

## WORK SESSION AND REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

November 21, 2022 – 7:00 pm.

### Meeting called to order

Opening Announcement

Pledge of Allegiance & Moment of Silence

Roll Call & Determination of Quorum

### Work Session

Office of Emergency Management Briefing

### Consent Agenda

Approval of Minutes – November 7, 2022

Res. #2022-356 Authorization for the payment of vouchers \$ 339,695.06

Res. #2022-357 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Sustainable Communities Environmental Stewardship grant \$5,000)

Res. #2022-358 Authorization for Refund Tax

Res. #2022-359 Appointment to Recreation Advisory Board (E.Collins)

Res. #2022-360 A Resolution Authorizing a Shared Service Agreement with the County of Cape May for Fleet Maintenance Services

Res. #2022-361 Approval for Lower Township Ferry Merry Christmas

Res. #2022-362 Award of Professional Service Contract Without Public Bidding to Wizards Festival of Fun for Entertainment at the Ferry Merry Christmas Event December 18, 2022 (\$6,450.00)

Res. #2022-363 Approval for 2022 Christmas Parade

Res. #2022-364 A Resolution Amending Manager Michael Laffey's Agreement with the Township of Lower

Res. #2022-365 Authorizing the Assignment of Tax Sale Certificate

Res. #2022-366 Affidavit of Assignment Posting and Publishing

Res. #2022-367 Transfer of 2022 Appropriations

Res. #2022-368 Authorization for the Payout of Accumulated Compensatory Time (K. O'Brien \$6,574.30)

Res. #2022-369 Authorization for the Payment of College Credits ( \$36,150.)

Res. #2022-370 Authorization for 2022 Incentive Award for Insurance Waiver (\$51,666.67.)

Ordinance #2022-14 Re-Appropriation Ordinance of the Township of Lower, in the County of Cape May, State of New Jersey, Providing for Various Road Improvements and Re-Appropriating \$497,414.23 of Excess Bond Proceeds from Bond Ordinance 2019-09 to Finance the Cost Thereof. This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for December 5, 2022.

Ordinance #2022-15 – 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. This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for December 19, 2022.

### Regular Agenda

#### Engineer Report

#### Manager's Report

#### Monthly Report -

Clerk, Construction, Dog, Tax, Vital

#### Public Comment

#### Council Comments

#### Adjourn

## COUNCIL MEETING MINUTES – November 7, 2022

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

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

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

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

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

### Small Cities Public Hearing

Colleen Crippen, Grants Coordinator, informed that the Township is applying for a Small Cities Community Development Grant for drainage issues in the Villas.

Councilmember Conrad asked which neighborhood the grant is intended for.

Ms. Crippen explained that the engineer will prioritize based on immediate need.

Bill Greenfield, Villas, inquired about the outfall pipes.

Ms. Crippen explained that the outfall pipes are in need of attention again.

### Work Session

#### Consent Agenda

Approval of Minutes – October 17, 2022

Res. #2022-330 Authorization for the payment of Vouchers \$ 656,416.36

Res. #2022-331 A Resolution Authorizing the Transfer of Firearms No Longer Needed to a Licensed Firearms Dealer for Private Sale

Res. #2022-332 2022 Drive Sober or Get Pulled Over Year End Holiday Crackdown

Res. #2022-333 A Resolution Approving the Annual Level of Compensation for the Commissioners of Fire District #2 Pursuant to N.J.S.A.40A:14-88 and Local Finance Notice 2021-16

Res. #2022-334 Transfer of 2022 Appropriations

Res. #2022-335 A Resolution Approving the Annual Level of Compensation for the Commissioners of Fire District #3 Pursuant to N.J.S.A.40A:14-88 and Local Finance Notice 2021-16

Res. #2022-336 Authorization for the Payout of Accumulated Compensatory Time (W.Omrod \$2,874.59)

Res. #2022-337 Amend Resolution #2022-245; Authorization for the Payout of Accumulated Compensatory Time (B.McEwing \$147.01)

Res. #2022-338 Amend Resolution #2022-242; Authorization for the Payout of Accumulated Compensatory Time (J.Armbruster \$3,078.07)

Res. #2022-339 Amend Resolution #2022-243; Authorization for the Payout of Accumulated Compensatory Time (C.Ryan \$1,495.)

Res. #2022-340 A Resolution of the Township of Lower Canceling Certain Taxes per Agreement/Resolution #2020-272

Res. #2022-341 Appointment to the Recreation Advisory Board

Res. #2022-342 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website

Res. #2022-343 Certification of Best Practices Inventory

Res. #2022-344 Authorization for the payout of Accumulated Compensatory Time (M Nuscis \$3,365.)

Res. #2022-345 A Resolution Amending Resolution #2022-102; Reversing the Cancellation of Taxes

Res. #2022-346 Public Facilities Grant Application for \$400,000 Stormwater Outfall Improvements

Res. #2022-347 Identifying Small Cities Fair Housing Officer

Res. #2022-348 Adoption of State Model Citizen Participation Plan for DCA Small Cities Program

Res. #2022-349 Approval of Public Facilities Grant Management Plan Stormwater Outfall Improvements

- Res. #2022-350 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Youth Leadership Grant \$5,042.45)
- Res. #2022-351 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (DEDR \$26,215.00)
- Res. #2022-352 Authorizing a Professional Service Contract with Blauer Associates for the Application Submission and Administrative Work, If Needed, for Storm Drainage Project in the Villas (Not to exceed \$17,500)
- Res. #2022-353 A Resolution Authorizing the Pro-Ration of Mercantile License Fees Associated with Rental Units During the 2023 Calendar Year due to Modification of Annual License Term
- Res. #2022-354 Cancellation of 2022 Taxes and Tax Sale Certificates due to Lower Township Foreclosure on Properties
- Res. #2022-355 Authorization for Refund of Taxes
- Ordinance #2022-12;** An Ordinance Amending Chapter 432, Mercantile Licenses, to Modify the License Term Associated with Rental Unit Mercantile Licenses
- Ordinance #2022-13 – Salary and Benefit Ordinance for the Township of Lower.**  
This is the first reading of Ordinances # 2022-12 and 2022-13. The second reading and public hearings have been scheduled for December 5, 2022

Mayor Sippel clarified Resolutions #2022-332 and #2022-353.

On the Consent:

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

### Regular Agenda

#### Monthly Report

September Finance and 3<sup>rd</sup> Quarter Finance  
 Certification of Mailing of Tax Bills  
 Tax Monthly Report – July, August & September

#### Public Comment

Denise Stryjewski, Sheriff Taylor Blvd., addressed Council regarding juvenile's abusive/threatening behavior in the neighborhood of Holly Estates.

Mayor Sippel acknowledged the problem and agreed to join forces with the Police Dept. and Prosecutor's office to find a solution.

Christina Conroy, Sheriff Taylor Blvd., addressed Council with frustration and concern about her daughter and friend's abusive behavior in the neighborhood of Holly Estates and urged the community to do something to help. Mayor Sippel sympathized with the situation and disagrees with the way the laws are written. Manager Laffey encouraged residents to call the police upon each incident to have it documented.

Tony Doria, Sheriff Taylor Blvd., reiterated the problem with abusive kids disrespecting his property and urged Council to help.

Mayor Sippel assured Mr. Doria that Council does not agree with the State regarding the current laws protecting juveniles.

Councilmember Conrad shared his opposing opinion to the laws protecting children.

Mayor Sippel agreed to join forces with other departments and agencies to try to resolve the problem.

Doug Ortlip, Loblolly Lane, voiced frustration with the above situation and wants something done about it.

Tammy Patterson, babysitter for resident in Holly Estates, voiced concern for everyone's safety and demanded a quick solution.

Manager Laffey addressed the above concerns and agreed to try to resolve the matter quickly.

Steven Puleio, Loblolly Lane, disagreed with the Township's comments about limitations on the Police Department and referenced the Attorney General Law Enforcement Directive 2020-12 promoting juvenile justice reform. Solicitor Stefankiewicz agreed that the system is broken and validated the Township's position.

Cindy Rosenberg, Apple Blossom Drive, suggested increased Police presence in her neighborhood.

Mayor Sippel voiced empathy and appreciation to the residents for speaking out. He agreed to come up with a strategy to alleviate the situation.

**Council Comments**

Mayor Sippel reminded residents to vote and announced upcoming events including: Chamber of Commerce House Decorating Contest, Tree Lighting Ceremony, VFW Veterans Day Ceremony.

Deputy Mayor Perry reminded residents of the importance of voting.

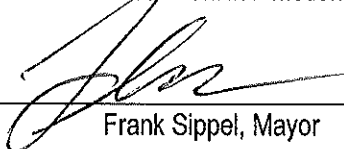
Councilmember Roy thanked residents for coming out and voiced frustration with the broken system.

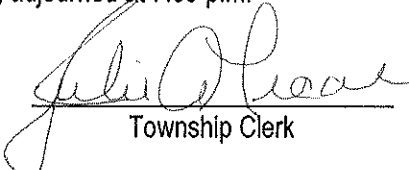
Councilmember Coombs reminded residents to vote.

Councilmember Conrad shared words of empathy for the situation in Holly Estates.

**Adjournment**

There being no further business to address, motion to adjourn moved by Councilmember Roy, seconded by Councilmember Conrad. Motion to adjourn was unanimous. Meeting adjourned at 7:39 p.m.

