

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

RESOLUTION # 2023-15

Title: CONFIRMATION OF OFFICIALS FOR JOINT INSURANCE FUND AND MUNICIPAL EXCESS LIABILITY FUND

WHEREAS, it is necessary for the Township to designate certain persons for the receipt of notices and processing of claims for the Joint Insurance Fund; and

WHEREAS, the Township is desirous of updating the records of the Atlantic County Municipal Joint Insurance Fund with changes.

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 persons are named in the capacity listed for the Joint Insurance Fund for 2023 and shall remain in said positions until changed by resolution:

Fund Commissioner	Karen Fournier
Alt. Fund Commissioner	Michael Laffey, Township Manager
Claims Coordinator	Colleen Crippen
Safety Coordinator	Kathleen Brown
Township Clerk	Julie A. Picard

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-16

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions
Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Lower, County of Cape May, State of New Jersey, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

	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 4, 2023.

Julie A Picard, Township Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

GROUP AFFIDAVIT FORM

**STATE OF NEW JERSEY
COUNTY OF CAPE MAY**

We, members of the governing body of the TOWNSHIP OF LOWER being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the MAYOR AND COUNCIL of the Township of Lower in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

Thomas Conrad, Council Ward 1

Kevin Coombs, Council Ward 2

Rolland Roy, Jr., Council Ward 3

David Perry, Deputy Mayor

Frank Sippel, Mayor

Sworn to and subscribed before me this
4th day of January, 2023
Julie A Sylvester-Picard
Notary Public of New Jersey

Julie A Picard, Township Clerk

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

RESOLUTION #2023-17

Title: APPROVAL OF PETTY CASH FUNDS - 2023

WHEREAS, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash fund; and

WHEREAS, it is the desire of the Lower Township Council to approve the following petty cash funds:

<u>Location</u>	<u>Amount</u>	<u>Custodian</u>
Treasurer's Office	\$100.00	Lauren Read, CFO Colleen Crippen, Asst. Treas.
Police Department	\$550.00	Chief Kevin Lewis Captain Donald Vanaman

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 funds are hereby approved for the use as petty cash as defined by N.J.S.A. 40A:5-21.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-18

Title: SETTING THE INTEREST RATE FOR DELINQUENT TAXES

WHEREAS, the Reorganization Meeting of the Township Council of the Township of Lower, the governing body thereof, was duly held on January 4, 2023 at Township Hal, 2600 Bayshore Road Villas, New Jersey; and

WHEREAS, R.S. 54:4-67 as amended authorizes municipalities to fix a rate of interest to be charged for the non-payment of taxes or assessments on or before the date when they would become delinquent. Delinquency is to be calculated on the sum of all taxes from year to year and not be calculated on an individual year basis, and N.J.S.A. 40A:5-17.1 provides that a municipality may authorize the cancellation of tax delinquencies of less than Ten (\$10.00) Dollars.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that interest be charged for the non-payment of taxes or assessments on or before the date when they would become delinquent in accordance with R.S. 54:4-67 and that the rate of interest shall be eight percent (8%) based on a 365 day year on the first \$1,500.00 of delinquency and eighteen per cent (18%) based on a 365 day a year on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date of actual payment. Interest will stay at eighteen per cent (18%) until taxes are completely current. No interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same become payable.

BE IT FURTHER RESOLVED that a penalty of 6% shall be levied against a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year. This 6% penalty shall also apply to delinquency in excess of \$10,000.00 to third party lien holders and that an additional penalty shall be levied against tax sale certificates as follows:

When the taxes, interest and cost shall exceed the sum of \$200.00, such additional sum shall be equal to 2% of such amount paid. When the taxes, interest and costs shall exceed the sum of \$5,000.00, such additional sum shall be equal to 4% of such amount paid; and when that sum exceeds \$10,000, such additional sum shall be equal to 6% of such amount paid. This section is retroactive only as to existing municipally held certificates but acts prospectively with regard to certificates held by third parties as of March 28, 1991.

BE IT FURTHER RESOLVED that the Tax Collector be and hereby is directed to collect interest on delinquents at the aforesaid rate.

BE IT FURTHER RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Tax Collector is hereby authorized to process, without further action on the part of the Township Council, the cancellation of any property tax delinquency of less than Ten (\$10.00) Dollars.

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution be provided by the Municipal Clerk to the Tax Collector and the Chief Financial Officer.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-19

Title: AUTHORIZING THE TAX ASSESSOR TO FILE TAX APPEALS

WHEREAS, by a directive from the Cape May County Board of Taxation pursuant to N.J.A.C. 18:12A-1(c), all tax appeals submitted to the Cape May County Board of Taxation by the Tax Assessor on behalf of the Township of Lower must be authorized by Resolution of the Township Council for the Tax Year 2023.

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

Township Council hereby authorizes the Tax Assessor to file Tax Appeals on behalf of the Township of Lower. The Tax Assessor shall have the right to terminate and/or settle by stipulation or otherwise, any such Tax Appeal that she/he shall institute.

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this Resolution to the Cape May County Board of Taxation and to furnish copies of same to the Township Assessor and Township Solicitor.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-20

Title: AUTHORIZING THE CLERK TO ISSUE BINGO & RAFFLE LICENSES THROUGHOUT 2023 TO QUALIFIED ORGANIZATIONS

WHEREAS, the Township Clerk receives applications throughout the year from various organizations to conduct bingo and/or raffle games within the Township of Lower; and

WHEREAS, the below listed applicants have obtained their state registrations from NJ Legalized Games of Chance and have been in good standing with the Township for many years; and

WHEREAS, there appears to be no reason to deny said licenses for 2023 providing all paperwork is completed and required fees have been paid.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township Clerk is authorized to issue bingo/raffle licenses for 2023 to the following organizations as applicable throughout the year.

- Atlantic Cape Community College
Animal Alliance of Cape May County
Cape May Stage
Cape Regional Medical Center Aux.
Christ Child of CMC
Erma Volunteer Fire Company
Friends of Historic Cold Spring Village
Greater Cape May Elks Lodge #2839
Knights of Columbus
Kiwanis Club of Cape May
Lower Cape May Little League
Lower Cape Hockey Association
Lower Township Optimist Club
Soroptimist International
Senior Citizens of North Cape May
Lower Township Elementary School
Make a Wish Foundation
St. Barnabas By the Bay
St. John Neumann - St. Raymond's Holy Name Society
St. John Neumann - St. Raymond's Catholic Church
St. John Neumann - St. John of God Alter Rosary Society
St. John Neumann - St. John of God Catholic Church
Townbank Volunteer Fire Company
VFW Post 5343 Lt. Charles Buddy Lewis
Vietnam Vets of America - Chapter #602
Villas Volunteer Fire Company
Wildwood Catholic
Women's Community Club of Cape May

BE IT FURTHER RESOLVED, the Township Clerk may issue additional Bingo & Raffle Licenses to organizations not listed above upon a valid LGCC ID certificate and all appropriate paperwork and fees.

Table with 8 columns: Name, MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT. Rows include 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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-21

Title: APPOINTMENT OF BOND COUNSEL FOR THE YEAR 2023 AS A PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower ("Township") has a need to acquire bond counsel and is satisfied with the services rendered by the current vendor and desires to authorize this appointment using a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Township has determined and certified in writing that the value of the contract may exceed \$17,500, and Archer & Greiner, P.C. has submitted a proposal indicating that they will provide the goods or services described above; and

WHEREAS, the term of this contract is one year, January 1, 2023 – December 31, 2023 and the CFO has determined sufficient funds will be available in the current budget as follows:

Appropriation: Applicable Bond Ordinances

CFO Signature: Lauren Read
Lauren Read, CFO

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey hereby approves a contract with Archer & Greiner for the goods and services herein described and that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and that a notice of Award of Professional Contract for the above appointment shall be published in the Township's Official paper.

	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 4, 2023 .

Julie A Picard, Township Clerk

**BOND COUNSEL SERVICES
A G R E E M E N T**

THIS AGREEMENT, made as of this ___ day of January, 2023, between the TOWNSHIP OF LOWER, a body politic of the State of New Jersey, herein designated as the "Township", party of the first part, and ARCHER & GREINER P.C., Attorneys at Law with offices at 10 Highway 35, Red Bank, New Jersey, hereinafter designated as "Bond Counsel", party of the second part:

WITNESSETH:

1. The Township desires to authorize and to issue its bonds for various capital projects and to provide for the terms and the security of such bonds in accordance with the laws of the State of New Jersey. The Township desires to finance such capital projects through temporary and permanent obligations at the most advantageous terms available to it.

2. Bond Counsel, in consideration of the making and the signing of the within Agreement, agrees to render the following services:

A. Bond Counsel will prepare or review all bond ordinances adopted or to be adopted by the governing body.

B. Bond Counsel will assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey Statutes.

C. When the Township determines to issue bonds, Bond Counsel will prepare the necessary resolutions or other operative documents authorizing the bond sale. Bond Counsel will seek the advice of the Auditor in connection with the appropriate maturity schedule for the bonds to be sold. Bond Counsel will coordinate the printing and the distribution of the Official Statement to those financial institutions that customarily submit bids for new issues of New Jersey municipal bonds of that type. It will arrange for the printing of the notice of sale in The Bond Buyer and in the local newspaper, as required by law, and will answer inquiries made by the investment community concerning the bond sale. Bond Counsel will attend the bond sale and will render legal advice as necessary concerning the submission of bids for the bonds in accordance with the notice of sale and the requirements of law. After the bond sale, Bond Counsel will prepare the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for the delivery of the bonds to the successful bidder. Bond Counsel will attend the closing with the appropriate officials, at which time the bonds will be delivered, payment will be made for the bonds, and Bond Counsel will issue a final approving legal opinion with respect to the validity of the bonds.

D. When the Township determines to issue bond anticipation notes or tax anticipation notes, Bond Counsel will prepare any necessary resolutions to authorize the sale of such notes.

When the purchaser and the details of the notes have been determined, Bond Counsel will prepare the notes for execution and will prepare the appropriate closing certificates and an approving legal opinion with respect to the notes. Unless requested otherwise, Bond Counsel will forward the notes, closing papers and approving legal opinion to the Township Attorney for execution and delivery.

E. Bond Counsel will provide basic advice in regard to the effect of the federal arbitrage regulations on the issuance of bonds or bond anticipation notes and the investment of the proceeds thereof.

F. Bond Counsel will provide other legal advice requested by the Township, provided such advice is within the legal expertise of Bond Counsel's law firm.

G. Bond Counsel will prepare, review and distribute the Preliminary and Final Official Statements in connection with any bond or note financing.

H. Bond Counsel will provide legal services, prepare the necessary documentation and review and comment upon all documents in connection with any capital equipment lease financing or pooled loan financing undertaken by the Township.

I. Bond Counsel will provide legal services listed in the Township's solicitation of qualifications, which are incorporated herein by this reference.

3. The Township will make payment to Bond Counsel for services rendered in accordance with the following schedule:

A. For services rendered or in connection with each bond sale, a fee of \$3,500, plus \$1.00 per thousand dollars of bonds issued. Time relating to the review of the Official Statement, the continuing disclosure document or other disclosure document will be billed at the hourly rates described in Section 3F below.

B. For services rendered in connection with the preparation of each bond ordinance, a fee of \$450 for each single purpose ordinance and \$600 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, that is, services that are not described in Section 2 hereof such as attendance at meetings, attention to litigation or other matters described in Section 3F, there will be additional fees to be charged at the hourly rates of the attorneys in effect at the time of providing the services. The fees for services in connection with the ordinances will be charged periodically during the course of the year.

C. The fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at the closing shall be \$1,200.00 for Bond Counsel's approving legal opinion in connection with such a financing and \$.50 per thousand dollars of bond or tax anticipation notes or emergency notes issued. If additional services are required, such as with issues involving refundings or the combination of numerous

ordinances, the additional time required will be billed at the hourly rates in effect when the services are performed.

D. In the event that a Letter of Credit or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee based on the responsibility assumed and time involved will be billed at the hourly rates described in Section 3F below.

E. In the event of a bond issue providing the payment of a prior issue of bonds, there will be a fee of \$5,000 in addition to the fees described herein.

