment of bills, and

WHEREAS, payment of County taxes and fees may be remitted through electronic payment (EFT); and

WHEREAS, it is the recommendation of the Chief Financial Officer that authorization for electronic payments be made through a resolution so that such payments are made in a timely and efficient manner, and

WHEREAS, County Tax payments are charged to non-budget appropriation County Tax 2-01-55-910-015 as certified by the Chief Financial Officer Lauren Picard payable as follows:

\$3,031,640.87 due 2/15/2022

AND, WHEREAS, County Added Tax payments are charged to non-budget appropriation County Added Tax 2-01-55-910-016 as certified by the Chief Financial Officer

Lauren Picard payable as follows:

\$57,319.27 due 2/15/2022

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the aforementioned payments to Cape May County are hereby authorized.

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 January 19, 2022.

Julie A Picard, Township Clerk



INVOICE

County of Cape May

DUE DATE:
FEBRUARY 15, 2022

Treasurer's Office
4 Moore Road
DN 103
Cape May Court House, NJ 08210
Phone 609-465-1170
brittany.smith@co.cape-may.nj.us

TO Lower Township
2600 Bay Shore Road
Lower Township, N.J. 08251

QTY	ITEM #	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
		2021 ADDED & OMITTED TAXES:			
		County: \$ 55,236.77 ✓			
		Open Space: \$ 2,082.50 ✓			
				TOTAL	\$ 57,319.27 ✓

Claimants Certification and Declaration

I do solemnly declare and certify under the penalties of law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons with the knowledge of this claimant in connection with the above claim; that the amount stated therein is justly due and owing and that the amount charged is a reasonable one. I further certify that I am an Equal Opportunity Employer and that I have complied with the Affirmative Action regulations issued by the New Jersey Department of the Treasury.

Vendor's Signature

Title

CFO

Date

11/23/21

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

RESOLUTION #2022-64

Title: APPOINTMENT OF KEITH BONCHI, ESQ AS TAX FORECLOSURE ATTORNEY FOR THE TOWNSHIP OF LOWER AS A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower has a need to acquire a Tax Attorney to effectuate the In Rem Foreclosures and desires to authorize this appointment using a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-1 et seq. to enter into contracts for "Professional Services" without competitive bidding, when the need arises, so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law; and

WHEREAS, Keith Bonchi, Esq. has provided a proposal to serve as Tax Attorney for the Township of Lower at a rate of \$1,500 per tax sale certificate as set forth in the attached proposal; not to exceed \$10,000; and

WHEREAS, the Township Council desires to approve the proposal and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation #: 01-20-145-391 - Tax Foreclosures

CFO Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Keith Bonchi Esq from GMS Law as Tax Attorney for Lower Township Tax Foreclosures for the term of January 1, 2022, through December 31, 2022 at the above rate not to exceed \$10,000.

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 19, 2022.

Julie A Picard, Township Clerk

**PROFESSIONAL SERVICES CONTRACT BETWEEN
THE TOWNSHIP OF LOWER
AND
GOLDENBERG, MACKLER, SAYEGH, MINTZ, PFEFFER, BONCHI & GILL
(Keith A. Bonchi, Esquire)**

(IN REM FORECLOSURE ATTORNEY)

The TOWNSHIP OF LOWER, a municipal corporation, having principal offices located at 2600 Bayshore Road, Villas, New Jersey 08251, (hereinafter referred to as the "Township") and

KEITH A. BONCHI, ESQUIRE, of the law firm of Goldenberg, Mackler, Sayegh, Mintz, Pfeffer, Bonchi & Gill, having an office address at 660 New Road, First Floor, Northfield, New Jersey 08225, (hereinafter referred to as the "Contractor")

AGREE AS FOLLOWS:

In accordance with the Township's requirement and/or specification and in accordance with the Contractor's proposal, the Contractor agrees to provide:

In Rem Tax Foreclosure Counsel Services

This contract shall be in effect from: ~~December 5, 2021~~ ^{Jan 1, 2022} through December 31, 2022. Uncontested *in rem* foreclosures shall be performed for \$500.00 per tax sale certificate plus costs which are in the approximate sum of \$1,000.00 per schedule. We would require at least ten tax sale certificates to foreclose for this rate. In the event there is a federal lien which requires the Township to foreclose *in personam* with a Sheriff's Sale, the cost would be approximately \$1,500.00 for the *in personam* foreclosure, plus \$2,000.00 in foreclosure costs plus the costs of the Sheriff's Sale.

In the event that a contesting Answer or a Bankruptcy is filed, Contractor shall provide legal services on that matter at \$200.00 per hour for attorney time and \$125.00 per hour for paralegal time and \$75.00 per hour legal assistant time. All legal work will be billed monthly.

Upon submission of invoices from the Contractor to the Township, and the submission of vouchers provided and approved by the Township, the Township shall pay the Contractor the sums due hereunder within 30 days from receipt of vouchers.

The Township shall have the right to terminate this contract with cause, upon 45 days of written notice. In the event the Contract is terminated pursuant to this provision, the Contractor shall receive payment for all services and materials properly rendered prior to notification of termination. In the event of a breach of contract, either party shall be free to avail itself to remedies available at law or in equity. However, before any such breach can be declared, the non-breaching party must provide the breaching party with ten days written notice whereby the breaching party will have the opportunity to cure or substantially cure any alleged breach. The

parties agree that this contract shall be interpreted and the parties shall be bound by the laws of the State of New Jersey, and that in the event of any lawsuit, the parties shall submit to the jurisdiction of the Courts of the State of New Jersey.

The Contractor represents that it is authorized to enter into the within transaction and that the individual signing this Contract on behalf of the Contractor is authorized to bind the Contractor.

The Contractor agrees to comply with appropriate Affirmative Action requirements as mandated by Federal, State and Local regulations.


The Contractor must provide a copy of their New Jersey Business Registration Certificate in accordance with P.L.2004, c.57, N.J.S.A. 52:32-44, and a copy of their Certificate of Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et seq. prior to final execution of this contract.

TOWNSHIP OF LOWER

By: _____

DATE: December _____

GOLDENBERG, MACKLER, SAYEGH,
MINTZ, PFEFFER, BONCHI & GILL

By:  _____

Keith A. Bonchi, Esquire, Partner

DATE: December 31, 2021

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

RESOLUTION #2022-65

Title: A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING TO SURENIAN, EDWARDS & NOLAN, LLC TO SERVE AS SPECIAL COUNSEL TO THE TOWNSHIP OF LOWER FOR AFFORDABLE HOUSING MATTERS/LITIGATION

WHEREAS, the Township of Lower has a need to acquire/retain special counsel possessing expertise in the area of affordable housing and the Fair Housing Act in order to assist the Township with addressing its affordable housing obligation, and desires to authorize this appointment using a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

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

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Surenian, Edwards & Nolan, LLC has submitted a proposal to serve as Affordable Housing Special Counsel for the Township of Lower at a rate set forth in the attached proposal; not to exceed \$25,000.00; and

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

Appropriation #: 2-01-20-155-299

CFO Signature: Lauren Read, CFO

WHEREAS, Surenian, Edwards & Nolan, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or committee in the Township of Lower in the previous year, and that the contract will prohibit them from making any reportable contributions during the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Surenian, Edwards & Nolan, LLC as Special Counsel on Affordable Housing for the Township of Lower at the rate attached hereto; for a total price not to exceed \$25,000.00 for the year.

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

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

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT and 5 rows: 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 January 19, 2022.