  
\_\_\_\_\_  
Frank Sippel, Mayor

  
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Township Clerk

Approved: 11.21.22



Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01171	VERIZON WIRELESS - TOWNHALL	22-02876	11/17/22	IPHONE BILL 9/29-10/28/22	Open	944.44	0.00		
01241	BRIAN MCEWING	22-02647	11/04/22	TRAINING - FUEL REIMBURSMENT	Open	251.67	0.00		
01294	RUSSELL F. DOUGLASS	22-02827	11/16/22	CONTRACTUAL REIMBURSEMENT M	Open	2,911.53	0.00		
01443	ERMA VOLUNTEER FIRE CO	22-02829	11/17/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
01532	JACQUELINE U HENDERSON	22-02707	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
01581	FIRST ASSEMBLY OF GOD CHURCH	22-02830	11/17/22	GENERAL ELECTION 11/8/22	Open	150.00	0.00		
01791	CINDY S. HARTLEY	22-02703	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
01806	ANTHONY J HARVATT, II, ESQ	22-00903	04/07/22	ZBA SOLICITOR SALARY	Open	625.00	0.00		
		22-02651	11/04/22	ZONING BRD RESOLUTION VOUCHERS	Open	300.00	0.00		
						925.00			
02208	PENNY BECICA-KRAUS	22-02728	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
02358	LCMR SCHOOL DISTRICT	22-02857	11/17/22	SHARED SERVICE WEBSITE MAINT	Open	2,000.00	0.00		
02402	MGL PRINTING SOLUTIONS	22-02611	10/27/22	2022 W2 & 1099 DNE \$600	Open	567.00	0.00		
02607	MICHAEL MAJANE	22-02669	11/07/22	TRAINING - PARKING REIMBURSMEN	Open	20.00	0.00		
03033	T&C SPORTS INC*	22-02409	10/06/22	RESOLUTION#2022-311 HOCKEY	Open	54,130.00	0.00		
03296	PARISH OF ST. JOHN NEUMANN	22-02831	11/17/22	GENERAL ELECTION 11/8/22	Open	675.00	0.00		
03305	PEDRONI FUEL*	22-02629	11/02/22	NO LEAD GAS/DPW	Open	327.38	0.00		
03448	REMINGTON, VERNICK & WALBERG*	22-01545	06/10/22	ROADWAT STRIPING RES# 2022-180	Open	17,857.00	0.00		B
03458	JOANN H. RASH	22-02794	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03537	RUTGERS, THE STATE UNIVERSITY*								
		22-02260	09/15/22	CLERK CLASS - LOCAL ELECTIONS	Open	653.00	0.00		
03611	SERVICE TIRE TRUCK CENTERS*								
		22-02630	11/02/22	TIRES/DPW 10/21/22	Open	6,526.22	0.00		
03810	MUNICIPAL UTIL AUTH USAGE COST								
		22-02883	11/17/22	SEWER PD 7/15-10/15/22	Open	755.27	0.00		
03902	DONALD VANAMAN JR								
		22-02666	11/04/22	TRAINING REIMBURSEMENT	Open	40.00	0.00		
		22-02823	11/16/22	VISION REIMBURSEMENT	Open	195.00	0.00		
		22-02824	11/16/22	VISION REIMBURSEMENT	Open	65.00	0.00		
						300.00			
03914	ULINE INC*								
		22-02479	10/17/22	SUPPLIES	Open	65.03	0.00		
04075	BARBER CONSULTING SERVICES LLC								
		22-02588	10/27/22	FS Wireless access point	Open	584.99	0.00		
		22-02881	11/17/22	PHONE LINES AT MILLMAN & POOL	Open	999.98	0.00		
						1,584.97			
04097	CINTAS FIRST AID AND SAFETY*								
		22-02672	11/07/22	COURT CABINET SERVICE 10/2022	Open	40.03	0.00		
04235	COLLEEN P GALLAGHER								
		22-02712	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
04445	TRICOMM SERVICES CORP*								
		22-02880	11/17/22	FAX LINE LOCATE AND FIX	Open	510.00	0.00		
04504	MEDIA FIVE LTD*								
		22-02653	11/04/22	VETERAN'S DAY PARADE TRIO	Open	700.00	0.00		
6071	UNITED UNIFORMS LIMITED LIAB*								
		22-01069	04/25/22	UNIFORMS	Open	1,129.43	0.00		
		22-01161	05/06/22	UNIFORMS	Open	2,511.82	0.00		
		22-01375	06/06/22	UNIFORMS	Open	125.00	0.00		B
		22-01389	06/07/22	UNIFORMS	Open	679.92	0.00		
						4,446.17			
7005	JULIE OSBORN								
		22-02806	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7066	KETCHUM MFG CO INC*								
		22-02499	10/17/22	2023 DOG TAGS	Open	475.50	0.00		
7079	SUBURBAN PROPANE L P*								
		22-02659	11/04/22	PROPANE- FREEMAN DOUGLASS PARK	Open	61.62	0.00		
7092	TREASURER STATE OF NJ FIRE ENF								
		22-02863	11/17/22	registration Renewal - 2600	Open	512.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7188	CHRISTINE CRAIG	22-02753	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7195	PHOENIX ADVISORS, LLC*	22-02865	11/17/22	2022 CONTRACT SERVICES	Open	1,350.00	0.00		
7286	PETER H ZEREGA	22-02778	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7291	WILLIAM FREDERICKSDORF	22-02773	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7410	MARTLYN MEIKLE	22-02742	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7414	DANIELLE MORRISON	22-02698	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7475	SUZANNE M SCHEID	22-02822	11/16/22	CONTRACTUAL REIMBURSEMENT M	Open	58.55	0.00		
7478	WINDSTREAM COMMUNICATION INC*	22-02875	11/17/22	10/27 & 11/8/22 INV PHONE	Open	3,635.89	0.00		
7480	DENISE L JONES	22-02704	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7507	STEFANKIEWICZ & BELASCO LLC*	22-00061	01/10/22	RES 2022-01 DNE \$150k EXPENSES	Open	5,224.63	0.00		B
7585	SHARON A TAYLOR	22-02694	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7586	KAREN GRASCH	22-02729	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7587	JOSE SOTO	22-02724	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7590	STEPHEN D ACKERMAN	22-02811	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7591	SUSAN WIGGINS	22-02791	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7593	FRANK SARACCO	22-02793	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7594	JUDITH SARACCO	22-02787	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7597	DIANE BAKER	22-02810	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7632	PYROTECNOCO INC	22-02816	11/14/22	RETURN OF UNUSED ESCROW	Open	2,100.00	0.00		
7636	MOTT MACDONALD LLC*	22-02569	10/27/22	PL BRD MOTT MACDONALD VOUCHERS	Open	395.63	0.00		
7665	JOHN BENIGNO	22-02739	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7666	MARY C HANNAN	22-02743	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7671	PAMELA KOPP	22-02790	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7673	RANDI M ZIRING	22-02774	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7720	ROBERT MACOM	22-02654	11/04/22	FOOTBALL GAME OFFICIAL	Open	50.00	0.00		
7749	WILLIAM KOCIS	22-02635	11/02/22	DENTAL REIMB	Open	537.90	0.00		
7779	THOMAS HANNAN	22-02740	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7820	DEBLASIO & ASSOCIATES, P.C*	22-00548	02/28/22	REPLACE PAVILIONS RES2022-89	Open	3,360.00	0.00		B
		22-00767	03/29/22	RES 22-79 CONST WILSON 1/2/3	Open	528.75	0.00		B
		22-00977	04/12/22	RECONST DELAWARE BAY, MILLMAN,	Open	280.00	0.00		B
		22-01121	05/02/22	RES.#2022-140 CO#1 DIAMOND BEA	Open	2,030.00	0.00		
		22-01544	06/10/22	RES#22-194 CONST MOWERY/HARVRD	Open	13,680.00	0.00		
		22-01963	08/08/22	RES #2022-251 POOL RENOVATIONS	Open	140.00	0.00		B
		22-01970	08/08/22	CHG 1- CLOVERDALE, EVERGREEN	Open	12,080.38	0.00		B
		22-02461	10/13/22	ZBA Engineer Vouchers	Open	140.00	0.00		
		22-02530	10/25/22	CHG ORD #1 FIRE LANE	Open	1,585.00	0.00		B
		22-02842	11/17/22	PLANNING BRD ENGINEER VOUCHERS	Open	2,828.84	0.00		
						36,652.97			
7846	MARY E MCHUGH	22-02804	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7847	JAMES F. STEVENS	22-02756	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7848	ROBIN LINN	22-02713	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7866	KATHRYN CRECCA	22-02826	11/16/22	CONTRACTUAL REIMBURSEMENT V	Open	232.80	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7929	AMAZON CAPITAL SERVICES, INC*								
		22-02494	10/17/22	SUPPLIES	Open	1,322.25	0.00		
		22-02536	10/25/22	WRESTLING MAT TAPE	Open	413.85	0.00		
		22-02580	10/27/22	OFFICE SUPPLIES	Open	155.05	0.00		
		22-02621	11/01/22	TOWNHALL SUPPLIES 10/28/22	Open	265.12	0.00		
						<u>2,156.27</u>			
7960	CATHY HOLT ROBINSON								
		22-02765	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7962	WILLIAM R HARTLEY SR								
		22-02692	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
7966	SUSAN REMER								
		22-02719	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
7968	KATHLEEN HENNESSY								
		22-02768	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8046	SAMPLE MEDIA INC								
		22-02690	11/09/22	SMALL CITIES AD	Open	135.00	0.00		
8072	JOHNSONS CONTROL SECURITY *								
		22-00549	02/28/22	FINGERPRINT MAINT 03/1/22-3/23	Open	110.90	0.00		
8106	JOSEPHINE PETERSEN								
		22-02736	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8107	THERESE HILLER								
		22-02814	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8131	DOCUVAULT SECURE SHREDDING LC*								
		22-02347	09/28/22	MONTHLY SHREDDING TOWNSHIP	Open	314.80	0.00		B
8197	GREAT AMERICAN FINANCIAL SERV								
		22-02429	10/07/22	MAIL MACHINE DNE DNE \$1120	Open	560.00	0.00		
8421	PROPHOENIX CORPORATION *								
		22-02644	11/04/22	Propheonix 2023 software pmt	Open	7,113.86	0.00		
8448	STAR GENERAL CONTRACTING *								
		22-02636	11/02/22	TRAILER FOR LINCOLN BLVD	Open	499.00	0.00		
		22-02637	11/02/22	REMOVAL OF TRAILER	Open	600.00	0.00		
		22-02652	11/04/22	LUXURY BATHROOM/DPW	Open	948.00	0.00		
						<u>2,047.00</u>			
8499	THOMAS P LAROSA								
		22-02695	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8502	KATHLEEN MILEY								
		22-02777	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8503	ANNE M NONEMAKER	22-02715	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8537	ASBURY PARK PRESS	22-00513	02/22/22	2022 E-SUBSCRIPTION	Open	9.99	0.00		PC1
8547	SOUTHERN SHORE REGIONAL DMO	22-02661	11/04/22	RENEWAL MEMBERSHIP/ADVERTIS 23	Open	75.00	0.00		
8584	YELLOWFIN EVENTS, LLC	22-02615	11/01/22	RETURN OF UNUSED ESCROW	Open	524.38	0.00		
8588	DAVID CHARLES BRAND	22-02779	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
8590	ROBERT H BASCO	22-02696	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8592	MICHAEL ROSENBERG	22-02700	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8595	DEBORAH SCHEETZ	22-02716	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8596	JOHN ERDOSY	22-02758	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8597	GEORGE SOMERS	22-02722	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
8598	ROBERT L WALTER	22-02705	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8599	WADE RINIER	22-02775	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
8600	NANCE M BROGAN PIECARA	22-02762	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8601	KEVIN F DAVIS	22-02754	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
8604	CAROLYN L QUALTERS	22-02747	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8605	PATRICIA S NOLFI	22-02752	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8606	PATRICIA GUNN	22-02763	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8608	NANCY SMARGIASSI	22-02771	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8609	PAUL A SMARGIASSI JR	22-02770	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
8613	DOROTHY PEARSON	22-02789	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8616	SHANNON SENGER	22-02782	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8619	ILEANA SOMERS	22-02815	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8621	KENNETH HANOVER	22-02799	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8672	LOGMEIN INC.	22-00130	01/11/22	2022 GO TO MEETING	Open	19.00	0.00		PCI
8711	DISC JOCKEY SUPPLY OUTLET LLC	22-02869	11/17/22	VIDEO TRUCK VETERAN DAY PARADE	Open	500.00	0.00		
8721	BLANEY, DONOHUE, & WEINBERG PC	22-00063	01/10/22	RES 2022-02 LABOR DNE \$40K	Open	1,841.50	0.00		B
8722	LAW OFFICE OF KARAVAN &	22-00064	01/10/22	RES 2022-03 TAX APPEAL DNE\$10K	Open	443.75	0.00		B
		22-00419	02/10/22	MORREL & HANSEN TAX APPEAL	Open	500.00	0.00		B
						943.75			
8792	DEBORAH J CROSSLAND	22-02710	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8793	MARIANNE REMENTER	22-02720	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8794	NANCY MONTGOMERY	22-02721	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8795	MARC BRESLOW	22-02732	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8796	LYNNE BRESLOW	22-02730	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8797	SUSAN ROBERT	22-02737	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8799	THERESA MCCABE	22-02748	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8800	MARK DELANO	22-02734	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8801	DIANNE SMODGRASS	22-02781	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8802	DONNA DAVIS	22-02783	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8805	RUTH GENSEL	22-02792	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8806	CHERYL CATALDI	22-02797	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8807	DEBORAH KRESZSWICK	22-02786	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8808	RITA MCGLADE	22-02803	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8809	JOSEPH SCARDONE	22-02801	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8810	THOMAS J MCLAUGHLIN	22-02807	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8812	JASON O HIRSH	22-02805	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8868	BRAVADO COFFEE CAFE	22-02581	10/27/22	Doughnuts/coffee/Vet Parade	Open	500.00	0.00		
8869	ANDREW COLVIN	22-02607	10/27/22	RES#22-345 PD BY MORT& HOMEOWN	Open	1,662.66	0.00		
8870	DOUGLAS & SUSAN KENNA	22-02608	10/27/22	RES#22-345 PD BY MORT& HOMEOWN	Open	653.21	0.00		
8871	JODI REDMER	22-02609	10/27/22	EXEMPT VET 6-13-22 & VET DEDUC	Open	1,089.58	0.00		
8872	JANZELL RODRIGUEZ	22-02610	10/27/22	EXEMPT VET 9-12-22	Open	1,096.91	0.00		
8873	AUGUSTINE J LODISE JR	22-02624	11/02/22	EXEMPT VET 8-17-22	Open	500.05	0.00		
8874	LAURA BIRTH	22-02650	11/04/22	REIMBURSEMENT- SOCCER COACH	Open	60.38	0.00		
8875	JEFF DOWLING	22-02655	11/04/22	FOOTBALL GAME OFFICIAL	Open	50.00	0.00		
8876	LESLIE A FALLON	22-02697	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8877	THERESA MCPHERSON	22-02708	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8878	ANNETTE WEIGELE	22-02711	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8883	RON FRECH	22-02699	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8884	ALAN WOLFERSBEAGER	22-02759	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8885	JANE A SENICO	22-02813	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8886	CAROL RODANO	22-02812	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8887	WILLIAM TIRRI JR	22-02809	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8888	ROBERT DENNING	22-02808	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8889	JAMES DI MARTIN	22-02800	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8890	MILTON WILSON	22-02796	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8891	FRANK J URSINO	22-02795	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8892	DEBRA L WILSON	22-02780	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8893	GAIL DDNAGHY	22-02776	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8894	PETER A DIGENNARO	22-02767	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8895	LEE SACHS	22-02766	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8896	MARY G PLACE	22-02761	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8897	ELIZABETH CURTIS	22-02755	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8898	DOROTHY C KNAPP	22-02751	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8899	GREG RUDINSKI	22-02750	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8900	MICHAEL S KIRK SR	22-02746	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8901	DIANA M MCNAIR	22-02745	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8902	PATRICIA ROSENBERG	22-02726	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8903	MARY C DONNELLY	22-02735	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
8904	WILLIAM BELLES	22-02691	11/10/22	CONTRACTUAL REIMBURSEMENT V	Open	360.00	0.00		
8905	SHAWN & TRACI GENOVESE	22-02853	11/17/22	B-512.17 L-6 GENOVESE	Open	1,202.09	0.00		
		22-02854	11/17/22	B-653 L-7 GENOVESE	Open	1,160.68	0.00		
		22-02855	11/17/22	B-619 L-4 GENOVESE	Open	840.32	0.00		
						<u>3,203.09</u>			
8906	JOSEPH KELLER	22-02856	11/17/22	B-215 L-6 KELLER	Open	920.26	0.00		
8907	LACIE EUBANKS	22-02821	11/15/22	CONTRACTUAL REIMBURSEMENT V	Open	109.78	0.00		
8908	COMCAST BUISNESS	22-02886	11/17/22	VOICE PHONES 9/22-11/30/22	Open	3,733.92	0.00		
8909	COMCAST BUISNESS	22-02885	11/17/22	BUS INTERNET PD 10/19-11/30/22	Open	1,599.27	0.00		
ADAMC	ROSEMARY ADAMCZYK	22-02714	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
AGHAK	MARYAM AGHAKHANI	22-02788	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
ANZE	JENNIFER ELWELL	22-02825	11/16/22	CONTRACTUAL REIMBURSEMENT V	Open	366.00	0.00		
BLAUE	BLAUER ASSOCIATES INC*	21-02127	08/30/21	2022 SMALL CITIES PROJECT	Open	1,200.00	0.00		B
BOSNA	KAREN MANETTE BOSNA	22-02649	11/04/22	YOGA- MONTH OF OCTOBER	Open	160.00	0.00		
BRUNER	GRACE HILTON-BRUNER	22-02772	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BUCKD	DIANE E PANNELLI	22-02802	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
CZAJK	ARTHUR CZAJKOWSKI	22-02718	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
CZES	MARY LOU CZESCIK	22-02731	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
DOUGHE	MARK DOUGHERTY	22-02727	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
DOUGHERT	GEORGIA DOUGHERTY	22-02725	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
FOURNIER	KAREN FOURNIER	22-02664	11/04/22	Reimburse Mileage - JIF	Open	203.91	0.00		
FREAS	JEAN FREAS	22-02723	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
GARYW010	GARY WALTZ	22-02709	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
HARTL	WILLIAM HARTLEY, JR	22-02693	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
HARTLEY	CHRISTINE HARTLEY	22-02706	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
HELVE	ANN HEAP-HELVESTON	22-02760	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
JOANE005	JOAN ELIASON	22-02764	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
KIRSCHN	SCOTT KIRSCHNER	22-02798	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
MARGA005	MARGARET L BROWN	22-02733	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
MICHA010	MICHAEL ELIASON	22-02769	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
MOHAN	NANCY MOHAN	22-02744	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00		
MORNI	CARRISE MORNICK	22-02702	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		
MORRIC	CRAIG R MORRISON	22-02701	11/10/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00		

Vendor #	Name	Status	Amount	Void Amount	Contract	PO Type
PO #	PO Date	Description				
NOLANM	MICHELLE NOLAN					
22-02749	11/14/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00	
SANTA	DENISE SANTAGATA					
22-02757	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00	
SMITHS	SHEILA D SMITH					
22-02741	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00	
STEBL	RALPH P STEBLEIN					
22-02785	11/14/22	GENERAL ELECTION 11/8/22	Open	300.00	0.00	
YABOR	PATRICIA YABOR					
22-02717	11/10/22	GENERAL ELECTION 11/8/22	Open	325.00	0.00	
Total Purchase Orders: 232		Total P.O. Line Items: 0	Total List Amount: 275,095.48	Total Void Amount: 0.00		

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

RESOLUTION #2022-356

Title: **AUTHORIZING THE PAYMENT OF VOUCHERS**

Vendor	Description	Amount
COUNTY OF CAPE MAY (FUEL)	8/1-8/31/22 FUEL	\$36,545.99
COUNTY OF CAPE MAY (FUEL)	9/1-9/30/22 FUEL	\$28,053.59

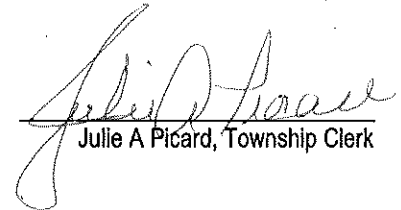
TOTAL Manual Checks \$64,599.58

TOTAL Computer Generated \$275,095.48

TOTAL BILL \$339,695.06

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
COOMBS			X			
ROY		X	X			
PERRY			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 Nov ,21 ,2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-357

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

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

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

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$5,000.00 for an item of revenue in the budget of the year 2022 as follows:

Miscellaneous Revenues –

Revenue Offset with Appropriations -	Sustainable Communities Environmental Stewardship grant
Total with increase to be	\$ 5,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$5,000.00 be and the same is hereby appropriated under the caption of:

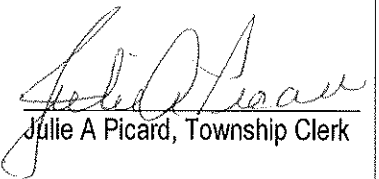
General Appropriations –

Public & Private Programs Offset by Revenues -	Sustainable Communities Environmental Stewardship grant
State/Federal Share	\$ 5,000.00
Non State Share	\$
Total with increase to be	\$ 5,000.00

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
COOMBS			X			
ROY		X	X			
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

**ccrippen**

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**From:** Sustainable Jersey <grants@sustainablejersey.com>  
**Sent:** Wednesday, August 31, 2022 2:53 PM  
**To:** ccrippen; fsippel; lread; laurenlsuit@gmail.com  
**Subject:** External CONFIDENTIAL: Your Sustainable Communities Grant Program Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Congratulations! We are pleased to inform you that Lower Township has been selected to receive a 2022 Sustainable Communities Environmental Stewardship grant funded by Atlantic City Electric in the amount of \$5,000. **Grant recipients will be publicly announced during a grant announcement event on September 30.**

**PLEASE DO NOT ANNOUNCE YOUR GRANT AWARD IN ANY WAY UNTIL AFTER AN OFFICIAL ANNOUNCEMENT IS MADE BY ATLANTIC CITY ELECTRIC AND SUSTAINABLE JERSEY ON SEPT. 30.**

It is okay to let your project team members and municipal staff know of the award. Following the event, Sustainable Jersey will send all grant contacts a press release template and a photo of your project team from the event that can be customized for your municipality.

