

## Signed Resolutions – January 19, 2022

- Res. #2022-61 Authorization for the payment of vouchers \$234,874.13
- Res. #2022-62 Authorizations for Refund of Taxes
- Res. #2022-63 Authorizing Payment of 2022 County Taxes (First Quarter) and 2021 Added Taxes
- Res. #2022-64 Appointment of Keith Bonchi, Esq. as Tax Foreclosure Attorney for the Township of Lower as a Professional Service Contract without Public Bidding
- Res. #2022-65 A Resolution Awarding a Professional Service Contract without Public Bidding to Surenian, Edwards & Nolan, LLC to Serve as Special Counsel to the Township of Lower for Affordable Housing Matters/Litigation (NTE \$25,000)
- Res. #2022-66 Approval of a Secondhand Merchant and Dealer of Precious Metals License
- Res. #2022-67 A Resolution Awarding a Professional Service Contract without Bidding to Thomas Planning Associates, LLC to serve as the Professional Planner to the Township of Lower for Affording Housing Matters/Litigation (NTE \$16,000)
- Res. #2022-68 Final Year Contract Award to Provide the 2022 Fireworks Show including the Barge to S. Vitale Pyrotecnico Industries, Inc. (\$53,100 w Rain Delay Terms \$7,685.)
- Res. #2022-69 A Resolution Awarding a Contract to Cape Mining and Recycling, LLC for the Removal and Disposal of Woodchips Located at the Municipal Utility Authority on an As Needed Basis
- Res. #2022-70 Authorization for 2021 Incentive Award for Insurance Waiver (C.Vanaman \$1,825.)
- Res. #2022-71 Issuance of 2022 Taxi, Limousine and Operator Licenses
- Res. #2022-72 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **Attorney-Client Privilege**



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

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

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

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

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

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

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

RESOLUTION #2022- *Lot*

Title: AUTHORIZING THE PAYMENT OF VOUCHERS

Vendor	Description	Amount
NJ DEPT OF HEALTH & SENIOR SVCS	CORRECTION OCT-DEC 2021	\$38.40

TOTAL Manual Checks \$38.40

TOTAL Computer Generated \$234,835.73

TOTAL BILL \$234,874.13

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD	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 JAN , 19 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-62

Title: AUTHORIZATION FOR REFUND OF TAXES

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

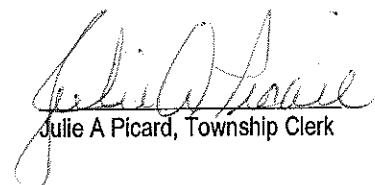
WHEREAS, a refund is due.

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

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	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 January 19, 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-63

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

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

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

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

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

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

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

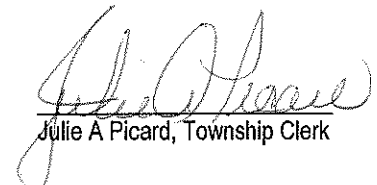
Lauren Read payable as follows:

\$57,319.27 due 2/15/2022

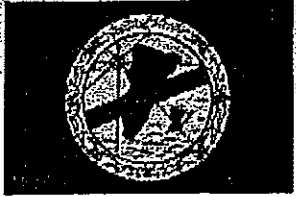
NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the aforementioned payments to Cape May County are hereby authorized.

	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 January 19, 2022.

  
Julie A Picard, Township Clerk





# INVOICE

County of Cape May

**DUE DATE:**  
**FEBRUARY 15, 2022**


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

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

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

### Claimants Certification and Declaration

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

Vendor's Signature  Title CFO Date 11/23/21

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

RESOLUTION #2022-64

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

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

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

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

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

CFO Signature: Lauren Read  
Lauren Read, CFO

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

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

	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 January 19, 2022.

