

WORK SESSION AND REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
WEDNESDAY, September 6, 2023 – 7:00 pm.

Opening Announcement
Pledge of Allegiance & Moment of Silence
Invocation – Chaplain Leo Dodd
Roll Call & Determination of Quorum

Work Session

Presentation of Plaques - Sponsors of the Coombs/Douglass Bay Run

Consent Agenda

Approval of Minutes – August 21, 2023

Res. #2023-296 Approval for the payment of vouchers \$ 645,528.65

Res. #2023-297 Authorization for the Refund of Taxes

Res. #2023-298 Authorization to Transfer Funds from the Tax Premium Account

Res. #2023-299 Bid Acceptance and Contract Award of FY2020 NJDCA Small Cities Program ADA Compliance Improvements at Rotary Park (LT-C-028)

Res. #2023-300 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (NJ DOT Local Transportation Projects Fund \$175,000)

Res. #2023-301 A Resolution Providing a One-Time Waiver of the Imposition of Late Fees Associated with the Required Annual Renewal of Mercantile Licenses

Res. #2023-302 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Cops in Shops \$1,440.00)

Res. #2023-303 Approving Change Order #1 with DeBlasio & Associates for Additional Engineering Services for the Construction Phase for the Rotary Community Park Renovation Phase One (LT-C-028)

Res. #2023-304 A Resolution Requesting Release of Demolition Bond for Block 339, Lots 10,12,14 & 16; 330 Evergreen Avenue, Villas, N.L.Martucci Properties, LLC; P NLMARTUC

Res. #2023-305 A Resolution Requesting Release of Demolition Bond for Block 595, Lot 11; 306 Brynmawr Avenue, R.Hickson; P Hickson

Res. #2023-306 Approving a Professional Service Contract with DeBlasio & Associates for 2023 Stormwater GIS Mapping Services (LT-C-042) (\$57,000.)

Ord #2023-17 An Ordinance Amending and Supplementing Chapter 475, Parks and Recreation Areas, Article 1, General Rules and Regulations, to Address Recommendations Received from the Township's Insurance Carrier in Regards to Signage

Regular Agenda

Ord #2023-16 An Ordinance Repealing Chapter 400, Article VII, Exceptions, Modifications and Development Alternatives, Section 57, General Exceptions and Modifications, Subsection G, Beekeeping, of the Code of the Township of Lower due to Preemption by State Statute. This is the second reading and public hearing of this Ordinance. This Ordinance has been published, posted and made available to the public.

Manager's Report

Public Comment

Council Comments

Adjourn

COUNCIL MEETING MINUTES – August 21, 2023

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on August 21, 2023 at 5:00 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

Work Session

Proclamation - Supporting the Drive Sober or Get Pulled Over 2023 Statewide Labor Day Crackdown

Mayor Sippel read a proclamation supporting the Drive Sober or Get Pulled Over 2023 Statewide Labor Day Crackdown.

Consent Agenda

Approval of Minutes – August 7, 2023

- Res. #2023-282 Approval for the Payment of Vouchers \$ 463,389.89
- Res. #2023-283 2023 Drive Sobor or Get Pulled Over Labor Day
- Res. #2023-284 Approval for Run The Vineyards Down the Shore 5K Run
- Res. #2023-285 Approval of Contribution to Lower Township Chamber of Commerce (\$4,000)
- Res. #2023-286 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Drive Sober or Get Pulled Over \$7,000)
- Res. #2023-287 Authorizing Payment of 2023 County Taxes (Third & Fourth Quarters)
- Res. #2023-288 A Resolution Authorizing a Grant Application to the New Jersey Department of Agriculture, Spotted Lanternfly Program – 2023 Chemical Control Treatment Grant
- Res. #2023-289 Insertion of Special Item of Revenue Pursuant to N.J.S.A.40A:4-87, Chapter 159 (Lanternfly Control Program \$15,000)
- Res. #2023-290 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87,Chapter 159 (Lead Grant Assistance Program \$22,700)
- Res. #2023-291 Authorization for the Refund of Taxes
- Res. #2023-292 Approval for Saint Barbabas By-The-Bay Episcopal Church to conduct a Flea Market
- Res. #2023-293 A Resolution Authorizing the Contract with Any Excuse for a Party, LLC for Lower Township Family Fun Night, Sept 8, 2023
- Res. #2023-294 Approval of Change Order #1 – Final – to Asphalt Paving Systems for the Reconstruction of Fire Lane – Bayshore Road to Sunnyside Drive (decrease of \$43,727.76)

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

Regular Agenda

Monthly Reports

- Clerk, Dog, Finance, Vital Statistics
- Personnel Action Report

Engineer Report

Will Hanson gave Council an update on the following projects being handled by DeBlasio & Associates including: Diamond Beach Park Improvements; Replacement of Various Pavilions; Reconstruction of Wildwood Avenue; Reconstruction of Carriage Lane, Briarwood Drive, Bridle Path, Paddock Lane, Timber Lane and Trotter Way; Lincoln Boulevard Restroom Facility; Beach Access Paths Survey and Installation; Rotary Community Park Renovations; Bay Outfall Extensions; and Reconstruction of Ridgewood Avenue.

Gary Douglass, Public Works Director, addressed Council regarding the effects of the last storm on Roseann Avenue. He communicated the concerns of the residents and made a recommendation, based on discussions with the inspector and engineer, to remove the screen from the chamber of the 200 block of Roseann Avenue. Mayor Sippel voiced approval. Deputy Mayor Perry agreed.

Public Comment

Ray Flickinger, Washington Blvd., complimented the Township on the Douglass Park Pavilions and a successful National Night Out and Benefit Concert.

Council Comments

Mayor Sippel announced the 9/11 Remembrance Ceremony, Family Fun Night and the time change for the next Council Meeting. He also thanked Public Works for their work on the Foster House.

Deputy Mayor Perry gave an update on the Fishing Creek Road paving project.

Councilmember Roy gave an update on the MUA Sewer Extension project.

Councilmember Coombs reminded residents to use caution as schools will be back in session soon.

Councilmember Conrad commented on the Fishing Creek Road paving project and congratulated Rino's Pizza for 40 years in business.

Closed Session

Res. #2023-295 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**

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

Council Adjourned to Closed Session at 5:19 p.m.

Council returned to Open Session at 6:14 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Mayor Sippel. Motion to adjourn was unanimous. Meeting adjourned at 6:15 p.m.