Atlantic City Electric and Sustainable Jersey invite representatives from your municipality to attend a grant announcement event at the Canoe Club in Hammonton, NJ. Attendees will have the opportunity to learn about the funded projects, network with the other recipients, ask questions, and get their picture taken with the grant sponsors to publicize the grant award.

**Event details are listed below:**

**Friday, September 30, 2022**  
9:00 a.m. – 10:30 a.m.

Breakfast served starting at 8:30 a.m.

## **Hammonton Canoe Club**

100 Sports Dr

Hammonton, NJ 08037

**REGISTER – no later than Wednesday, September 21**

### **Mayor Quote**

Atlantic City Electric and Sustainable Jersey will be creating a media release using quotes (statements about the project) from mayors of recipient municipalities that talk about the projects and their impacts on the community. We encourage your mayor to submit a quote, as we have found that these events do generate significant local media coverage. **Please submit the quote to me no later than Wednesday, September 14.**

### **Check Distribution**

The initial check for your \$5,000 grant will be for half of the grant award (\$2,500). **The remaining funds will be sent upon the completion of your project and approval of your final report.** Grant checks will be distributed at the event.

You will be asked to indicate who will pick up the check for the municipality at the event in the registration form. Please note that this person must be a municipal employee, otherwise, evidence that the designated person was authorized to pick up the check must be provided at the event (a signed letter or email will suffice). Authorization can be granted by the municipality's fiscal agent, such as the business administrator.

Please do not hesitate to contact me if you have any questions regarding your grant award. We look forward to seeing you at the event!

Sincerely,

Kaitlyn R. Vollmer

Sustainable Jersey @

Sustainability Institute at The College of New Jersey

Forcina Hall, 3rd Floor

P.O. Box 7718

Ewing, NJ 08628-0718

[grants@sustainablejersey.com](mailto:grants@sustainablejersey.com)

609-771-3189

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

RESOLUTION #2022-358

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.

Block	Lot	Refund To	Reason	Tax
499.01	23.01	Core Logic – Saini 699 A Town Bank Rd	Exempt Veteran 9/12/22	803.15
387	47	Core Logic – Lodise 200 Broadway	Exempt Veteran 8/17/22	1,081.14
387	47	Augustine Lodise 200 Broadway	Exempt Veteran 8/17/22	500.05
497.06	21	Jodi Redmer 181 Briarwood Dr	Exempt Veteran 6/13/22 + Veteran Ded	1,089.58
499.13	11	Janzell Rodriquez 121 Orchard Dr	Exempt Veteran 9/12/22	1,096.91
499.01	23.01	Core Logic – Saini 699 A Town Bank Rd	Exempt Veteran 9/12/22	1,989.51
619	4	Shawn Genovese 304 Gorham Ave	Mortg Co is responsible	840.32
512.17	6	Shawn Genovese 3500 Bybrook Dr	Mortg Co is responsible	1,202.09
653	7	Shawn Genovese 300 Holmes Ave	Mortg Co is responsible	1,160.68
215	6	Joseph Keller 15 Maryland Ave	Mortg Co is responsible	920.26

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-359

Title: APPOINTMENT TO THE RECREATION ADVISORY BOARD

WHEREAS, an opening exists on the Recreation Advisory Board; and

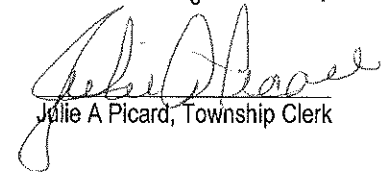
WHEREAS, Council has reviewed the applications currently on file in the Clerk's office.

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 appointment be made:

<u>NAME</u>	<u>TYPE</u>	<u>TERM EXP</u>
Erik Collins	Regular Member	December, 2025

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022.

  
 Julie A Picard, Township Clerk

FOR TOWNSHIP USE ONLY

Res. # \_\_\_\_\_ Board/Comm./Auth. \_\_\_\_\_

Term Exp. \_\_\_\_\_ Replaced \_\_\_\_\_ or Reappointed \_\_\_\_\_

TOWNSHIP OF LOWER  
CITIZEN LEADERSHIP FORM

NAME Erik Collins

CITY AND STATE North Cape May, NJ

YEARS OF RESIDENCY IN TOWNSHIP 44 OCCUPATION Owner: Collins Iron DBA Dennisville Fence.

Please number in order of preference which ones you wish to be considered for.

- |   |   |
|---|---|
| <input type="checkbox"/> Cable Television Advisory Board  | <input type="checkbox"/> Municipal Utilities Authority        |
| <input type="checkbox"/> Environmental Commission         | <input type="checkbox"/> Planning Board                       |
| <input type="checkbox"/> Historic Preservation Commission | <input checked="" type="checkbox"/> Recreation Advisory Board |
| <input type="checkbox"/> Citizen Advisory Board           | <input type="checkbox"/> Zoning Board of Adjustment           |

I hereby apply to perform public service on the following municipal authority, boards or commissions. List any education, prior volunteer experience or work related experience, or other civic involvement which could be of use to the authority, board or commission you have listed above.

6 years - Volunteer asst. Coach Rec Football  
7 years - Volunteer Head Coach - LT Little League  
2 years - L.T. Zoning Board.

Date: 11/8/22 Signature: [Signature] (VALID FOR ONE YEAR FROM DATE OF RECEIPT)

**Return to: Clerk's Office, 2600 Bayshore Road, Villas, NJ 08251**

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

RESOLUTION #2022-360

Title: A RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE COUNTY OF CAPE MAY FOR FLEET MAINTENANCE SERVICES

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

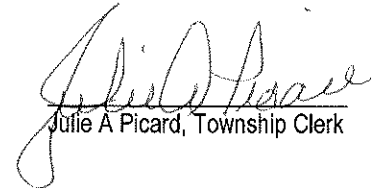
WHEREAS, the County of Cape May County ("County") desires to enter into a Shared Services Agreement with the Township of Lower ("Township") and permit the Township to provide Fleet Maintenance Services as outlined in the attached agreement, and

WHEREAS, the Township of Lower desires to enter into a Shared Services Agreement with the County of Cape May to provide Fleet Maintenance Services.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Lower Township is hereby authorized and empowered to enter into a Shared Services Agreement with the "County", a copy of which is attached hereto as EXHIBIT A, pursuant to the provisions of Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.* the Township shall provide Fleet Maintenance Services to the County as described in EXHIBIT A.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022.

  
Julie A. Picard, Township Clerk

**SHARED SERVICES AGREEMENT FOR FLEET MAINTENANCE SERVICES**

**THIS AGREEMENT** is entered on this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the COUNTY OF CAPE MAY, a body politic and corporate of the State of New Jersey (hereinafter referred to as “County”), whose address is 4 Moore Road, Cape May Court House, NJ 08210, and the TOWNSHIP OF LOWER (hereinafter referred to as “the Municipality”), whose address is 2600 Bayshore Road, Villas, New Jersey 08251. The County and Municipality are collectively referred to as “Parties,” and individually as a “Party.”

**WITNESSETH**

**WHEREAS**, the County owns various equipment and employs personnel who provide general fleet maintenance and related services for all County-owned equipment; and

**WHEREAS**, the County desires to supplement its personnel by entering into an agreement with the Municipality for heavy equipment fleet maintenance; and

**WHEREAS**, the Municipality desires to provide these services to the County for a fee as outlined in Schedule A and pursuant to this Shared Services Agreement; and

**WHEREAS**, the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.) authorizes and empowers the County and the Municipality to enter into this Agreement.

**NOW, THEREFORE**, it is agreed, stipulated and understood between the parties in consideration of the mutual promises contained herein, as follows:

**1. Scope of Services**

- A. Heavy equipment shop related vehicles may be large trucks, loaders, tractors, mowers, street sweepers, vacuum trucks, trailers, etc. A listing of vehicles is provided in Schedule B attached. Older vehicles and equipment may be retired and new vehicles added throughout the life of the contract. The County agrees to provide updates and

revisions to Schedule B annually on January 1<sup>st</sup> of each calendar year and/or as revisions to Schedule B occur.

- B. The County will be responsible for transporting its heavy equipment to the Municipality for service. Service includes, but is not limited to, standard routine preventative maintenance, faults revealed during a pre-trip inspection, and comprehensive services as may be necessary and as the Municipality may be capable of providing.
- C. The County will be responsible for mounting plows and spreaders to the vehicles. The Municipality will then perform an inspection and service of the vehicles with mounted components.
- D. The County will provide to the Municipality mounted tires and miscellaneous parts as are currently stocked by the County. Any mounted tires or parts not used during the course of this agreement shall be returned to the County upon termination of this agreement.
- E. The Municipality will additionally provide yearly vehicle safety inspections, as requested by the County, for vehicles listed in Schedule B. The vehicle safety inspection shall be performed to USDOT Federal Motor Carrier Safety Administration standards of the periodic inspection also known as: Appendix G to Subchapter B – Minimum periodic inspection standards; 49 CFR Subtitle B Chapter III Subchapter B Appendix G. The completed inspection will be forwarded to the County with the monthly billing statement. A form will be provided by the County to the Municipality. This inspection is considered to be preventive maintenance.

- F. The County anticipates and expects that our equipment will be maintained in a manner and timeframe comparable to industry best practices and standards, and comparable to that which the Municipality provides for its own vehicles.
- G. The Municipality will provide emergency road service to County heavy equipment vehicles as needed within or near the boundaries of their normal service area. If this service occurs after hours, the County will be billed at the multiplier recognized by the Municipality's Labor Contract as applied to the hourly rate in Schedule A.
- H. The Municipality will provide a mechanic on a stand-by basis at the request of the County. The stand-by mechanic shall provide priority repairs to County equipment during off-hours. If this service occurs after hours, the County will be billed at the multiplier recognized by the Municipality's Labor Contract as applied to the hourly rate in Schedule A.
- I. The Municipality will have the authority to remove a County vehicle from service if, as a result of a safety inspection, critical faults are found which lead the Municipality to believe the vehicle poses a potential hazard to the driver or to the public. The vehicle will be considered removed from service until such time as the necessary repairs can be made or the County authorizes the release in writing. An email or fax represents the acceptable form of written authorization.
- J. The County and the Municipality in performing the services under this contract, shall have full power and authority to undertake any ancillary operation reasonably necessary or convenient to carry out its duties, responsibilities, and obligations under the contract. Any repair estimated to exceed \$1,000.00 requires prior approval by the County Director of Facilities and Services or designee.

K. The principle managing parties of this agreement will meet as needed, but minimally every quarter during the first year, to discuss the effectiveness of this agreement. Any service changes recommended as a result of these meeting will be incorporated into this agreement as appendices by mutual approval of the County and the Municipality.

## **2. Term**

This Agreement shall extend from January 1, 2023 through December 31, 2027. The term may be renewed for an additional and successive term of five years upon resolution of both parties. Either party may cancel this Agreement upon written notice of ninety (90) days.

## **3. Billing and Compensation**

The County will pay the Municipality a Shop Impact Incentive Payment, fund an escrow account, and pay an hourly rate for service provided above the anticipated preventive maintenance service hours as indicated on the fee schedule attached as "Schedule A". The hourly rate will increase 2.5% per year, effective January 1<sup>st</sup> of each contract year. The hourly rate will be used to calculate the annual Shop Impact Incentive Payment, based on a yearly allotment of 610 service hours per year. The County will pay cost on any parts necessary for repair of County vehicles or the parts vendor can bill the County directly. The Municipality will provide an itemized bill to the County along with a signed voucher on a monthly basis. For ease of record keeping and billing, daily communication between the Municipality and County regarding work completed may be necessary. The County agrees to promptly process the Municipality's vouchers for payment and to pay all bills within 45 days of submission by the Municipality to the County. The bill sent by the Municipality to the County will include a detailed description of work performed and parts

used, listed by the County's vehicle service center (SC) identification number. It will also include any parts warranties as appropriate.

- A. Shop Impact Incentive Payment: Payable by the County to the Municipality in annual installments in March of each year and refundable in a weekly pro-rated fashion if either party cancels the agreement prior to the end of the term. This payment is based on the anticipated preventive maintenance hours listed in Schedule A, but buys the County that amount of billable hours indicated with indifference to the type of maintenance work being performed.
- B. Advance Payment Escrow: Payable by the County to the Municipality in annual installments in April of each year and any unused portion fully refundable if either party cancels the agreement prior to the end of the term. The escrow is to be applied to the March payment and is meant to give the municipality working capital to provide this service.
- C. Hourly Rate: Payable by the County to the Municipality based on actual hours worked by municipal workers on County vehicles. This rate is to be applied to any billable hours beyond the number of hours purchased through the Shop Impact Incentive Payment. The billable rate will be broken into quarter hours.
- D. Parts Rate: Payable by the County to the Municipality and based on the actual price of the vehicle part. Purchase receipts and warranties will be included with billing documentation submitted to the County for payment.