Julie A. Picard  
Julie A Picard, Township Clerk

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

**(IN REM FORECLOSURE ATTORNEY)**

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

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

AGREE AS FOLLOWS:

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

***In Rem Tax Foreclosure Counsel Services***

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

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

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

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

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

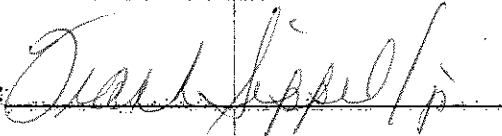
The Contractor represents that it is authorized to enter into the within transaction and that the individual signing this Contract on behalf of the Contractor is authorized to bind the Contractor.

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

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

TOWNSHIP OF LOWER

By:



DATE: December 1/20/2022

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

By:

  
Keith A. Bonchi, Esquire, Partner

DATE: December 31, 2021

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

RESOLUTION #2022-65

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

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

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

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

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

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

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

CFO Signature: Lauren Read  
Lauren Read, CFO

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

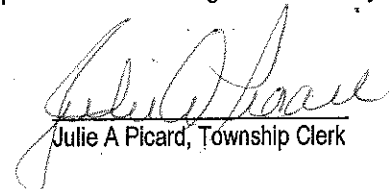
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Surenian, Edwards & Nolan, LLC as Special Counsel on Affordable Housing for the Township of Lower at the rate attached hereto;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

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

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

	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 January 19, 2022.

  
Julie A. Picard, Township Clerk

# PROFESSIONAL SERVICES AGREEMENT

This Agreement is made this 19<sup>th</sup> day of January 2022, by and between:

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

Hereinafter referred to as “Township”

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

Hereinafter referred to as “Special Counsel”, “Contractor” or “Firm”

## WITNESSETH:

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

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

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

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

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

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

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

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

7. Attached hereto and incorporated herein are:

**Enclosures**

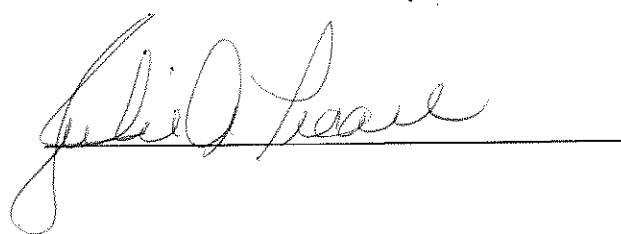
1. Mandatory Affirmative Action Compliance Notice N.J.S.A. 10:5-31 and N.J.A.C. 17:27; 2. Appendix A Americans with Disabilities Act of 1990 Equal Opportunity for Individuals with Disability; and Mandatory Equal Employment Opportunity Language N.J.S.A. 10:5-31 *et seq.* (P.L. 1975, C. 127) N.J.A.C. 17-27; 3. State of New Jersey Business Registration 4. Certificate; Certificate of Employee Information Report; 5. Workers Compensation and Employers Liability Policy; 6. and Business Entity Disclosure Certification; and

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

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

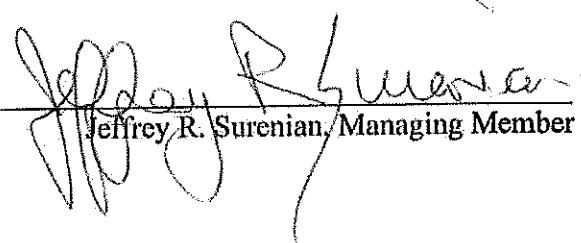
**TOWNSHIP OF LOWER**

**ATTEST:**


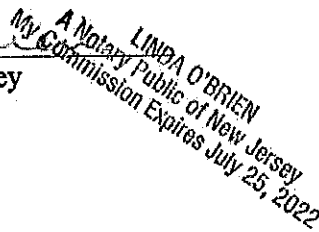
  
\_\_\_\_\_

By   
\_\_\_\_\_, Mayor

**SURENIAN, EDWARDS & NOLAN LLC**

By   
\_\_\_\_\_  
Jeffrey R. Surenian, Managing Member

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

  
\_\_\_\_\_  
A Notary Public of New Jersey  
My commission expires:  