Julie A Picard, Township Clerk

PROFESSIONAL SERVICES AGREEMENT

This Agreement is made this _____ day of January 2022, by and between:

Township of Lower, a Municipal Corporation of the State of New Jersey
2600 Bayshore Road,
Villas, NJ 08251

Hereinafter referred to as **"Township"**

And: **SURENIAN, EDWARDS & NOLAN LLC**
311 Broadway, Suite A
Point Pleasant Beach, NJ 08742

Hereinafter referred to as **"Special Counsel", "Contractor" or "Firm"**

WITNESSETH:

1. Township hereby appoints and employs the Special Counsel to assist the Township and its legal counsel in helping the Township address its responsibilities with respect to its affordable-housing obligations in any proceeding involving (a) a New Jersey court of competent jurisdiction, and/or (b) the New Jersey Council on Affordable Housing ("COAH") should it resume its duties.

2. Special Counsel shall bill the Township at the following rates:

- (a) \$200.00 per hour for Jeffrey R. Surenian, Esq.,
- (b) \$190.00 per hour for all time spent by partners, Erik C. Nolan, Esq. or Michael J. Edwards, Esq.;
- (c) \$185.00 per hour for all time spent by associates, Ann Marie Harrison, Esq., Nancy L. Holm, Esq. or Christine M. Faustini, Esq.;
- (d) \$90.00 per hour for all paralegal work;
- (e) For any new hires, Firm will communicate with the municipality prior to the commencement of any work.

3. Township shall pay all disbursements incurred by the Firm, at the Firm's normal rate, such as, but not limited to, photocopying and printing charges (at \$0.25 per page); facsimile

charges (at \$1.00 per page); telephone charges; postage, travel expenses, mileage (at standard IRS rate, plus tolls); video conferencing charges; scanning charges (at \$0.25 per page); messenger fees; filing fees; recording fees, etc.

4. Special Counsel shall bill Township on a monthly basis. In the event that the bills exceed the amount budgeted not to exceed amount of \$ 25,000.00, Township shall either make another appropriation or advise Special Counsel to stop work immediately.

5. Township shall pay all bills within forty-five (45) days from date mailed.

6. As a prerequisite to payment, Special Counsel shall complete and execute vouchers provided by the Township, which the Firm shall be free to submit with each bill, so that said bill may be paid upon approval.

7. Attached hereto and incorporated herein are:

Enclosures

1. Mandatory Affirmative Action Compliance Notice N.J.S.A. 10:5-31 and N.J.A.C. 17:27; 2. Appendix A Americans with Disabilities Act of 1990 Equal Opportunity for Individuals with Disability; and 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; 3. State of New Jersey Business Registration 4. Certificate; Certificate of Employee Information Report; 5. Workers Compensation and Employers Liability Policy; 6. and Business Entity Disclosure Certification; and

8. Any portion or clause of this Agreement that is deemed unenforceable shall be severed from this Agreement with the surviving portion remaining in full force and effect.

9. The terms of this Contract shall be in effect from January 1, 2022 to December 31, 2022.

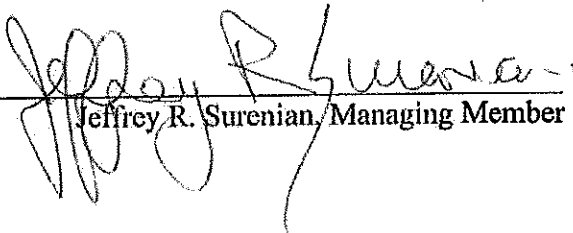
TOWNSHIP OF LOWER

ATTEST:


By

, Mayor

SURENIAN, EDWARDS & NOLAN LLC

By 
Jeffrey R. Surenian, Managing Member

Sworn and subscribed to before me on
this 6 day of JANUARY, 2022


A Notary Public of New Jersey
My commission expires:
LINDA O'BRIEN
A Notary Public of New Jersey
My Commission Expires July 25, 2022

Executive Summary
Qualifications of Jeffrey R. Surenian

Experienced - Mr. Surenian has thirty-eight years of experience working intensively and virtually exclusively with the Mount Laurel doctrine, commencing with his clerkship with the esteemed Honorable Eugene D. Serpentelli in 1983 following his appointment by former Chief Justice Wilentz as one of the three trial judges to implement the Mount Laurel doctrine. Currently, 65 municipalities across New Jersey have retained his firm to serve as Special Mount Laurel counsel. More municipalities rely on the Mount Laurel expertise of his firm by far than any other firm in the State. The New Jersey State League of Municipalities also relies on his expertise. In addition, the Statewide Consortium of 288 municipalities charged Mr. Surenian to represent its interests in the litigation concerning “the gap”. Also, (i) Ocean County municipalities; (ii) Mercer County municipalities and (iii) the Vicinage 13 Municipalities in Hunterdon, Somerset and Warren Counties each hired Mr. Surenian to represent their interests on fair share methodology issues and on various other issues in the case of the Vicinage 13 municipalities.

Competent - Thomson Reuters included Mr. Surenian in its list of “Super Lawyers” within the Land Use practice area for the years 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020 and 2021. Also, in 2015, Mr. Surenian received the Fred G. Sickel Award In Recognition of Excellence in Local Government Law, Exemplary Service to the Legal Profession and to Local Government, Outstanding Community Service and Unselfish Assistance Rendered to Other Local Government Attorneys.

Ethical - In 2009, the Michael A. Pane Memorial Fund named him the recipient of the Michael A. Pane, Esq. Award for Excellence in Ethics. The award reads as follows: “Conferred upon the Attorney Who has Exemplified the Highest Standards of Ethics and Whose Work has Significantly Enhanced the Integrity of Local Government”.

A Proven Record of Success

Mr. Surenian represented Brick Township, where he developed a concept that has come to be known as “credits without controls.” His success in securing approval of this new category of credits resulted in the Brick Township’s receipt of over 400 credits and Berkeley Township’s receipt of over 700 hundred credits worth several million dollars to each municipality.

He represented or represents the Townships of Cherry Hill, Toms River, Middletown, and Wayne – municipalities with fair-share quotas of more than 1,000 units. He crafted legally defensible legislation that capped the fair-share obligations of these communities at 1,000 units.

Mr. Surenian also assisted the Boroughs of Manasquan and Beachwood in protecting their last significant vacant parcel of land from development.

For Barnegat and Wall Townships, Mr. Surenian secured the first two waivers in the state from the cap on age-restricted housing created by the New Jersey Council on Affordable Housing (“COAH”).

Mr. Surenian secured Appellate Division approval of a “temporary immunity” procedure, which municipalities routinely rely upon to insulate themselves from Mount Laurel suits by avaricious developers and/or overly zealous non-profits. Mr. Surenian and other municipal attorneys persuaded the Supreme Court in Mount Laurel IV to utilize this procedure to protect municipalities that sought to participate in the procedures the Court announced.

Mr. Surenian also has had considerable success in establishing the principle that developers have an obligation to make good-faith efforts to achieve an amicable accord prior to instituting builder’s remedy suits. At least three different judges have dismissed three different builder’s remedy suits based on Mr. Surenian’s success in establishing this principle and the Appellate Division has affirmed this principle in an unreported decision.

Mr. Surenian has regularly rebuffed efforts by developers to secure builder’s remedies throughout the State in court or COAH proceedings, despite the vigor and skill of the professionals who represent the developers.

More recently, Mr. Surenian persuaded the Appellate Division on behalf of the Township of Barnegat that the courts lacked the authority to impose an obligation for the so-called “gap period”: the 16-year period between 1999 and 2015. The Supreme Court affirmed the Appellate Division decision, as modified. The Supreme Court’s ruling on the so-called gap calls for an analytic approach that resulted in radically lower obligations than those advocated by FSHC: 75,577 instead of 149,825.

Mr. Surenian served as co-lead counsel to represent the interests of Mercer County municipalities in a 41-day trial to determine an appropriate fair share methodology. Mr. Surenian and his co-lead counsel had success in persuading the so-called “numbers master” of the merits of the positions of the Mercer municipalities and Judge Jacobson’s 2008 ruling largely followed the Master’s recommendations. Indeed, Mr. Surenian and Buzak succeeded in persuading Judge Jacobson to adopt standards that slashed the full fair share numbers that FSHC advocated in half.