F. Services rendered beyond the scope of those described above will be billed at the hourly rates in effect when the services are rendered. The present hourly rates range from \$75 to \$185 per hour depending on the paralegal or attorney involved. Such services include, but are not limited to, attendance at meetings, work involved in the preparation or review of the Official Statement and a continuing disclosure agreement, if applicable, for a bond sale or the review or the preparation of an Official Statement and a continuing disclosure agreement, if applicable, for a bond anticipation note sale, diligence for a bond ordinance, review of authorization proceedings for a bond ordinance, preparation of prequalification packages for bond insurance, preparation of a rating agency package, analysis of any credit enhancement facility, the preparation or review of a Local Finance Board application, attention to or services rendered with regard to any litigation that may occur or any legal question posed by the Township, tax work, complicated arbitrage analysis or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations and legal services, the preparation of the necessary documentation and reviewing and commenting upon all documentation in connection with any capital equipment lease financing, pooled loan financing or loan financing undertaken by the Township through an Improvement Authority, NJIB, USDA or any other legal services the Township wishes Bond Counsel to perform.

G. In the event that a bond sale is held but all bids are rejected or the sale is cancelled, or this Agreement is terminated prior to the sale of bonds, the fee to be charged shall be a reasonable one, based on the services performed.

H. Customary at-cost disbursements shall be added to the fees referred to in this Agreement. These may include photocopying, express or overnight delivery charges and postage costs, newspaper publication costs and the costs of printing official statements, travel expenses, telecommunications, filing fees, book binding, messenger service or other costs advanced on behalf of the Township.

I. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

4. Bond Counsel and the Township hereby incorporate into this contract the mandatory language of Subsection 3.4(a) and the mandatory language of Section 5.3 of the Regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, and Bond Counsel agrees to comply fully with

the terms, the provisions and the conditions of Subsection 3.4(a) and of Section 5.3, provided that Subsection 3.4(a) shall be applied subject to the terms of Subsection 3.4(d) of the Regulations.

IN WITNESS WHEREOF, the TOWNSHIP OF LOWER has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Bond Counsel has caused this Agreement to be duly executed by the proper party as of the day and year first above written.

TOWNSHIP OF LOWER

ATTEST:

Township Clerk

BY: _____

Authorized Officer

ARCHER & GREINER P.C.

BY: _____
JOHN M. CANTALUPO, ESQ.

P.L. 1975, C. 127 (N.J.A.C. 17:27)
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

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

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

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

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

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor 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.

The contractor or subcontractor 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, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, 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.

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

12/30/04

Taxpayer Identification# 222-092-948/000

Dear Business Representative:

Congratulations! You are now registered with the New Jersey Division of Revenue.

Use the Taxpayer Identification Number listed above on all correspondence with the Divisions of Revenue and Taxation, as well as with the Department of Labor (if the business is subject to unemployment withholdings). Your tax returns and payments will be filed under this number, and you will be able to access information about your account by referencing it.

Additionally, please note that State law requires all contractors and subcontractors with Public agencies to provide proof of their registration with the Division of Revenue. The law also amended Section 92 of the Casino Control Act, which deals with the casino service industry.

We have attached a Proof of Registration Certificate for your use. To comply with the law, if you are currently under contract or entering into a contract with a State agency, you must provide a copy of the certificate to the contracting agency.

For more information on the law, visit our Registration Hotline at

and wish you continued success in your business endeavors.

Sincerely,

John E. Tully
John E. Tully, CPA
Director

STATE OF NEW JERSEY
BUSINESS REGISTRATION CERTIFICATE

DEPARTMENT OF TREASURY/
DIVISION OF REVENUE
PO BOX 262
TRENTON, NJ 08646-0252

TAXPAYER NAME:

ARCHER & GREINER, A PROFESSIONAL CORPORATION

TRADE NAME:

ADDRESS:

1 CENTENNIAL SQUARE
HADDONFIELD, NJ 08033

SEQUENCE NUMBER:

0066793

EFFECTIVE DATE:

12/12/75

ISSUANCE DATE:

12/30/04

John E. Tully
Director

FORM-BRC(08-01)

This Certificate is NOT assignable or transferable. It must be conspicuously displayed at above address.

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE

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

N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

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

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

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

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

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

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

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

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

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

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

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

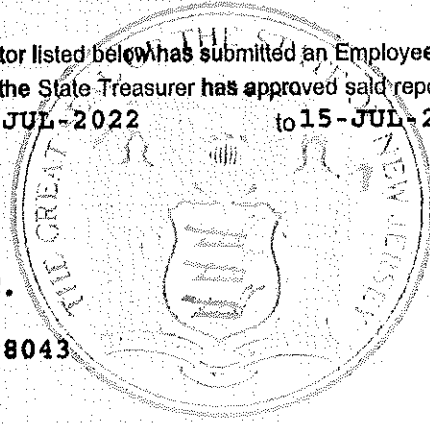
Employee Information Report Form AA302

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

Firm Name: Archer & Greiner, P.C.
Name of Agent: _____
Title: Partner John M. Cantalupo
Date: 11/28/22

CERTIFICATE OF EMPLOYEE INFORMATION REPORT
RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of **15-JUL-2022** to **15-JUL-2025**



ARCHER & GREINER, P.C.
1025 LAUREL OAK RD
VOORHEES NJ 08043



Elizabeth Maher Muoio

ELIZABETH MAHER MUOIO
State Treasurer

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

Part I B Contractor Affirmation

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

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

Part II B Ownership Disclosure Certification

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

Check the box that represents the type of business entity:

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

Name of Stock or Shareholder	Home Address
No one shareholder owns 10% or more of stock.	

Part 3 B Signature and Attestation:

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

Name of Business Entity: Archer & Greiner, P.C.

Signed: _____ Title: Partner

Print Name: John M. Cantalupo Date: 11/28/22

Subscribed and sworn before me this 28 day of November, 2022.

My Commission expires: _____
Dina M. Ryan

 (Affiant)
 John M. Cantalupo, Partner
 (Print name & title of affiant) (Corporate Seal)

DINA M. RYAN
 NOTARY PUBLIC OF NEW JERSEY
 My Commission Expires July 11, 2026

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

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

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

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

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

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

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

<u>Date</u>	<u>Name of Organization</u>	<u>Amount</u>
	N/A	

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

Sworn and Subscribed to before me
this 28th day of November, 2022

Dina M. Ryan
Notary Public
DINA M. RYAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires July 11, 2026

John M. Cantalupo, Partner

DESCRIPTIONS (Continued from Page 1)

\$10,000,000 x \$20,000,000 Excess Professional policy is Quota Share as follows:

Insurer 5: Columbia Casualty Insurance Co (50% participation), Policy 425222568, NAIC #20443

Insurer 6: Ironshore Specialty Insurance Co (50% participation), Policy #LPL7NAB3L4N002, NAIC #25445

\$10,000,000 x \$30,000,000 Excess Professional Policy is Quota Share as follows:

Insurer 7: Indian Harbor Insurance Co (50% participation), Policy LPE903768803, NAIC #36940

Insurer 8: Old Republic Union Insurance Co (50% participation), Policy #ORPRO11100249, NAIC #31143

Evidence of insurance

Archer Public Affairs, LLC is a named insured on the above noted policies.

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

RESOLUTION #2023-22

Title: APPROVING 2023 CONTRACT WITH CAPE MEDIATION SERVICES

WHEREAS, N.J.S.A. 40A:11-3 authorizes the award of any contract without competitive bidding for any purchase, work or service that does not exceed in the fiscal year the total sum of Seventeen Thousand Five Hundred (\$17,500) Dollars; and

WHEREAS, the Township is desirous of renewing its contract with Cape Mediation Services; and

WHEREAS, the contract amount for 2023 is 0.14 per person in the municipality as of the latest available census making the Total Contract \$3,201.24; and

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

Appropriation: 3-01-23-210-401

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 above services are hereby approved for the calendar year 2023.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk



ALTERNATIVE DISPUTE RESOLUTIONS
E-Mail: CMCBA.ED@GMAIL.COM

P.O. BOX 662
CMCH, NJ 08210

609.463-.0323
FAX-609-.463.1656

November 30, 2022

Lauren Reed, CFO
Township of Lower
Municipal Court
2600 Bayshore Road
Villas, NJ 08251

RE: Cape Mediation Services Voucher Year 2023
Tax ID 223052736

Dear Ms. Reed;

Please remit a voucher for the year 2023 Mediation Assessment in the amount of \$3201.24.
This amount is based upon a charge for each person in your municipality.

Thank you in advance for your attention to this matter.

Very truly yours,

Pamela M Kaithern
Executive Director

Cc: Sarah VanSeeters, C.M.C.A.

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

RESOLUTION #2023-23

Title: **AUTHORIZING THE CASH MANAGEMENT PLAN**

WHEREAS, it is in the best interest of the Township of Lower to earn additional revenue through the investment and prudent management of its cash receipts; and

WHEREAS, P.L. 1983, Chapter 8, approved January 18, 1983 is an act concerning the Local Fiscal Affairs Law and amends N.J.S.A. 40A: 5-2 and N.J.S.A. 40A5-14

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 shall constitute the Cash Management Plan for the Township of Lower and the Treasurer shall deposit and manage its funds pursuant to this plan:

Definitions

1. Treasurer shall mean the Treasurer of the Township of Lower
2. Fiscal Year shall mean the twelve-month period ending December 31.
3. Cash Management Plan shall mean that plan as approved by resolution.

Designation of Depositories

At least once each fiscal year the governing body shall by resolution designate the depositories for the Township of Lower in accordance with N.J.S.A. 40A: 5-14. In addition to the designation, the Township of Lower may make deposits with the State of New Jersey Cash Management Fund in accordance with N.J.S.A. 40A: 5-14.

Audit Requirement

1. The cash Management Plan shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A: 5-4.

Authority to Invest

1. The governing body shall pass a resolution at its first meeting of the fiscal year designating the Township of Lower officials who shall make and be responsible for municipal deposits and investments.

Investment Instruments

1. The Treasurer shall invest at his/her discretion in any investment instrument as approved by the State of New Jersey in accordance with N.J.S.A. 40A: 5-15.1.

Records and Reports

1. The Treasurer shall report all investments in accordance with N.J.S.A. 40:5-15.2.
At a minimum the Treasurer shall:
 - Keep a record of all investments.
 - Keep cash position records that reveal, on a daily basis, the status of the cash in its bank accounts.
 - Confirm investments with the governing body at the next regularly scheduled meeting.
 - Report monthly to the governing body as to the status of cash balances in bank accounts, revenue collection, interest rates and interest earned.

Cash Flow

1. The Treasurer shall ensure that the accounting system provides regular information concerning the cash position and investment performance.
2. All moneys shall be turned over to the Treasurer and deposited in accordance with N.J.S.A. 40A: 5-15.
3. The Treasurer is authorized and directed to invest surplus funds of the Township of Lower as the availability of the funds permit. In addition, it shall be the responsibility of the Treasurer to minimize the possibility of idle cash by depositing the moneys in interest bearing accounts wherever practical and in the best interest of the Township of Lower.
4. The Treasurer shall ensure that funds are borrowed for Capital Projects in a timely fashion.

Schedule of Statutory Payments

1. Fire Districts are to be paid in accordance with N.J.S.A. 40A: 14-79. Statutory tax payments are made to each district as follows:

- 21.25% on or before April 1
- 22.50% on or before July 1
- 25.00% on or before October 1
- 31.25% on or before December 31

Lower Township Fire District No. 2 has requested that their payments be made in the following increments:

- 40% due April 1
- 30% due July 1
- 20% due October 1
- 10% due on or before December 31

Annual Allowance Amounts

The Township of Lower has authorized participation in a flexible spending account for the employees. The flexible spending account allows a portion of the employee's salary to be redirected to provide reimbursement for allowable medical expenses and/or eligible dependent care services. At the beginning of each plan year, a specific dollar amount must be elected. For 2023, the allowable amount is \$2,500.00 for medical and \$5,000.00 for dependent care reimbursements.

Banking Policies

Periodically, the Treasurer will utilize the competitive contracting process to request proposals from local banking institutions to provide banking services for the Township. This is to assure that banking services being provided to the Township are based on a competitive "bidding" process. The Township will have the option to extend the contract if it is in the best interest of the Township to do so. At least once every year the Treasurer will evaluate current banking services to assure compliance with the specifications contained in the contract and any new services that may become available in the banking industry. A detailed banking policy will be kept in the Office of the Treasurer detailing the Township's specific banking requirements.

Fund Balance Policy

It is in the best interest of the Township to establish a fund balance policy to assure adequate funds are available to mitigate current and future risk, ensure stable tax and utility rates and strengthen the Township's credit worthiness. Regarding the current fund balance, it is the policy of the Township to maintain fund balance at a level of no less than 10% (post utilization in subsequent year budget) to 20% (pre utilization in subsequent year budget) of the current fund budget with an optimal balance equaling two months of current fund expenditures.