**Executive Summary**  
**Qualifications of Jeffrey R. Surenian**

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

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

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

***A Proven Record of Success***

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

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

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

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

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

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

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

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

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

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

***An Unparalleled Mastery of Affordable Housing Laws***

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

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

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

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

RESOLUTION #2022-66

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

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

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

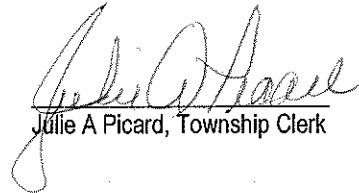
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that a Secondhand Merchant and Dealer of Precious Metals License for the year 2022 be approved and issued to the following applicant:

Lucky 7 Gold & Consignment

1425 Bayshore Road, Villas

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	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 January 19, 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-67

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

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

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

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

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

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

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

CFO Signature: Lauren Read  
Lauren Read, CFO

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

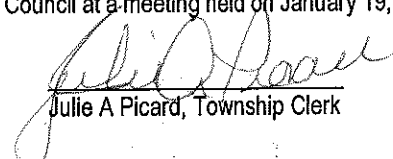
**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that a contract without public bidding be awarded to Thomas Planning Associates, LLC as the Professional Planner for Affordable Housing for the Township of Lower at the rate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

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

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

	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 January 19, 2022

  
Julie A Picard, Township Clerk



**THOMAS PLANNING ASSOCIATES, LLC**

Professional Planning and GIS Consultants

P. O. Box 363

Brielle, New Jersey 08730-0363

**T. Andrew Thomas, P.P., President**

Tel: (732) 556-6711

[andyplan@aol.com](mailto:andyplan@aol.com)

**Thomas A. Thomas, P.P., Emeritus**

Tel: (732) 616-2289

[tomplan@verizon.net](mailto:tomplan@verizon.net)

via e-mail only: [planning@townshipoflower.org](mailto:planning@townshipoflower.org)

October 12, 2021

William Galestok, Planning Director

Lower Township

2600 Bayshore Road

Villas, N.J. 08251

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

Dear Mr. Galestok:

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

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

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

Very truly yours,  
THOMAS PLANNING ASSOCIATES

T. ANDREW THOMAS, P.P.

Attachment

cc: Thomas A. Thomas, PP.

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

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

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

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

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

**SCOPE OF WORK**

**I. Preparation of Housing Plan and Fair Share Plan.**

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

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

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

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

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

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

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

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

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

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

## **II. Phase II - Fair Share Plan Implementation Documents.**

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

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

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

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

### **III. Meetings/Public Hearings.**

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

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

### **IV. Preparation of Notices and Resolutions.**

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

## V. Fees.

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

### Phase I

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

### Phase II

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

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

**Fee Summary**

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

**VI. Approval by Court and Special Master**

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

**VII. Resume and Business Certificate**

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



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

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

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

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

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

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

He has prepared:

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

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

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

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

**THOMAS PLANNING ASSOCIATES, LLC**  
0600148060

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

**Registered Agent and Office**

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

**Main Business Address**

PO Box 363  
BRIELLE, NJ 08730

**Principal Business Address**

PO Box 363  
BRIELLE, NJ 08730

**Officers and Directors**

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



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

*Elizabeth Maher Muoio*

*Elizabeth Maher Muoio  
State Treasurer*

Certificate Number : 2559770762  
Verify this certificate online at  
[https://www1.state.nj.us/TYTR\\_StandingCert/ISP/Verify\\_Cert.jsp](https://www1.state.nj.us/TYTR_StandingCert/ISP/Verify_Cert.jsp)

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

RESOLUTION # 2022-68

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

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

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

Appropriation: 2-01-30-420-254

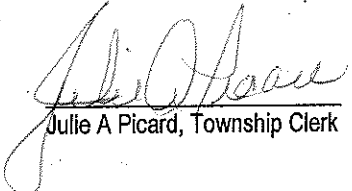
Signature: Lauren Read  
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following contract is hereby awarded:

AWARD TO: **S. VITALE PRYOTECNICO INDUSTRIES INC.**  
TOTAL: **2022 YEAR \$53,100.00 w/Rain Delay Terms of \$7,685.00**  
**(Township shall provide loaded barge Police Security on July 3, 2021)**

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	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 January 19, 2022.