These examples represent some of the successes Mr. Surenian has achieved in aiding diverse municipalities in their struggle with the burdens of Mount Laurel compliance.

An Unparalleled Mastery of Affordable Housing Laws

Mr. Surenian authored *Mount Laurel II* and the *Fair Housing Act* (ICLE, 1987), a treatise recognized as authoritative by many jurists and cited by the New Jersey Supreme Court twice.

He also co-authored a chapter on affordable-housing law in a well-respected treatise entitled *New Jersey Land Use and Environmental Law* (Matthew Bender, 1993).

Mr. Surenian has lectured at Harvard University and has served as a lecturer and panelist at a number of seminars instructing municipal officials and attorneys about the ever-evolving field of affordable-housing law.

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

RESOLUTION #2022-66

Title: APPROVAL OF A SECONDHAND MERCHANT AND DEALER OF PRECIOUS METALS LICENSE

WHEREAS, one (1) application has been received by the Township for Secondhand Merchants and Dealer of Precious Metals License by the following applicant in accordance with Ordinance #2016-05; and

WHEREAS, the applicant has paid the proper fees, posted the required bonds and the Police have no objection to the issuance of said license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a Secondhand Merchant and Dealer of Precious Metals License for the year 2022 be approved and issued to the following applicant:

Lucky 7 Gold & Consignment

1425 Bayshore Road, Villas

	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 January 19, 2022.

Julie A Picard, Township Clerk

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

RESOLUTION #2022-67

Title: A RESOLUTION AWARDING A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING TO THOMAS PLANNING ASSOCIATES, LLC TO SERVE AS THE PROFESSIONAL PLANNER TO THE TOWNSHIP OF LOWER FOR AFFORDABLE HOUSING MATTERS/LITIGATION

WHEREAS, the Township of Lower has a need to acquire/retain the services professional planner possessing expertise in the area of affordable housing and the Fair Housing Act in order to assist the Township with addressing its affordable housing obligation, and desires to authorize this appointment using a non-fair and open contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one year; and

WHEREAS, Thomas Planning Associates, LLC has submitted a proposal to serve as the Professional Planner for Affordable Housing for the Township of Lower at a rate set forth in the attached proposal; not to exceed \$16,000.00; and

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

Appropriation #: 2-01-20-170-223

CFO Signature: Lauren Read, CFO

WHEREAS, Thomas Planning Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political candidate or committee in the Township of Lower in the previous year, and that the contract will prohibit them from making any reportable contributions during the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Thomas Planning Associates, LLC as the Professional Planner for Affordable Housing for the Township of Lower at the rate attached hereto; for a total price not to exceed \$16,000.00 for the year.

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

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 19, 2022

Julie A Picard, Township Clerk



THOMAS PLANNING ASSOCIATES, LLC

Professional Planning and GIS Consultants

P. O. Box 363

Brielle, New Jersey 08730-0363

T. Andrew Thomas, P.P., President

Tel: (732) 556-6711

andyplan@aol.com

Thomas A. Thomas, P.P., Emeritus

Tel: (732) 616-2289

tomplan@verizon.net

via e-mail only: planning@townshipoflower.org

October 12, 2021

William Galestok, Planning Director

Lower Township

2600 Bayshore Road

Villas, N.J. 08251

**Re: Proposal - Preparation of Housing Plan Element of Master Plan
Lower Township**

Dear Mr. Galestok:

Enclosed for your review and per your request is a proposal for the preparation of a Housing Plan and Fair Share Element of the Lower Township Master Plan. The proposal is broken into two phases which includes Phase I – preparation of the Housing Plan and Fair Share Element and Phase II - which will include the preparation of additional Fair Share Plan documents for the implementation of the Housing Plan Element including a development fee and inclusionary housing ordinance, spending plan, and affirmative marketing plan. The total fee for the two phases is \$16,000 and is separated by phase and task.

As indicated in the proposal it is unknown at this time if the Housing Plan Element will be submitted to the Court and Special Master for approval or what additional work there may be based upon their review. Also, it is unknown if there will be any interveners or objectors to the Housing Plan during the Court approval process, which may or may not occur. Due to this uncertainty and the number of potential additional meetings including a Fairness Hearing, negotiations and/or responses to the Court and/or Special Master, we are not able to make a firm estimate at this time but a minimum budget would be approximately an additional \$3,000 to \$5,000.

If you have any questions or I can be of further assistance please do not hesitate to contact me.

Very truly yours,

THOMAS PLANNING ASSOCIATES

T. ANDREW THOMAS, P.P.

Attachment

cc: Thomas A. Thomas, PP.

PROPOSAL FOR PROFESSIONAL PLANNING SERVICES
For
PREPARATION OF A HOUSING PLAN AND FAIR SHARE ELEMENT
and
ADDITIONAL FAIR SHARE DOCUMENTS
For
LOWER TOWNSHIP

The following Scope of Work provides for preparation of a Housing Plan Element and Fair Share Plan in accordance with the requirements of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.); the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310 et seq.) and applicable rules and guidelines contained in the Substantive Rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93- 1.1 et seq.) and June 2, 2008 (N.J.A.C. 5:97-1.1 et seq.), as impacted by the March 10, 2015 decision of the New Jersey Supreme Court In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV). This Plan will also be prepared in accordance with the March 8, 2018 Opinion of Mercer County Assignment Judge Mary C. Jacobson, which addressed methodologies the components of municipal fair share obligations including present need, prior round obligation, gap period obligation and prospective need.

This proposal consists of two phases. Phase I will include the preparation of a Housing Plan and Fair Share Element of Township Master Plan and Phase II will include the preparation of additional Fair Share Plan documents for the implementation of the Housing Plan Element as required. A provision has also been added to this proposal for the potential submittal of the Housing Plan Element and Fair Share Plan and other required elements to the Court and a Special Master for approval. This proposal details the scope of work, anticipated meetings/public hearings, and fees for the work to be prepared by Thomas Planning Associates.

The Municipal Land Use Law (N.J.S.A. 40:55D) and the Fair Housing Law (N.J.S.A. 52:27D-310) require that municipalities prepare and adopt Housing Plan Elements as part of their Municipal Master Plans, in part, to provide for affordable housing needs of the municipality and the housing region in which it is located.

By way of background the New Jersey Supreme Court in its 2013 ruling upheld and modified the 2010 Appellate Division ruling, which partially invalidated the COAH Rules for the period from 2004 through 2018 (N.J.A.C. 5:96 and N.J.A.C. 5:97). As a result, COAH was charged with adopting new affordable housing rules. COAH prepared revised Rules but in a tie vote the Council on Affordable Housing failed to adopt them. Due to COAH's failure to adopt new Rules, the New Jersey Supreme Court ruled on March 10, 2015 that 15 Superior Courts would have jurisdiction over the affordable housing process in the state and would have control of the New Jersey affordable housing administrative and regulatory process for municipal Housing and Fair Share Plans.

SCOPE OF WORK

I. Preparation of Housing Plan and Fair Share Plan.

A Housing Plan and Fair Share Element of the Township Master Plan will be prepared to address the responsibility of Lower Township to account for its regional fair share of affordable housing in accordance with the following statutory and regulatory requirements:

- (a) Compliance with the Fair Housing Act, Section 10 of P.L. 1985, c.222 (N.J.S.A. 52:27D-310), which requires a municipal housing plan element to achieve the goal of and access to affordable housing to meet present and prospective needs;
- (b) Addressing the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.) for preparation of a municipal "Housing Plan Element"; and
- (c) Incorporating applicable provisions of the Substantive Rules of the New Jersey Council on Affordable Housing (COAH) for the periods beginning on June 6, 1994 (N.J.A.C. 5:93-1.1 et. seq.) and on June 2, 2008 (N.J.A.C. 5:97-1.1 et. seq.), as required by the March 10, 2015 decision of the New Jersey Supreme Court In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by COAH
- (d) Mercer County Assignment Judge Mary C. Jacobson's Opinion which addressed methodologies for determining four components that comprise regional and municipal fair share affordable housing obligations: Present Need, Prior Round Obligation, Gap Period Obligation and Prospective Need.