Electronic Receipts Policy

It is in the best interest of the Township to provide more and improved access for residents to pay their property taxes. To that end the Township accepts online tax payments in the form of ACH withdrawal, credit cards and debit cards. In addition the Township will also allow the usage of in-person credit card tax payments.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-24

Title: APPROVAL OF ANNUAL CONTRIBUTION TO VOLUNTEERS IN MEDICINE

WHEREAS, Volunteer in medicine of Cape May County's primary mission is to understand and serve the health and wellness needs of the medically uninsured or under-served population living or working in Cape May County; and

WHEREAS, VIM has begun a Municipal Partners Program to create a permanent symbolic relationship between the VIM clinic and the sixteen municipalities; and

WHEREAS, VIM has requested each municipality donate fifty cents (\$0.50) for each taxable line to the program to help with specialized services for eye care, pediatrics and podiatry in addition to the primary care being offered.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of Cape May, State of New Jersey does hereby authorize and approve a contribution of \$7,960.00. for the year 2023.

BE IT FURTHER RESOLVED that the CFO, Lauren Read is hereby authorized to issue a check to Volunteers in Medicine for \$ 7,960.00 chargeable to budget line 3-01-20-110-281 where sufficient funds are available as evidenced by her signature.

Lauren Read

Lauren Read, CFO

	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 4, 2023.

Julie A Picard, Township Clerk



Volunteers in Medicine

FREE CLINICS OF SOUTH JERSEY

www.vimsj.org • 609-463-2846

Honorable Frank Sippel and Council
Township of Lower
2600 Bayshore Rd
Villas, NJ 08251

Dear Mayor Sippel and Council,

Volunteers in Medicine (VIM) of South Jersey is now in our 21st year. We could not have done it without the generous support of our Municipal Partners, like you!

VIM is a 501c(3) providing FREE primary and preventive services to the working poor and medically uninsured. **We save local taxpayers millions each year, and keep the most vulnerable in our community healthy.** VIM receives no Federal or State funds. We rely on the local community and our Municipal Partners to maintain clinic operations. As VIM continues to provide health services to the needy residents of your community, we ask that your annual budget include a partnership donation of \$7,960 to Volunteers in Medicine.

VIM believes that a measure of any society or community is how its citizens care for those in need; Cape May County and Township of Lower, in particular, is a shining example of neighbors caring for neighbors. Please promote VIM to residents who may need our service. We are always welcoming new patients. Thank you for your continued support and leadership on this very important issue.

Sincerely,



Jaqueline Meiluta
Executive Director

CC: Michael Laffey, Township Manager
Margaret Vitelli, QPA

PS Enclosed is a copy of our recent event program, highlighting Lower as our Municipal Partner!

VIM Board of Trustees

Susan N. Adams • Jay J. Blumberg, Esq. • Joanne Carrocino, FACHE • Katherine Custer • Craig DeGenova
Rev. Joanne Drane, PhD • Micki Goldberg • Madeline Martinez, LSW • Beverly McCall, Esq.
Trina McSorley • Rev. Douglas Moore • Daniel P. Nugent • Dolly S. Paramanathan • Matthew Piskun, PharmD, MBA

423 North Route 9, Cape May Court House, NJ 08210

3073 English Creek Road, Egg Harbor Twp, NJ 08234

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

RESOLUTION #2023-25

Title: AUTHORIZATION FOR PUBLIC BIDDING

WHEREAS, the Township Of Lower is required to publicly bid certain items during the course of the year in accordance with the Local Public Contracts Law; and

WHEREAS, the Township may also desire to obtain public bids on certain other items that may become necessary during the course of the year but which are not required to be publicly bid.

NOW, THEREFORE, BE IT RESOLVED:

That Margaret Vitelli, Lower Township's Qualified Purchasing Agent is hereby authorized to obtain public bids as necessary for items or services in 2023 as they become necessary in accordance with the Local Public Contract Law.

BE IT FURTHER RESOLVED that all contracts awarded through public bidding be made a Resolution of the Township Council with the required Chief Financial Officer's certification as to the availability of funds for the items/services to be procured.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-26

Title: DESIGNATION OF PUBLIC AGENCY COMPLIANCE OFFICER FOR LOWER TOWNSHIP

WHEREAS, in accordance with N.J.A.C. 17:27-3.2, each public agency shall designate an individual to serve as its Public Agency Compliance Officer (P.A.C.O.); and

WHEREAS, the Public Agency Compliance Officer is the liaison between Lower Township and the Division of Public Contracts Equal Employment Opportunity Compliance for all matters concerning implementation and administration of the statute; and

WHEREAS, the Public Agency Compliance Officer is responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers. The P.A.C.O. must have the authority to recommend changes to effectively support the implementation of the statute and its regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Margaret Vitelli be appointed the Public Agency Compliance Officer for the Township of Lower.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-27

Title: RESOLUTION ESTABLISHING THE QUOTE THRESHOLD PURSUANT TO NJSA 40A:11-3a

WHEREAS, pursuant to N.J.S.A. 40A: 11-3a, the current legal threshold for quotes for Lower Township is \$6,600.00 or 15% of the Qualified Purchasing Agents bid threshold of \$44,000.00; and

WHEREAS, the Township Council hereby establishes a quote limit which will not require multiple quotes from the using departments for any purchase under \$4,000.00 and the Township Manager is hereby authorized to allow exceptions up to the legal limit of \$6,600.00, if it is determined to be in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a quote threshold of \$4,000 is hereby established and any purchase under \$4,000.00 will not require multiple quotes from the using departments, and the Township Manager may allow exceptions up to the legal quote limit of \$6,600.00, if it is determined to be in the best interest of the Township.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-28

Title: AUTHORIZING PAYMENT OF 2023 DEBT SERVICE

WHEREAS, the amounts listed below are owed for debt service in the current year 2023 and are due on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget; and

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

WHEREAS, funds for debt service are available in the 2023 budget appropriations for Bond Principal (3-01-45-920-499), Bond Interest (3-01-45-930-499), Loan Principal (3-01-45-940-498) and Loan Interest (3-01-45-940-499) as certified by the Chief Financial Officer Lauren Read.

DATE	TOTAL	PRIN	INT	
1/15/2023	209,225.00		209,225.00	BOND
2/9/2023	24,873.28	23,199.76	1,673.52	LOAN
2/15/2023	9,327.48	8,195.71	1,131.77	LOAN
2/15/2023	94,725.00		94,725.00	BOND
3/7/2023	27,982.44	25,585.46	2,396.98	LOAN
7/15/2023	2,409,225.00	2,200,000.00	209,225.00	BOND
8/9/2023	24,873.28	23,431.76	1,441.52	LOAN
8/15/2023	9,327.47	8,277.66	1,049.81	LOAN
8/15/2023	604,725.00	510,000.00	94,725.00	BOND
9/7/2023	27,982.44	25,841.31	2,141.13	LOAN
TOTALS	3,442,266.39	2,824,531.66	617,734.73	

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the above debt service payments are hereby authorized:

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-29

Title: AUTHORIZING PAYMENT FOR DISPATCH SERVICES

WHEREAS, the amounts listed below are due to Cape May County for payment of a shared service agreement for dispatch services per Resolution #2022-137, and it is necessary to receive authorization for the payment of bills; and

WHEREAS, payment to Cape May County 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, sufficient funds are available for Dispatch Service payments through budget appropriation: County Interlocal 3-01-25-250-225 as certified by the Chief Financial Officer Lauren Read payable as follows:

\$125,000.00 due 2/1/2023
\$125,000.00 due 5/1/2023
\$125,000.00 due 8/1/2023
\$125,000.00 due 11/1/2032
\$500,000.00

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

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-30

Title: RESOLUTION TO DEFER THE REGIONAL SCHOOL TAX

WHEREAS, by statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50% of the school levy may be deferred to the following year, and

WHEREAS, the 2022 Regional School Levy was \$14,733,000 and not more than 50% is \$7,386,500.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that it desires to defer regional school taxes to the year 2023 in the amount of \$7,386,500.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-31

Title: AUTHORIZING PAYMENT FOR 2023 REGIONAL SCHOOL TAXES
TO LOWER CAPE MAY REGIONAL

WHEREAS, the amounts listed below are owed to Lower Township Board of Education for current year 2023 taxes on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget, and

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

WHEREAS, tax payments made to Lower Township Board of Education are charged to a non-budget appropriation #3-01-55-910-019 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer Lauren Read.

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 payments are hereby authorized:

SCHOOL TAXES DUE 1/15/23	\$ 1,477,300.00
SCHOOL TAXES DUE 2/15/23	\$ 1,477,300.00
SCHOOL TAXES DUE 3/15/23	\$ 1,477,300.00
SCHOOL TAXES DUE 4/15/23	\$ 1,477,300.00
SCHOOL TAXES DUE 5/15/23	\$ 1,477,300.00
TOTAL PAYMENT DUE 1/1/23 - 6/30/23	\$ 7,386,500.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-32

Title: AUTHORIZING PAYMENT OF 2023 PENSION AMOUNTS DUE 4/1/23

WHEREAS, the amounts listed below are due to NJ Pensions and it is necessary to receive authorization for the payment of bills; and

WHEREAS, payment of Employer share of PERS and PFRS 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, PERS Pension contributions and PFRS Pension contributions are budgeted and sufficient funds available as follows as certified by the

Chief Financial Officer Lauren Reed payable as follows:

\$ 834,373 to 3-01-36-471-500 PERS PENSION due 4/1/2023

\$1,394,047 to 3-01-36-475-500 PFRS PENSION due 4/1/2023

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.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-33

Title: AUTHORIZING DEBT SERVICE PAYMENT FOR THE JOINT PUBLIC SAFETY PAYMENT

WHEREAS, the amount listed below is due to Cape May County for payment of a lease agreement per Resolution #2018-141, and it is necessary to receive authorization for the payment of bills; and

WHEREAS, payment to Cape May County 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, sufficient funds are available for Dispatch Service payments through budget appropriation: County Interlocal 3-01-25-245-270 as certified by the Chief Financial Officer Lauren Read payable as follows:

\$167,091.26 due 11/15/23

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 payment to Cape May County is hereby authorized.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-34

Title: **DESIGNATION OF OFFICIAL DEPOSITORIES**

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, the official depositories for the Township funds shall be: TD Bank, OceanFirst Bank, Sturdy Savings & Loan, Crest Savings, Bank of America, PNC and NJ Cash Management Fund;

BE IT FURTHER RESOLVED that all disbursements by check require two signatures:

<u>ACCOUNT</u>	<u>AUTHORIZED OFFICIALS</u>
Municipal Court Account – General	CFO, Asst. Treasurer, Judge, Court Administrator, Deputy Court Administrator
Municipal Court Account – Bail	CFO, Asst. Treasurer, Judge, Court Administrator, Deputy Court Administrator
Payroll Account	CFO, Asst. Treasurer, Township Clerk, or Asst. Twp. Clerk
Tax Redemption Account	Tax Collector, Asst. Tax Collector, CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Tax Premium Account	Tax Collector, Asst. Tax Collector, CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Council Checking Account	Mayor, Deputy Mayor, Twp. Clerk, Asst. Twp. Clerk, CFO, Asst. Treasurer
Dog Damage Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Trust Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Unemployment Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Grants Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Revitalization Savings Account (transfers)	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Economic Development Account (transfers)	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Historic Commission Trust Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Police Forfeiture Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Community Police Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Developer's Escrow Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Council Online Payment Acct (transfers)	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk
Capital Account	CFO, Asst. Treasurer, Twp. Clerk, Asst. Twp. Clerk

BE IT FURTHER RESOLVED that the use of electronic signatures is hereby authorized.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-35

Title: **AUTHORIZING PAYMENT FOR 2023 LOCAL SCHOOL TAXES TO LOWER TOWNSHIP BOARD OF EDUCATION**

WHEREAS, the amounts listed below are owed to Lower Township Board of Education for current year 2023 taxes on the dates noted and it is necessary to receive authorization for the payment of bills which affect the budget; and

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

WHEREAS, tax payments made to Lower Township Board of Education are charged to a non-budget appropriation #3-01-55-910-017 and sufficient funds are available from quarterly property tax payments as certified by the Chief Financial Officer Lauren Reed.