  
Julie A Picard, Township Clerk

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

THIS AGREEMENT is entered into on the 19<sup>th</sup> day of April 2022 by and between TOWNSHIP OF LOWER, a municipal corporation with offices located at 2600 Bayshore Road, Villas, New Jersey 08251 (hereinafter referred to as "Township") and PYROTECNICO, a New Jersey corporation with offices located at P.O. Box 149, New Castle, Pennsylvania 16103 (hereinafter referred to as "Pyrotecnico").

WHEREAS, the Township requires a fireworks display to be launched in the Delaware Bay on July 3, 2022 (the "Fireworks Display"), which is a highly specialized and qualitative service requiring a certain level of expertise, extensive training and a proven reputation in the field of fireworks display.

WHEREAS, the Township has selected Pyrotecnico to provide the Fireworks Display based upon its response to a Sealed Bid, Pyrotecnico being the only respondent. 2022 will be the final year of a three year contract ending in 2022 and on the strong recommendations received from other governmental entities that display of fireworks in the State of New Jersey;

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

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

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

1. Scope of Services. Pyrotecnico agrees to provide and perform certain specialized services for Township in accordance with the terms and conditions of the Pyrotecnico Contract attached hereto as EXHIBIT A and incorporated herein by this reference as well as in conformance with this agreement and Resolution 2020-17, the terms of which are also incorporated herein by reference. These items shall constitute the contract by and between the parties (the "Contract"). All terms and conditions of the Pyrotecnico Contract and the BID shall remain in full force and effect unless in conflict with this Agreement, in which case the terms of this Agreement shall control, or unless specifically modified by this Agreement.

2. Barge Company. Pyrotecnico shall also contract with a fully licensed and qualified Barge Company (the "Barge Company") to provide the barge services necessary for the Fireworks Display. Pyrotecnico shall be responsible for the Barge Company and all services to be provided by the Barge Company in connection with the Fireworks Display. The fireworks necessary for the Fireworks Display shall be loaded within Lower Township at the Dock of Cape Fisheries for display on the evening of July 3, 2022.

3. Scheduling Issues. The scheduled Fireworks Display shall be Friday July 3, 2022, with a window start time of between 9:00 P.M. and 10:00 P.M. It will be determined by 6:00 A.M. on July 3, 2022 as to whether the Fireworks Display can occur due to weather conditions. In the event that the Fireworks Display is cancelled because of weather conditions, which determination shall be made by Pyrotecnico in consultation with the Township Manager, Fire Official and Chief of Police, all in accordance with the terms of the BID, the rain date will be July 5, 2022.

4. Compensation. As a fee for providing the Fireworks Display, the Township shall pay to Pyrotecnico the sum of **FIFTY THREE THOUSAND ONE HUNDRED DOLLARS (\$53,100.00)**, which shall be due and payable on or before **July 7, 2022**. From this amount, Pyrotecnico shall compensate the Barge Company for its fee in providing the transportation services necessary for the Fireworks Display. Any Police security fees associated with Lower Township's Fireworks display for **July 3, 2022** **only** will not be charged to Pyrotecnico. Services or agreements with any other Town or Contract must be secured with an appropriate Township of Lower 3<sup>rd</sup> Party Agreement, which must be approved and scheduled accordingly. Weather/Rain Delay/Postponement occurs the terms and conditions for compensation will be as per Pyrotecnico's submitted bid proposal.

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

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

7. Other Agreements. This Agreement, the Pyrotecnico Contract and BID No 2019-21, represent the entire agreement between the parties hereto and there are no other or collateral oral agreements or understandings. No addition, modification or variation from this Agreement as compiled shall be enforceable unless the same shall be in writing and signed by the parties hereto.