The Municipal Land Use Law, N.J.S.A. 40:55D-62.a, et seq., provides that a municipal Master Plan must include a Housing Plan Element as a prerequisite for the adoption of zoning ordinances and any subsequent amendments to zoning ordinances. The Housing Plan Element and Fair Share Plan will be prepared in accordance with N.J.S.A. 40: 55D-28.

Section 10 of the Fair Housing Act, N.J.S.A. 52:27D-310, requires that a municipal housing plan element be designed to achieve the goal of providing access to affordable housing to meet present and prospective housing needs, with particular attention to "low" and "moderate" income housing, containing at least:

- (a) An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to "low" and "moderate" income households and substandard housing capable of being rehabilitated;
- (b) A projection of the municipality's housing stock, including the probable future construction of "low" and "moderate" income housing, for the next ten (10) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- (c) An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level and age;
- (d) An analysis of the existing and probable future employment characteristics of the municipality;
- (e) A determination of the municipality's "present" and "prospective" "fair share" for "low" and "moderate" income housing and its capacity to accommodate its "present" and "prospective" housing needs, including its "fair share" for "low" and "moderate" income housing; and

- (f) A consideration of the lands that are most appropriate for construction of "low" and "moderate" income housing and of the existing structures most appropriate for conversion to, or rehabilitate for, "low" and "moderate" income housing, including a consideration of lands of developers who have expressed a commitment to provide "low" and "moderate" income housing.

The Township's affordable housing obligation will be described as follows based upon the applicable provisions of COAH through the March 10, 2015 decision of the New Jersey Supreme Court and the March 8, 2018 Opinion of Mercer County Assignment Judge Mary C. Jacobson, which addressed methodologies for determining four components that comprise regional and municipal fair share affordable housing obligations: Present Need, Prior Round Obligation, Gap Period Obligation and Prospective Need.

- (a) Present Need – The present need is a measure of overcrowded and deficient housing that is occupied by low and moderate income households based on the 2010 U.S. Census. The present need was previously referred to as “rehabilitation share.”
- (b) Prior Round Obligation - The prior round obligation covers the period from 1987 through 1999.
- (c) GAP Period Obligation: The GAP period obligation covers the period 1999-2015 from the end of the last COAH obligation period (1999) through the Supreme Court decision of March 10, 2015.
- (d) Prospective Need - Prospective need is a measure of low and moderate income housing needs based on development and growth that occurred or is reasonably likely to occur in a region or municipality. The Prospective Need period includes 2015 through 2025.

The Housing Plan Element will address each of these required items in accordance with the Municipal Land Use Law, procedural requirements within COAH regulations that were upheld by the Supreme Court and by the Mercer County Opinion outlining the methodologies for determining municipal affordable housing obligation for the Present Need, Prior Round Obligation, GAP Period Obligation and Prospective Need for the period 1987 through 2025.

One of the key components of the Housing Plan will be an analysis of the vacant land within the Township. A Realistic Development Potential (RDP) will be prepared as part of the Housing Plan to evaluate the vacant land in the Township to assess whether or not the remaining vacant land within the Township can accommodate the projected affordable housing obligation. The RDP can be used to adjust the affordable housing obligation based upon applicable COAH rules. This was a component of the Township's previous Housing Plan.

II. Phase II - Fair Share Plan Implementation Documents.

Phase II will provide for the implementation of the Housing Plan and Fair Share Element of the Master Plan. This includes the preparation and adoption of several plans and ordinances which are further described below:

- (a) Development Fee and Inclusionary Housing Requirements Ordinance. The development fee ordinance and affordable housing regulation ordinance is intended to provide

assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance will also establish standards for the collection, maintenance, and expenditure of development fees that are consistent with applicable COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

- (b) Spending Plan. The Spending Plan serves as the basis for demonstrating realistic opportunities of each proposed affordable housing option that relies on affordable housing trust funds. The Spending Plan presents the actual collection, expenditures and balances reported in the municipal Affordable Housing Trust Fund.
- (c) Affirmative Marketing Plan. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing.
- (d) Additional Background Information. Additional background information will also be provided as part of the Fair Share Plan. This may include, for example, current and prior housing plans, master plans, zoning ordinances, tax maps, GIS mapping including a vacant land inventory and RDP and additional Census data.

III. Meetings/Public Hearings.

As part of the preparation of Phase I and Phase II Thomas Planning Associates will attend six (6) meetings including three (3) public hearings and three (3) coordination meetings. The meetings will include:

- (a) Three (3) coordination meetings with Lower Township staff, Planning Board and/or Planning Board Housing Subcommittee members to review draft Plan components. (Phase I)
- (b) One (1) Public Hearing for adoption of the Housing Plan by the Planning Board (Phase I)
- (c) One (1) coordination meeting with the Mayor and Township Council to discuss draft implementation documents as listed in Phase II
- (d) One (1) Public Hearing by the Mayor and Township Council for the adoption of implementation documents listed in Phase II.

IV. Preparation of Notices and Resolutions.

Thomas Planning Associates will draft and coordinate with Township officials on the required public hearing notice for the newspaper, the Cape May County Planning Board and adjacent municipalities; a resolution for the Planning Board for adoption of the Housing Plan and resolutions and public hearing notices for implementation documents. Preparation of Public Notices and Resolutions will be included as part of the fees listed in Phase I and II.

V. Fees.

The fees for the preparation of Housing Plan and Fair Share Plan in Phase I and the preparation of implementing fair share documents in Phase II are separated below. These following fees do not include any additional work as may be required for submittal to the Court for its approval. Submittals and or additional meetings with the Court and Special Master is covered in section VI of this proposal.

Phase I

- (a) Preparation of the Housing Plan Element and Fair Share Plan will be billed on an hourly rate of \$150.00/hour with an estimated maximum amount of \$6,200.
- (b) Four (4) meetings with the Planning Board, Subcommittee and Lower Township staff will be billed on an hourly rate of \$150.00/hour with an estimated maximum amount of \$3,600.
- (c) As full consideration for the performance of professional planning services, the Township will pay to Consultant \$150.00 per hour for professional planning services for T. Andrew Thomas, P.P.
- (d) Additional out of pocket charges for printing and reprographics for reports and maps or other direct charges related to the preparation of planning documents and mapping for the Township is estimated to be \$300. The Housing Plan will be prepared and presented in .PDF format with a total of ten (10) hard copies of the plan for the Planning Board.
- (e) Consultant will submit invoices on a monthly basis showing the number of hours of professional planning services, the services performed and related charges.
- (f) Within 45 days from the invoice date, the Township shall pay the full amount of the invoice.

Phase II

- (a) Preparation of Fair Share Plan implementation documents including a Spending Plan, Ordinance, an Affirmative Marketing Plan and other background information will be billed on an hourly rate of \$150.00/hour with an estimated maximum amount of \$3,500.
- (b) Two (2) meetings with Mayor and Township Council and Planning Board will be billed on an hourly rate of \$150.00/hour with an estimated maximum amount of \$1,800.
- (c) As full consideration for the performance of professional planning services, Township will pay to Consultant \$150.00 per hour for professional planning services for T. Andrew Thomas, P.P.
- (d) Additional out of pocket charges for printing and reprographics for reports and maps or other direct charges related to the preparation of planning documents and mapping for the Township is estimated to be \$600. The Fair Share Plan will be prepared and presented in .PDF format with a total of ten (10) hard copies distributed to the Planning Board.

- (e) Consultant will submit invoices on a monthly basis showing the number of hours of professional planning services, the services performed and related charges.
- (f) Within 45 days from the invoice date, the Township shall pay the full amount of the invoice.