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 debt service payments are hereby authorized:

SCHOOL TAXES DUE 1/1/23	\$1,935,656.40
SCHOOL TAXES DUE 2/1/23	\$1,935,656.40
SCHOOL TAXES DUE 3/1/23	\$1,935,656.40
SCHOOL TAXES DUE 4/1/23	\$1,935,656.40
SCHOOL TAXES DUE 5/1/23	\$1,935,656.40
TOTAL PAYMENT DUE 1/1/23 - 6/30/23	\$9,678,282.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-36

Title: **ADOPTING 2023 TEMPORARY CURRENT BUDGET**

WHEREAS, N.J.S.A. 40A: 4-19 provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2023 Budget, temporary appropriations should be made by resolution prior to January 30th of the fiscal year; and

WHEREAS, the total of the appropriations so made shall not exceed 26.25% of the total of the appropriations made for all purposes in the budget for the preceding fiscal year, excluding appropriations made for interest and debt redemption charges and capital improvement fund; and

WHEREAS, the total appropriations of the 2022 Budget, exclusive of any appropriations for interest and debt redemption charges and capital improvement fund is \$28,929,857.29; and

WHEREAS, 26.25% of the total appropriations in the 2022 Budget, exclusive of any appropriations made for interest and debt redemption charges and capital improvement fund, is \$7,594,087.54.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the 2023 Temporary Current Budget is set in an amount not to exceed \$7,594,087.54.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-37

Title: APPROVING 2023 CONTRACT WITH CAPE ASSIST

WHEREAS, N.J.S.A. 40A:11-3 authorizes the award of any contract without competitive bidding for any purchase, work or service that does not exceed in the fiscal year the total sum of Seventeen Thousand Five Hundred (\$17,500) Dollars; and

WHEREAS, the Township is desirous of renewing its contract with Cape May County Council on Alcoholism and Drug Abuse, Inc. administered by Cape Assist for the Employee Assistance Program; and

WHEREAS, the contract amount for 2023 is Twenty-One Dollars (\$21) per employee currently based on 177 employees for a total of Three Thousand Seven Hundred seventeen dollars (\$3,717.00) and funds are available in the current fund entitled Group Health 3-01-23-220-402 as evidenced by the Treasurer's signature below:

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 Mayor and Clerk are hereby authorized to sign the attached contract agreement for the year 2023.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk



AGREEMENT

EMPLOYEE ASSISTANCE PROGRAM

This is an agreement between the CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC., a New Jersey non-profit corporation (hereafter "Cape Assist") and Municipality of Lower Township (hereafter "Employer") to establish an EMPLOYEE ASSISTANCE PROGRAM (hereafter "EAP") to commence on 1/1/2023 and terminate on 12/31/2023.

WHEREAS, the Employer recognizes the need for an EAP for its employees and desires to retain Cape Assist to establish, administer, and provide personnel for an EAP, it is hereby agreed that

CAPE ASSIST WILL:

- * Meet and confer with appropriate personnel of the Employer to develop the policies that will define the scope of the program, and, the procedures and the activities of the program that will most effectively meet the needs of the Employer to be referred to as the "EAP Policies and Procedures."**
- * Conduct a training program for the Employer's administrative and supervisory Personnel on EAP Policies and Procedures.**
- * Conduct an initial orientation and educational seminar on EAP Policies and Procedures, for all employees who are eligible to participate in the EAP.**
- * Provide assessment, evaluation, intervention, referral and case management**

Services for employees referred to the EAP.

THE EMPLOYER WILL:

- **Designate specific members of its administrative staff to assist Cape Assist's representatives in the development of EAP Policies and Procedures.**
- * **Designate and set aside an appropriate meeting place for the initial orientation seminar on EAP Policies and Procedures for all employees who are eligible for the EAP and for any additional education or training program that the parties agree are necessary to facilitate the EAP.**
- * **Provide a private, confidential meeting place where the Employer's can meet with Cape Assist Staff when they wish to be counseled at their work site consistent with EAP Policies and Procedures, if requested.**

BOTH PARTIES AGREE:

- **To strictly adhere to the confidential regulations that are defined in Federal Law 42 CFR Part 2 and pertains to the confidentiality of patient/client records.**
- **To abide by the EAP Policies and Procedures.**
- **To review and update the Policies and Procedures annually or on an as needed basis, when the need to do so is identified by either the Employer or Cape Assist.**

In Consideration for the EAP services to be provided by Cape Assist, the Employer agrees to pay:

A rate of \$3,717.00 for 177 employees for twelve (12) months beginning January 1, 2023 and ending December 31, 2023. Annual cost per employee is \$21.00. Full payment to be received within thirty (30) days of formal acceptance of Agreement. Increases or decreases in personnel of 10% or more shall be reported to Cape Assist and will result in Agreement modification.

INDEMNITY AND HOLD HARMLESS AGREEMENT PROVISION

Cape May County Council on Alcoholism and Drug Abuse, Inc. agrees to indemnify and hold harmless the Employer and their agents, servants and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees in case of the work herein, which 1) for personal or bodily injury, illness or death, or for property damage, including loss of use, and 2) caused in whole or part by Cape May County Council on Alcoholism and Drug Abuse, Inc.'s negligent act or omission or that of a subcontractor may be liable. This indemnification and agreement shall apply in all instances whether the Employer is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of the action or claim.

The employer agrees to indemnify and hold harmless Cape May County Council on Alcoholism and Drug Abuse, Inc. and their agents, servants, and employees, from and against all claims, damages, losses, and expenses, including reasonable attorney's fees in case it shall be necessary to file an action, arising out of performance of the work herein, which is 1) for personal or bodily injury, illness or death for property damage, including loss of use, and 2) caused in whole or part by the Employer's negligent act or

omission or that of a subcontractor, or that of anyone employed by them or for whose acts contractors or subcontractor may be liable. This indemnification and agreement Shall apply in all instances whether Cape May County Council on Alcoholism and Drug Abuse, Inc. is made a party to the action or claim or is subsequently made a party to the action by third-party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues emanating from the original cause of the action or claim.

Nothing herein shall constitute a waiver of or otherwise limit any right either the Employer or Cape Assist may claim for immunity pursuant to N.S.S.A. 2a:53Aa-7, et seq, or, any other law of this State.

CAPE MAY COUNTY COUNCIL ON ALCOHOLISM AND DRUG ABUSE, INC., a New Jersey non-profit corporation.

by _____
Executive Director Date

Witness _____
Name Date

Municipality of Lower Township:

by _____
Name

Title

Date

by _____

Title

Date

Witness _____
Name

Date

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

RESOLUTION # 2023-38

Title: RESOLUTION AUTHORIZING CONTRACTS WITH APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a

WHEREAS, the Township of Lower, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Township of Lower has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Township of Lower intends to enter into contracts with the attached Referenced State Contract Vendors through this Resolution and properly executed contracts, which shall be subject to all the conditions applicable to the current State contracts.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Purchasing Agent is hereby authorized to purchase certain goods or services from those approved New Jersey State Contract Vendors on the attached list, pursuant to all conditions of the individual State contracts.

BE IT FURTHER RESOLVED, pursuant to N.J.A.C. 5:30-5.5(b), the certification of available funds shall certify the full maximum amount against the budget at the time the contract is awarded. No contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Finance Officer.

BE IT FURTHER RESOLVED, the duration of the contracts between the Township of Lower and the Referenced State Contract Vendors shall be from January 1, 2023 to December 31, 2023.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk

2023 Referenced State Contract Vendor Listing Revised

Exhibit A

<u>Vendor</u>	<u>Vendor#</u>
*Gentilini Ford	V00044491
*Kindle Ford	V00025617
*Municipal Equipment Enterprises	V00003883
Advanced Electronic Design d/b/a Patrol PC	V00001448
All Traffic Solutions	V00014060
Amazon Services LLC	V00034812
Atlantic Tactical	V00000829
Axon Enterprise, Inc/Taser Intl	V00001512
Beyer Fleet LLC	V00000451
CDW Government	V00001715
Celebrity Chrysler Jeep	V00000449
Chapman Ford Sales Inc.	V00004927
Chas S. Winner Ford	V00001600
Day Chevrolet	V00002989
Dell Marketing Co	V00000889
DFFLM, LLC t/a Dditschman/Flemington Ford	V00000797
Eagle Point Gun	V00000219
FP Mailing Solutions	V00003919
Garden State Highway Products	V00000174
Garden State Office Systems & Equipment	V0000218
General Sales Administration/Major Police	V00003997
General Spring Service	V00002775
GTBM /Gold Type Business Machines	V00000081
Hertrich Fleet Services	V00000212
HON Company	V00004896
Insight Public Sector	V00004701
KML Technology Inc	V00004733
Kyocera Document Solution	V00003913
Lawnmen Supply	V00001560
Liberty Parks and Playgrounds	V00013839
Lilliston Ford	V00017494
Lilliston Chrysler	V00004211
Malouf Ford Inc	V00000479
Mohawk Resources LTD	V00000882
Morphotrak Inc	V00001682
Motorola Solutions Inc.	V00001813
MPH Industries	V00003203
Neopost/ Quadient	V00002640
Office Business Systems Inc	V00000223
Pedroni Fuel Co	V00001489
R & R Radar Inc.	V00008868
Richard E. Pierson Materials	V00000871
Riggins	V00000345
Rubbercycle LLC	V00004506
Service Tire Truck Center	V00003901
SHI International	V00000229
Suburban Propane	V00004505
Ted Kingston	V00038670
Tricomm Service	V00000370
Valu-Auto Parts	V00005597
Verizon Wireless	V00002215
W.B Mason	V00001705
Watchguard Video	V00023307
Wireless Communications & Electronics	V00038639

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

RESOLUTION #2023-39

Title: A RESOLUTION APPROVING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND LOWER TOWNSHIP FIRE DISTRICT # 3

WHEREAS, the Township of Lower believes it is in the best interest of the residents of the Diamond Beach Area of Lower Township to provide additional fire services through an inter-local service agreement; and

WHEREAS, Lower Township Fire District # 3 has agreed to provide the services and the Township of Lower has agreed to pay Fire District # 3 a yearly amount for said service as follows:

2023	\$ 22,500
2024	\$ 22,500
2025	\$ 23,750

WHEREAS, each year of said agreement, the CFO will certify that sufficient funds will be available in the that current year's budget; and

WHEREAS, the CFO has determined sufficient funds will be available in the current (2023) budget as follows:

Appropriation: 3-01-25-260-273

Signature: Lauren Beach

WHEREAS, the Agreement is authorized by N.J.S.A. 40:8A-1 et seq.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, in the County of Cape May, State of New Jersey, that the Mayor and Township Clerk are hereby authorized and directed to execute this Agreement.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2022-205

Title: A RESOLUTION AFFIRMING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT FOR FIRE SUPPRESSION SERVICES

WHEREAS, there currently exists an Interlocal Services Agreement for Fire Suppression Services between the Borough of Wildwood Crest, the Wildwood Crest Volunteer Fire Company No. 1, the Township of Lower and the Erma Volunteer Fire Company, Station 62, Fire District No. 3, which expires on December 31, 2022; and

WHEREAS, it is the desire of all parties to renew the Interlocal Services Agreement for a period of three (3) years beginning January 1, 2023 through December 31, 2025, and all terms and conditions have been agreed upon by all parties; and

WHEREAS, the Commissioners of Fire District No. 3, Erma Volunteer Fire Company, have authorized the Interlocal Services Agreement by Resolution #2022-18, adopted at their May 17, 2022 meeting; and


WHEREAS, the Commissioners of Wildwood Crest have authorized the Interlocal Services Agreement by Resolution #22-216, adopted at their June 8, 2022 meeting.

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

1. The attached Interlocal Services Agreement for the period of January 1, 2023 through December 31, 2025 between the Borough of Wildwood Crest, the Wildwood Crest Volunteer Fire Department No. 1, the Township of Lower and the Commissioners of Fire District No. 3 be and is hereby approved.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Interlocal Services Agreement on behalf of the Township.

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

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 June 22, 2022.


Julie A. Picard, Township Clerk

INTERLOCAL SERVICES AGREEMENT
FIRE SUPPRESSION SERVICES

BETWEEN THE BOROUGH OF WILDWOOD CREST
AND WILDWOOD CREST VOLUNTEER FIRE COMPANY NO. 1
AND THE TOWNSHIP OF LOWER
AND THE COMMISSIONERS OF FIRE DISTRICT NO. 3, TOWNSHIP OF LOWER, COUNTY OF CAPE MAY

THIS AGREEMENT made on this 8th day of JUNE, 2022, by and between **BOROUGH OF WILDWOOD CREST**, a municipal corporation of the State of New Jersey, having its principal place of business at 6101 Pacific Avenue, Wildwood Crest, New Jersey, 08260, hereinafter referred to as the "Borough", **WILDWOOD CREST VOLUNTEER FIRE COMPANY NO. 1**, having its principal place of business at 7100 Pacific Avenue, Wildwood Crest, New Jersey, 08260, hereinafter referred to as "Volunteer Fire Company", **TOWNSHIP OF LOWER**, a municipal corporation of the State of New Jersey, having its principal place of business at 2600 Bayshore Road, Villas, New Jersey, 08251, hereinafter referred to as the "Township, and **THE COMMISSIONERS OF FIRE DISTRICT NO. 3, TOWNSHIP OF LOWER, COUNTY OF CAPE MAY**, having its principal place of business at 415 Breakwater Road, Erma, New Jersey, 08204, hereinafter referred to as the "District".