Frank Sippel, Mayor

Township Clerk

Approved:

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01269	DISCOUNT HYDRAULICS*	23-02193	08/28/23	HYDRAULIC HOSE/DPW	Open	708.75	0.00		
01480	E-Z PASS	23-02150	08/24/23	EZPASS REPLENISH 7/25/23 DPW	Open	100.00	0.00		PC1
01741	GENTILINI CHEVROLET, LLC ~	23-01016	05/05/23	PARTS FOR VEHICLES/DPW	Open	98.48	0.00		B
01806	ANTHONY J HARVATT, II, ESQ	23-00420	02/15/23	2023 ZBA solicitor Salary	Open	625.00	0.00		
02140	KINDLE FORD LINC/MERC., INC.*	23-01007	05/05/23	PARTS FOR POLICE VEHICLES/DPW	Open	43.00	0.00		B
02334	LOWER TWP CHAMBER OF COMMERCE	23-02103	08/16/23	MEMBERSHIP DUES - 10/23-10/24	Open	160.00	0.00		
02538	MARSH & MCLENNAN AGENCY, LLC*	23-00041	01/06/23	RES#23-17 MONTHLY DNE\$43517	Open	3,626.41	0.00		B
02777	RR DONNELLEY*	23-01548	06/09/23	Safety Paper	Open	259.25	0.00		
03026	NJ STATE HEALTH BENEFITS	23-02190	08/28/23	SEPT 2023 NJSHBP ACTIVE	Open	241,991.13	0.00		
		23-02191	08/28/23	SEPT 2023 NJSHBP RETIREE	Open	119,512.18	0.00		
						361,503.31			
03280	PARAMOUNT SANITARY SUPPLY ~	23-01928	07/31/23	BAYRUN PAPER SUPPLIES	Open	100.83	0.00		
03293	BLAINE PAYNTER	23-02123	08/18/23	CONTRACTUAL REIMBURSEMENT M	Open	69.00	0.00		
03305	PEDRONI FUEL*	23-02183	08/28/23	NO LEAD GAS/DPW	Open	1,060.96	0.00		
03321	PATRICK MARTIN, ESQ	23-02073	08/14/23	CONFLICT PROSECUTOR 8/8/2023	Open	500.00	0.00		
03466	R & R SPECIALTIES	23-02042	08/10/23	8x10 SPONSOR PLAQUES BAYRUN	Open	420.00	0.00		
03518	RIGGINS, INC.*	23-02164	08/28/23	OFF HIGHWAY DIESEL/DPW	Open	1,358.92	0.00		
03522	TSI INC	23-02127	08/21/23	FS TSI machine repair	Open	272.50	0.00		
03573	SAFETY-KLEEN CORP*	23-01004	05/05/23	EQUIP MAINTENANCE/DPW	Open	494.77	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03607	SEASHORE FOOD SUPPLY ~	23-01943	07/31/23	BAY RUN FOOD SUPPLIES	Open	1,418.79	0.00		
03692	SOUTH JERSEY GAS CO*	23-02206	08/30/23	7/20-8/22/23 NATURAL GAS	Open	1,322.58	0.00		
03844	GIACOMO TROMBETTA	23-02209	08/30/23	CONTRACTUAL REIMBURSEMENT M	Open	117.00	0.00		
03904	LOWE'S HOME CENTER INC*	23-01710	06/30/23	SUPPLIES FOR BUILDINGS/DPW	Open	1,267.48	0.00		
		23-02069	08/14/23	SUPPLIES FOR BATHHOUSE	Open	10.15	0.00		
						<u>1,277.63</u>			
03968	TRIAD ASSOCIATES	23-01778	07/11/23	Consulting Services - Grants	Open	1,612.50	0.00		B
04075	BARBER CONSULTING SERVICES LLC	23-01532	06/09/23	CONFIGURE AND TEST NEW SERVER	Open	961.25	0.00		
04085	CHRISTOPHER WINTER	23-02174	08/28/23	CONTRACTUAL REIMBURSEMENT M	Open	154.00	0.00		
04097	CINTAS FIRST AID AND SAFETY*	23-02152	08/28/23	RE-STOCK LT POOL & REC CENTER	Open	63.55	0.00		
		23-02172	08/28/23	REFILL MEDICAL CABINET	Open	20.93	0.00		
		23-02187	08/28/23	FIRST AID SUPPLIES/DPW	Open	130.95	0.00		
						<u>215.43</u>			
04301	SEASHORE ASPHALT CORPORATION*	23-01000	05/05/23	PATCH/DPW	Open	346.50	0.00		
04504	MEDIA FIVE LTD*	23-00906	04/24/23	RES#23-113 KIM & TONIC TRIO	Open	1,100.00	0.00		
05064	CAPE ISLAND GRAPHICS*	23-02162	08/28/23	PD GRAPHICS FOR 5 TAOE'S	Open	2,300.00	0.00		
6059	USABLE LIFE	23-02224	08/31/23	SEPT 2023 LIFE INSURANCE	Open	896.40	0.00		
6071	UNITED UNIFORMS LIMITED LIAB*	23-00816	04/10/23	UNIFORMS NEW CLASS II OFFICERS	Open	1,374.00	0.00		
		23-01507	06/09/23	UNIFORMS	Open	347.00	0.00		
		23-02161	08/28/23	ACADEMY UNIFORMS	Open	3,828.92	0.00		
						<u>5,549.92</u>			
7098	SHORE VETERINARIAN ANIMAL ~	23-00182	01/18/23	2023 ANIMAL CONTROL DNE\$60K	Open	5,000.00	0.00		B
7117	NJLM	23-02151	08/24/23	NJLM ADS - ASSESSOR POSITIONS	Open	275.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7196	LAUREN HUGGINS SUIT*	23-00040	01/06/23	RES#23-09 PUBLIC INFO OFFICER	Open	1,356.67	0.00		B
7310	CORELOGIC REAL ESTATE TAX SER	23-02189	08/28/23	b-507.02 1-6	Open	1,852.30	0.00		
7354	FLEETPRIDE INC.*	23-02167	08/28/23	MATERIALS FOR VEHICLES/DPW	Open	100.30	0.00		
7441	ARCHER & GREINER*	23-00918	04/24/23	BOND ORDINANCE 23-03, 23-08	Open	1,500.00	0.00		
7507	STEFANKIEWICZ & BELASCO LLC*	23-00034	01/06/23	RES#2023-01 MONTHLY DNE\$34K	Open	2,833.33	0.00		B
7770	BEN SHAFFER RECREATION INC	23-00993	05/05/23	REC CENTER PLAYGROUND	Open	2,460.80	0.00		
7820	DEBLASIO & ASSOCIATES, P.C.*	23-02060	08/14/23	Planning Brd Engineer Vouchers	Open	1,256.60	0.00		
7923	THOMAS SHOUGH	23-02034	08/10/23	TRAINING MEALS AND GAS	Open	36.28	0.00		
		23-02186	08/28/23	TRAINING MEALS	Open	60.00	0.00		
						96.28			
7929	AMAZON CAPITAL SERVICES, INC ~	23-02051	08/10/23	COURT OFFICE SUPPLIES	Open	28.79	0.00		
		23-02067	08/14/23	PRINTER & OFFICE SUPPLIES	Open	496.34	0.00		
		23-02104	08/16/23	FS office supplies	Open	233.32	0.00		
		23-02145	08/24/23	COURT 2 PORT KVM SWITCH	Open	117.70	0.00		
						876.15			
8072	JOHNSONS CONTROL SERURITY *	23-00476	02/21/23	SERVICE CONTRACT FOR COMPUTER	Open	119.22	0.00		B
8214	USPS	23-02217	08/30/23	FED EX EQUINOX PAPERWORKS	Open	28.75	0.00		PC1
8440	ANTONIO A MARROQUIN	23-02223	08/31/23	CONTRACTUAL REIMBURSEMENT V	Open	285.00	0.00		
8486	DON ARNDT	22-01018	04/20/22	REIMBUSEMENT FOR PICTURES	Open	59.85	0.00		
8508	CSI TECHNOLOGY GROUP *	23-01863	07/19/23	PROGRAMING SERVICES	Open	3,000.00	0.00		
8710	MICHAEL LAFFEY	23-02045	08/10/23	Reimbursement - Refreshments	Open	40.95	0.00		
8711	DISC JOCKEY SUPPLY OUTLET LLC	23-00963	04/26/23	MOVIE SCREEN TRAILER	Open	1,695.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8721	BLANEY, DONOHUE, & WEINBERG PC	23-00039	01/06/23	RES#2023-05 PROSECUTOR DNE\$45K	Open	3,750.00	0.00		B
8848	COMFORT NOW LLC	23-02144	08/24/23	AIR NOT WORKING IN ROOMS	Open	1,227.00	0.00		
8944	SCOTT THALWITZER ~	23-02055	08/14/23	TRIGGER SWITCH GRINDER/DPW	Open	159.99	0.00		
8991	DHY MOTORSPORTS ~	23-01918	07/28/23	PARTS FOR QUAD MAINT.	Open	514.25	0.00		
9000	ANY EXCUSE FOR A PARTY INC ~	23-02185	08/28/23	RES #23-293 FAMILY FUN NIGHT	Open	2,525.00	0.00		
9018	JED ENTERPRISES LLC	23-01924	07/31/23	RETURN OF UNUSED ESCROW	Open	135.00	0.00		
9023	PROSHRED SECURITY ~	23-02133	08/21/23	DOCUMENT SHREDDIGN/DPW	Open	850.00	0.00		
9035	LIDIA VARGAS	23-02128	08/21/23	REIMBURSEMENT- FLAG FOOTBALL	Open	15.00	0.00		
9036	MARISA BROWN	23-02129	08/21/23	REIMBURSEMENT- FLAG FOOTBALL	Open	15.00	0.00		
9037	DANIEL SHIRE	23-02130	08/21/23	BLOCK 741.03 LOT 4.02	Open	1,075.51	0.00		
9038	MICHAEL J GIBBONS	23-02132	08/21/23	B-190 L-1	Open	832.87	0.00		
9040	DAVID LAWSON	23-02160	08/28/23	BLOCK- 380 LOT 19	Open	952.69	0.00		
9042	MICHAEL WASILEWSKI	23-02171	08/28/23	B-410.16 L-14	Open	569.67	0.00		
9043	ELITE SPORTSWEAR LP	23-02122	08/18/23	POM POMS FOR CHEER	Open	899.00	0.00		
9044	OWEN STASZEWSKI	23-02188	08/28/23	B-141 L-61	Open	568.13	0.00		
9045	META	23-02225	08/31/23	FB Ads 07/31/23 - 08/07/23	Open	177.00	0.00		PC1
CARROT	CARROT-TOP INDUSTRIES, INC*	23-02137	08/21/23	5/16" WHITE WIRE CORE ROPE	Open	1,082.98	0.00		
DOUGHERT	GEORGIA DOUGHERTY	23-02212	08/30/23	CONTRACTUAL REIMBURSEMENT M	Open	210.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SIXSM	LLOYD SIXSMITH*	23-01056	05/05/23	work shirts for inspectors	Open	280.90	0.00		
Total Purchase Orders:		93	Total P.O. Line Items:		0	Total List Amount:	645,528.65	Total Void Amount:	0.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-297