Fee Summary

Task	Fee
Phase I preparation of Housing Plan Element and Fair Share Plan	\$6,200
Phase I – Meetings	\$3,600
Reprographics	\$300
Subtotal	\$10,100
Phase II – Preparation of implementation documents	\$3,500
Phase II - Meetings	\$1,800
Reprographics	\$600
Subtotal	\$5,900
TOTAL	\$16,000

VI. Approval by Court and Special Master

- (a) It is not clear at this time if the Housing Plan Element will be submitted to the Court and a Special Master for approval and what additional work there may be based upon their review. It is also unknown if there are any interveners or objectors to the Housing Plan. Due to this uncertainty and the number of meetings including Fairness Hearings, negotiations and/or responses to the Court and/or Special Master which may be required, no firm estimate can be made at this time. A minimum budget estimate would be an additional \$3,000 to \$5,000 but could be more depending upon the complexity of issues encountered during this process. If required, we will provide an amended budget to the Township for this task if this estimated amount will be exceeded. Meetings and Responses to the Court and/or Special Master will be based on an hourly rate of \$150.00/hour.

VII. Resume and Business Certificate

Copy of the resume of T. Andrew Thomas P.P. and Business Certificate is attached. Additional information can be provided upon request.



T. ANDREW THOMAS, P.P.
THOMAS PLANNING ASSOCIATES, LLC

Education: Florida State University, B.S. Geography 1990
Florida State University, M.S. Planning 1992

Professional: New Jersey Registered Professional Planner 1994 (LI 05288)
American Planning Association – Past Member
American Institute of Certified Planners (AICP) – Past Member

Mr. Thomas has more than 25 years of planning experience. He is currently President of Thomas Planning Associates and has been with the firm for 16 years. He was previously employed by T&M Associates from 1992 to 2003 and the Florida Department of Natural Resources Bureau of Planning as a part-time planner from 1988 through 1991.

Mr. Thomas is a licensed Professional Planner in the state of New Jersey, has a Masters in City Planning with a concentration in growth management. He is a past member of the American Institute of Certified Planners (AICP).

Mr. Thomas testifies on a regular basis on behalf of clients before planning boards and zoning boards of adjustment and has been qualified as a professional planner in more than 70 municipalities throughout New Jersey. Mr. Thomas provides planning consulting services on an on-going basis to several municipalities in Monmouth County. He is highly skilled in geographic information systems (GIS), computer cartography, spreadsheet programs and the organization and display of complex arrays of data and information. He has prepared numerous G.I.S. mapping programs for municipalities, counties and utility authorities in New Jersey and other states along the east coast. Mr. Thomas also prepares computerized conceptual subdivision and commercial site layouts for private clients.

He has prepared:

- Master plans
- Zoning regulations
- Housing Plans
- Park and open space plans
- Redevelopment plans
- Natural resource inventories
- GIS mapping programs for municipalities and counties
- Land use inventories, mapping and build-out analyses
- Community build-out and fiscal impact analyses
- Subdivision and site plan layouts
- Computerized tax maps

He has prepared Master Plans and Zoning Ordinances for several municipalities in New Jersey. Mr. Thomas has also prepared affordable housing plans for Allentown, Beachwood, Freehold Township, Colts Neck, Farmingdale, Monmouth Beach, Mantoloking, Manchester and West Long Branch Boroughs. He has prepared build-out analyses for Freehold Township, Manchester Township, Roosevelt Borough, Beachwood Borough, Mantoloking, Allentown, West Long Branch and other communities.

Mr. Thomas has prepared G.I.S. programs for Millstone Township, Manchester Township, Beachwood Borough, West Long Branch Borough, Roosevelt Borough, Monmouth Beach Borough and numerous other communities in New Jersey, New York, Connecticut and Maine. He prepared G.I.S. programs with integrated video and photographic programs for the Middletown Township Sewerage Authority, City of Plainfield Sewerage Authority and others. He developed county-wide GIS programs for Sussex and Union Counties and park and recreation plan GIS mapping and inventory programs for Essex County, Union County, Atlantic City and other communities.

**STATE OF NEW JERSEY
DEPARTMENT OF THE TREASURY
DIVISION OF REVENUE AND ENTERPRISE SERVICES
ANNUAL REPORT CERTIFICATE**

THOMAS PLANNING ASSOCIATES, LLC
0600148060

The Division of Revenue and Enterprise Services hereby affirms that the following annual report for THOMAS PLANNING ASSOCIATES, LLC was submitted on 05/19/2021 for the year: 2021

Registered Agent and Office

T. ANDREW THOMAS
662 VALLEY ROAD
P.O. BOX 363
BRIELLE, NJ 08730

Main Business Address

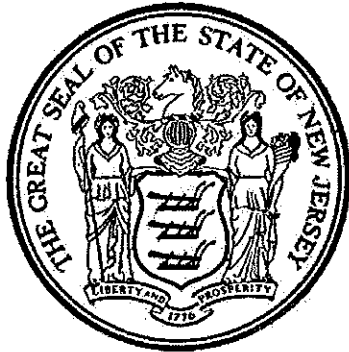
PO Box 363
BRIELLE, NJ 08730

Principal Business Address

PO Box 363
BRIELLE, NJ 08730

Officers and Directors

MEMBER
T. ANDREW THOMAS
662 VALLEY ROAD
BRIELLE, NJ 08730



*IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed
my Official Seal, this
19th day of May, 2021*

Elizabeth Maher Muoio
State Treasurer

Certificate Number : 2559770762
Verify this certificate online at
https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp

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

RESOLUTION # 2022-68

Title: **FINAL YEAR CONTRACT AWARD TO PROVIDE THE 2022 FIREWORKS SHOW INCLUDING THE BARGE TO S. VITALE PYROTECNICO INDUSTRIES INC.**

WHEREAS, On January 6, 2020 Resolution #2020-17 Accepted and Awarded the Independence Day Fireworks Show Contract including Barge for 2020 with an option of 2021 and 2022 Year; award the Final Year for 2022 Fireworks contract for a total of \$53,100.00 with Rain Delay Terms of \$7,685.00; and

WHEREAS, S Vitale Pyrotecnico 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: 2-01-30-420-254

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: 2022 YEAR \$53,100.00 w/Rain Delay Terms of \$7,685.00
(Township shall provide loaded barge Police Security on July 3, 2021)

	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 January 19, 2022.

Julie A Picard, Township Clerk

2022 Fireworks Independence Day Event Contract
AGREEMENT FOR PROVISION OF FIREWORKS
IN ACCORDANCE WITH BID

THIS AGREEMENT is entered into on the 19th day of April 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, 2022 (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. 2022 will be the final year of a three year contract ending in 2022 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.

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 2020-17, 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, 2022.

3. Scheduling Issues. The scheduled Fireworks Display shall be Friday July 3, 2022, 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, 2022 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, 2022.

4. Compensation. As a fee for providing the Fireworks Display, the Township shall pay to Pyrotecnico the sum of **FIFTY THREE THOUSAND ONE HUNDRED DOLLARS (\$53,100.00)**, which shall be due and payable on or before **July 7, 2022**. 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, 2022** **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. Weather/Rain Delay/Postponement occurs the terms and conditions for compensation will be as per Pyrotecnico's submitted bid proposal.