**4. Contact Person**

The contact person for the County, for issues related to this contract, will be the Director of Facilities and Services, or designee. The primary contact for scheduling of service, repairs and billing issues will be the County Fleet Maintenance Coordinator.

Director of Facilities and Services, Daniel Lockwood

- i. Phone Number: 609-465-1044
- ii. Email: [daniel.lockwood@co.cape-may.nj.us](mailto:daniel.lockwood@co.cape-may.nj.us)

Fleet Maintenance Coordinator, Shannon Chiera

- i. Phone Number: 609-465-5823 ext. 3801
- ii. Email: [shannon.chiera@co.cape-may.nj.us](mailto:shannon.chiera@co.cape-may.nj.us)

The Municipality agrees to assign a person to serve as the “Fleet Maintenance Contact Person” between the County and Municipality, hereinafter referred to as the “Contact Person,” in order to support and facilitate the orderly and efficient implementation of this Agreement, including the distribution of service requests and related relevant information. The Municipality’s Contact Person will be:

- a. Primary Contact Person: \_\_\_\_\_
- b. Secondary Contact Person: \_\_\_\_\_

The parties shall immediately notify each other in the event of any change in their respective designated Contact Person.

**5. Effective Date**

This Agreement shall become effective upon passage of an authorizing Resolution by the Municipality and Resolution by the County as required by the Uniform Shared Services Act (N.J.S.A. 40A:65-1, et seq.).

**6. Level of Service**

The County and the Municipality agree to provide all services in a professional and workmanlike manner in accordance with applicable regulations, industry standards and best practices.

**8. Other Agreements**

The County and the Municipality reserve the right to enter into any other contract with other public or private entities for the performance of any service or services which may be included with the scope of services provided in this Agreement.

**9. Indemnification**

No party shall be liable for any negligent, reckless or intentional acts or omissions of any other(s) and each shall indemnify, defend and hold the other(s) harmless from all losses, injuries or damages caused by the negligent, reckless or intentional acts or omissions of itself or any of its respective employees or independent contractors in rendering the services set forth in this Agreement. Such indemnification shall include payment of reasonable attorney's fees and costs in the defense of any claim made by a third person incident to such negligent, reckless or intentional acts or omissions. The terms and conditions of this paragraph shall survive the execution, delivery, and performance of this Agreement and any succeeding documents, shall be binding upon the heirs, successors, administrators and assigns of each of the parties hereto. No party to this Agreement waives

immunity to which it may be entitled pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.

#### **10. Insurance**

It is recognized and understood that the County is currently insured through Travelers Insurance Company, and the Municipality is currently insured through the Municipal Joint Insurance Fund. The Municipality agrees that it will name the County as an additional insured on any insurance policies it separately maintains. These policies shall include, without limitation, comprehensive general liability, garage liability, automobile liability, errors and omissions and workers compensation with limits and deductibles as mutually agreed upon. Each party shall provide the others with certificates of insurance setting forth the above coverage and naming the other as additional insured promptly upon the execution of this Agreement, and providing that said policies cannot be cancelled except upon sixty (60) days notice to the County. In the event either party ceases to participate in its insurance program as is in effect on the date of this Agreement, such party shall provide alternative insurance comparable to the coverage in effect on the date of this Agreement subject to the approval of the other parties, which approval shall not be unreasonably withheld, conditioned or delayed.

#### **11. Miscellaneous**

This Agreement may only be modified in writing, duly authorized and signed by the parties' authorized representatives. All notices, statements or other documents required by this Agreement shall be hand-delivered or mailed to the following addresses:

**For the Municipality:**

Mike Laffey, Township Manager  
2600 Bayshore Road

Villas, New Jersey 08251

with a copy to:

**For the County:**

Daniel Lockwood  
County of Cape May  
4 Moore Road, DN 149  
Cape May Court House, NJ 08210

*with copy to:*

Kevin Lare  
County of Cape May  
4 Moore Road, DN 101  
Cape May Court House, NJ 08210

**13. Authorization**

Each party represents and warrants to the other that all municipal or county action necessary to enter into and perform all obligations required by this Agreement has been validly taken and that the undersigned are authorized to execute this Agreement.

**14. Governing Law**

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

**15. No Assignments**

This Agreement may only be assigned upon with written authorization of the other Party.

**16. Entire Agreement**

This Agreement sets forth the entire understanding of the parties hereto with respect to the Transactions contemplated herein. No change or modification of this Agreement shall be valid unless the same shall be in writing and signed by the Parties.

**17. Severability**

If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

**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.

ATTEST:

**COUNTY OF CAPE MAY**

\_\_\_\_\_  
Kevin Lare  
Administrator/Clerk of the Board

\_\_\_\_\_  
Gerald M. Thornton  
Commissioner Director

Approved as to Form and Legality:

\_\_\_\_\_  
Jeffery Lindsay, Esquire  
County Counsel

ATTEST:

**TOWNSHIP OF LOWER**

\_\_\_\_\_  
Julie Picard  
Township Clerk

\_\_\_\_\_  
Frank Sippel  
Mayor

Approved as to Form and Legality:

\_\_\_\_\_  
Township Solicitor

**SCHEDULE "A"**

<b>CONTRACT YEAR</b>	<b>HOURLY RATE</b>	<b>HOURS BUDGETED</b>	<b>SHOP IMPACT PAYMENT</b>	<b>ADVANCED ESCROW</b>
2023 Jan. 1 – Dec. 31	\$89.10	610	\$54,352.98	\$15,000.00
2024 Jan. 1 0 Dec. 31	\$91.33	610	\$55,711.81	\$15,000.00
2025 Jan. 1 – Dec. 31	\$93.61	610	\$57,104.60	\$15,000.00
2026 Jan. 1 – Dec. 31	\$95.95	610	\$58,532.22	\$15,000.00
2027 Jan. 1 – Dec. 31	\$98.35	610	\$59,995.52	\$15,000.00

**SCHEDULE "B"**

SC#	Year	Make/Model	Vin#	Plate	Dept
1094	1998	HUDSON / HTR18 TRAILER	10HHTR181W1000018	CG19317	410
1105	1999	INTERNATIONAL / 4700 4X2 WRECKER	1HTSCAAM4XH656577	CG19325	410
1274	2001	N/H FORD / TN55B2	1234638	F534CG	410
1275	2001	N/H FORD / TN55B2 LOADER	1234666	F533CG	410
1396	2002	TORO / 345-30789 MOWER	220000220	NA	410
1407	2003	BRUSH BANDIT / 150-S CHIPPER	018598	J230CG	410
1417	2003	RAMPAGE / UP-612	1R9UP12173C202048	J238CG	410
1493	2004	Ford / F-350	1FDWX36SO4ED12159	K477CG	410
1527	2004	TORO / 7253 MOWER	240000321	UD	410
1566	2005	TOYOTA / 7FBHEV18	12213	NA	410
1592	2005	Grimmer-Schmidt / 185DR	24129	TBM33E	410
1595	2006	PETERBILT / VACTOR	2NPLLD0X76M888761	M477CG	410
1603	2005	NEW HOLLAND / LB75CD	031055904	M482CG	410
1638	2006	CHEVORLET / C8500	1GBP8C1306F405724	M484CG	410
1693	2007	INT / 7400 SBA 4X2	1HTWCAARX7J408405	N847CG	410
1815	2008	DON / G25E-5 FORKLIFT	MB-00434	R998CG	410
1856	2008	JCB / 426HT	JCB42600K81295465	U119CG	410
1862	2008	FORD / F-450 TRUCK	1FDXF46R38EE56868	U124CG	410
2043	2003	CHEVROLET / K-1500 TRUCK	1GCEK14X83Z283681	W283CG	410
2140	2012	FORD / F-450 DUMP	1FDUF4GT4CEA45209	Y884CG	410
2184	2012	CHEVY / 3500	1GAZGZFG4C1172938	Y903CG	410
2204	2012	DODGE / 3500 RAM TRUCK	3C7WDTAT2CG243823	Y907CG	410
2235	2013	MASSEY FERGUSON / MF5455 TRACTOR	D017024	CG3ABR	410
2257	2014	UNITED / TRAILER	56JTE182XEA134427	TLW67V	410
2259	2014	UNITED / TRAILER	56JTE1826EA134375	TLW65V	410
2262	2012	BELMONT / UT612-S TRAILER	1B9UT121CL657543	TLW73 W	410
2267	2014	FORD / F-350 TRUCK	1FDRF3HT7EEA35503	CG6ABS	410
2271	2014	FORD / F-350 TRUCK	1FTRF3BT2EEA35499	CG7ABS	410
2283	1991	BMY Harsco / M936A2 MILITARY WRECKER	3600732	CG8ABS	410

2285	2014	FORD / F-450 DUMP	1FDUF4HT5EEA86255	CG1AEM	410
2346	2014	TORO / GROUNDMASTER	314000284	n/a	410
2347	2014	TORO / GROUNDMASTER	314000285	n/a	410
2391	2016	FREIGHTLINER / SWEEPER	1FVACXDT6GHGW931 9	CG7ARC	410
2405	2015	CHEVROLET / SILVERADO 3500 TRUCK	1GB3KYCG2FZ545639	CG5ARD	410
2446	2016	FORD / F-550	1FD0X5HT6GEC45076	CG2ARK	410
2449	2016	BIG / TEX TRAILER	16VHX2828G2094552	CG6ARK	410
2467	2022	Quality Steel Trailer	SLEB1U016H1172145	TST88A	410
2468	2017	FORD F-750 / PATCH TRUCK	1FDYF7DC64DB03082	CG5BAZ	410
2507	2017	TORO / ZERO		N/A	410
2511	2018	INT / 7400	3HAWDSTRXJL544509	CG5BMF	410
2684	2020	INT / HV507 SFA	3HAEDTAR7LL440213	CG4BMS	410
2706	2021	FORD / F-450	1FDUF4HN0MDA01263	CG3BM U	410
0367	1986	HOMEMADE / TRAILER	SIC1626	CGW224	410
0379	1986	EAGER BEAVER TRAILER	11200D309GS090933	CG991E	410
0549	1988	WHITE FARM / FB31	CG335W	CG335W	410
0639	1990	HUDSON / 49T6M197DXD TRAILER	1C9ST1315L1193197	CG435W	410
0664	1986	Ingersol-Rand / 185	155121U86957	CG448W	410
0744	1992	WHITE / WG64T	4V1JDBME6NR816936	R991CG	410
0798	1992	CASE / 1845C SKID STEER	JAF0102704	CG11397	410
0834	1992	MASSEY FERGUSON / MF393	9131A20172	CG14245	410
0836	1993	MGS / MGS2356	16MG1091XPD018301	CG14244	410
1107	1998	JOHN DEERE / TC54H / 544H LOADER	DWTC54H568650	CG19326	410
1147	1999	GMC / C8500 TRUCK	1GDP7H1C8XJ515331	CG19689	410
1160	2000	RINGO / D610DX TRUCK	1R9DC1022YP000015	CG19697	410
1199	2000	JOHN DEERE / 5210 TRACTOR	LV5210S321131	CG20206	410
1200	2000	JOHN DEERE / 5210 TRACTOR	LV5210S321134	CG20205	410

1200 A	2010	WOODS BB / 600 X MOWER DECK	1145493	NA	410
1547	2005	FORD / F-350 TRUCK	1FTWF31525EC06967	M149CG	410
1571	2005	EZ-DUMPER / LS66-12 DUMP TRAILER	TBD86J	TBD86J	410
1572	2004	DOT / DH1000 MESSAGE BOARD	1A9H121093M157375	TAY75E	410
1573	2004	DOT / SIGN DH1000 MESSAGE BOARD	1A9H121073M157374	TAY74E	410
1584	2005	S.GREEN / 20FT. LANDSCAPE	1S9E3222451489020	TBM23A	410
1610	2005	GMC / TC7C042 TRUCK	1GDL7C1C56F401371	M485CG	410
1735	2007	HYPAC / C747C DRUM ROLLER	101880023884	R197CG	410
1793	2007	SCAG / STWC61V- 25KALC MOWER	C6701063	NA	410
1800	2006	FREIGHTLINER / SWEEPER	1FVAB6BV37DX09524	R989CG	410
1807	2007	JOHN DEERE / 5425	LV5425S340440	R993CG	410
1850	2008	ASPHALT / ZIPPER AZ500B	50000433	ZIPPER	410
1868	2008	GMC / TOPKICK TRUCK	1GDP8C1B68F418012	CG9AEN	410
1869	2007	LeeBoy / 1000F Paver	51414	na	410
1872	2008	GMC / TC8CO42 TRUCK	1GDP8C1B28F418167	U128CG	410
1873	2009	FORD / F-750 TRUCK	3FRXW75E79V128429	U129CG	410
1874	2008	GMC / TC8CO42 TRUCK	1GDP8C1B08F418362	V461CG	410
1889	2009	PETERBILT / VACTOR	2NPRMN0X29M790688	V462CG	410
2017	2009	EAGER BEAVER TRAILER	112HGN3279L074006	W305CG	410
2033	2011	FORD / F-450 DUMP	1FDUF4GT1BEA68879	Y190CG	410
2085	2011	FREIGHTLINER / TRUCK	1FVAC3BS9BHBA5901	Y204CG	410
2166	2012	MASSEY FERGUSON / MF5455 TRACTOR	B278026	Y892CG	410
2206	2012	KM INTL / KM2-18X ASPHALT HEATER	1211168218CE(7101)	na	410
2258	2014	UNITED / TRAILER	56JTE1821EA134428	TLW66V	410
2268	2013	LOAD / RITE BOAT TRAILER	TMG42Y	TMG42Y	410
2286	1994	CAROLINA / 188 SKIFF	EKHC1051C494		410
2307	1990	GRUMMAN / JOHN BOAT	na	na	410
2312	2014	FORD / F-450 TRUCK	1FDUF4HT7EEA86256	CG8AEN	410

2321	2014	TRAIL-EZE / TRL LOWBOY TRAILER	1DAHLD726EC021398	CG4AEP	410
2350	2014	CASE / 580N	JJGN580NCEC701117	CG4ARB	410
2355	2013	VER-MAC / VMB TRL MOUNT MESSAGE BOA	2S9US4120ES132871	CG2AA K	410
1531	2005	GMC Box Truck	1GDJ6C13X5F514886	M132CG	305

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

RESOLUTION #2022-361

Title: APPROVAL FOR LOWER TOWNSHIP FERRY MERTY CHRISTMAS


WHEREAS, Lower Township Parks and Recreation Department will be hosting Ferry Merry Christmas on December 18, 2022 at the Delaware River and Bay Authority (DRBA) facility on December 18, 2022 from 11AM – 2:00PM; and

WHEREAS, Attached hereto, is the Participating Exhibitor/Performer Agreement from the Delaware River and Bay Authority.