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., the Borough, Volunteer Fire Company, Township and District desire to contract for the furnishing of fire protection services, and

WHEREAS, it is in the best interest of the citizens of both the Borough and the Township to enter into this joint agreement for the furnishing of fire protection services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereto agree as follows:

- 1. FIRE SUPPRESSION SERVICES:** The current volunteer fire department known as Wildwood Crest Volunteer Fire Company No. 1 shall provide fire suppression services ONLY to the Township exclusively for the geographical area of the Township known as Diamond Beach. This shall include all areas of Diamond Beach from Richmond Avenue to the base of the bridge known as the Ocean Drive Bridge. This shall also include the geographical area of the Township which is located along Bayview Drive. The Borough, through the Volunteer fire Co., shall be the initial response for all fire

calls and fire suppression services within the designated geographic location, and the Volunteer Fire Co. will respond to all fire calls and fire suppression services in the same manner, utilizing the same equipment and manpower that the Volunteer Fire Co. currently utilizes in response to such calls within Wildwood Crest, and the District shall be required to also respond on site to all calls. After arriving on site, as soon as safe and reasonably practical, the Township's police, EMTs and the District will relieve all Wildwood Crest units that are on scene. The District and/or township shall have all reporting and post-response obligations as top documentation, claims, reports, etc. It is expressly understood and agreed to by all parties hereto that the Borough shall not be required to provide EMT or police services or protection. All dispatch obligations shall be that of the Township. Borough shall have no responsibility or liability pertaining to dispatch operations or dispatch communications. This agreement does not include any services from Borough to Township for annual or other fire, life hazard, smoke detector or carbon monoxide inspections, all of which shall remain the sole responsibility of the Township of Lower and Bureau of Fire Safety.

2. **TERM OF AGREEMENT:** The term of this agreement shall be three (3) years from January 1, 2023 to December 31, 2025. This agreement shall be cancelled by either party upon written notice to all parties of cancellation ninety (90) days prior to the requested cancellation date, except that Borough may terminate this agreement upon thirty (30) days written notice from Borough to all parties of nonpayment.

3. **CONSIDERATION/CONTRIBUTION FOR OPERATING EXPENSES:** The agreed-upon cost of providing said services shall be as follows:

Year 1:

\$46,250.00 on or before February 1, 2023

\$46,250.00 on or before August 1, 2023

Total Year 1 \$92,500

Year 2:

\$46,250.00 on or before February 1, 2024

\$46,250.00 on or before August 1, 2024

Total Year 2 \$92,500

Year 3:

\$48,750.00 on or before February 1, 2025

\$48,750.00 on or before August 1, 2025

Total Year 3 \$95,000

All funds are to be made payable to the Wildwood Crest Volunteer Fire Company No. 1.

7. **AMENDMENTS TO AGREEMENT:** Any modifications or changes to this agreement must be made in writing by mutual consent of the parties hereto and executed by all parties. Unless so modified or in the event of termination of the agreement pursuant to Paragraph 5 herein, all conditions and terms of this agreement shall be binding on the parties.

IN WITNESS WHEREOF, the parties affix their signatures to this Agreement, intending to be legally bound. If a party is a corporation, this Agreement is signed by its proper corporate officers and its corporate seal is affixed.

WITNESS:
Victoria L Mason

BOROUGH OF WILDWOOD CREST
By: [Signature]
Don Cabrara, Mayor
By: [Signature]
Patricia Feketes, Borough Clerk

WITNESS:
[Signature]

WILDWOOD CREST VOLUNTEER FIRE
COMPANY NO. 1
By: [Signature]
Ron Harwood, Chief

WITNESS:

TOWNSHIP OF LOWER
By: [Signature]
Mayor
By: [Signature]
Julie A. Picard, Clerk

WITNESS:

THE COMMISSIONERS OF FIRE DISTRICT NO.
3, TOWNSHIP OF LOWER, COUNTY OF CAPE
MAY
By: [Signature]
Denny Robertson, Chairman
By: [Signature]
Steve Douglass, Secretary

THE COMMISSIONERS OF FIRE DISTRICT NO. 3
IN THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW
JERSEY

RESOLUTION # - 2022-18

TITLE:

**AUTHORIZING INTER-LOCAL SERVICES AGREEMENT WITH WILDWOOD
CREST VOLUNTEER FIRE COMPANY NO. 1 FOR FIRE SUPPRESSION SERVICES**

WHEREAS, The Commissioners of Fire District No. 3, in the Township of Lower, County of Cape May, State of New Jersey (the "Commissioners" when referring to the governing body and "Fire District" when referring to the legal entity governed by the Commissioners), determines that it is proper and appropriate to contract with the Borough of Wildwood Crest and Wildwood Crest Volunteer Fire Company No. 1 to provide fire suppression and emergency services in the Diamond Beach section of the Fire District; and

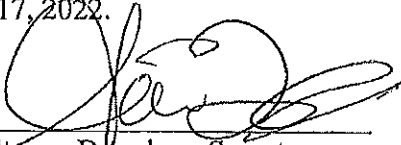
WHEREAS The Commissioners desire to approve and adopt, as authorized by N.J.S.A. 40A:14-70.2 and N.J.S.A. 40A:65-1 et seq., the Interlocal Services Agreement for fire suppression services by and between the Borough of Wildwood Crest, Wildwood Crest Volunteer Fire Company No. 1, Township of Lower, and Erma Volunteer Fire Company, Station 62 Fire District No. 3 which is attached hereto and incorporated herein as if set forth at length (the "Agreement").

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Fire District No. 3, in the Township of Lower, County of Cape May, State of New Jersey that the Interlocal Services Agreement attached hereto as EXHIBIT "A", is hereby approved.

BE IT FURTHER RESOLVED, that the Chairman and Secretary are hereby authorized and directed to execute the Agreement and take any and all necessary action to effectuate the terms and condition thereof.

BE IT FURTHER RESOLVED, that Interlocal Services Agreement shall take effect upon the adoption of appropriate resolutions by all the parties thereto, and executions of the Agreement by the persons set forth in the Agreement.

I hereby certify the foregoing to be the original resolution adopted by the Board of Commissioners of Fire District No. 3 at a meeting held May 17, 2022.


 Steven Douglass, Secretary

	MOTION	SECOND	YEA	NAY	ABSTAIN	ABSENT
Robertson		X	X			
G. Douglass	X		X			
S. Douglass			X			
Sweeten			X			
Devlin			X			

**BOROUGH OF WILDWOOD CREST
COUNTY OF CAPE MAY
NEW JERSEY**

Resolution No. 22-216

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE
BOROUGH OF WILDWOOD CREST AUTHORIZING EXECUTION OF
AN INTERLOCAL SERVICES AGREEMENT FOR FIRE SUPPRESSION
SERVICES FOR 2023-2025**

WHEREAS, there currently exists an Interlocal Services Agreement for Fire Suppression Services between the Borough of Wildwood Crest, the Wildwood Crest Volunteer Fire Company No. 1, the Township of Lower and the Erma Volunteer Fire Company, Station 62, Fire District No. 3, which expires on December 31, 2022, and

WHEREAS, it is the desire of all parties to renew the Interlocal Services Agreement for a period of three years beginning the January 1, 2023 through December 31, 2025 and all terms and conditions have been agreed upon by all parties, and

WHEREAS, the Commissioners of Fire District No. 3, Erma Volunteer Fire Company, Station 62, in the Township of Lower have authorized the Interlocal Services Agreement by Resolution No. 2022-18 adopted at their meeting held on May 17, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners as follows:

1. The attached Interlocal Services Agreement for the period of January 1, 2023 through December 31, 2025 between the Borough of Wildwood Crest, the Wildwood Crest Volunteer Fire Company No. 1, the Township of Lower and the Commissioners of Fire District No. 3 be and is hereby approved.
2. The Mayor of and the Municipal Clerk are hereby authorized and directed to execute the attached Interlocal Services Agreement on behalf of the Borough.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Schiff	✓		✓			
Franco		✓	✓			
Cabrera			✓			

CERTIFICATION

I, Patricia A. Feketics, Borough Clerk for the Borough of Wildwood Crest, do hereby certify that the foregoing Resolution is a correct and accurate copy of a resolution adopted on June 8, 2022 with the voting record as indicated above.


 Patricia A. Feketics, RMC

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

RESOLUTION #2023-40

Title: RENEWAL OF TRAILER PARK LICENSES FOR THE YEAR 2023

WHEREAS, the following applicants have submitted applications for renewal of their trailer park licenses for the year 2023; and

WHEREAS, the appropriate license fees have been received and the real estate taxes on subject properties are current.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the renewal of the following trailer park licenses for the year 2023 are hereby approved:

<u>NAME</u>	<u>LOCATION</u>
Patricia Major t/a Broadway Mobile Park	901 Broadway
William Herker t/a Cape May Landing	755 Route 9
LGC Shaw, LLC t/a LGC Shaw, LLC	5200 Shawcrest Road
William Herker t/a Cape Meadows	306 Route 9
NHC-NJ 102 LLC, t/a Cape May Crossing	878 Rt. 109 South

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-41

Title: JUNK YARD LICENSE FOR CAPE MAY ASSOCIATES LLC FOR THE YEAR 2023

WHEREAS, an application for a junk yard license has been received from Cape May Associates LLC, located at 1024 Shunpike Road, Block 749, Lot 6; and

WHEREAS, said application is in proper form and the required license fee has been paid; and

WHEREAS, no known reason exists why said license should not be issued.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a junk yard license for the year 2023 is hereby approved for Cape May Associates LLC, expiring Dec. 31, 2023.

BE IT FURTHER RESOLVED the licensee shall conduct all business in accordance with Chapter 392 of the Code of the Township of Lower.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-42

Title: AUTHORIZING 2023 ANNUAL SHELTER FEE PAYMENTS

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 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, Animal shelter payments are charged to appropriation 3-01-27-340-297 and as certified by the Chief Financial Officer Lauren Reed payable as follows:

- \$ 23,664.48 due 2/15/2023 1st Qtr Shelter fees
\$ 23,664.48 due 5/15/2023 2nd Qtr Shelter fees
\$ 23,664.48 due 8/15/2023 3rd Qtr Shelter fees
\$ 23,664.48 due 11/15/2023 4th Qtr Shelter fees

WHEREAS, Animal spay and neuter payments are charged to appropriation 3-01-27-340-296 and as certified by the Chief Financial Officer Lauren Reed payable as follows:

- \$ 15,776.34 due 2/15/2023 Annual Spay/Neuter fees

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

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 4, 2023.