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 No 2019-21, 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 # 2019-21 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 2019-21 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's 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

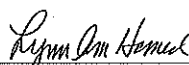
BY: _____
Frank Sippel, Mayor

ATTEST:

PYROTECNICO



, Secretary
Mary M Killingsworth, Senior Manager of Administration

BY:  _____
Lynn Ann Hamed, Corporate Secretary
Representative

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

RESOLUTION #2022-69

Title: **A RESOLUTION AWARDING A CONTRACT TO CAPE MINING AND RECYCLING LLC FOR THE REMOVAL AND DISPOSAL OF WOOD CHIPS LOCATED AT THE MUNICIPAL UTILITIES AUTHORITY ON AN AS NEEDED BASIS**

WHEREAS, the Township of Lower Public Works Department identified a need to arrange for the removal and disposal of wood chips located at the Municipal Utility Authority, and the Township has elected to contract for said services with Cape Mining & Recycling, LLC, utilizing a non-fair and open process pursuant to the provisions of N.J.S.A. 40A:11-5; and

WHEREAS pursuant to N.J.S.A. 40A:11-5(1)(s), "Any contract the amount of which exceeds the bid threshold, may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if the subject matter thereof consists of ... the marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;" and

WHEREAS, the Township of Lower's current recycling program includes branch and tree part collection thereby necessitating the need to contract for the removal and disposal of wood chips; and

WHEREAS, Township Council desires to authorize the above contract at the fee listed on the price list attached hereto as Exhibit A; and the CFO has certified the availability of funds as evidenced by her signature:

Appropriation: 2-01-32-465-611

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, in consultation with the Township Director of Public Works and Township Purchasing Agent, that Cape Mining is hereby awarded a contract for the removal and disposal of wood chips located at the Municipal Utility Authority upon authorization from the Director of Public Works with the approval of the CFO for the availability of funds through December 31, 2022.

BE IT FURTHER RESOLVED, that upon approval of this resolution, the fully executed Purchase Order shall serve as the Contract.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT

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 January 19, 2022.

Julie A Picard, Township Clerk

CAPE MINING AND RECYCLING

609-465-5617

Price List 2022

Materials Received Into Facility

Concrete	\$ 8.75 per ton
Concrete with Rebar	\$10.00 per ton
Asphalt	\$ 6.00 per ton
Stumps/Tree Parts	\$30.00 per ton
Fill Received	\$ 6.00 per ton

Materials Picked-up or Delivered

	Picked-up	Delivered South of Rt 83	Delivered North of Rt 83
Common Fill/Sand	\$ 5.00 per ton	\$ 9.50 per ton	\$10.50 per ton
Bankrun	\$ 6.75 per ton	\$11.25 per ton	\$12.25 per ton
I-5 Road Gravel	\$ 9.00 per ton	\$13.50 per ton	\$14.50 per ton
K-4/K-5 Sand	\$ 7.00 per ton	\$11.50 per ton	\$12.50 per ton
Screened Topsoil	\$15.50 per ton	\$19.00 per ton	\$20.00 per ton
I-5 Recycled Concrete	\$11.00 per ton	\$15.50 per ton	\$16.50 per ton
1-3" Recycled Concrete	\$18.00 per ton	\$22.50 per ton	\$23.50 per ton
I-5 Recycled Blend	\$10.00 per ton	\$14.50 per ton	\$15.50 per ton
Mulch	\$12.00 per cy	\$12.00 per cy*	\$12.00 per cy*
Black Mulch	\$15.00 per cy	\$15.00 per cy*	\$15.00 per cy*
Wood Chips	\$12.50 per cy	\$12.50 per cy*	\$12.50 per cy*

***Specified Items have an additional Delivery Charge of \$75.00**

If a partial load is ordered-There may be an additional Delivery Charge

10 ton minimum on deliveries

Minimum Charge of \$10.00 each load of Concrete/Asphalt/Fill received

Minimum Charge of \$10.00 each load picked-up from facility

Minimum Charge of \$20.00 each load of Stumps/Tree Parts received

For Delivery-Please call at least 1 day prior to set-up delivery

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

RESOLUTION # 2022-70

Title: AUTHORIZATION FOR 2021 INCENTIVE AWARD FOR INSURANCE WAIVER

WHEREAS, the employees listed on the attached schedule have waived health insurance and are due an incentive amount per Superior Officers Union and PBA Union Contract, Article 12, Section F, AFSCME Union Contract, Article VII, Section F and Supervisors Contract, Article VI, Section F; 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 Reed that adequate funding is available for such payment in the prior year's budget for Health Insurance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to Connor Vanaman in the amount of \$1,825.00 is authorized and chargeable to the 2021 Budget account 1-01-23-220-412.

	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 January 19, 2022.

Julie A Picard, Township Clerk

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

RESOLUTION #2022-71

Title: **ISSUANCE OF 2022 TAXI, LIMOUSINE AND OPERATOR LICENSES**

WHEREAS, applications have been submitted by High Roller Limousine, Inc. and G-Garibaldi Transportation, LLC, pursuant to Ord. #2000-4, for Taxi, Limo and Operator Licenses; and

WHEREAS, the applicants submitted the appropriate fees, provided the required documentation, and the Police Department has reviewed and approved the application packets.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Clerk is hereby authorized to issue the following:

High Roller Limousine, Inc.

<u>License Type</u>	<u>Description</u>
Limo	2010 Chrysler Town & Country Vin #2A4RR5D13AR105291
Limo	2012 Chrysler Town & Country Vin #2C4RC1CG6CR143588
Operators	Arthur Wolf Karen Wolf

G Garibaldi Transportation, LLC

<u>License Type</u>	<u>Description</u>
Taxi	2011 Dodge Caravan Vin #2D4RN5DG8BR749038
Operators	Oleg Pismenny
Limo	2008 Dodge Caravan Vin #1D8HN44H68B107521
Limo	2005 Ford Econoline Vin #1FBSS31L75HB30769
Limo	2008 Dodge Caravan Vin #2D8HN54P88R137537
Limo	2010 Dodge Caravan Vin #2D4RN4DE5AR146006
Limo	2010 Dodge Caravan Vin #2D4RN4DE7AR244499
Operators	Oleg Pismenny John O'Donoghue Frank Keller Charles Frederick John Vodges Carlas Gonzalez

	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 January 19, 2022.

Julie A Picard, Township Clerk

December 2021 Clerk Report

Register Report - Last month
12/1/2021 through 12/31/2021

1/4/2022

Page 1

Date	Account	Description	Category	Amount
		INCOME		5,885.00
		Campgrounds & Trailers		250.00
		Junk Yard Lic		150.00
		Licenses & Permits		15.00
		Liquor Licenses		200.00
		Precious Metals		500.00
		Short Term Rental 2021-2022		150.00
		Street Openings		570.00
		Taxi & Limo		320.00
		Towing		1,500.00
		Vac Prop Reg		2,000.00
		Yard Sale Permit		5.00
		Year Round Rental		225.00
		TRANSFERS		-5,885.00
		Council Checking		-5,885.00
		OVERALL TOTAL		0.00

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-8861455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 12/01/2021 To 12/31/2021

January 07, 2022 12:11:28PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$1,456,840.00	Cubic Footage:	328940 Cu.ft	Permit Issued:	103
Cost Of Alteration:	\$686,934.00	Square Footage:	24414 Sq.ft	Updates Issued:	8
Cost Of Demolition:	\$40,050.00			All Fees Waived:	2
Total Cost:	\$2,183,824.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$19,227.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$19,227.00
Electrical:	\$8,585.00	Electrical:	\$0.00	Electrical:	\$58.00	Electrical Fees:	\$8,527.00
Fire :	\$3,480.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$3,480.00
Plumbing:	\$5,596.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$5,596.00
Elevator:	\$306.00	Elevator:	\$0.00	Elevator:	\$306.00	Elevator Fees:	\$0.00
Mechanical:	\$2,415.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$2,415.00
				* Total Waived:	\$364.00	Technical Fees:	\$39,245.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$1,220.00	\$0.00	\$1,220.00
Alteration Training Fee:	\$1,306.00	\$48.00	\$1,258.00
DCA Minimum Fee:	\$9.00	\$1.00	\$8.00
Sub total Training Fee:	\$2,535.00	\$49.00	\$2,486.00

TECHNICAL ISSUES

Building Technical:	49
Electrical Technical:	80
Fire Protection Technical:	30
Plumbing Technical:	38
Elevator Technical:	1
Mechanical Technical:	32