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 event is hereby approved and the Mayor and Clerk are hereby authorized to sign the attached agreement.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

## PARTICIPATING EXHIBITOR/PERFORMER AGREEMENT

**This Agreement** (“Agreement”) is entered into this 10th day of November, 2022, by and between the **DELAWARE RIVER AND BAY AUTHORITY**, a bi-state agency created by compact between the States of Delaware and New Jersey (the “Authority”), and **TOWNSHIP OF LOWER** (the “Participating Exhibitor”).

### RECITALS:

- A. The Authority was duly created pursuant to the Delaware-New Jersey Compact, 17 Del. C. §§ 1701 *et seq.*
- B. The Authority operates and maintains the Cape May-Lewes Ferry located in Cape May County, New Jersey and Sussex County, Delaware.
- C. The Authority is empowered to enter into contracts, leases and agreements pertaining to the Cape May-Lewes Ferry terminals and grounds (the “Facility”).
- D. The Participating Exhibitor desires to be a participating exhibitor at the Facility during Cape May Terminal’s FERRY MERRY CHRISTMAS event on December 18, 2022 (the “Event”) providing information or services to the public, but not engaging in sales.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, intending to be legally bound hereby, agree as follows:

1. Participating Exhibitor. The Authority hereby acknowledges and agrees that the Township of Lower will be a participating exhibitor at the Event.
2. Booking Details:
  - a) Date: December 18, 2022
  - b) Time: 11:00 AM – 2:00 PM
  - c) Location: Cape May Ferry Terminal, 1200 Lincoln Blvd., N. Cape May, NJ 08204.
  - d) Fee: WAIVED.
  - e) Exhibitor provides: All entertainment, performers, crafts and personnel necessary to stage event, including all set-up and breakdown, cleanup and event promotion.
  - f) DRBA provides: Use of event space.
  - g) Cancellation: N/A.
3. Compliance with Laws. At all times during the Event, the Participating Exhibitor agrees to be in full compliance with all applicable federal, state, county or municipal laws, rulings, orders, decrees, regulations, codes and ordinances. The Participating Exhibitor further agrees to obey such rules and regulations as may from time-to-time be promulgated by the Authority.
4. Facility Operation. The Facility will be used in its AS-IS condition and the Authority makes no representations or warranties of any kind regarding the suitability of the Facility for the Event and/or for Participating Exhibitor’s participation at the Event. The Participating Exhibitor agrees that its activities in connection with the Event will not adversely affect or interfere with the Event, the Authority’s operations or its general business reputation.
5. Hazardous Material. The Participating Exhibitor will not introduce, use, store or discharge any hazardous or toxic substances or wastes at, on or about the Facility.

6. Damage. Without any need for notice or demand by the Authority, the Participating Exhibitor shall repair any and all damage to the Facility caused by such Participating Exhibitor. In the event that the Participating Exhibitor does not repair the damage within ten (10) days of the Participating Exhibitor's receipt of notice of such damage, the Authority shall have the right to repair such damage, at the Participating Exhibitor's sole cost and expense. The Participating Exhibitor agrees that in such event, the Participating Exhibitor shall reimburse the Authority for any such repairs within ten (10) days of the Authority's demand therefore. This section shall survive the expiration or any termination of this Agreement.

7. Disclaimer of Liability. The Authority shall not be held responsible for, and is hereby expressly relieved from, any and all liability by reason of any injury, loss or damage to the Participating Exhibitor, its respective guests, customers, invitees, agents and employees, the Participating Exhibitor's property or property of the Participating Exhibitor's guests, customers, invitees, agents and employees at the Facility due to any cause whatsoever and regardless of whether such liability is occasioned in whole or in part by the negligence, gross negligence, strict liability, act or default of the Authority. THE AUTHORITY SHALL HAVE NO OBLIGATION OR LIABILITY, AND PARTICIPATING EXHIBITOR HEREBY RELEASES THE AUTHORITY FROM ALL OBLIGATIONS AND LIABILITY, WHETHER ARISING IN CONTRACT, TORT OR OTHERWISE, FOR LOSS OF REVENUE OR PROFIT OR FOR ANY OTHER INCIDENTAL OR CONSEQUENTIAL DAMAGES. THIS SECTION SHALL SURVIVE THE EXPIRATION OR ANY TERMINATION OF THIS AGREEMENT.

8. Indemnification. The Participating Exhibitor agrees to indemnify and hold the Authority harmless from and against all claims, damages, causes of action, losses and liabilities based on or arising, directly or indirectly, as a result of the rights granted by the Authority under and pursuant to this Agreement and the Participating Exhibitor's use of any portions of the Facility. This indemnification shall extend to all claims by any party (including, without limitation, all claims by the Authority, its commissioners, officers, agents, employees or designees, any governmental agency, the Authority's guests, invitees and the general public) involving misstatements, misrepresentations, or otherwise relating to Participating Exhibitor's services, injury or death to persons, damage to or loss of property, including, without limitation, the Participating Exhibitor's property, and those costs, attorneys' fees and related expenses incurred in defending against such claims. This indemnification shall survive the expiration or any termination of this Agreement.

9. Termination. The term of this Agreement commences on the date hereof and continues until the expiration of the Event; provided, however, that the Authority shall have the right to terminate this Agreement at any time and reserves the right to cancel the Event without penalty.

10. License Interest Only. This Agreement is intended to create only a license for access to the Facility for participation as an exhibitor at the Event and shall not be construed as a grant of any permanent or temporary easement of any nature. This Agreement does not constitute an interest in real property and the Authority shall not be deemed to have granted, conveyed or transferred an interest in the Facility to the Participating Exhibitor by reason of the execution and delivery of this Agreement or the performance by either party of its obligations under this Agreement. The rights granted hereunder shall not be assigned or otherwise transferred by the Participating Exhibitor.

11. Representations. Participating Exhibitor warrants, represents and covenants to the Authority as follows:

a) Corporate Standing. Participating Exhibitor is a municipal corporation of the State of New Jersey, duly qualified to carry on its present and proposed business and operations. Participating Exhibitor has all requisite licenses, permits and approvals necessary for the conduct of its business.

b) Execution. Participating Exhibitor has requisite power and authority to execute, deliver and perform this Agreement and all other agreements and documents to be delivered in connection herewith and has complied with all requirements and completed all procedures necessary under existing law to perform its obligations herewith. The execution and delivery of this Agreement and any other agreements and documents to

be delivered by Participating Exhibitor in connection herewith, and the consummation of the transaction contemplated hereby and thereby, have been duly authorized by all necessary corporate action on the part of its respective Board of Directors.

c) Valid and Binding Agreement. This Agreement constitutes the legal, valid and binding obligation of Participating Exhibitor in accordance with its terms.

d) No Sales of Goods or Services. Participating Exhibitor covenants that it shall not offer for sale or sell any goods, products or services as a participating Exhibitor or otherwise under this Agreement.

12. Miscellaneous.

a) This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware. The parties hereby consent to the jurisdiction and venue of any state or federal court located in the State of Delaware.

b) If any provision of this Agreement is held to be unenforceable or invalid, such holding shall not invalidate the remaining provisions hereof, and this Agreement shall remain enforceable to the fullest extent permitted by law.


IN WITNESS WHEREOF, the parties hereto shall set hands and seals the day and year first above written.

OF:

**THE DELAWARE RIVER AND BAY AUTHORITY**, a body politic and an agency of the State of Delaware and the State of New Jersey

By: \_\_\_\_\_  
Name:  
Title:

**TOWNSHIP OF LOWER**

By:   
Name: Frank Sippel  
Title: Mayor

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

RESOLUTION #2022-362

Title: AWARD OF PROFESSIONAL SERVICE CONTRACT WITHOUT PUBLIC BIDDING TO WIZARDS FESTIVAL OF FUN FOR ENTERTAINMENT AT THE FERRY MERRY CHRISTMAS EVENT DECEMBER 18, 2022

WHEREAS, the Township of Lower is given authority by N.J.S.A 40A:11-5(k) 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, the amount of said contract shall be in accordance with the services set forth on Exhibit A, which will be paid upon the completion of event; and

WHEREAS, the event and payment is as follows:

FERRY MERRY CHRISTMAS \$6,450.00  
 Date: Sunday December 18, 2022  
 Time: 11:00 AM – 2:00 PM  
 Location: DRBA Ferry Terminal

WHEREAS the CFO has determined sufficient funds are available in the budget line item:

Appropriation: 01-30-420-256

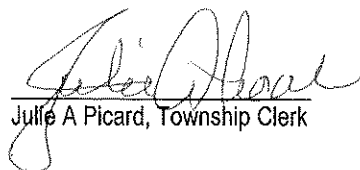
CFO Signature:   
 Lauren Read, CFO

WHEREAS, Wizards Festival of Fun has completed and submitted a Business Entity Disclosure Certification which certifies that Wizards Festival of Fun 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 Wizards Festival of Fun 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 Wizards Festival of Fun for the 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 Service Contract for the above shall be published in the Township's Official paper.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022

  
 Julie A Picard, Township Clerk

## ***Wizard's Festival of Fun Inc***

125 Coles Road  
Blackwood, NJ 08012  
Phone (609) 206-5244  
www.wizardsfestivaloffun.com  
e-mail: [belmontmagic@verizon.net](mailto:belmontmagic@verizon.net)

August 10, 2022

Mr. Mitchell Plenn, Ass't Director of Parks and Recreation  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251 (Via Fax (609) 886-7838) [recreation@townshipoflower.org](mailto:recreation@townshipoflower.org)  
Dear Mr. Plenn:

Thanks for your interest in our proposal for your ***Ferry Merry Christmas Party***. Our credentials include more than twenty years experience in creating exciting Special Events for government and corporate clients, compliance with all New Jersey regulations, membership in leading trade groups and one-million dollar Liability Insurance including certificate of insurance with our clients named as additional insured.

**From 11 AM until 2 PM on Sunday, Dec 18, 2022, we propose to provide:**

***Professional Entertainment in Santa's Theater in the Sunset Lounge.*** Two twenty-five minute programs of Mirth, Magic, and Mystery with the New ***2022 Christmas Magic Show!***

***Crafts in the Gallery.*** Three Craft Stations with attendants means lots of fun for kids from 3 to 9. Each child will receive different color tickets – one for each craft: *Letter to Santa, Hand-Print Christmas Ornament and 2022 Candy Art* which proved very popular at last year's event. Guests design their own colorful and tasty creations with candy dispensed from a sanitary and attractive dispensing machine. Similar to sand art but when finished, you can eat your artwork. Up to 300 participants over the course of your event

***Face Painting by Lynn.*** Two accomplished artists using all non-allergenic paints will be a real treat for your young guests with beautiful Christmas Designs.

***Gala Santa Mailbox in the Gallery.*** Children have an opportunity to place their "Letter to Santa" in the North Pole Mail Box. Santa's Elves will present a Christmas gift to each child as they leave their letter.

***Balloonatic.*** Energetic, outgoing, friendly, colorfully costumed pitchman creating every conceivable balloon sculpture - and then some. Great Fun and always a hit

***Meet Chris Mouse, Frosty the Snowman and the one and only Rudolph.*** Three delightful costume characters manned by your volunteers will mix with your young guests throughout the terminal. It will be advisable to have a volunteer escort for each character if possible.

***Join Santa on Stilts in the Lobby.*** Our beautifully costumed Santa on Stilts, under a colorful inflatable arch, will personally meet and greet each of your young guests as they enter the Lobby.

***Christmas Inflatable.*** An adorable Christmas Inflatable will mark the entrance to your event.

All of the above will add up to a memorable and fun-filled party. Total cost as outlined above will be \$ 6,450. At the Christmas season is so busy, most performers will not give holds on their services; therefore a prompt reply will be appreciated. Thanks again for your consideration.

Sincerely,

***Al Belmont***

President/Executive Producer  
Wizard's Festival of Fun Inc.  
125 Coles Road  
Blackwood, NJ 08012; E-mail: [belmontmagic@verizon.net](mailto:belmontmagic@verizon.net)

AMB/sp

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

RESOLUTION #2022--363

Title: APPROVAL FOR 2022 CHRISTMAS PARADE

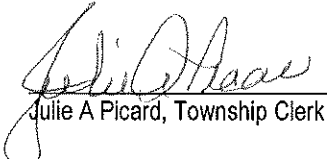
WHEREAS, Lower Township Rotary Club has been hosting the Lower Township Parade for a number of years and has requested permission to host the parade on Saturday, December 10, 2022; and

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

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022

  
Julie A Picard, Township Clerk



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/27/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Arthur J. Gallagher Risk Management Services, Inc. 2850 Golf Road Rolling Meadows IL 60008	<b>CONTACT NAME:</b> Ali Sulita <b>PHONE (A/C, No, Ext):</b> 1-833-3ROTARY <b>E-MAIL ADDRESS:</b> rotary@ajg.com	<b>FAX (A/G, No):</b> 630-285-4062
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> All Active US Rotary Clubs & Districts ROTARY CLUB OF LOWER TOWNSHIP ATTN: Risk Management Dept. 1560 Sherman Ave. Evanston, IL 60201-3698	<b>INSURER A:</b> Westchester Surplus Lines Insurance Company	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES** CERTIFICATE NUMBER: 899307648

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability Included GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Y	G73578917 001	7/1/2022	7/1/2023	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/>			G73578917 001	7/1/2022	7/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			NOT APPLICABLE			EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N <input type="checkbox"/> N/A	NOT APPLICABLE			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate Holder is included as an additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

<b>CERTIFICATE HOLDER</b> Township of Lower 2600 Bayshore Road Villas, NJ 08251  Tree Lighting November 29 Christmas Parade - December 10, 2022	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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## LOWER TOWNSHIP ROTARY

Parade Committee  
% 638 Seashore Road  
Cape May, NJ 08204

October 27, 2022

Mayor & Council  
2600 Bayshore Road  
Villas, NJ 08251

Re: Tree Lighting/Veteran's Ceremony and  
40th Annual Christmas Parade

Dear Mayor and Councilmembers:

On behalf of the Lower Township Rotary Club, I am requesting support for this year's annual Tree Lighting & Veteran's Ceremony, and the 40<sup>th</sup> Annual Christmas Parade. We have enjoyed organizing these community events with the assistance of the Police and Recreation Department as part of our "Service above Self" commitment.

The **Tree Lighting & Veteran's Ceremony** is planned for Tuesday, November 29 at 7:00 p.m. at the Recreation Center and the **Annual Christmas Parade** will be Saturday, December 10, beginning at 6:00 p.m. I have included our Certificate of Insurance and will complete the use of facilities form for the Tree Lighting.

The Rotary Club has always appreciated the past financial contribution of the Township to aid us in hosting these events and we hope you may be able to contribute this year as we continue this tradition.

We are filing the request to the County for the temporary road closings of Breakwater Road from Fishing Creek to Bayshore Road and Bayshore Road from Breakwater to Rosehill Parkway. We will copy the Police Chief on our correspondence to the County Commissioners, and we will make ourselves available to meet with them to discuss the parade details if needed.