Title: AUTHORIZATION FOR REFUND OF TAXES

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
741.03	4.02	Daniel Shire 668 Townbank Road	Exempt Veteran	\$ 1,075.51
507.02	6	Justin McDevitt 987 Tecumseh Rd	Exempt Veteran	\$ 371.53
190	1	Michael Gibbons 104 Langs Avenue	Exempt Veteran	\$ 832.87
410.16	14	Michael Wasilewski 1618 Star Avenue	Home Owner Pd/Mortgage Resp	\$ 569.67
380	19	David Lawson 118 Beechwood Avenue	Home Owner Pd/Mortgage Resp	\$ 952.69
141	61	Owen Staszewski 104 W Bates Avenue	Home Owner Pd/Mortgage Resp	\$ 568.13
570.02	6	Core Logic: McDevitt 987 Tecumseh Rd	Exempt Veteran	\$ 1,852.30

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-298

Title: AUTHORIZATION TO TRANSFER FUNDS FROM THE TAX PREMIUM ACCOUNT

WHEREAS, NJSA54:5-33 states that if redemption is not made within five years from date of tax sale, the premium payments shall be turned over to the treasurer of the municipality and become part of the funds of the municipality; and

WHEREAS, tax sale certificate #20-00047 sold on September 20, 2020 has been foreclosed on with a premium in the amount of \$3,100.00 was foreclosed on in April of 2023.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer is authorized and directed to transfer \$3,100.00 from the tax premium account to council checking account.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION # 2023-299

Title: **BID ACCEPTANCE AND CONTRACT AWARD OF FY 2020 NJDCA SMALL CITIES PROGRAM ADA COMPLIANCE IMPROVEMENTS AT ROTARY PARK (LT-C-028)**

WHEREAS, the Notice to Bidders for the NJ 2020 NJDCA Small Cities Program ADA Compliance Improvements at Rotary Park was advertised on July 26, 2023 and accepted on Wednesday, August 16, 2023 at 10:00 a.m. prevailing time; and

WHEREAS, three (3) Sealed Bids were received for the FY2020 NJDCA Program ADA Compliance Improvements at Rotary Park and Fred Schiavone Construction was the lowest responsible, responsive bidder and satisfied all the requirements included in the specifications and provided all the proper bid documents; the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: SC ADA Grant 3-01-56-750-311 \$400,000.00
Ord #23-08 C-04-55-437-630 \$310,059.25

Signature: *Lauren Read*
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following contract is hereby awarded for the FY2020 NJDCA Program ADA Compliance Improvements at Rotary Park as follows:

AWARD TO: FRED SCHIAVONE CONSTRUCTION
TOTAL: \$ 710,059.25

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

August 17, 2023

VIA EMAIL

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

**Re: Township of Lower, Cape May County, NJ
FY 2020 NJDCA Small Cities Program
ADA Compliance Improvements at Rotary Community Park
D&A File #: LT-C-028**

Dear Ms. Picard:

We have tabulated the three (3) bids received on August 16, 2023 for the above referenced project. As such, we have determined that the lowest responsible bidder appears to be Fred Schiavone Construction, P.O. Box 416, Malaga, NJ 08328 in the amount of \$710,059.25. Enclosed please find one (1) copy of the bid tabulation for your files.