CERTIFICATE ISSUES

Certificate of Occupancy:	6
Certificate of Approval:	22
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$39,245.00
DCA FBES:	\$2,486.00
CERTIFICATE FEES:	\$2,742.00
MIN FBES:	\$0.00
NET TOTAL FEES:	\$44,473.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$100.00
GRAND TOTAL FEES:	\$44,573.00

* By State law (see N.J.S. 52:27D-126c): \$364.00

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

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 12/01/2021 To 12/31/2021

January 7, 2022 12:12:12PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$433.00	\$44,140.00	\$0.00	\$44,573.00
DUMPSTER	Sub Totals:	\$10.00	\$0.00	\$0.00	\$10.00
CONTRACTOR LICENSE	Sub Totals:	\$0.00	\$550.00	\$0.00	\$550.00
GRAND TOTALS:		\$443.00	\$44,690.00	\$0.00	\$45,133.00

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-8861455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 01/01/2021 To 12/31/2021

January 07, 2022 12:26:00PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$16,161,226.00	Cubic Footage:	3244478 Cu.ft	Permit Issued:	1255
Cost Of Alteration:	\$16,202,058.32	Square Footage:	235808 Sq.ft	Updates Issued:	121
Cost Of Demolition:	\$193,375.00			All Fees Waived:	32
Total Cost:	\$32,556,659.32			Municipal Fees Waived:	0

<u>PERMIT FEES</u>	<u>ADMIN FEES</u>	<u>WAIVED FEES</u>	<u>TOTAL FEES</u>
Building: \$375,537.00	Building: \$0.00	Building: \$34,241.00	Building Fees: \$341,296.00
Electrical: \$125,870.00	Electrical: \$0.00	Electrical: \$4,477.00	Electrical Fees: \$121,393.00
Fire : \$41,535.00	Fire : \$0.00	Fire : \$760.00	Fire Fees: \$40,775.00
Plumbing: \$69,494.00	Plumbing: \$0.00	Plumbing: \$370.00	Plumbing Fees: \$69,124.00
Elevator: \$2,108.00	Elevator: \$0.00	Elevator: \$2,108.00	Elevator Fees: \$0.00
Mechanical: \$30,705.00	Mechanical: \$0.00	Mechanical: \$0.00	Mechanical Fees: \$30,705.00
		* Total Waived: \$41,956.00	Technical Fees: \$603,293.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$12,035.00	\$54.00	\$11,981.00
Alteration Training Fee:	\$30,403.00	\$4,334.00	\$26,069.00
DCA Minimum Fee:	\$84.00	\$4.00	\$80.00
Sub total Training Fee:	\$42,522.00	\$4,392.00	\$38,130.00

TECHNICAL ISSUES

Building Technical:	693
Electrical Technical:	1009
Fire Protection Technical:	288
Plumbing Technical:	380
Elevator Technical:	8
Mechanical Technical:	400

CERTIFICATE ISSUES

Certificate of Occupancy:	70
Certificate of Approval:	273
Certificate of Continued Occupancy:	1

PERMIT FEES:	\$603,293.00
DCA FEES:	\$38,130.00
CERTIFICATE FEES:	\$34,821.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$676,244.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$151.00
OTHER FEES:	\$400.00
GRAND TOTAL FEES:	\$676,795.00

* By State law (see N.J.S. 52:27D-126c): \$42,147.00

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

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 01/01/2021 To 12/31/2021

January 7, 2022 12:26:39PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$21,617.00	\$655,027.00	\$0.00	\$676,644.00
CCO FEES	Sub Totals:	\$151.00	\$0.00	\$0.00	\$151.00
DUMPSTER	Sub Totals:	\$80.00	\$30.00	\$0.00	\$110.00
CHANGE OF USE	Sub Totals:	\$0.00	\$302.00	\$0.00	\$302.00
CONTRACTOR LICENSE	Sub Totals:	\$0.00	\$8,700.00	\$0.00	\$8,700.00
HOMEOWNER LICENSE	Sub Totals:	\$0.00	\$100.00	\$0.00	\$100.00
GRAND TOTALS:		\$21,848.00	\$664,159.00	\$0.00	\$686,007.00

**2021 CASH RECEIPTS
DECEMBER**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Preliminary Tax Year (2022)	349,047.78	1,446,425.97
Current year taxes (2021)	897,673.24	66,805,182.67
Prior year taxes (2020)		652,064.05
Previously exempt property		0.00
State Audit Pay Back		0.00
Municipal Lien		834.04
Recording		20.00
Bankruptcy		0.00
6% Penalty		1,243.74
Municipal Service Fees	13,710.00	74,760.00
Tax Search Fees		30.00
Interest	26,320.03	147,986.32
Lot clearing	8,795.00	10,370.00
Returned Check Fees*	40.00	600.00
Duplicate Bills	65.00	1,650.00
Trash	5,673.00	63,115.67
Tax Sale Costs		1,588.63
MUA		0.00
TOTAL DEPOSITS	1,301,324.05	69,205,871.09
DEPOSITED TO COUNCIL CHECK	869,281.27	61,704,904.72
DEPOSITED TO WIPP ACCOUNT	432,042.78	7,500,966.37
TOTAL DEPOSITS	1,301,324.05	69,205,871.09
NSF Reversals *	5,683.84	52,276.83
WIPP NSF Reversals	2,758.65	93,626.90
NSF Fee Reversal (20.00)*		0.00
TOTAL NSF	8,442.49	145,903.73
TOTAL	1,292,881.56	69,059,967.36

Prepared by Kathy Brown

**DECEMBER 2021
VITAL STATISTICS**

Marriages,Civil Unions	4
Domestic Partners	0
Certified Copies	204
Certified Copies EDRS	10
Burial Permits	0

Marriages, Civil Unions State	\$100.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$12.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,040.00
Certified Copies EDRS	\$100.00
Burial Permits	\$0.00

TOTAL **\$2,252.00**

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

January 7, 2022

Mayor Frank Sippel &
Council Members
2600 Bayshore Road
Villas, NJ 08251

RE: MLUL 40:55D-70.1; Annual report
on variances heard by Zoning Board;
Year 2021

Dear Mayor Sippel & Council Members:

Please find attached the approving resolution and variance report of the Township of Lower Zoning Board for the Year 2021.

The Zoning Board carefully examined the report at their January 6, 2022 regular meeting and reserves the right to recommend any zoning ordinance changes at a future date.

If you have any questions, please call at your convenience.

Sincerely,

William J. Galestok, PP, AICP
Director of Planning
Board Secretary

WJG:las

enc.1

cc: Township Manager, w/enc.
Township Clerk, w/enc.
Zoning Board Solicitor, w/o enc.
Zoning Board Chairman, w/o enc.
Planning Board Chairman, w/o enc.

RESOLUTION NO.22-8-ZBA

BOARD OF ADJUSTMENT OF THE TOWNSHIP OF LOWER

ON THIS 6th day of January, 2022, the Zoning Board of Adjustment of the Township of Lower, having been presented with and having reviewed the Annual Report of Variances approved by the Zoning Board of Adjustment of the Township of Lower as submitted to said Board by William J. Galestok, PP,AICP, Director of Planning, and having determined that the same is accurate and complete and by affirmative vote, does hereby approve the same and authorize the same to be kept as an official record of the Township of Lower.