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

Sincerely,

Claudia Kammer,  
Lower Township Rotary Club

C. Michael Laffey, Manager  
Kevin Lewis, Chief of Police

Att. Certificate of Insurance

**BOARD OF COUNTY COMMISSIONERS  
CAPE MAY COUNTY, NEW JERSEY  
RESOLUTION**

**No. 767-22**

**RESOLUTION GRANTING PERMISSION TO THE LOWER TOWNSHIP  
ROTARY CLUB TO CLOSE A PORTION OF BREAKWATER ROAD (CR613)  
AND BAYSHORE ROAD (CR603) ON DECEMBER 10, 2022 FOR THEIR  
ANNUAL CHRISTMAS PARADE**

**WHEREAS**, a Christmas Parade will be held by the Lower Township Rotary Club on Saturday, December 10, 2022; and

**WHEREAS**, a request has been made to close a portion of Breakwater Road (County Road No. 613) and Bayshore Road (County Road No. 603) from 4:30 p.m. until approximately 7:30 p.m.; and

**NOW, THEREFORE, BE IT RESOLVED** by the Cape May County Board of County Commissioners that permission is hereby granted to the Lower Township Rotary Club to close a portion of Breakwater Road (CR613) and Bayshore Road (CR603) beginning at 4:30 p.m. and continuing until approximately 7:30 p.m.; and

**BE IT FURTHER RESOLVED** that permission was conditional for the Lower Township Rotary Club, on Saturday, December 10, 2022 and provided to the County:

1. A duly executed Promise of Indemnification in a form acceptable to County Counsel.
2. A Certificate of Insurance naming the County of Cape May, their officers and employees as additional insured for the scheduled event.
3. A letter from Township of Lower and the Lower Township Police Department indicating that they are aware of the event and have approved the traffic control plan for the event.

**BE IT FURTHER RESOLVED** that the Police Department of the Township of Lower is notified of the proposed road closing.

STATEMENT

*This Resolution gives permission to the Lower Township Rotary Club to close a portion of Breakwater Road (CR613) and Bayshore Road (CR603) for their Christmas Parade on December 10, 2022.*

cc: Township of Lower  
Lower Township Police Department  
File: Events

# TOWNSHIP OF LOWER

## Application for Use of Facilities

APPLICANT: Lower Township Rotary

ADDRESS: PO Box 736 N Cape May

ADDRESS: \_\_\_\_\_

Person Responsible:

Name: Claudia Kammer Title: Rotary member

Address: 8 Freedom Drive

Telephone: (H) 898-9134 (C) 609-827-8771 (W) \_\_\_\_\_

The Applicant requests the use of the facilities listed below:

Name and Location of Facility(ies): Township Hall - Recreation Center

For the following purpose:

Tree lighting  
(State the Purpose)

on the following date(s): Nov 29, 2022

Specify the hours of use: From: 6:00 To: 9:00

Number of people to attend: 100

Will juveniles be present? Yes  No  If Yes, what ages? \_\_\_\_\_

If juveniles will be present, the Applicant must submit the names, addresses, and telephone numbers of chaperones prior to event.

Will Alcoholic Beverages be served?  Yes  No If Yes, who will be serving the alcohol? \_\_\_\_\_

If Yes, attach a copy of the liquor license and the liquor liability policy of insurance.

Attached

Applicant has received a copy of the **Municipality Use of Facilities Agreement** and agrees to abide by and comply with the terms of that Agreement.

APPLICANT: Claudia Kammer DATE: 11-10-22  
Signature

Note: Municipality has the right, in its sole discretion, to deny, limit, or revoke the use of requested facility(ies) when in the opinion of the Municipality the use presents a risk of unreasonable injury to persons or damage to property of the Municipality or others.

# Use of Facilities Agreement

The Township of Lower, a Municipality of the State of New Jersey, hereinafter referred to as "MUNICIPALITY", hereby agrees to allow Lower Twp Rotary (Name of Person(s) or Organization)

hereinafter referred to as "USER", to use the facilities listed below:

Name and Location of FACILITY

Township Hall and Recreation Center

hereinafter referred to as "FACILITY(IES)"

for Tree Lighting Program  
(State the Purpose)

on the following date(s): Nov 29<sup>th</sup>

The above **USER** shall inspect the described **FACILITY** prior to the use of the **FACILITY** and report any defective, hazardous or dangerous conditions found at the **FACILITY** to Mitch Plenn, Parks & Recreation Superintendent and **USER** shall

immediately cease the use of the **FACILITY** until such defective, hazardous or dangerous conditions are remedied. After the use of the **FACILITY**, **USER** shall immediately report to the **MUNICIPALITY** any and all defects, hazards, damages or dangerous conditions upon or adjacent to the **FACILITY**.

## Indemnification

**USER** shall indemnify, save harmless and defend the **MUNICIPALITY**, its elected and appointed officials, its employees, agents, volunteers and others working on behalf of the **MUNICIPALITY**, from and against any and all claims, losses, costs, attorney's fees, damages, or injury including death and/or property loss, expense claims or demands arising out of **USER's** use of the named Facilities, including all suits or actions of every kind or description brought against the **MUNICIPALITY**, either individually or jointly with **USER** for or on account of any damage or injury to any person or persons or property, caused or occasioned or alleged to have been caused by, or on account of, any of the activities conducted by or caused to be conducted by **USER**, or through any negligence or alleged negligence in safeguarding the **FACILITY**, participants, or members of the public, or through any act, omission or fault or alleged act, omission or fault or alleged act, omission or fault of the **USER**, its employees, agents, volunteers, subcontractors or others under the direction, control or under any contractual relationship with the **USER**.

**Insurance**

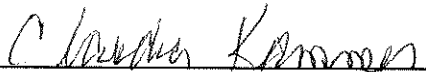
Notwithstanding the indemnification and defense obligations of the **USER**, **USER** shall purchase and maintain such insurance described in the attached schedule and as is appropriate for the type of use and hazards present and as will provide protection from any and all covered claims which may arise out of or caused or alleged to have been caused in any manner from **USER**'s use of the **FACILITY**, whether it is to be used by the **USER**, its employees, agents, volunteers, subcontractors or others under the direction, control or under any contractual relationship with the **USER** or by anyone for whose acts any of them may be liable.

**USER** shall be required to name the **MUNICIPALITY** as an "Additional Insured" on the **USER**'s policy of commercial general liability insurance, and simultaneously with the delivery of the executed *Use of Facilities Agreement*, **USER** shall provide the **MUNICIPALITY** with a Certificate of Insurance indicating that the insurance coverage as described in the attached schedule, and as is appropriate for the type of use and hazards present, has been obtained and that the **MUNICIPALITY** has been designated as an "Additional Insured" where required. On or before the renewal date of said policy, **USER** shall be required to provide the **MUNICIPALITY** with a Certificate of Insurance indicating the continuation of insurance coverage and designating the **MUNICIPALITY** as an "Additional Insured" for the duration of this agreement.

The schedule of insurance and the limits of liability for the insurance shall provide coverage for not less than the amounts listed in the attached schedule or greater where required by law.

Signed by an authorized representative of the **USER** and the **MUNICIPALITY** on

this 10 day of November, 2022.



\_\_\_\_\_  
**USER**

\_\_\_\_\_  
**MUNICIPALITY**

\_\_\_\_\_  
**Witness**

\_\_\_\_\_  
**Witness**

Schedule of Insurance\*

Notwithstanding the indemnification and defense obligations of the **USER**, the **USER** shall provide at its own cost and expense proof of the following insurance to the "TOWNSHIP OF LOWER":

**General Liability including Products & Completed Operations Insurance with a minimum combined single limit of liability per occurrence for bodily injury and property damage of one million (\$1,000,000) dollars\* with a minimum annual aggregate of two million (\$2,000,000) dollars\*.**

**LOWER TOWNSHIP** shall be named as an "Additional Insured".

Failure by the **USER** to supply such written evidence of required insurance and to maintain same for the duration of this agreement shall result in default of this agreement and **USER** shall be prohibited from using said FACILITY.

The insurance companies for the above coverage must be licensed by the State of New Jersey and acceptable to the **MUNICIPALITY**. The **USER** shall take no action to cancel or materially change any of the insurance required under this Contract without the **MUNICIPALITY**'s prior approval. The maintenance of insurance under this section shall not relieve the **USER** of any liability greater than the limits or scope of the applicable insurance coverage.

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

RESOLUTION #2022-364

Title: A RESOLUTION AMENDING MANAGER MICHAEL LAFFEY'S AGREEMENT WITH THE TOWNSHIP OF LOWER

WHEREAS, pursuant to Resolution #2020-304, in accordance with N.J.S.A. 40:69-81 et seq., the Township Council of the Township of Lower appointed Michael Laffey as Manager of the Township of Lower and authorized the execution of an Agreement between the Township of Lower and Manager Laffey; and

WHEREAS, in 2021, pursuant to Resolution #2021-342, the Agreement was amended to increase the number of vacation days available to Manager Laffey from 20 days to 30 days; and

WHEREAS, pursuant to the Agreement, Manager Laffey's compensation was set for calendar years 2020 and 2021 at \$125,000.00, and the Agreement anticipated an annual review of Manager Laffey's salary beginning in calendar 2022 and each subsequent year thereafter; and

WHEREAS, Manager Laffey's compensation remained \$125,000.00 in calendar year 2022; and

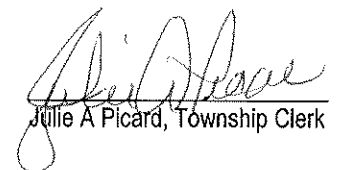
WHEREAS, in advance of the 2023 calendar year, Mayor and Council have reviewed the Manager's Performance and find that an increase in the annual compensation is appropriate based upon the Manager's performance.

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

The Manager shall be paid in accordance with the salary provisions of the Agreement. He shall be paid a salary of \$128,125.00 in 2023. For every year thereafter that Mr. Laffey remains the Manager, the salary compensation for Mr. Laffey shall be determined after a review of his performance prior to the expiration of the previous year. All remaining provisions of the original Laffey's Agreement, shall remain as stated unless herein modified.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022

  
Julie A. Picard, Township Clerk

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

RESOLUTION #2022-365

Title: AUTHORIZING THE ASSIGNMENT OF TAX SALE CERTIFICATE

WHEREAS, the Township of Lower is the holder of Tax Sale Certificate # 09-00096 acquired under N.J.S.A. 54:5-34; and

WHEREAS, it is deemed financially beneficial to, and in the best interest of, the Township of Lower to sell or assign that tax sale certificate; and

WHEREAS, the Tax Collector will mail notice of the potential assignment to the property owner at the address as it appears on the tax duplicate within five days prior to the action; and

WHEREAS, notice of the assignment will be posted in three public places within the Township of Lower and published in the Cape May Star & Wave, within five days prior to the action as required by law.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Council hereby authorizes the sale by assignment of Tax Certificate #-09-00096 in the amount of \$4609.71, as shown on the schedule annexed hereto, to:

Lauren S Kinky
211 10th Avenue
Haddon Heights, NJ 08035

For the consideration therein set forth, which sum includes the lien for unpaid subsequent taxes for the periods set forth, all as provided for and permitted under N.J.S.A. 54:5-113.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and are hereby authorized to execute and deliver all assignment forms or other legal documents necessary to effectuate the various sales permitted by this Resolution.

Table with 8 columns: MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT. Rows include CONRAD, COOMBS, ROY, PERRY, SIPPEL with handwritten checkmarks in the AYE column.

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on November 21, 2022.

Handwritten signature of Julie A. Picard, Township Clerk.

Certificate: 09-00096  
Prop Loc: BOARDWALK

Owner: UNKNOWN @ CHARLES MARION  
Address: BOARDWALK  
WILDWOOD, NJ 08260

Type of Lien: Municipal  
Interest Rate: 18.00  
Apr 2: N  
Premium: 0.00

Block/Lot/Qual: 815. 18.

Sale Date: 09/21/09

Redemption Calculation Date: 11/21/22

Include Current Charges: Y

TAX SALE CERTIFICATE:

Balance Type	Principal	Interest	Total
Tax	137.17	1.40	138.57
		Cost:	15.00
		Total Certificate:	153.57
#Days: 4740 Per Diem: 0.076785		Int on Cert:	363.96
		Total:	517.53

SUBSEQUENT CHARGES:

Balance Type	Year Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
Tax	2009	1 02/01/09	41.20	8.00	0.009156	4970	45.50	86.70
Tax	2009	2 05/01/09	41.20	8.00	0.009156	4880	44.68	85.88
Tax	2009	3 08/01/09	45.00	8.00	0.010000	4790	47.90	92.90
Tax	2009	4 11/01/09	45.00	8.00	0.010000	4700	47.00	92.00
Tax	2010	1 02/01/10	43.10	8.00	0.009578	4610	44.15	87.25
Tax	2010	2 05/01/10	43.10	8.00	0.009578	4520	43.29	86.39
Tax	2010	3 08/01/10	49.98	8.00	0.011107	4430	49.20	99.18
Tax	2010	4 11/01/10	49.98	8.00	0.011107	4340	48.20	98.18
Tax	2011	1 02/01/11	46.54	8.00	0.010342	4250	43.95	90.49
Tax	2011	2 05/01/11	46.54	8.00	0.010342	4160	43.02	89.56
Tax	2011	3 08/01/11	47.17	8.00	0.010482	4070	42.66	89.83
Tax	2011	4 11/01/11	47.16	8.00	0.010480	3980	41.71	88.87
Tax	2012	1 02/01/12	46.86	8.00	0.010413	3890	40.51	87.37
Tax	2012	2 05/01/12	46.85	8.00	0.010411	3800	39.56	86.41
Tax	2012	3 08/01/12	46.92	8.00	0.010427	3710	38.68	85.60
Tax	2012	4 11/01/12	46.92	8.00	0.010427	3620	37.74	84.66
Tax	2013	1 02/01/13	46.89	8.00	0.010420	3530	36.78	83.67
Tax	2013	2 05/01/13	46.89	8.00	0.010420	3440	35.84	82.73
Tax	2013	3 08/01/13	50.82	8.00	0.011293	3350	37.83	88.65
Tax	2013	4 11/01/13	50.81	8.00	0.011291	3260	36.81	87.62
Tax	2014	1 02/01/14	48.86	8.00	0.010858	3170	34.42	83.28
Tax	2014	2 05/01/14	48.85	8.00	0.010856	3080	33.44	82.29
Tax	2014	3 08/01/14	25.95	8.00	0.005767	2990	17.24	43.19
Tax	2014	4 11/01/14	25.94	8.00	0.005764	2900	16.72	42.66
Tax	2015	1 02/01/15	37.40	8.00	0.008311	2810	23.35	60.75