In accordance with N.J.S.A. 40A:11-1 et seq., the award should be made to the lowest responsible bidder which appears to be Fred Schiavone Construction, P.O. Box 416, Malaga, NJ 08328 in the amount of \$710,059.25. The contractual award should be made contingent upon approval from the Township Purchasing Agent, Chief Financial Officer, Solicitor and New Jersey Department of Community Affairs. By copy of this letter, we are requesting that Mark Blauer advise the Township if the New Jersey Department of Community Affairs will be able to authorize the award the of contract.

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

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



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

cc: Michael Laffey, Manager (via email w/encl.)
Margaret Vitelli, Qualified Purchasing Agent (via email w/encl.)
Colleen Crippin, Grants Coordinator (via email w/encl.)
Gary Douglass, Public Works Superintendent (via email w/encl.)
Mark Blauer, Blauer Associates (via email w/encl.)
David Stefankiewicz, Solicitor (via email w/encl.)

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

BID TABULATION

Project Name: ADA Compliance Improvements at Rotary Community Park
 D&A Project #: LT-C-028
 Client: Township of Lower
 Bid Opening Date: 08/16/2023

Item #	DESCRIPTION	QUANTITY & UNITS		UNIT PRICE		AMOUNT		
		LUMP SUM	UNITS	PRICE	AMOUNT	PRICE	AMOUNT	
1	CLEARING SITE	LUMP SUM		\$67,400.00		\$67,400.00		
2	SITE EXCAVATION, FILLING AND GRADING	LUMP SUM		\$20,240.00		\$20,240.00		
3	ALLOWANCE	20,000	DOLLAR	\$1.00		\$20,000.00		
4	6" X 14" CONCRETE VERTICAL CURB	330	L.F.	\$40.25		\$13,282.50		
5	CONCRETE BASE COURSE, 4" THICK	500	S.Y.	\$110.70		\$55,350.00		
6	CONCRETE SIDEWALK, 4" THICK	270	S.Y.	\$75.00		\$20,250.00		
7	BENCHES	5	UNITS	\$4,485.00		\$22,425.00		
8	PLAYGROUND EQUIPMENT	LUMP SUM		\$279,710.00		\$279,710.00		
9	POURED IN PLACE SAFETY SURFACE	4,300	S.F.	\$25.85		\$111,155.00		
10	DENSE GRADED AGGREGATE BASE COURSE, 6" THICK	950	S.Y.	\$11.80		\$11,210.00		
11	HOT MIX ASPHALT BASE COURSE, MIX 19M64, 2" THICK	130	TON	\$172.50		\$22,425.00		
12	HOT MIX ASPHALT SURFACE COURSE, MIX 9.5M64, 2" THICK	135	TON	\$172.50		\$23,287.50		
13	TRAFFIC STRIPES, EPOXY RESIN - 4"	585	L.F.	\$3.45		\$1,999.25		
14	TRAFFIC MARKINGS, THERMOPLASTIC ARROW PAVEMENT MARKING	3	UNIT	\$280.00		\$690.00		
15	TRAFFIC MARKINGS, THERMOPLASTIC ADA PAVEMENT SYMBOL	3	UNIT	\$460.00		\$1,380.00		
16	BOLLARDS	30	UNIT	\$1,175.00		\$35,250.00		
17	CONCRETE WHEEL STOP	13	UNIT	\$115.00		\$1,495.00		
18	SIGNS	5	UNIT	\$288.00		\$1,440.00		
19	TOPSOIL, SEEDING AND FERTILIZER, 5" THICK	175	S.Y.	\$6.40		\$1,120.00		
TOTAL AMOUNT BID BASED ON ESTIMATED QUANTITIES FOR BID ITEMS 1 - 19							\$710,059.25	

Fred M. Schiavone Construction		Ricky Slade Construction, Inc.		Command Company, Inc.	
P.O. Box 416 Malaga, NJ 08328		54 Slade Lane Bridgeton, NJ 08302		1318 Antwerp Avenue Egg Harbor City, NJ 08215	
UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
\$67,400.00	\$67,400.00	\$49,500.00	\$49,500.00	\$95,000.00	\$95,000.00
\$20,240.00	\$20,240.00	\$22,500.00	\$22,500.00	\$52,000.00	\$52,000.00
\$1.00	\$20,000.00	\$1.00	\$20,000.00	\$1.00	\$20,000.00
\$40.25	\$13,282.50	\$35.00	\$11,550.00	\$40.00	\$13,200.00
\$110.70	\$55,350.00	\$105.00	\$52,500.00	\$96.00	\$48,000.00
\$75.00	\$20,250.00	\$160.00	\$43,200.00	\$83.00	\$22,410.00
\$4,485.00	\$22,425.00	\$6,429.00	\$32,145.00	\$4,800.00	\$24,000.00
\$279,710.00	\$279,710.00	\$299,950.00	\$299,950.00	\$285,000.00	\$285,000.00
\$25.85	\$111,155.00	\$23.00	\$98,900.00	\$19.00	\$81,700.00
\$11.80	\$11,210.00	\$18.00	\$17,100.00	\$13.00	\$12,350.00
\$172.50	\$22,425.00	\$150.00	\$19,500.00	\$149.00	\$19,370.00
\$172.50	\$23,287.50	\$150.00	\$20,250.00	\$151.00	\$20,385.00
\$3.45	\$1,999.25	\$7.00	\$3,955.00	\$5.00	\$2,825.00
\$280.00	\$690.00	\$250.00	\$750.00	\$100.00	\$300.00
\$460.00	\$1,380.00	\$250.00	\$750.00	\$125.00	\$375.00
\$1,175.00	\$35,250.00	\$1,000.00	\$30,000.00	\$1,100.00	\$33,000.00
\$115.00	\$1,495.00	\$100.00	\$1,300.00	\$125.00	\$1,625.00
\$288.00	\$1,440.00	\$210.00	\$1,050.00	\$300.00	\$1,500.00
\$6.40	\$1,120.00	\$20.00	\$3,500.00	\$29.00	\$5,075.00
			\$728,400.00		

jpocard

From: mvitelli
Sent: Wednesday, August 23, 2023 10:26 AM
To: Elaine Benincasa; jpocard; Mike Laffey; ccrippen; gdouglass; Mark Blauer (mblauer@evenlink.com); David Stefankiewicz (dstef@sblawteam.com)
Cc: Will Hanson; Marc DeBlasio
Subject: RE: External ADA Compliance Improvements at Rotary Community Park

I reviewed the Bid documents for Fred Schiavone, everything is in compliance and can be awarded at the next Council meeting.