William J. Galestok, Secretary
Lower Township Board of Adjustment

DATED: January 6, 2022

2021 ZONING BOARD VARIANCE REPORT

<u>ZONE</u>	<u>APPLICANT</u>	<u>SITE PLAN</u>	<u>SUBDIVISION</u>	<u>USE VARIANCE</u>	<u>HARDSHIP</u>	<u>OTHER</u>
R-1	Cassway (3498)			CA	CA - side yard & coverage	
	Carter (3504)				D - accessory use height & larger than principal use	
	Ryan (3510)				CA - coverage	
	Burgos				CA - front & side yards & coverage	
	Kang/Hudson (3529)					
R-2 (U)	McCutcheon (3500)				CA - side yard, coverage & fence height front yard	
	Burns (3501)				CA - area, frontage, width, depth, side yard & coverage	
	Polash (3502)				CA - accessory use front yard	
	DeTotte (3506)					A - cert. of duplex
	Mogavero (3523)			CA		
	D'Adamo (3527)			CA	CA - permit, 2 nd house on lot & accessory use front yard	
R-3(W)	Mogavero (3530 & SUB 1493)		CA	CA	CA - Permit, frontage & width	
	Iacone (3499)				CA - rear yard	
	Ritter (3505)				CA - front yard	
	Savelloni (3507)				CA - front yard	
	Ramsey (3508)				CA - side yard	
	Teesdale (3511)				CA - front yard	
	Bisignano (3512)				CA - side yard	
	Blessing (3513)				CA - front yard	
	Baker (3514)				CA - side yard	
	Sanders (3515)				CA - rear yard	

2021 ZONING BOARD VARIANCE REPORT

<u>ZONE</u>	<u>APPLICANT</u>	<u>SITE PLAN</u>	<u>SUBDIVISION</u>	<u>USE VARIANCE</u>	<u>HARDSHIP</u>	<u>OTHER</u>
R-3 (W)	Neville (3517)				CA - area, frontage & width	
	McMullan (3518)				CA - side yard	
	DeCicci & Bucco (3519)				CA - area, frontage, width & front yard	
	Whalen (3520)				CA - rear yard & coverage	
	Moore (3521)				D - side yard	
	Howard (3526)				CA - front yard	
	Slimm (3524)				Dismissed w/o prejudice	
	Danley (3528)				CA - accessory use taller than principal use	
	Jackson (3531)				CA - front yard	
	Teesdale (3511A)				CA - front yard	

GB-II	Wind (3496A & SUB 1479)		CA	CA	CA - area, frontage & width	
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R-6 & R-6H	Achrisavest Pier 6600 (3503)	CA		CA	CA - off-site parking, landscape buffer for off-site parking	
------------	------------------------------	----	--	----	--	--

MGB	Penza & Penza (3509)			CA		
-----	----------------------	--	--	----	--	--

I	AT & T - airport (3478A)					A - reconsideration
---	--------------------------	--	--	--	--	---------------------

<u>TOTALS</u>	<u>1 - CA</u>	<u>2 - CA</u>	<u>7 - CA</u>	<u>27 - CA</u>	<u>2 - A</u>
				27 - D	

2021 ZONING BOARD VARIANCE REPORT

CA = Conditionally approved

D = Denied

(W) = Sewered

(U) = Unsewered

4 - Area

5 - Frontage

5 - Width

1 - Depth

9 - Front yard

8 - Side yard

3 - Rear yard

6 - Coverage

1 - Accessory use taller than principal use

1 - Fence height - front yard

3 - Accessory use front yard

2 - Permits

1 - Off-site parking

1 - Landscape buffer

1 - Certification of duplex

1 - Reconsideration

2021 PLANNING BOARD VARIANCE REPORT

ZONE	APPLICANT	SUBDIVISION	SITE PLAN	DUNE REVIEW	HARDSHIP VARIANCE
R-2(U)	Dilworth (1483)	CA			CA - frontage & width
	L. Domino (1486)	CA			CA - frontage & width
R-3(W)	NL Martucci Properties, LLC (1478)	CA			CA - area, frontage & width
	Englebert (1480)	D			D
	Plaza (1481)	CA			CA - area, depth & side yard
	405 First, LLC (1482)	CA			CA - area, frontage & width
	Peter (21-4)			CA	CA - area, frontage, width, front & side yard
	Campbell (1484)	CA			CA - frontage
	Kiess (21-6)			CA	CA - front yard
	D. Domino (1485)	CA			CA - area, frontage & depth
	Johnson (1487)	CA			CA - Area, frontage & width
	Salasin (1490)	CA			CA - depth
Madonna (1491)	CA			CA - area, frontage, width & depth	
	Lone Palm, LLC (1495)	CA			CA - area, frontage, width & side yard
GB	Rupinski (21-5)		CA - Waiver		CA - front yard
GB - I	Sanzone (20-5)		CA		CA - front yard & landscape buffer
RB	HILL, HILL & HILL (1488)	CA			CA - area & shed setback
MGB	Dolphin Dock & Miss Chris (21-1)		CA - Waiver		CA - height for flagpole

TOTALS

**12 - CA
1 - D**

**1 - CA
2 - CA (Waiver)**

2 - CA

**17 - CA
1 - D**

CA = Conditionally approved

D = Denied

(W) = Sewered

(U) = Unsewered

- 9 - Area**
- 10 - Frontage**
- 8 - Width**
- 4 - Depth**
- 4 - Front yard**
- 3 - Side yard**
- 1 - Landscape buffer**
- 1 - Shed setback**
- 1 - Height of flagpole**

2021

TAX COLLECTOR'S ANNUAL REPORT

SUBMITTED BY: KATHY BROWN

TAX COLLECTOR TOWNSHIP OF LOWER
COUNTY OF CAPE MAY

This report is submitted in compliance with N.J.S.A. 54:4-91; Collector's Annual Statement of Receipts. This report is filed with the CFO/Treasurer and the Governing Body as prescribed by statute.

In 2021 the tax office collected over 70 million dollars in taxes and other municipal charges. This year we increased the number of homeowners using the ACH program, (an automatic debit from their bank account and direct deposit to the Township's bank account) from 1128 to 1539. In addition, 7.4 million dollars was paid through our online banking option on the Township's website. All payment transactions are processed by the staff in the Tax Collector's office regardless of the manner including online, automatic debit, mail-in and in-person payments. The Tax Collector's office also collects Municipal Service Fees (mobile home parks), Commercial Trash, and Lot Clearing charges.

On September 21, 2021 we held our Tax Sale for unpaid 2020 municipal charges. Twenty eight properties were sold at the sale to outside lien holders. The total amount of Tax charges sold was \$60,593.26 and we collected \$426,900.00 in premiums. At this time we have 92 open tax lien certificates, 63 certificates are held by outside lien holders and 29 are Township Liens. 54 liens were redeemed through our office this year.

The Township of Lower has 15,382 taxable properties and another 626 non-taxable properties. Many property owners qualify for a Veterans Deduction (909) and/or the Senior Citizen Deduction (229) of \$250.00 each against taxes due. Presently, there are over 115 properties that qualify for a 100% Disabled Veteran Exemption from paying Real Estate taxes. The township prints and mails all tax bills utilizing township employees. Once again this year, we sent out Estimated Bills for the 3rd quarter 2021 in June and then a 2021 Final /2022 Preliminary Bill in August. Pre Covid (2020) billing was once a year in July. In October we sent Added Assessment Bills to 244 homeowners.

The State of New Jersey offers a Property Tax Reimbursement (commonly known as the Senior Tax Freeze) to qualifying property owners. The Tax Collector's office processed over 3,500 applications certifying the amount of taxes paid by individual property owners. In March we sent out 2,263 Homestead Credit Adjustments for the 2nd quarter 2021. County wide we have the largest number of homeowners receiving Homestead rebates and/or Property Tax Reimbursements.

The unaudited tax collection rate for 2021 is 99.39%.

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

RESOLUTION #2022-72

Title: **A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

WHEREAS, the Township Council of the Township of Lower is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Lower to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) **Matters Required by Law to be Confidential:** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) **Matters Where the Release of Information Would Impair the Right to Receive Funds:** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) **Matters Involving Individual Privacy:** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) **Matters Relating to Collective Bargaining Agreement:** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) **Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:** Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) **Matters relating to Public Safety and Property:** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

(7) **Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:** any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **Attorney/Client Privilege**

_____ (8) **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) **Matters Relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss if a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, assembled in public session on January 19, 2022 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

	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 January 19, 2022

Julie A Picard, Township Clerk