Balance Type	Year	Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
Tax	2015	2	05/01/15	37.40	8.00	0.008311	2720	22.61	60.01
Tax	2015	3	08/01/15	39.93	8.00	0.008873	2630	23.34	63.27
Tax	2015	4	11/01/15	39.93	8.00	0.008873	2540	22.54	62.47
Tax	2016	1	02/01/16	38.67	8.00	0.008593	2450	21.05	59.72
Tax	2016	2	05/01/16	38.66	8.00	0.008591	2360	20.28	58.94
Tax	2016	3	08/01/16	35.91	8.00	0.007980	2270	18.11	54.02
Tax	2016	3	08/01/16	5.33	18.00	0.002665	2270	6.05	11.38
Tax	2016	4	11/01/16	41.24	18.00	0.020620	2180	44.95	86.19
Tax	2017	1	03/22/17	39.96	18.00	0.019980	2039	40.74	80.70
Tax	2017	2	05/01/17	39.95	18.00	0.019975	2000	39.95	79.90
Tax	2017	3	08/01/17	41.05	18.00	0.020525	1910	39.20	80.25
Tax	2017	4	11/01/17	41.05	18.00	0.020525	1820	37.36	78.41
Tax	2018	1	03/22/18	40.51	18.00	0.020255	1679	34.01	74.52
Tax	2018	2	05/14/18	40.50	18.00	0.020250	1627	32.95	73.45
Tax	2018	3	08/24/18	40.46	18.00	0.020230	1527	30.89	71.35
Tax	2018	4	11/26/18	40.45	18.00	0.020225	1435	29.02	69.47
Tax	2019	1	02/14/19	40.48	18.00	0.020240	1357	27.47	67.95
Tax	2019	2	05/01/19	40.48	18.00	0.020240	1280	25.91	66.39
Tax	2019	3	08/01/19	42.42	18.00	0.021210	1190	25.24	67.66
Tax	2019	4	11/01/19	42.41	18.00	0.021205	1100	23.33	65.74
Tax	2020	1	02/01/20	41.45	18.00	0.020725	1010	20.93	62.38
Tax	2020	2	05/01/20	41.45	18.00	0.020725	920	19.07	60.52
Tax	2020	3	08/01/20	42.69	18.00	0.021345	830	17.72	60.41
Tax	2020	4	11/01/20	44.80	18.00	0.022400	740	16.58	61.38
Tax	2021	1	02/01/21	42.60	18.00	0.021300	650	13.85	56.45
Tax	2021	2	05/01/21	42.60	18.00	0.021300	560	11.93	54.53
Tax	2021	3	08/01/21	40.66	18.00	0.020330	470	9.56	50.22
Tax	2021	4	11/01/21	47.10	18.00	0.023550	380	8.95	56.05
Tax	2022	1	02/01/22	43.24	18.00	0.021620	290	6.27	49.51
Tax	2022	2	05/01/22	43.24	18.00	0.021620	200	4.32	47.56
Tax	2022	3	08/01/22	46.14	18.00	0.023070	110	2.54	48.68
Tax	2022	4	11/01/22	46.13	18.00	0.023065	20	0.46	46.59
Total:				2,404.82				1,667.36	4,072.18

BALANCE TYPE SUMMARY:

	Certificate Total & Subseq. Prin/Penalty	Interest	Total
Certificate Tax	138.57	328.41	466.98
Subseq Tax	2,404.82	1,667.36	4,072.18
Total Tax	2,543.39	1,995.77	4,539.16
Certificate Cost	15.00	35.55	50.55

LIEN REDEMPTION:

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Principal:	2,558.39	
Interest:	2,031.32	
Recording Fees:	8.00	
Other Fees:	<u>12.00</u>	
TOTAL REDEMPTION:	4,609.71	Total Per Diem: 0.905187

(Note: Current Charges must be met on Municipal Liens.)

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Balance Type	Year Prd	Date	Prin/Penalty	Interest	Total
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CURRENT CHARGES:

TOTAL			<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL CURRENT CHARGES			0.00	0.00	0.00

LIEN REDEMPTION + CURRENT CHARGES:

Principal	2,558.39
Interest	2,031.32
Recording Fees	8.00
Other Fees	12.00
Other Charges	0.00
TOTAL DUE	4,609.71

tax account Administration

Block: 818  
Lot: 26

Qualifier: \_\_\_\_\_

Owner: KINKY, STEPHEN & LAUREN

Prop Loc: 701.5 504RD/ALK Account Id: 60814990

Buttons: Add Edit Close Delete Previous Next Detail Help  
Tax Bill PTR Form Restricted Edit

Notes Exist

General Assessed Value Additional Billing Deductions Balance All Charges Add/Omit Notes

Owner Street 1: 211 10TH AVE  
Street 2: \_\_\_\_\_  
City/St: HADDON HEIGHTS, NJ  
Zip: 08835  
Country: \_\_\_\_\_  
Phone: (516) 658-1603  
Email: lauren.s.kinky@gmail.com  
Bank Code: \_\_\_\_\_

Additional Lot 1: \_\_\_\_\_  
Additional Lot 2: \_\_\_\_\_  
Property Class: 2  
Parcel Key: \_\_\_\_\_  
Unpaid Interest: .00  
Vendor: \_\_\_\_\_  
User Msgs: \_\_\_\_\_

Municipal Lien:  Assignment  Bankruptcy  APR 2:   
Exclude from Tax Sale:   
Outside Lien:  Sp Charges:  Install. Plan:   
Online Payment Restrictions: None

Bank Code: \_\_\_\_\_

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

RESOLUTION #2022-366

Title: AFFIDAVIT OF ASSIGNMENT POSTING AND PUBLISHING

State of New Jersey  
County of Cape May


I, Kathleen Brown, BEING DULY SWORN ACCORDING TO LAW ON MY OATH STATE:

1. I am the Tax Collector of the Township of Lower, County of Cape May, State of New Jersey
2. A Notice of assignment for tax title lien #09-00096 was mailed to the assessed owner, Unknown @ Charles Marion for Block 815 Lot 18 by certified and regular mail pre postage paid
3. Notice of Assignment was published in the Cape May Star and Wave, New Jersey on 11-02-22
4. A copy of the Notice of Sale was set up in three of the public places in Lower Township, namely:

Township of Lower Municipal Hall  
2600 Bayshore Road  
Villas, NJ 08251

Lower Township MUA  
2900 Bayshore Road  
Villas, NJ 08251

Lower Township Court  
401 Breakwater Road  
Cape May, NJ 08204

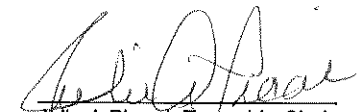
  
Kathleen Brown, CTC  
Township of Lower

Sworn and subscribed to before me,  
A Notary Public of New Jersey this  
17 Day of November 2022

  
Julie A Sylvester Picard

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	X		X				
COOMBS			X				
ROY		X	X				
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

# Proof of Publication

STATE OF NEW JERSEY, } SS  
COUNTY OF CAPE MAY, }

David Nahan, of full age, being duly sworn according to law, on his oath says that he is the

Publisher of  
the Cape May Star and Wave

a weekly newspaper published at Cape May, Cape May County, New Jersey, and that the notice

Township of Lower  
Public Notice of Assignment of  
Municipal Tax Sale Certificate  
November 21, 2022

of which the annexed is a true copy, was published in said newspaper on the 2nd day of November, A.D. 2022, and continued to be published therein for at least successively, the last publication thereof being on the day of \_\_\_\_\_ A.D. 2022, and that the particular dates of said publication were

11/02/2022



Sworn and subscribed before me, this \_\_\_\_\_ second day of November \_\_\_\_\_ A.D. 2022 in Ocean City, New Jersey



Notary Public



**ROSANNE C MERRICK BORG**  
NOTARY PUBLIC  
State of New Jersey  
ID # 50084121  
My Commission Expires  
July 13, 2027

Printer's Fee \$ 12.00

Public Notice of Assignment of Municipal Tax Sale Certificate  
Notice is hereby given that the Township of Lower in the County of Cape May, has set November 21, 2022 at 7:00 P.M. in the Municipal Building, 2800 Bayshore Road as the date, place and time to consider the offer of Lauren S Kinky, to acquire by assignment, the following Tax Sale Certificate dated September 21, 2009, held by the Township of Lower and know as:  
Certificate #09-00098 Block 616 Lot 18 Boardwalk  
Bald offer represents the amount due with subsequent liens. The owner of said property and all interested parties will be given the opportunity to be heard prior to action by the Governing Body. This notice is pursuant to the provision of N.J.S.A. 54:5-114.  
Kathy Brown  
Tax Collector  
11/2, pt 1 2 4

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION #2022-367**

**Title: Transfer of 2022 Appropriations**

**WHEREAS**, N.J.S.A. 40A: 4-58 provides for appropriation transfers during the last two months of the current fiscal year when it has been determined that any appropriation is insufficient to pay the claims authorized or incurred during the current year, which are chargeable to said appropriation, and there is an excess in any appropriation 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 totaling \$16,000.00 be made between the 2022 budget appropriations:

LINE ITEM		ACCT. NUMBER	TO	FROM
BUILDINGS AND GROUNDS	S&W	2-01-20-310-101	12,000.00	
ANIMAL CONTROL	OE	2-01-27-340-200	2,000.00	
WATER & SEWER	OE	2-01-31-445-200	2,000.00	
LIABILITY INSURANCE	OE	2-01-23-210-400		16,000.00
			16,000.00	16,000.00

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	x		x			
COOMBS			x			
ROY		x	x			
PERRY			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 November 21, 2022.

  
 Julie A. Picard, Township Clerk

**TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION # 2022-368**

**Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED COMPENSATORY TIME**

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

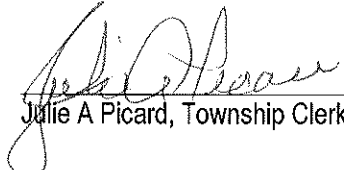
**WHEREAS**, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Lower that payment to Kevin O'Brien in the amount of \$6,574.30 is authorized and chargeable to the 2022 Budget account 2-01-25-240-122.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
COOMBS			X			
ROY		X	X			
PERRY			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 November 21, 2022.

  
 Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

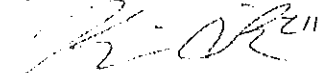
SPECIAL REPORT

TO: Chief Kevin Lewis  
FROM: Patrolman Kevin O'Brien  
DATE: November 14<sup>th</sup>, 2022  
SUBJECT: Comp Time Cash Out

Sir,

I am respectfully requesting to cash out 250 hours of Comp Time. Thank you for your time and consideration sir.

Respectfully Submitted,

  
Kevin O'Brien  
Patrolman Badge 211

C	File	Officer	Comments
Date			
11/14/22		Det. [Signature]	to the LT.
11/15/22		[Signature]	To Cash
11/15/22		[Signature]	TO CHIEF LEWIS [Signature]
11-15-22		[Signature]	LEWIS TO TWP HALL TO PROCESS

26•2972 x  
250• =  
6•574•30 \*+

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

RESOLUTION # 2022-369

Title: AUTHORIZATION FOR THE PAYMENT OF COLLEGE CREDITS

**WHEREAS**, the employees listed on the attached schedule have earned college credits and per union contract the Township will pay employees for those credits earned as determined in their union contracts.

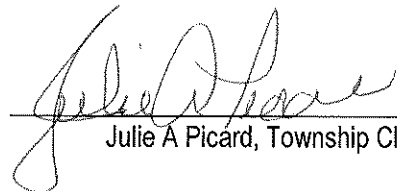
**WHEREAS**, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

**WHEREAS**, it has been determined by the Township Treasurer as evidenced by 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 Governing Body of the Township of Lower that payment to the employees listed on the attached schedule not to exceed the amount of **\$ 36,150** is authorized and chargeable to the 2022 Budget.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
COOMBS			X			
ROY		X	X			
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

Dept Id	Descript	Name	Earnings	Budget
120-00	Clerk	BELASCO, AMY L	250.00	2-01-20-120-101
			250.00	<b>2-01-20-120-101 Total</b>
130-00	Finance	DOUGHERTY, GEORGIA F	500.00	2-01-20-130-101
130-00	Finance	READ, LAUREN M	1,000.00	2-01-20-130-101
130-01	Grants	CRIPPEN, COLLEEN	1,000.00	2-01-20-130-101
			2,500.00	<b>2-01-20-130-101 Total</b>
145-00	Collector	BREWSTER	250.00	2-01-145-101
			250.00	<b>2-01-145-101 Total</b>
150-00	ASR	DOWE, JENNIFER	500.00	2-01-20-150-101
150-00	ASR	DEVEREAUX, NICOLE	1,000.00	2-01-20-150-101
			1,500.00	<b>2-01-20-150-101 Total</b>
170-00	Planning	GALESTOK, WILLIAM	1,000.00	2-01-20-170-101
170-00	Planning	WOOD, PATRICK	1,000.00	2-01-20-170-101
			2,000.00	<b>2-01-20-170-101 Total</b>
370-04	BUILDINGS & GROUNDS	DOUGHERTY, MARK D	750.00	2-01-20-310-101
			750.00	<b>2-01-20-310-101 Total</b>
195-00	BOCA	FIORE, WALTER S	1,250.00	2-01-22-195-101
195-00	BOCA	MOORE, ROSE E	250.00	2-01-22-195-101
195-00	BOCA	BLANA, BECCA	250.00	2-01-22-195-101
			1,750.00	<b>2-01-22-195-101 Total</b>
240-00	Police Admin	LEWIS, KEVIN E	900.00	2-01-25-240-120
240-00	Police Admin	VANAMAN JR, DONALD	1,000.00	2-01-25-240-120
240-00	Police Admin	McEWING, BRIAN C	1,000.00	2-01-25-240-120
240-00	Police Admin	RYAN, CHARLES J	1,000.00	2-01-25-240-120
			3,900.00	<b>2-01-25-240-120 Total</b>
240-01	Squad 1	FELSING, JASON	820.00	2-01-25-240-121
240-01	Squad 1	KOCIS III, WILLIAM T	1,000.00	2-01-25-240-121
240-01	Squad 1	MICCICHE, ANTHONY	1,000.00	2-01-25-240-121
240-01	Squad 1	PARKER, AUSTIN P	1,000.00	2-01-25-240-121
			3,820.00	<b>2-01-25-240-121 Total</b>
240-02	Squad 2	OMROD, WILLIAM M	1,000.00	2-01-25-240-122
240-02	Squad 2	PERRY, MICHAEL C	1,000.00	2-01-25-240-122
240-02	Squad 2	SAINI, JORDAN C	980.00	2-01-25-240-122
			2,980.00	<b>2-01-25-240-122 Total</b>
240-03	Squad 3	ARMBRUSTER, JOHN T	1,000.00	2-01-25-240-123
240-03	Squad 3	SCHECK, JONATHAN J	660.00	2-01-25-240-123
240-03	Squad 3	WALKER Jr., KENNETH E	1,000.00	2-01-25-240-123
			2,660.00	<b>2-01-25-240-123 Total</b>
240-04	Squad 4	GRETO, ANTHONY T	1,000.00	2-01-25-240-124
240-04	Squad 4	DANZE, ERIC	1,000.00	2-01-25-240-124
			2,000.00	<b>2-01-25-240-124 Total</b>
240-05	Detectives	BLACK, KAITLIN O	1,000.00	2-01-25-240-125
240-05	Detectives	IAMES JR, MICHAEL F	520.00	2-01-25-240-125
			1,520.00	<b>2-01-25-240-125 Total</b>
240-08	Community Police	COOMBS SR, ERIC S	880.00	2-01-25-240-126
240-08	Community Police	ELWELL, JENNIFER M	1,000.00	2-01-25-240-126