Julie A Picard, Township Clerk



INVOICE

County of Cape May

DUE DATE:
FEBRUARY 15, 2023

Treasurer's Office
4 Moore Road
DN 103
Cape May Court House, NJ 08210
Phone 609-465-1170

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

QTY	ITEM #	DESCRIPTION	UNIT PRICE	DISCOUNT	LINE TOTAL
		2023 CMC Animal Shelter and Adoption Fees 1 st Quarter due 02/15/23			
		Shelter Fees: \$23,664.48 ✓			
		Spay/Neuter Fees: \$15,776.34 ✓			
				TOTAL	\$39,440.82 ✓

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

CFD

Date

12/20/22

**Cape May County Animal Shelter & Adoption Center
2023 Animal Shelter/Spay & Neuter Billing per Municipality**

	Due 2/15/23	Due 2/15/23	Due 5/15/23	Due 8/15/23	Due 11/15/23	
Municipality	Spay/Neuter	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
Avalon	1,281.83	1,922.74	1,922.74	1,922.74	1,922.74	7,690.95
Cape May City	2,859.46	4,289.19	4,289.19	4,289.19	4,289.19	17,156.75
Cape May Point	-	-	-	-	-	-
Dennis Township	10,747.63	16,121.42	16,121.42	16,121.42	16,121.42	64,485.70
Lower Township	15,776.34	23,664.48	23,664.48	23,664.48	23,664.48	94,657.91
Middle Township	28,298.82	42,448.15	42,448.15	42,448.15	42,448.15	169,792.62
North Wildwood	3,746.88	5,620.31	5,620.31	5,620.31	5,620.31	22,481.25
Sea Isle City	690.22	1,035.32	1,035.32	1,035.32	1,035.32	4,141.28
Stone Harbor	2,366.45	3,549.67	3,549.67	3,549.67	3,549.67	14,198.69
Upper Township	9,761.61	14,642.39	14,642.39	14,642.39	14,642.39	58,569.58
West Cape May	591.61	887.42	887.42	887.42	887.42	3,549.67
West Wildwood	1,774.84	2,662.25	2,662.25	2,662.25	2,662.25	10,649.01
Wildwood	5,521.72	8,282.57	8,282.57	8,282.57	8,282.57	33,130.27
Wildwood Crest	2,563.66	3,845.48	3,845.48	3,845.48	3,845.48	15,381.91
Woodbine	5,718.92	8,578.37	8,578.37	8,578.37	8,578.37	34,313.49
TOTAL	91,700.00	137,549.77	137,549.77	137,549.77	137,549.77	550,199.08

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

RESOLUTION #2023-43

Title: AUTHORIZING PAYMENT OF 2023 COUNTY TAXES (First & Second Quarters) AND 2022 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 3-01-55-910-015 as certified by the Chief Financial Officer Lauren Road payable as follows:

\$3,337,542.83 due 2/15/2023
\$3,337,542.83 due 5/15/2023

WHEREAS, County Added Tax payments are charged to non-budget appropriation County Added Tax 3-01-55-910-016 as certified by the Chief Financial Officer Lauren Road payable as follows:

\$67,938.11 due 2/15/2023

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 4, 2023.

Julie A Picard, Township Clerk



INVOICE

County of Cape May

DUE DATE:
FEBRUARY 15, 2023

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
		2022 ADDED & OMITTED TAXES: County: \$ 65,495.17 ✓ Open Space: \$ 2,442.94 ✓			
				TOTAL	\$ 67,938.11 ✓

Claimants Certification and Declaration

I do solemnly declare and certify under the penalties of law that the within bill is correct in all it's 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 *Brittany Smith* Title CEO Date 12/20/22

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

RESOLUTION #2023-44

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 as set forth in the attached proposal; not to exceed \$15,000; 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 #: 3-01-20-145-391 – Tax Foreclosures

CFO Signature: Lauren Read
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that 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, 2023, through December 31, 2023 at the above rate not to exceed \$15,000.

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.

	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 4, 2023.

Julie A Picard, Township Clerk

KEITH A. BONCHI
Attorney at Law

EMAIL: kbonchl@gmslaw.com

GMS LAW

ATTORNEYS

**GOLDENBERG • MACKLER • SAYEGH
MINTZ • PFÉFFER • BONCHI • GILL**

A PROFESSIONAL CORPORATION

660 NEW ROAD, FIRST FLOOR, NORTHFIELD, NEW JERSEY 08225
PHONE: (609) 646-0222 | FAX: (609) 646-0887

Please Reply To: Northfield

www.gmslaw.com
TAX ID #22-1980737

ATLANTIC CITY
1030 ATLANTIC AVENUE
ATLANTIC CITY, NJ 08401
PHONE: (609) 344-7131
FAX: (609) 347-6024

RIO GRANDE
THE HERALD BUILDING
1508 ROUTE 47 SOUTH, SUITE 3
RIO GRANDE, NJ 08242
PHONE: (609) 886-4333
FAX: (609) 886-9441

VINELAND
1170 EAST LANDIS AVENUE
VINELAND, NJ 08360
PHONE: (856) 839-0953
FAX: (856) 839-0959

December 22, 2022

VIA 1st CLASS MAIL &
EMAIL: kbrown@townshipoflower.org

Kathy Brown, CTC
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

RE: **Proposal for additional work for *in rem* foreclosures**
Our File No: 68903-1

Dear Ms. Brown:

Pursuant to your request, please accept this letter as a proposal for *in rem* foreclosure for an amount not to exceed \$15,000.00 worth of legal work for the foreclosures. We will do the legal work in conjunction with our previous proposals. I have enclosed a Professional Services Contract for your review and approval.

In the event that any of the *in rem* foreclosures became contested for any reason, we will bill you at the hourly rate contained in our prior proposals.

Should you need any updated documentation or need any additional information, please do not hesitate to contact me.

Very truly yours,


KEITH A. BONCHI

KAB:ks
Enc

**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: January 1, 2023 through December 31, 2023. 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 six 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 \$1,600.00 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 ____, 2022

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

By: _____
Keith A. Bonchi, Esquire, Partner

DATE: December ____, 2022

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

RESOLUTION #2023-45

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

WHEREAS, the employees listed on the attached schedule have accrued sick time due from the Township and per union contract the Township will, at the employee's request, annually buy back a maximum of five (5) days of unused sick leave in December of any year, from employees who have not used more than the amount of sick days as determined in their union contracts; 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 2022 budget for Salaries and Wages

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to the employees listed on the attached schedule not to exceed the amount of \$19,037.30 is authorized and chargeable to the 2022 Budget:

	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 4, 2023.

Julie A Picard, Township Clerk

Employee	Budget Distribution	Hours	Hourly Rate	Total
Eileen Kreis	2-01-20-100-101	35	36.59	\$ 1,280.65
Colleen Crippen	2-01-20-130-101	35	53.83	\$ 1,884.05
Lauren Read	2-01-20-130-101	35	64.36	\$ 2,252.60
Bill Galestok	2-01-20-170-101	35	59.74	\$ 2,090.90
Phyllis Muldoon	2-01-28-370-101	35	23.21	\$ 812.35
Rocco Sansone	2-01-28-370-111	40	15.72	\$ 628.80
Brian McEwing	2-01-25-240-125	40	65.39	\$ 2,615.60
Linda Thomas	2-01-26-305-175	35	35.21	\$ 1,232.35
Gary Douglass	2-01-26-305-175	40	56.19	\$ 2,247.60
Robert Thomas III	2-01-26-305-155	40	36.84	\$ 1,473.60
Tim Fairman	2-01-26-305-127	40	29.78	\$ 1,191.20
Joseph Rementer	2-01-26-305-127	40	33.19	\$ 1,327.60
		450	Grand Total	\$ 19,037.30

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

RESOLUTION #2023-46

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/Treasurer be and the same is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
495.04	8	Herman Day 110 Charles Street	Exempt Veteran as of 11/7/22/Veteran Ded	\$ 851.16
498	15.01	Colin Smith 1 Rabbit Run	Exempt Veteran as of 11/21/22	\$ 532.38
32	22	Thomas Friscoll 419 E Jacksonville Ave	Exempt Veteran as of 11/21/22	\$ 547.68

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-47

Title: **TRANSFER OF 2022 APPROPRIATIONS**

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three months of the succeeding year when it has been determined that any appropriation reserve for the immediately preceding fiscal year is insufficient to pay the claims authorized or incurred during the preceding year, which were chargeable to said appropriation, and there is an excess in any appropriation reserve over and above the amount deemed to be necessary to fulfill its purpose.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, State of New Jersey that the following transfers, and totaling \$10,000.00 be made between the 2022 budget appropriation reserves:

LINE ITEM		ACCT. NUMBER	TO	FROM
NATURAL GAS	OE	2-01-31-446-200	10,000.00	
BOCA	S&W	2-01-22-195-100		10,000.00
			10,000.00	10,000.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023..

Julie A Picard, Township Clerk

Resolution 2023-48

RE-ORG

1/4/2023

2023

CAPE ASSIST	due Jan 1	\$	3,717.00
Cape Mediation	Due Jan 1	\$	3,201.24
Chief Kevin Lewis	Petty Cash	\$	550.00
Colleen Crippen	Petty Cash	\$	100.00
Edmunds Assoc	Due Jan 1	\$	22,630.39
J. Byrne Insurance Recreation Policy	Due Jan 1	\$	5,890.00
NJ State Health Benefits Retiree	Due Jan 1	\$	121,274.32
NJ State Health Benefits Active	Due Jan 1	\$	241,942.59
US Able Life Ins	Due Jan 1	\$	955.80
Volunteers of Medicine	Due Jan 1	\$	7,690.00
Total 2014 Bill List		\$	407,951.34

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

RESOLUTION #2023-49

Title: APPROVAL OF CHANGE ORDER #2 WITH DeBLASIO & ASSOCIATES FOR ADDITIONAL LIGHTING AND ELECTRICAL SERVICES FOR THE DESIGN OF DIAMOND BEACH PARK

WHEREAS, DeBlasio & Associates were awarded a professional service contract in the amount of \$4,800.00 on March 15, 2021 by Resolution #2021-118; Change Order #1 was awarded on April 18, 2022 in the amount of \$40,000.00; and

WHEREAS, DeBlasio & Associates have provided a proposal for additional electrical and lighting requested by Cape May County Open Space Board to provide lighting design for the landscaping, bollards, control panel for Park Lighting and additional bathroom building and space to install future HVAC at a fee of \$8,500.00; and

WHEREAS, the Township Council desires to approve Change Order #2, and the CFO has certified the availability of funds by her signature in the budget as follows:

Appropriation: C-04-55-434-910

Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Change Order #2 in the form attached hereto in the amount of \$8,500.00 to DeBlasio & Associates is hereby approved, increasing the contract total to \$55,300.00.

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 4, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

December 27, 2022

VIA EMAIL

Mr. Michael Laffey, Township Manager
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
Diamond Beach Park – *Additional Services*
D&A File #: LT-C-016**

Dear Mr. Laffey:

As a follow up to our previous conversation, **DeBlasio & Associates, P.C.** respectfully requests an additional \$8,500.00 to perform the electrical engineering for the **Diamond Beach Park-*Additional Services***.

The additional scope of work will require our office to contract with an electrical engineer to complete the following design services:

- Provide a lighting design for the up lighting in the landscaping as requested by the Cape May County Open Space Board
- Provide lighting in the bollards
- Provide a control panel for the park lighting
- Provide power to the bathroom building and space to install future HVAC

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

Sincerely,
DeBlasio & Associates, P.C.