Thank you,

Margaret Vitelli, QPA

Township of Lower
2600 Bayshore Road
Villas, NJ 08251

609-886-2005 x123
609-600-5082 Direct

From: Elaine Benincasa <Benincasa.Elaine@deblasioassoc.com>
Sent: Thursday, August 17, 2023 12:46 PM
To: jpocard <jpocard@townshipoflower.org>; Mike Laffey <mlaffey@townshipoflower.org>; mvitelli <mvitelli@townshipoflower.org>; ccrippen <ccrippen@townshipoflower.org>; gdouglass <gdouglass@townshipoflower.org>; Mark Blauer (mblauer@evenlink.com) <mblauer@evenlink.com>; David Stefankiewicz (dstef@sblawteam.com) <dstef@sblawteam.com>
Cc: Will Hanson <hanson.will@deblasioassoc.com>; Marc DeBlasio <marc@deblasioassoc.com>
Subject: External ADA Compliance Improvements at Rotary Community Park

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.

Thank you,

Elaine E. Benincasa
Executive Assistant
DeBlasio & Associates | Consulting Engineers and Planners
4701 New Jersey Avenue, Wildwood, NJ 08260
Phone: 609-854-3311, Ext. 101 | Fax: 609-854-4323

**DEBLASIO &
ASSOCIATES**
CONSULTING ENGINEERS AND PLANNERS

www.deblasioassoc.com

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

RESOLUTION #2023-300

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 \$175,000.00 for an item of revenue in the budget of the year 2023 as follows:

Miscellaneous Revenues –
Revenue Offset with Appropriations - NJ DOT Local Transportation Projects Fund
Total with increase to be \$ 175,000.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$175,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues - NJ DOT Local Transportation Projects Fund
State/Federal Share \$ 175,000.00
Non State Share \$
Total with increase to be \$ 175,000.00

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.

Table with 7 columns: MOTION, SECOND, AYE, NAY, ABSTAIN, ABSENT and rows for CONRAD, COOMBS, ROY, PERRY, SIPPEL.

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk



State of New Jersey
DEPARTMENT OF TRANSPORTATION
Region South Headquarters
One Executive Campus
Route 70
Cherry Hill, New Jersey 08002

PHILIP D. MURPHY
Governor

DIANE GUTIERREZ-SCACCETTI
Commissioner

SHEILA Y. OLIVER
Lt. Governor

August 8, 2023

Honorable Frank Sippel
Mayor, Lower Township
2600 Bay Shore Road
Villas, NJ 08251

Re: Reconstruction of Wildwood Avenue
Lower Township, Cape May County
FY 2023 Local Transportation Projects Fund Program

Dear Mayor Sippel:

Enclosed is one copy of the executed Agreement approved by the Department of Transportation for the above referenced project in the amount of \$175,000.00.

This project will be funded from the New Jersey Transportation Trust Fund Authority Act. State participation in the cost of the project is limited to 100 percent of the cost of the completed construction work including construction supervision, inspection and material testing, or the amount of the allotment, whichever is less.

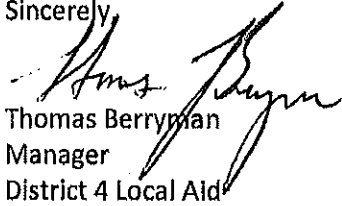
Failure to make an award by the contract deadline or to comply with the requirements of the State Aid Regulations 16:20B and the Terms and Conditions of Grant Agreement for State Aid to Counties and Municipalities will jeopardize the use of State funds on this project. It is further noted that the project must be in compliance with the Americans with Disabilities Act, ADA, requirements for accessibility. The State Aid Regulations and terms and conditions can be found on the Local Aid Website at: www.state.nj.us/transportation/business/localaid/pubs.shtml

Through the approval of this agreement, the sponsor is required to provide submission updates that are to be tracked through the on-line SAGE System. The Sponsor is also responsible for continued updates with respect to the construction administration/management phase of the project in the SAGE System and the Department's new Project Management Reporting System when it comes on-line for local projects. The preparation of contract documents shall use the current Standard Specifications as amended by the current edition of Special Provisions for Local Aid Projects. All requirements of this program can be found in the State Aid Handbook, available at the above website.

Reconstruction of Wildwood Avenue
Lower Township, Cape May County
FY 2023 Local Transportation Projects Fund Program
Page 2

If you have any questions regarding the above, please contact Lucero McKenna of this office at 856-414-8493.

Sincerely,



Thomas Berryman
Manager
District 4 Local Aid

Attachment

c: Municipal Clerk
Municipal Engineer
ML#921

M

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

RESOLUTION #2023-195

APPROVAL TO SUBMIT A GRANT APPLICATION LTPF-2023- RECONSTRUCTION OF WILDWOOD AVENUE - 00182 (BAYSHORE ROAD TO BAY DRIVE) AND EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation accepts applications for the Local Transportation Project Fund Program; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, subject to funding appropriation, the Local Transportation Projects Fund is established to address specific focused local transportation issues throughout the State; and

WHEREAS, these projects are approved at the discretion of the Commissioner; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Township of Lower carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

WHEREAS, the Township of Lower wishes to apply for to the Local Transportation Project Fund Program for a grant for Wildwood Avenue from Bayshore Drive to Bay Drive for the FY2023 NJDOT Local Transportation Fund (State Project # LTPF-2023- Reconstruction of Wildwood Avenue-00182); and

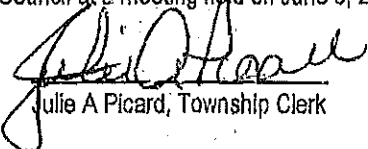
NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Lower Township formally approves a Local Transportation Project Fund Program grant application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LTPF-2023- Reconstruction of Wildwood Avenue-00182 to the New Jersey Department of Transportation on behalf of Lower Township.

FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lower Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant 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 June 5, 2023.


Julie A. Picard, Township Clerk

FOR THE DEPARTMENT OF TRANSPORTATION

Subject Project: Reconstruction of Wildwood Avenue
Name of Sponsor: Lower Township (Cape May County)
Address: 2600 Bay Shore Road , Villas, NJ 08251

Vendor ID Number: 216005700

Fiscal Year/Funds: 2023/Local Transportation Projects Fund Program

Job Number: 2207575

Account: 2023-495-078-6200-C66

State Funds: \$175,000.00

FAO Number: 3226517

Certification of Funds 7/18/23
Date

By Kate Barnett ACTING
Director, Division of Accounting and External Auditing

APPROVED: Laine Rankin
Laine Rankin
Director, Division of Local Aid and Economic Development

7/19/23
Date

ATTEST and SEAL

It is hereby certified that the foregoing allocation of funds and this Agreement were approved by the Commissioner of Transportation or Designee on 7/19/2023.

Anika James
Anika James
Secretary, Department of Transportation

Approval as to Form by Certification Process.

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

RESOLUTION #2023-301

Title: A RESOLUTION PROVIDING A ONE-TIME WAIVER OF THE IMPOSITION OF LATE FEES ASSOCIATED WITH THE REQUIRED ANNUAL RENEWAL OF MERCANTILE LICENSES

WHEREAS, in accordance with the provisions of Chapter 432, Mercantile Licenses, of the Code of the Township of Lower, a mercantile license must be obtained by individuals seeking to engage in or carry on, and/or to encourage or assist in the operation of, any business within the Township of Lower; and

WHEREAS, pursuant to § 432-2 of the Code of the Township of Lower, mercantile licenses, with the exception of mercantile licenses associated with the operation of rental units, are valid for one (1) year, from July 15th through July 14th of the following year; and

WHEREAS, pursuant to § 432-4(N)(1) of the Code of the Township of Lower, mercantile license renewal applications and required annual fees associated with same, with the exception of rental units, must be paid on or before July 15th of the year in which the business is intended to be operated, and in the event renewal applications and required annual fees are not received by August 15th, a late fee of \$75 is imposed in addition to the required annual fees; and

WHEREAS, in connection with the renewal of mercantile licenses associated with the 2023-2024 calendar year, the Township of Lower mailed courtesy notices to individuals and businesses who failed to renew their mercantile licenses on or before August 15, 2023, and in response the Township of Lower received several requests from local businesses asking that the \$75 late fee be waived; and

WHEREAS, pursuant to § 432-18 of the Code of the Township of Lower, the Township Council is authorized, by Resolution, to make rules and regulations which interpret or amplify any provision of this chapter or for the purpose of administering the provisions of this chapter or making them more effective; and

WHEREAS, in light of the limited number of requests received by the Township of Lower seeking a waiver of late fees imposed in connection with the renewal of annual mercantile licenses, and the fact that these requests were received in response to the courtesy renewal notices sent by the Township, the Township Council of the Township of Lower deems it to be appropriate to grant a one-time waiver of late fees imposed in connection with the non-renewal of mercantile licenses on or before August 15, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Lower Township Council hereby waives the \$75 late fee imposed in connection with failing to renew mercantile licenses on or before August 15, 2023 for the following businesses:

- 1. BUDD'S BAIT & TACKLE License #106
- 2. ART OF GYMNASTICS & CHEER License #2074
- 3. DR. POOP AWAY License #12

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-302

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 \$1,440.00 for an item of revenue in the budget of the year 2023 as follows:

Miscellaneous Revenues –	
Revenue Offset with Appropriations -	Cops in Shops
Total with increase to be	\$ 1,440.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$1,440.00 be and the same is hereby appropriated under the caption of:

General Appropriations –	
Public & Private Programs Offset by Revenues -	Cops in Shops
State/Federal Share	\$ 1,440.00
Non State Share	\$
Total with increase to be	\$ 1,440.00

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						
COOMBS						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk



STATE OF NEW JERSEY

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

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Acting Attorney General

JAMES B. GRAZIANO
Director

August 29, 2023

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

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

Dear Chief Lewis:

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

GRANT AWARD

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

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

Crest Tavern
Villas Liquor Store

Acme Markets
Joe Canals of Cape May

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

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

PROGRAM FORMS – ENCLOSED

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

MUNICIPAL RESOLUTION, SUBAWARD FORM & SPECIAL CONDITIONS

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

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

Very truly yours,



Lisa Lowe
Assistant Manager, Finance & Operations

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



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

RESOLUTION #2023-303

Title: APPROVING CHANGE ORDER #1 WITH DeBLASIO & ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE FOR THE ROTARY COMMUNITY PARK RENOVATION PHASE ONE (LT-C-028)

WHEREAS, DeBlasio & Associates was awarded a professional service contract on June 5, 2023 by Resolution #2023-199 for the Design and Permitting for Phase 1 and Phase 2 of the Rotary Community Park Renovations (LT-C-028) in the amount of \$65,000.00; and

WHEREAS, DeBlasio & Associates have provided a proposal for the additional services for the Construction Phase for the Rotary Community Park Renovations Phase 1 of the project including: Contract Administration, Shop Drawing and Submittal Review, Part time Construction Observations based on 330 Hours for \$39,000.00; and

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

Appropriation: Ord #23-08 C-04-55-437-910 \$39,000

Signature: Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Change Order #1 attached hereto in the amount of \$39,000.00 is hereby approved and increasing the contract total to \$104,000.00.

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

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

RESOLUTION #2023-304

Title: A RESOLUTION REQUESTING RELEASE OF DEMOLITION BOND FOR BLOCK 339, LOT 10, 12, 14 & 16; 330 EVERGREEN AVENUE, VILLAS, N. L. MARTUCCI PROPERTIES, LLC; P NL MARTUC

WHEREAS, N. L. Martucci, LLC, posted a Demolition Bond with the Township of Lower, in the amount of \$2,500.00, and

WHEREAS, the Township Building Inspector made a final inspection and the Certificate of Approval was issued April 11, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the demolition bond be and hereby is released,

BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$2,500.00, plus any accrued interest, if applicable, for payment of the above released demolition bond.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Mayor Frank Sippel &
Township Council Members

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

DATE: August 30, 2023

RE: Release of Demolition Bond
N. L. MARTUCCI PROPERTIES, LLC
330 Evergreen Avenue
Block: 339 Lot: 10, 12, 14, & 16
P NLMARTUC
Resolution #2023-304

Please release to the applicant the demolition bond that the Township is holding in trust, to assure the required demolition. A Certificate of Approval was issued on April 11, 2023.

Thank you.