			1,880.00	<b>2-01-25-240-126 Total</b>
240-06	Records	BAILEY, JANIA	250.00	2-01-25-240-197
240-06	Records	SCHEID, SUZANNE M	750.00	2-01-25-240-197
240-06	Records	SENICO, AAREN D	500.00	2-01-25-240-197
240-06	Records	WILSON, SUSAN M	1,000.00	2-01-25-240-197
			2,500.00	<b>2-01-25-240-197 Total</b>
265-00	UFSA	EMBS, JEREMY B	500.00	2-01-25-265-101
265-00	UFSA	RAMBO, SHELBY	1,000.00	2-01-25-265-101
265-00	UFSA	BELLES, WILLIAM	250.00	2-01-25-265-101
			1,750.00	<b>2-01-25-265-101 Total</b>
305-01	DPW Admin 35 hour	CRECCA, KATHRYN R	1,000.00	2-01-26-305-175
305-01	DPW Admin 35 hour	THOMAS, LINDA	500.00	2-01-26-305-175
			1,500.00	<b>2-01-26-305-175 Total</b>
370-01	Recreation	FOURNIER, BRUCE	1,000.00	2-01-28-370-101
370-01	Recreation	PLENN, MITCHELL B	1,000.00	2-01-28-370-101
			2,000.00	<b>2-01-28-370-101 Total</b>
490-00	Court	PEREZ, CLAUDIA	1,000.00	2-01-43-490-101
			1,000.00	<b>2-01-43-490-101 Total</b>
			36510	<b>Grand Total</b>

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
RESOLUTION # 2022-370

TITLE: AUTHORIZATION FOR 2022 INCENTIVE AWARD FOR INSURANCE WAIVER

**WHEREAS**, the employees listed on the attached schedule have waived health insurance and are due an incentive amount per Superior Officers Union and PBA Union Contract, Article 12, Section F, AFSCME Union Contract, Article VII, Section F and Supervisors Contract, Article VI, Section F, and

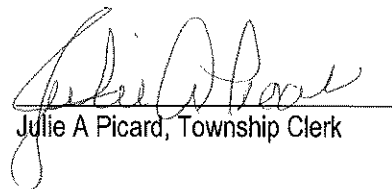
**WHEREAS**, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance, and

**WHEREAS**, it has been determined by the Township Treasurer as evidenced by signature Lauren Picard that adequate funding is available for such payment in the current year's budget for Health Insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Lower that payment to the attached schedule of employees in the amount of \$51,666.67 is authorized and chargeable to the 2022 Budget account 2-01-23-220-412.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	X		X			
COOMBS			X			
ROY		X	X			
PERRY			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 November 21, 2022.

  
Julie A Picard, Township Clerk

Name	Amt	Comment
BARCAS JR, WILLIAM	2,500.00	
BOYLE Jr, KEVIN	2,500.00	
BREWSTER, MARIA A	2,500.00	
CRIPPEN, COLLEEN	2,500.00	
DOUGLASS, GARY	2,500.00	
DOUGLASS, JEFFREY M	2,500.00	
FAIRMAN, THOMAS	2,500.00	
GRETO, ANTHONY T	2,500.00	
HANSBERRY, RYAN E	2,500.00	
KELLEHER, WILLIAM	2,500.00	
KNOX, KAITLYN	1,666.67	
KOCIS III, WILLIAM T	2,500.00	
LEWIS, KEVIN E	2,500.00	
NUSCIS, MICHAEL T	2,500.00	
PERRY, MICHAEL C	2,500.00	
PLENN, MITCHELL B	2,500.00	
PORCH, WILLIAM	833.33	
REILLY, MATTHEW	2,500.00	
REMENTER JR, JOSEPH G	2,500.00	
RYAN, CHARLES J	2,500.00	
VANAMAN JR, DONALD	2,500.00	
WOOD, PATRICK	1,666.67	
	51,666.67	

Clerk Report October 2022

Register Report - Last month

10/1/2022 through 10/31/2022

11/17/2022

Page 1

Date	Account	Category	Amount
			<b>INCOME</b>
			<b>8,505.00</b>
			Bus Merc 2022-2023
			900.00
			Short Term Rental 2022-2023
			6,080.00
			Street Openings
			760.00
			Vac Prop Reg
			500.00
			Yard Sales
			115.00
			Year Round Rental
			150.00
			<b>TRANSFERS</b>
			<b>-8,505.00</b>
			Council Checking
			-8,505.00
		<b>OVERALL TOTAL</b>	<b>0.00</b>

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

**OFFICE OF CONSTRUCTION OFFICIAL**

**Construction Permit Activity Report**

RANGE: 10/01/2022 To 10/31/2022

November 04, 2022 11:13:28AM

**SUMMARY**

**CONSTRUCTION COSTS**

**COUNT**

Cost Of Construction:	\$637,406.00	Cubic Footage:	124818 Cu.ft	Permit Issued:	98
Cost Of Alteration:	\$1,063,107.00	Square Footage:	9263 Sq.ft	Updates Issued:	12
Cost Of Demolition:	\$0.00			All Fees Waived:	2
Total Cost:	\$1,700,513.00			Municipal Fees Waived:	1

<b><u>PERMIT FEES</u></b>	<b><u>ADMIN FEES</u></b>	<b><u>WAIVED FEES</u></b>	<b><u>TOTAL FEES</u></b>
Building: \$38,059.00	Building: \$0.00	Building: \$27,800.00	Building Fees: \$10,259.00
Electrical: \$6,542.00	Electrical: \$0.00	Electrical: \$0.00	Electrical Fees: \$6,542.00
Fire : \$3,170.00	Fire : \$0.00	Fire : \$0.00	Fire Fees: \$3,170.00
Plumbing: \$3,671.00	Plumbing: \$0.00	Plumbing: \$0.00	Plumbing Fees: \$3,671.00
Elevator: \$0.00	Elevator: \$0.00	Elevator: \$0.00	Elevator Fees: \$0.00
Mechanical: \$2,490.00	Mechanical: \$0.00	Mechanical: \$0.00	Mechanical Fees: \$2,490.00
		* Total Waived: \$27,800.00	Technical Fees: \$26,132.00

**DCA**

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$464.00	\$0.00	\$464.00
Alteration Training Fee:	\$2,023.00	\$10.00	\$2,013.00
DCA Minimum Fee:	\$7.00	\$1.00	\$6.00
Sub total Training Fee:	\$2,494.00	\$11.00	\$2,483.00

**TECHNICAL ISSUES**

Building Technical:	39
Electrical Technical:	73
Fire Protection Technical:	27
Plumbing Technical:	31
Elevator Technical:	
Mechanical Technical:	30

**CERTIFICATE ISSUES**

Certificate of Occupancy:	8
Certificate of Approval:	33
Certificate of Continued Occupancy:	0

Certificate of Occupancy Fee:	\$1,785.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$1,785.00

PERMIT FEES:	\$26,132.00
DCA FEES:	\$2,483.00
CERTIFICATE FEES:	\$1,785.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$30,400.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$30,400.00

\* By State law (see N.J.S. 52:27D-126c): \$300.00

\* By Municipality (see N.J.S. 52:27D-126b): \$27,500.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 10/01/2022 To 10/31/2022

November 4, 2022 11:08:34AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$978.00	\$29,422.00	\$0.00	\$30,400.00
CONTRACTOR LICENSE	Sub Totals:	\$0.00	\$400.00	\$0.00	\$400.00
<b>GRAND TOTALS:</b>		<b>\$978.00</b>	<b>\$29,822.00</b>	<b>\$0.00</b>	<b>\$30,800.00</b>



**2022 CASH RECEIPTS  
OCTOBER**

Township of Lower  
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
<b>Receipts</b>		
Preliminary Tax Year (2023)	109,940.00	1,247,329.16
Current year taxes (2022)	<u>4,425,453.87</u>	<u>55,857,261.33</u>
Prior year taxes (2021)		395,665.10
Previously exempt property		0.00
State Audit Pay Back		0.00
Municipal Lien		30,348.12
Recording		1,131.27
Bankruptcy		0.00
6% Penalty		1,187.26
Municipal Service Fees	9,480.00	69,690.00
Tax Search Fees		0.00
Interest	7,612.47	106,797.06
Lot clearing		2,375.00
Returned Check Fees*	40.00	560.00
Duplicate Bills	40.00	885.00
Trash	1,560.00	70,165.50
Tax Sale Costs		1,240.17
MUA		0.00
<b>TOTAL DEPOSITS</b>	<b>4,554,126.34</b>	<b>57,784,634.97</b>
<b>DEPOSITED TO COUNCIL CHECK</b>	<b>3,834,936.16</b>	<b>50,810,850.24</b>
<b>DEPOSITED TO WIPP ACCOUNT</b>	<b>719,190.18</b>	<b>6,973,784.73</b>
<b>TOTAL DEPOSITS</b>	<u><b>4,554,126.34</b></u>	<u><b>57,784,634.97</b></u>
NSF Reversals *	47,921.99	138,174.59
WIPP NSF Reversals	<b>3,646.38</b>	76,924.95
NSF Fee Reversal (20.00)*		0.00
<b>TOTAL NSF</b>	<u><b>51568.37</b></u>	<u><b>215,099.54</b></u>
<b>TOTAL</b>	<u><u><b>4,502,557.97</b></u></u>	<u><u><b>57,569,525.43</b></u></u>

Prepared by Kathy Brown

**OCTOBER 2022  
VITAL STATISTICS**

Marriages,Civil Unions	20
Domestic Partners	0
Certified Copies	216
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	\$0.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$0.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,160.00
Certified Copies EDRS	\$0.00
Burial Permits	\$0.00

<b>TOTAL</b>	<b>\$2,160.00</b>
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**ORDINANCE #2022-14**

**RE-APPROPRIATION ORDINANCE OF THE TOWNSHIP OF LOWER, IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY, PROVIDING FOR VARIOUS ROAD IMPROVEMENTS AND RE-APPROPRIATING \$497,414.23 OF EXCESS BOND PROCEEDS FROM BOND ORDINANCE 2019-09 TO FINANCE THE COSTS THEREOF**

**WHEREAS**, the Township of Lower, in the County of Cape, State of New Jersey (the "Township"), finally adopted Bond Ordinance 2019-09 on May 20, 2019 (the "Ordinance"); and

**WHEREAS**, following the effective date of the Ordinance, the Township issued bonds to fully fund same and to finance the improvements or purposes authorized therein; and

**WHEREAS**, the Township has determined that a portion of certain capital improvements or purposes set forth in the Ordinance has either been completed or abandoned; and

**WHEREAS**, there currently remains on deposit in the Township capital accounts relating to the Ordinance, excess bond proceeds and capital funds allocable to some of the improvements or purposes described in the Ordinance (the "Excess Bond Proceeds") but no longer necessary to complete and/or undertake the improvements or purposes authorized therein; and

**WHEREAS**, in accordance with its statutory powers, including those powers which are set forth in the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"), the Township has determined that it is in the best interests of the Township to re-appropriate the Excess Bond Proceeds to a portion of the costs of certain other capital improvements or purposes authorized and set forth herein (as further described in Section 3 hereof, collectively, the "Project"), which Project is an improvement and/or purpose for which bonds may be issued; and

**WHEREAS**, the Township now desires to re-appropriate the Excess Bond Proceeds from the Ordinance to finance a portion of the cost of the Project.

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

**SECTION 1.** The following amounts of Excess Bond Proceeds remaining in the Ordinance is no longer necessary for the improvements or purposes for which it was originally authorized and issued:

<b>Funded Ordinance Number</b>	<b>Excess Bond Proceeds Amount</b>
2019-09 (finally adopted May 20, 2019)	\$497,414.23

**SECTION 2.** The total amount of \$497,414.23 in Excess Bond Proceeds is hereby re-appropriated, pursuant to the Local Bond Law, to the cost of the Project described and set forth

in Section 3 hereof, which is a general capital improvement and/or purpose for which bonds may be issued.

**SECTION 3.** (a) The general capital improvements and/or purposes hereby authorized include, but are not limited to, the following (all of which shall collectively be referred to as the "Project"): various roadway and drainage improvements throughout the Township including, but not limited to, various improvements to Wildwood Avenue, Bay Drive, Carriage Lane, Timber Lane, Briarwood Road, Trotter Way, Brindle Path, Saddle Court, Paddock Lane and Iowa Avenue, which improvements shall include, but not be limited to, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, resetting of utility castings, drainage work, and associated sidewalk, driveway and curb ramp improvements and aesthetic improvements.

(b) The above improvements and purposes comprising the Project set forth in Section 3(a) shall also include, as applicable, all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated cost of the Project is \$497,414.23.

**SECTION 4.** The capital budget of the Township is hereby amended to conform with the provisions of this re-appropriation and amendatory ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be filed in the Office of the Clerk of the Township and shall be available for public inspection.

**SECTION 5.** The following additional matters are hereby determined, declared, recited and stated:

(a) The capital improvements or purposes described in Section 3 of this re-appropriation and amendatory ordinance are not current expenses and are improvements which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the capital improvements or purposes within the limitations of the Local Bond Law, according to the reasonable useful life thereof computed from the dated date of the bonds authorized by this bond ordinance, is 20.00 years.

(c) An aggregate amount not exceeding 367,500.00 for items of expense listed in and permitted under Section 2-20 of the Local Bond Law is included in the estimated cost indicated herein for the general capital improvements or purposes comprising the Project.

**SECTION 6.** This re-appropriation and amendatory ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**

**DATED: November 21, 2022**

  
\_\_\_\_\_  
**JULIE PICARD,**  
Clerk of the Township of Lower

\_\_\_\_\_  
**Thomas Conrad, Councilmember**

\_\_\_\_\_  
**Kevin Coombs, Councilmember**

\_\_\_\_\_  
**Roland Roy, Councilmember**

\_\_\_\_\_  
**David Perry, Deputy Mayor**

\_\_\_\_\_  
**Frank Sippel, Mayor**

**ADOPTED ON SECOND READING**

**DATED: December 5, 2022**

\_\_\_\_\_  
**JULIE PICARD,**  
Clerk of the Township of Lower

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

\_\_\_\_\_  
**FRANK SIPPEL,**  
Mayor of the Township of Lower

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. 24:61-1 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 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

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Kevin Coombs, Councilmember

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Roland Roy, Jr., Councilmember

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Dave Perry, Deputy Mayor

\_\_\_\_\_  
Frank Sippel, Mayor

First Reading: *November 21, 2022*

Adopted:

Attest: \_\_\_\_\_  
Julie A Picard, Township Clerk