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

T: 609-854-3311

Marc@deblasioassoc.com

cc: Mitchell B. Plenn, Superintendent of Parks and Recreation (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01265	BRIAN DONAHUE	22-03150	12/22/22	CONTRACTUAL REIMBURSEMENT V	Open	155.00	0.00		
01340	EAGLE POINT GUN*	22-03011	12/01/22	MISC. AMMO	Open	1,534.90	0.00		
01603	GENERAL CODE PUBLISHERS*	22-03118	12/19/22	ecode Annual 11/22-11/23	Open	1,195.00	0.00		
01653	GENTILINI FORD*	22-03071	12/12/22	PARTS FOR VEHICLES/DPW	Open	818.59	0.00		
01657	GOPHER SPORT*	22-03083	12/12/22	WRIST BANDS & SCOREBOOKS	Open	223.44	0.00		
		22-03121	12/19/22	BASKETBALL NETS	Open	86.01	0.00		
						309.45			
01703	HARBOR SALES COMPANY*	22-03047	12/12/22	SIGNS/DPW	Open	1,913.00	0.00		
01741	GENTILINI CHEVROLET, LLC*	22-03170	12/22/22	MANAGERS CAR/DPW	Open	26.27	0.00		
01807	MARLIN HEDUM	22-03152	12/22/22	CONTRACTUAL REIMBURSEMENT M	Open	57.72	0.00		
01864	JONAS PIZZA, LLC	22-03007	12/01/22	PIZZAS FOR NY EVES PARTY	Open	320.00	0.00		
01873	HOME DEPOT*	22-03114	12/16/22	FLORESCENT LIGHTS -BENNETS	Open	84.98	0.00		
02014	ALL TRAFFIC SOLUTIONS*	22-02465	10/13/22	TRAFFIC TRAILER WARRANTY	Open	1,500.00	0.00		
02108	KEEN COMPRESSED GAS CO*	22-02835	11/17/22	BOTTLED GAS /GARAGE/DPW	Open	120.30	0.00		
02247	LAWSON PRODUCTS, INC.*	22-03176	12/22/22	SUPPLIES/DPW	Open	699.94	0.00		
02402	MGL PRINTING SOLUTIONS	22-03049	12/12/22	FS envelope order	Open	287.50	0.00		
		22-03061	12/12/22	ENVELOPES	Open	610.00	0.00		
						897.50			
03293	BLAINE PAYNTER	22-03194	12/27/22	CONTRACTUAL REIMBURSEMENT M	Open	42.08	0.00		
03518	RIGGINS, INC.*	22-03120	12/19/22	OFF HIGHWAY DIESEL/DPW	Open	1,280.21	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03573	SAFETY-KLEEN CORP*	22-03173	12/22/22	SERVICE/DPW	Open	506.73	0.00		
03611	SERVICE TIRE TRUCK CENTERS*	22-03094	12/14/22	TIRES/RDS/SANT/RECY/DPW	Open	5,325.68	0.00		
03720	SOUTH SHORE BASKETBALL LEAGUE	22-03115	12/16/22	LEAGUE FEES	Open	500.00	0.00		
03820	MUNICIPAL UTIL. AUTH ON CALL	22-03169	12/22/22	ONE CALL REIMBURSEMENT/DPW	Open	216.27	0.00		
03821	TRANS AXLE*	22-03066	12/12/22	PARTS FOR ROLL OFF#8	Open	3,356.50	0.00		
03834	CAPE MAY COUNTY TREASURER/HAVE	22-02951	11/28/22	2022 IN LIEU TAXES DUE COUNTY	Open	4,278.62	0.00		
03899	UPS	22-03134	12/21/22	SHIPPING CHARGED TO P-CARD	Open	74.64	0.00		PC1
03904	LOWE'S HOME CENTER INC*	22-02505	10/17/22	Supplies for Haunted Trails	Open	85.44	0.00		
		22-02508	10/20/22	SUPPLIES FOR HAUNTED TRAILS	Open	106.80	0.00		
		22-02957	11/28/22	GRASS SEED	Open	54.61	0.00		
		22-02963	11/28/22	SUPPLIES/DPW	Open	151.44	0.00		
		22-02995	12/01/22	Christmas Tree for Townhall	Open	283.10	0.00		
		22-03006	12/01/22	50-LB CALCIUM CHLOR.ICE MELT	Open	428.00	0.00		
						<u>1,109.39</u>			
03969	VERIZON	22-03131	12/21/22	LANDLINES 12/13-1/12/22	Open	43.45	0.00		
03985	VILLAS NAPA AUTO PARTS	22-03174	12/22/22	SUPPLIES/DPW	Open	263.71	0.00		
03992	VAL-U AUTO PARTS LLC*	22-03001	12/01/22	550 ANTIFREEZE	Open	596.51	0.00		
		22-03168	12/22/22	RDS/SANT/RECY/DPW	Open	1,582.02	0.00		
						<u>2,178.53</u>			
04085	CHRISTOPHER WINTER	22-03149	12/22/22	CONTRACTUAL REIMBURSEMENT M	Open	186.00	0.00		
04097	CINTAS FIRST AID AND SAFETY*	22-03092	12/14/22	REFILL MEDICAL BOX	Open	9.20	0.00		
		22-03171	12/22/22	FIRST AID SUPPLIES/DPW	Open	67.69	0.00		
						<u>76.89</u>			
04216	PRIVATE ISLAND EMBROIDERY*	22-03126	12/19/22	SWEATSHIRTS	Open	120.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04266	NJ DEPT OF HEALTH&SENIOR SVCS	22-03113	12/16/22	November Dog Lic	Open	30.60	0.00		
05064	CAPE ISLAND GRAPHICS*	22-02668	11/07/22	HAUNTED TRAILS	Open	150.00	0.00		
2023	ATLANTIC TACTICAL INC*	22-02932	11/23/22	BLUE FORCE MOLLE CASES	Open	3,999.00	0.00		
5065	JAMES MCNULTY	21-01455	06/11/21	EQUIPMENT ALLOWANCE 2021	Open	150.00	0.00		
		22-00884	04/07/22	EQUIPMENT ALLOWANCE 2022	Open	33.00	0.00		B
						183.00			
6063	CAPE MINING & RECYCLING, LLC*	21-00240	01/25/21	WOOD CHIPS/FEB.RES 21-70	Open	327.07	0.00		B
6071	UNITED UNIFORMS LIMITED LIAB*	22-01375	06/06/22	UNIFORMS	Open	72.00	0.00		
		22-03073	12/12/22	ACADEMY UNIFORMS	Open	2,092.47	0.00		
		22-03123	12/19/22	Embs uniform order	Open	220.99	0.00		
		22-03124	12/19/22	Fire investigator gear	Open	390.00	0.00		
		22-03178	12/22/22	Belles uniform embroider	Open	46.00	0.00		
						2,821.46			
7054	GOOD DAY FOR A RUN	22-03027	12/06/22	REFUND OF ESCROW	Open	103.75	0.00		
7098	SHORE VETERINARIAN ANIMAL *	22-03085	12/12/22	NOV 2022 ANIMAL CONTROL	Open	525.00	0.00		
7199	STAPLES CREDIT PLAN-INSTORE PU	22-03009	12/01/22	SUPPLIES FOR OFFICE/DPW	Open	104.90	0.00		
		22-03079	12/12/22	office supplies	Open	59.48	0.00		
						164.38			
7354	FLEETPRIDE INC.*	22-02960	11/28/22	PTO PUMP FOR TRUCK 8	Open	966.03	0.00		
7475	SUZANNE M SCHEID	22-03117	12/19/22	CONTRACTUAL REIMBURSEMENT M	Open	39.12	0.00		
7479	BE & ME ENTERTAINMENT LLC*	22-03082	12/12/22	PAINT SESSIONS-NEW YEARS EVE	Open	600.00	0.00		
7496	AMERICAN PARTS DISTRIBUTION*	22-02623	11/01/22	FAN MOTOR FOR BOCA	Open	564.00	0.00		
7722	BANK OF AMERICA	22-03195	12/28/22	11-23-22 FEE POLICE TRAINING	Open	250.65	0.00		
7923	THOMAS SHOUGH	21-01468	06/11/21	EQUIPMENT ALLOWANCE 2021	Open	150.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7923	THOMAS SHOUGH				Continued				
		22-00897	04/07/22	EQUIPMENT ALLOWANCE 2022	Open	<u>150.00</u>	0.00		
						300.00			
7929	AMAZON CAPITAL SERVICES, INC*								
		22-02634	11/02/22	LITTLE GIANT CONDENSATE PUMP	Open	58.99	0.00		
		22-02667	11/04/22	COURT OFFICE SUPPLIES	Open	743.11	0.00		
		22-02987	11/30/22	SUPPLIES	Open	1,009.14	0.00		
		22-03078	12/12/22	SUPPLIES	Open	1,203.78	0.00		
		22-03184	12/22/22	Mic Holder for podium	Open	<u>25.95</u>	0.00		
						3,040.97			
8002	STEVEN TRUNFIO								
		22-00899	04/07/22	EQUIPMENT ALLOWANCE 2022	Open	143.70	0.00		B
8257	STEPHANIE FRITSCH								
		22-03129	12/21/22	MILEAGE FOR STATE EXAM 12/7/22	Open	137.63	0.00		
8440	ANTONIO A MARROQUIN								
		22-00881	04/07/22	EQUIPMENT ALLOWANCE 2022	Open	81.30	0.00		
8575	FAMILY AUTO GLASS								
		22-00816	04/04/22	WINDSHIELD/ #9, #17, #26	Open	400.00	0.00		
8722	LAW OFFICE OF KARAVAN &								
		22-00064	01/10/22	RES 2022-03 TAX APPEAL DNE\$10K	Open	325.00	0.00		B
		22-00419	02/10/22	MORREL & HANSEN TAX APPEAL	Open	<u>175.00</u>	0.00		B
						500.00			
8723	HOFFMAN INTERNATIONAL INC*								
		22-03175	12/22/22	MATERIALS/DPW	Open	333.79	0.00		
8831	SOUTH JERSEY INTERPRETERS LLC								
		22-02940	11/23/22	COURT INTERPRETER	Open	187.50	0.00		
8848	COMFORT NOW LLC								
		22-02841	11/17/22	ANNUAL INSPECTION PLAN-BOILER	Open	887.00	0.00		
8849	HORNER ENTERPRISES LLC								
		22-02999	12/01/22	NY EVES PARTY	Open	3,995.00	0.00		
8904	WILLIAM BELLES								
		22-03122	12/19/22	Belles reimburs sea gear	Open	207.41	0.00		
8920	EDUARDO SERRA								
		22-03102	12/14/22	BASKETBALL REIMBURSEMENT	Open	15.00	0.00		
8921	LAWRENCE S WIND								
		22-03103	12/14/22	REFUND MERC LIC PAID IN ERROR	Open	150.00	0.00		
BLAUE	BLAUER ASSOCIATES INC*								
		22-02882	11/17/22	2023 SCPF APPLICATION CONSULT	Open	2,400.00	0.00		B

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
JUSTF005	SHANNON NAGEL	22-02943	11/23/22	FACE PAINTER NEW YEARS EVE	Open	200.00	0.00		
Total Purchase Orders: 99 Total P.O. Line Items: 0 Total List Amount: 183,894.90 Total Void Amount: 0.00									

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on January 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-51

Title: **BID ACCEPTANCE AND AWARD OF LOWER TOWNSHIP ANIMAL CONTROL SERVICES FOR 2023 WITH AN OPTION OF 2024 & 2025**

WHEREAS, the Notice to Bidders for the Animal Control Services for 2023 with an option for 2024 & 2025, was advertised on November 16, 2022 and accepted on Tuesday December 6, 2022 at 11:00 a.m. prevailing time; and

WHEREAS, Two (2) Sealed Bids were received for the Animal Control Services for 2023 with an option for 2024 & 2025; the Bids were thoroughly reviewed and determined Shore Veterinarian Animal Control Services, LLC satisfied all the requirements included in the specifications and provided all the proper bid documents; the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: 3-01-27-340-299

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 for the 2023 year; each subsequent year will be approved upon Council's discretion annually by Resolution for 2024 and 2025:

AWARD TO: SHORE VETERINARIAN ANIMAL CONTROL SERVICES LLC

ANNUAL TOTAL:

2023	\$60,000.00 Annually
2023	\$75.00 Per Emergency Call after 5:00 p.m. and Sundays
2024	\$62,000.00 Annually
2024	\$75.00 Per Emergency Call after 5:00 p.m. and Sundays
2025	\$64,000.00 Annually
2025	\$90.00 Per Emergency Call after 5:00 p.m. and Sundays

*Emergency Calls must be verified by the Lower Township Police Department

TERM: January 1, 2023 – December 31, 2023

BE IT FURTHER RESOLVED, upon approval of the resolution, the fully executed Purchase Order together with the official bid documents shall serve as the Contract for the award of the bid.

	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 4, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-52

Title: **BID ACCEPTANCE AND AWARD OF MILLMAN CENTER IMPROVEMENTS (LT-C-030)**

WHEREAS, the Notice to Bidders for the Millman Center Improvements was advertised on December 14, 2022 and accepted on Wednesday December 28, 2022 at 10:00 a.m. prevailing time; and

WHEREAS, Two (2) Sealed Bids were received for the Millman Center Improvements and Fred Schiavone Construction was the lowest responsible, responsive bidder and satisfied all the requirements included in the specifications and provided all the proper bid documents; the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: C-04-55-433-662 \$16,300
C-04-55-431-662 \$40,000

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 for the Millman Center Renovation as follows:

AWARD TO: **FRED SCHIAVONE CONSTRUCTION**

TOTAL: **\$56,300.00**

BE IT FURTHER RESOLVED, upon approval of the resolution, the fully executed Purchase Order together with the official bid documents shall serve as the Contract for the award of the bid.

	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 4, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

December 28, 2022

VIA EMAIL

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

**RE: Township of Lower
Millman Center Improvements
D&A Project #: LT-C-030**

Dear Ms. Picard:

We have tabulated the two (2) bids received on December 28, 2022 for the above referenced project. As such, we have determined that the lowest responsible bidder appears to be Fred Schiavone Construction, P.O. Box 416, Malaga, NJ 08328 in the amount of \$56,300.00. Enclosed please find one (1) copy of the bid tabulation for your files.

In accordance with N.J.S.A. 40A:11-1 et seq., the award should be made to the lowest responsible bidder which appears to be Fred Schiavone Construction, P.O. Box 416, Malaga, NJ 08328 in the amount of \$56,300.00. The contractual award should be made contingent upon approval from the Township Purchasing Agent, Chief Financial Officer and Solicitor.

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

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



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

cc: Michael Laffey, Manager (via email w/encl.)
Margaret Vitelli, Qualified Purchasing Agent (via email w/encl.)
Mitchell Plenn, Superintendent of Parks and Recreation (via email w/encl.)
David Stefankiewicz, Solicitor (via email w/encl.)