WJG:kms

Att.: (1)

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

RESOLUTION #2023-305

Title: A RESOLUTION REQUESTING RELEASE OF DEMOLITION BOND FOR BLOCK 595,
LOT 11; 306 BRYNMAWR AVENUE, R HICKSON; P RHICKSON

WHEREAS, Robert and Nancy Hickson posted a Demolition Bond with the Township of Lower, in the amount of \$2,000.00; and

WHEREAS, the Township Building inspector made a final inspection and the Certificate of Occupancy was issued August 24, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the demolition bond be and hereby is released,

BE IT FURTHER RESOLVED, that the Township Treasurer is granted permission to issue a check in the amount of \$2,000.00, plus any accrued interest, if applicable, for payment of the above released demolition bond.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Mayor Frank Sippel &
Township Council Members

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

DATE: August 30, 2023

RE: Release of Demolition Bond
ROBERT AND NANCY HICKSON
306 Brynmawr Avenue
Block: 595 Lot: 11
P RHICKSON
Resolution #2023-305

Please release to the applicant the demolition bond that the Township is holding in trust, to assure the required demolition. A Certificate of Occupancy was issued on August 24, 2023.

Thank you.

WJG:kms

Att.: (1)

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

RESOLUTION #2023-306

Title: APPROVING A PROFESSIONAL SERVICE CONTRACT WITH DeBLASIO & ASSOCIATES FOR 2023 STORMWATER GIS MAPPING SERVICES (LT-C-042)

WHEREAS, the Township of Lower is given authority by 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, DeBlasio & Associates provided a proposal for the 2023 Stormwater GIS Mapping Services at a fee of \$57,000.00; and

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

Appropriation: _____

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, a Professional Service Contract without public bidding is awarded as follows:

The Proposal between DeBlasio & Associates and the Township of Lower, in the form attached hereto as EXHIBIT A: for the amount of \$57,000.00 is hereby approved.

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on September 6, 2023.

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

August 15, 2023

VIA EMAIL

Gary Douglass, Superintendent
Township of Lower Public Works
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
2023 Stormwater GIS Mapping Services
D&A File #: LT-C-042**

Dear Mr. Douglass:

DeBlasio & Associates, P.C. (D&A) is pleased to submit the following scope of work and professional service fee to perform GIS Stormwater Mapping Services for Lower Township.

The Township is required as part of their Tier A Municipal Stormwater Permit to provide the New Jersey Department of Environmental Protection (NJDEP) an updated stormwater infrastructure map that delineates the location of various stormwater features that are owned and operated by the Township. They are required to provide this information to the NJDEP by 01/01/2026.

Lower Township has applied for and received a \$25,000.00 Municipal Stormwater Assistance Grant from the NJDEP to fund this project. An initial \$15,000.00 has been awarded to the Township and an additional \$10,000.00 will be awarded to the Township once the NJDEP receives an updated GIS Map.

D&A will ensure that the minimum standards for MS4 mapping as set forth in Section G.A of the Tier A Municipal Stormwater General Permit are satisfied and the Township receives the remaining \$10,000.00 funding from the NJDEP for this project.

Lower Township has provided D&A with a shapefile created in 2014 containing 1,801 stormwater elements. These include outfalls, manholes and inlets. D&A will use this data to create scale maps of the existing infrastructure, furnish that to the Township, who will review the data in the field for accuracy and provide any missing information required by the Township's MS4 Permit to D&A who will update the GIS map accordingly. This proposal does not include mapping any County owned stormwater infrastructure. A separate proposal shall be issued if the Township desires this to be included.

Many stormwater infrastructure projects have taken place within the Township since 2014. It has been assumed that any stormwater elements constructed within these projects were not included within the shape file furnished by Lower Township to D&A. Therefore, the inclusion of an additional 50 elements has been factored into this proposal. The additional elements constructed post 2014 will be georeferenced by the D&B survey department once identified by Lower Township as an item missing from the MS4 map. Should it be discovered that more than 50 elements need to be added to the MS4 map, an additional proposal will be provided for this work.

A requirement of the Tier A MS4 permit is to update the MS4 Infrastructure map annually or as necessary to include any new MS4 infrastructure. Updating the Lower Township MS4 infrastructure map as part of this proposal will enable D&A to include this service in any future stormwater design proposals moving forward.

As part of this project, D&A will provide Lower Township with a Master Drainage Plan in the form of a PDF and paper plan set as a final deliverable for this project.

Schedule and Fee

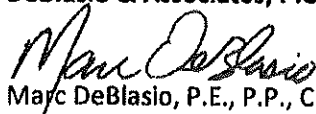
Our professional service fee to complete the above referenced scope of work is not to exceed **\$57,000.00**.

DeBlasio & Associates, P.C. will commence these services once the proposal is approved by the Township. Our professional service fee to complete the above referenced scope of work will be invoiced on a time and material basis.

Should you have any questions or require additional information, please do not hesitate to contact me at our office. We thank you for the opportunity to submit this proposal.

Very truly yours,

DeBlasio & Associates, P.C.



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

President

T: 609-854-3311

Marc@deblasioassoc.com

cc: Mayor Frank Sippel (via email)
Michael Laffey, Manager (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)
Finance (via email)

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

ORDINANCE #2023-17

Title: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 475, PARKS AND RECREATION AREAS, ARTICLE I, GENERAL RULES AND REGULATIONS, TO ADDRESS RECOMMENDATIONS RECEIVED FROM THE TOWNSHIP'S INSURANCE CARRIER IN REGARDS TO SIGNAGE**

WHEREAS, Chapter 475, Parks and Recreation Areas, of the Code of the Township of Lower establishes rules and regulations governing the use of parks and recreation areas located throughout the Township of Lower; and

WHEREAS, the Township of Lower's insurance carrier, J.A. Montgomery Consulting, recently conducted an inspection of the Township's parks and recreation areas and recommended modifications to the signage currently posted at parks and recreation areas throughout the Township in an effort to clarify and further address permitted activities and the use of parks and recreation areas;

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

Section 1. Chapter 475, Parks and Recreation Areas, Article I, General Rules and Regulations, is hereby repealed and replaced with:

475-1 Rules and regulations.