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

9. Choice of Law/Venue. This Agreement, the Pyrotecnico Contract and BID # 2019-21 shall be governed by and construed in accordance with the laws of the State of New Jersey, excluding choice of law rules thereof. Any and all actions to enforce or to interpret This Agreement, the Pyrotecnico Contract and BID No 2019-21 shall be brought in the Superior Court of New Jersey, Cape May County and any language in any compiled document to the contrary is hereby superseded by this provision and of no force or effect.

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

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

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

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

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

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

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

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

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

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

determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

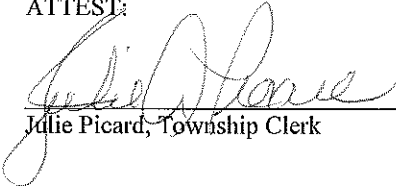
F. Pyrotecnico, or subcontractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry,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

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


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

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

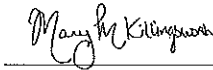
ATTEST:

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


TOWNSHIP OF LOWER

BY:   
\_\_\_\_\_  
Frank Sippel, Mayor

ATTEST:

  
\_\_\_\_\_  
, Secretary  
Mary M Killingsworth, Senior Manager of Administration

PYROTECNICO

BY:   
\_\_\_\_\_  
Lynn Ann Hamed, Corporate Secretary  
Representative

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

RESOLUTION #2022-69

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

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

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

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

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

Appropriation: 2-01-32-465-611

Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, in consultation with the Township Director of Public Works and Township Purchasing Agent, that Cape Mining is hereby awarded a contract for the removal and disposal of wood chips located at the Municipal Utility Authority upon authorization from the Director of Public Works with the approval of the CFO for the availability of funds through December 31, 2022.

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

Table with 7 columns: MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT and 5 rows of names: Conrad, Coombs, Roy, Perry, Sippel. Checkmarks are present in the MOTION, AYE, and SECOND columns for each name.

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

Handwritten signature of Julie A. Picard and printed name Julie A Picard, Township Clerk

# CAPE MINING AND RECYCLING

609-465-5617

## Price List 2022

### Materials Received Into Facility

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

### Materials Picked-up or Delivered

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

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

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

**10 ton minimum on deliveries**

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

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

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

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

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

RESOLUTION # 2022-70

Title: AUTHORIZATION FOR 2021 INCENTIVE AWARD FOR INSURANCE WAIVER

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

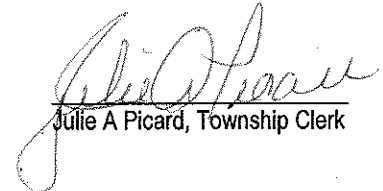
WHEREAS, it is necessary to obtain authorization for any salary and wage disbursement to a Township employee that is not specified in the salary ordinance; and

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

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	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 January 19, 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-71

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

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

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

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

**High Roller Limousine, Inc.**

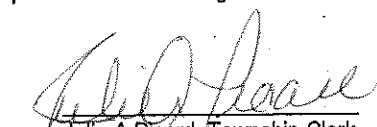
<u>License Type</u>	<u>Description</u>
Limo	2010 Chrysler Town & Country Vin #2A4RR5D13AR105291
Limo	2012 Chrysler Town & Country Vin #2C4RC1CG6CR143588
Operators	Arthur Wolf Karen Wolf

**G Garibaldi Transportation, LLC**

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD	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 January 19, 2022.

  
Julie A Picard, Township Clerk

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

RESOLUTION #2022-72

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

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

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

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

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

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

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

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

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

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

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

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

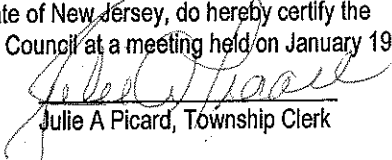
\_\_\_\_\_ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss if a license or permit belonging to the responding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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, assembled in public session on January 19, 2022 that an Executive Session closed to the public shall be held on this date at approximately 7:14 P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
COOMBS	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>				
ROY			<input checked="" type="checkbox"/>				
PERRY			<input checked="" type="checkbox"/>				
SIPPEL			<input checked="" type="checkbox"/>				

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

  
Julie A. Picard, Township Clerk