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

BID TABULATION

Project Name: Millman Center Improvements
 D&A Project #: LT-C-030
 Client: Township of Lower
 Bid Opening Date: 12/28/2022

Item #	DESCRIPTION	QUANTITY & UNITS		Fred Schiavone Construction		Rambone Concrete	
		LUMP SUM	S.Y.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING SITE	LUMP SUM		\$22,000.00	\$22,000.00	\$6,000.00	\$6,000.00
2	CONCRETE SIDEWALK, 4" THICK	350	S.Y.	\$68.00	\$23,800.00	\$171.00	\$59,850.00
3	DETECTABLE WARNING SURFACES	1	S.Y.	\$300.00	\$300.00	\$480.00	\$480.00
4	PAVEMENT RESTORATION	40	S.Y.	\$255.00	\$10,200.00	\$95.00	\$3,800.00
TOTAL AMOUNT BID BASED ON BASE BID ESTIMATED QUANTITIES ITEMS 1 - 4 INCLUSIVE					\$56,300.00		\$70,130.00

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

ORDINANCE #2023-01

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lower in the County of Cape May finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lower hereby determines that a 3.5% increase in the budget for said year, amounting to \$829,726.63 in excess of the increase in final appropriations otherwise permitted by the Local Government Cape Law is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lower, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2023 budget year, the final appropriation of the Township of Lower shall, in accordance with this ordinance and N.J.S.A. 40A: 4-15.14, be increased by 3.5 % amounting to \$829,729.63, and the CY 2023 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance.

BE IT FURTHER ORDAINED, that any amount authorized hereinafter that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

Introduced: Jan 4, 2023

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2022-15

Title: **AN ORDINANCE AMENDING CHAPTER 400, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF LOWER, TO CREATE AN OVERLAY ZONING DISTRICT IN THE GB-1 ZONE TO GOVERN CLASS 5 CANNABIS RETAIL LICENSES AND CLASS 6 CANNABIS DELIVERY LICENSES**

WHEREAS, on November 3, 2020, registered New Jersey voters approved, by a ratio of 67.08% voting in favor of legalizing marijuana and 32.92% against, Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of marijuana for adults at least 21 years of age; and

WHEREAS, in the Township of Lower, approximately 70% of registered voters voted in favor of legalizing marijuana in the State of New Jersey; and

WHEREAS, on February 22, 2021, New Jersey Governor Philip Murphy signed the 'New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act' (the "Act"), N.J.S.A. 24:6I-1 et seq., into law effectively legalizing marijuana throughout the state of New Jersey; and

WHEREAS, the Act legalized the recreational use of marijuana and established a comprehensive regulatory and licensing scheme for the creation of a commercial cannabis industry within the state of New Jersey and specifically created six (6) distinct classes of commercial cannabis licenses related to growing, processing, distributing, wholesale, delivery, and retail uses; and

WHEREAS, on July 6, 2021, Township Council adopted Ordinance #2021-13 which amended Chapter 400, Land Development, of the Code of the Township of Lower and authorized the issuance of no more than two (2) Class 5 Cannabis Retail Licenses and no more than two (2) Class 6 Cannabis Delivery Licenses to operate within the Township's GB-1 and I zoning districts; and

WHEREAS, on November 15, 2021, Township Council adopted Ordinance #2021-21 which amended Chapter 400, Land Development, of the Code of the Township of Lower to expand the permitted zones in which Class 5 Cannabis Retail Licenses and Class 6 Cannabis Delivery Licenses are permitted to include the MD-2 (Marine Development/Commercial) zone; and

WHEREAS, after further review, the Township has determined that revisions to the GB-1 zone and the conditions associated with Class 5 Cannabis Retail Licenses and Class 6 Cannabis Delivery Licenses should be revised in order to establish an overlay zoning district to ensure that these uses are confined to specific areas of the GB-1 zone;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 400, Land Development, of the Code of the Township of Lower, be and hereby is amended as follows:

Section 1. Chapter 400, Land Development, Subsection B(21), is hereby incorporated as follows:

§ 400-10(B)(21) GB-1 Cannabis Overlay Zone. The Cannabis Overlay Zone shall be located within the GB-1 zone and same is specifically confined to Block: 690, Lots: 1.01 & 1.02 and Block: 741.01, Lot: 28.01.

Section 2. Chapter 400, Land Development, Article IV, District Regulations, Subsection 17, GB General Business, paragraph (A)(16), is hereby repealed and replaced with:

Class 5 cannabis retail stores, confined to the GB-1 Cannabis Overlay Zone, and subject to the requirements of § 400-111. This use shall not be permitted in the GB-2 Zone.

Section 3. Chapter 400, Land Development, Article IV, District Regulations, Subsection 17, GB General Business, paragraph (A)(17), is hereby repealed and replaced with:

Class 6 cannabis delivery stores/services, confined to the GB-1 Cannabis Overlay Zone, and subject to the requirements of § 400-111. This use shall not be permitted in the GB-2 Zone.

Section 4. Chapter 400, Land Development, Article VII, Exceptions, Modifications and Development Alternatives, Subsection 56, Conditional uses, paragraph (P), is hereby repealed and replaced with:

P. Class 5 cannabis retail stores.

- (1) There shall be no more than two (2) Class 5 Cannabis Retail Licenses issued in Township of Lower and same shall be confined to the GB-1 Cannabis Overlay Zone, MD-2, or I zoning districts. Cannabis retail stores shall not be permitted within any other zone located within the Township of Lower.

Class 5 Cannabis retail stores located in the GB-1 Cannabis Overlay Zone are deemed to be permitted uses, subject to the provisions of §400-111.

- (2) Submission of a license and/or a conditional license approved by the State of New Jersey and/or the Cannabis Regulatory Commission to engage in the retail sale of marijuana.
- (3) Submission of a copy of the Application submitted to the State of New Jersey requesting a Class 5 Cannabis Retail License along with all attachments.
- (4) Compliance with any and all requirements set forth within the 'New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act', N.J.S.A. 24:61-1 et seq.
- (5) Compliance with the area and bulk requirements of the zoning district in which same is proposed to be located.
- (6) The design of any building must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.
- (7) No cannabis retail stores shall be located within 300 feet, measured from the front entrance to the proposed commercial property, of any residential structure, fire house, school, public playground, place of worship, hospital, beach, public recreational facility, or public library.
- (8) All sales to consumers must take place in the indoor areas of a cannabis establishment and/or curbside, in accordance with the provisions of N.J.A.C. 17:30-12.4, in front of said cannabis establishment. With the exception of the wholesale delivery of cannabis and/or the delivery of goods/equipment associated with the operation of a cannabis retail store, no business shall be conducted in the rear of a cannabis establishment.
- (9) Hours of operation shall be limited to 10a.m. to 10p.m.
- (10) Cannabis Consumption Areas are prohibited from operating anywhere on the premises which are licensed to engage in the retail sale of cannabis.
- (11) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.

(12) All other applicable requirements of this chapter shall be met.

(13) To the extent that any of the provisions outlined herein are in conflict with rule and regulations promulgated by the New Jersey Cannabis Regulatory Commission, the rules and regulations of the Commission shall control.

Section 5. Chapter 400, Land Development, Article VII, Exceptions, Modifications and Development Alternatives, Subsection 56, Conditional uses, paragraph (Q), is hereby repealed and replaced with:

Q. Class 6 cannabis delivery service.

(1) There shall be no more than two (2) Class 6 Cannabis Delivery Licenses issued in Township of Lower and same shall be confined to the GB-1 cannabis overlay zone, MD-2, or I zoning districts. Cannabis delivery stores/services shall not be permitted within any other zone located within the Township of Lower.

Class 6 Cannabis delivery stores/services located in the GB-1 cannabis overlay zone are deemed to be permitted uses, subject to the provisions of §400-111.

(2) Submission of a license and/or a conditional license approved by the State of New Jersey and/or the Cannabis Regulatory Commission to engage in the delivery of marijuana.

(3) Submission of a copy of the Application submitted to the State of New Jersey requesting a Class 6 Cannabis Delivery License along with all attachments.

(4) Compliance with any and all requirements set forth within the 'New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act', N.J.S.A. 24:6I-1 et seq.

(5) Compliance with the area and bulk requirements of the zoning district in which same is proposed to be located.

(6) The design of any building must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.

(7) No Cannabis Delivery Service shall be located within 300 feet, measured from the front entrance to the proposed commercial property, of any residential structure, fire house, school, public playground, place of worship, hospital, beach, public recreational facility, or public library.

(8) Cannabis Consumption Areas are prohibited from operating anywhere on the premises which are licensed to engage in the delivery of cannabis.

(9) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.

(10) All other applicable requirements of this chapter shall be met.

(11) To the extent that any of the provisions outlined herein are in conflict with rules and regulations promulgated by the New Jersey Cannabis Regulatory Commission, the rules and regulations of the Commission shall control.

Section 6. Chapter 400, Land Development, Article IX, Overlay Zoning Districts, Subsection 111, is hereby enacted as follows:

ARTICLE IX Overlay Zoning Districts

§ 400-111 GB-1 Cannabis Overlay Zone.

A. Purpose.

- (1) The GB-1 Cannabis Overlay Zone is hereby enacted order to ensure that class 5 cannabis retail licenses and class 6 cannabis delivery licenses are confined to specific areas of the GB-1 zone deemed to be appropriate locations for said uses.
- (2) The GB-1 Cannabis Overlay Zone establishes regulations in an effort to facilitate these types of uses while protecting and promoting the general welfare of the community and the quality of life of existing residential and commercial uses located in close proximity to same.

B. Impact on underlying zoning.

- (1) The GB-1 Cannabis Overlay Zone shall not replace the existing GB-1 zoning regulations.
- (2) Any individual or entity seeking to develop property within the GB-1 Cannabis Overlay Zone shall have the option to utilize or develop the property in accordance with the regulations of either the underlying GB-1 zone or regulations outlined herein.

C. Permitted Uses.

- (1) Class 5 Cannabis Retail Stores.
- (2) Class 6 Cannabis Delivery Services.

D. Area and Yard requirements.

- (1) The area and bulk requirements of the underlying GB-1 zone shall apply to the permitted uses within the GB-1 Cannabis Overlay Zone.

E. Additional Requirements.

- (1) Submission of a license and/or a conditional license approved by the State of New Jersey and/or the Cannabis Regulatory Commission to engage in the delivery of marijuana.
- (2) Submission of a copy of the Application submitted to the State of New Jersey requesting a Class 5 Cannabis Retail License or Class 6 Cannabis Delivery License along with all attachments.
- (3) Compliance with any and all requirements set forth within the 'New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act', N.J.S.A. 24:6I-1 et seq.
- (4) The design of any building must conform to the general character of the area and not adversely affect the safe, comfortable enjoyment of property rights in the zone in which it is located.
- (5) Cannabis Consumption Areas are prohibited from operating anywhere on the premises which are licensed to engage in the delivery of cannabis.

- (6) No outside storage of any cannabis, cannabis products or cannabis paraphernalia shall be permitted.
- (7) Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m.
- (8) All other applicable requirements of this chapter shall be met.
- (9) To the extent that any of the provisions outlined herein are in conflict with rules and regulations promulgated by the New Jersey Cannabis Regulatory Commission, the rules and regulations of the Commission shall control.

F. Site Plan Review.

- (1) Cannabis Retail Stores and/or Cannabis Delivery Stores/Services proposed to be located in existing buildings shall be exempt from site plan review provided no expansion or external renovations are proposed to same.
- (2) Cannabis Retail Stores and/or Cannabis Delivery Stores/Services proposed to be located in new construction shall require site plan review and approval.

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

Section 8. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 9. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

Dave Perry, Deputy Mayor

Frank Sippel, Mayor

First Reading: *November 21, 2022*

Adopted:

Attest: _____
Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251

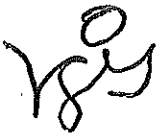


Incorporated 1798

(609) 886-2005

Memo

To: Lower Township Council

From: Lower Township Planning Board 

Re: Referral of Ordinance # 2022-15 for a report by the Lower Township Planning Board under N.J.S. 40:55D-64 and 40-55D-26a.

Date: December 8, 2022

The above referenced Lower Township Council Ordinance was referred by Lower Township Council, for a report from the Lower Township Planning Board under N.J.S. 40-55D-26a.

The Lower Township Planning Board Reviewed Ordinance # 2022-15, establishing a GB-1 Cannabis Overlay Zoning District, and finds the Ordinance in total, to be substantially consistent with the Lower Township Master Plan and Zoning Ordinance. The Planning Board therefore recommends approval of the Ordinance.

This report and action by the Planning Board was taken at a duly held meeting on December 8th, 2022. Thank you.

cc. Manager, Clerk, Solicitor