- A. Purpose. The purpose of this article is to provide rules and regulations for use of, and conduct in, the parks and recreation areas of the Township of Lower. These rules and regulations are specifically created to promote the public health, safety and general welfare throughout Lower Township parks and recreation areas.
- B. Applicability and designation of approving agency.
 - 1) This article shall apply to all parks and recreation areas under the jurisdiction of the Township, unless expressly exempted. For the issuance of "Use of Facility" forms, authorizations, granting of approval and other actions, the approving agency shall be the Department of Parks and Recreation.
 - 2) Anyone requesting to use parks or other recreation areas for a group, organization, leagues or team must complete a "Use of Facilities" form. Applicants shall submit a completed "Use of Facilities" form to the Department of Parks and Recreation within 12 working days of the desired date(s). An applicant may not use park/facilities until written permission is received from the Department of Parks and Recreation.
 - 3) The Department of Parks and Recreation may postpone, cancel or discontinue use of any field or facility. The Department reserves the right to suspend or expel any organization, group or team from use of athletic facilities in recreation areas and/or parks for noncompliance with the rules and regulations for parks and recreation areas.
- C. Hours of operation. Canal Park shall be closed from 10:30 p.m. to 5:30 a.m. All other parks and recreation areas shall be closed from 9:00 p.m. to 9:00 a.m. Adult/Parental supervision of minor children utilizing parks and recreation areas is recommended.
- D. Structures, plants, trees, earth and rubbish. It shall be unlawful for any person in a public park or recreation area to:
 - 1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, playground equipment, railings, fences, nets, goals, paving, water lines or other public utilities or parts or appurtenances whatsoever, whether real or personal property of the Township or located on the real or personal property of the Township.

- 2) Fail to operate and maintain concession stands and restrooms in a neat and sanitary condition.
- 3) Dig or remove any soil, tree, shrub or plant; or to damage any soil, tree, shrub or plant; or dig in grass areas.
- 4) Transport or place any rubbish, refuse, garbage or other material that pollutes or interferes with use and enjoyment in any park or recreation area. Such items shall be deposited in receptacles so provided. Where receptacles are not provided, all such waste will be carried away from the park by the person responsible for its presence and such waste shall be properly disposed of elsewhere.
- 5) Bring any glass container into a park or recreation area.
- 6) Cause or permit any animal to run loose.
- 7) Have animals other than service animals in any park or recreation area.
- 8) Use and/or operate equipment, including playground equipment, within parks and recreation areas during inclement weather events, and/or when wet or frozen conditions exist.
- 9) Wear a bicycle helmet while using or operating equipment, including playground equipment, within parks and recreation areas.
- 10) Individuals utilizing parks and recreation areas shall refrain from chaining and/or securing bicycles and other personal items to equipment, including playground equipment.

E. Vehicles. It shall be unlawful for any person in a public park or recreation area to:

- 1) Drive any vehicle on any area other than one designated for parking or driving.
- 2) Park a vehicle anywhere except on a designated parking area.
- 3) Leave a bicycle on the ground or pavement or in any place or position where another person may trip over or be injured by it. Bicycles must be placed in a bicycle rack.

F. Firearms and weapons.

- 1) It shall be unlawful for any person other than law enforcement officers, and/or retired law enforcement officers who maintain a Retired Law Enforcement Officer Permit to Carry a Handgun, to carry or otherwise possess or control a destructive device or weapon in any park or recreation area.
- 2) Destructive weapons include but are not limited to all firearms, knives and other items used for the purpose of harm to another person or property.

G. Explosives, fireworks and smoking.

- 1) It shall be unlawful for any person to have in his/her possession, sell, distribute or set off fireworks or explosives.
- 2) It shall be unlawful to smoke in public parks or recreation areas.

H. Advertising, assemblages, entertainment and sale of merchandise.

- 1) No person shall post, paint, affix, distribute, place, cast or leave any bill, billboard, placard, ticket, handbill, circular or advertisement without prior approval by the Township.
- 2) No one shall operate for advertising purposes any musical instrument or soundtrack.

- 3) No one shall hold or conduct political assemblages or campaigning activities in any park or recreation area.
 - 4) No person shall expose or offer for sale any article in any park or recreation area without a license and written permission from Lower Township.
- I. Alcoholic beverages, alms and gambling. While in a public park or recreation area, no person shall:
- 1) Bring alcoholic beverages or drink or use the same at any time.
 - 2) Solicit contributions for any purpose, whether public or private.
 - 3) Play any game of chance or have possession of any instrument or device for gambling.
- J. Picnics. It shall be unlawful for any person or group of persons to hold a picnic in any park, except in areas set aside or specifically designated as picnic areas.
- K. Fires and lighted materials. No person shall kindle, build, maintain or use a fire except in places provided for such purpose. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished.
- L. Additional prohibited acts. It shall be unlawful for any person in a park or recreation area to:
- 1) Play golf or hit golf balls in any public park or recreation area.
 - 2) Camp or stay overnight.
 - 3) Enter an area posted as "closed to the public."
 - 4) Skateboard or roller-skate.
 - 5) Use areas other than for their intended use.
 - 6) Disturb or unreasonably interfere with any person or group occupying any area or participating in any activity.
- M. Authorized use and issuing violations for prohibited and unlawful uses. All authorizations, approvals, denials, violations and determinations of unlawful use shall be issued in consideration of the following factors:
- 1) Effect on the public health, safety and general welfare.
 - 2) Compatibility with the surrounding park and recreational areas.
 - 3) Compatibility with other people using the park and recreational areas.
 - 4) Alternative forums for the use.
 - 5) Length of the use.
 - 6) Likelihood of depriving others of use of the park or recreational area for a substantial period of time.
 - 7) Frequency of use.
 - 8) History of prior unlawful use.

475-2 Violations and penalties.

Any person violating the provisions of this article shall be removed from the park and/or recreation area and may be, upon conviction, subject to a fine of not more than \$500 or imprisonment for a term of not more than six months, or both.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. 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 4. This Ordinance shall become effective immediately upon final passage.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

1st Reading:

Roland Roy, Councilmember

Adopted:

David Perry, Deputy Mayor

Attest:

Julie A Picard, Township Clerk

Frank Sippel, Mayor

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

ORDINANCE #2023-16

Title: AN ORDINANCE REPEALING CHAPTER 400, ARTICLE VII, EXCEPTIONS, MODIFICATIONS AND DEVELOPMENT ALTERNATIVES, SECTION 57, GENERAL EXCEPTIONS AND MODIFICATIONS, SUBSECTION G, BEEKEEPING, OF THE CODE OF THE TOWNSHIP OF LOWER DUE TO PREEMPTION BY STATE STATUTE

WHEREAS, pursuant to Ordinance 2012-11A, the Township Council of the Township of Lower, established that beekeeping was a permitted use throughout the Township of Lower, and enacted specific rules and regulations governing beekeeping activities within the Township; and

WHEREAS, on July 14, 2023, the Township of Lower received correspondence from the New Jersey Department of Agriculture referencing state statutes and regulations governing apiaries and beekeeping activities throughout the state of New Jersey within municipalities, and further indicated that municipal regulations prohibiting, restricting, or otherwise regulating apiaries and beekeeping activities were preempted by State law; and

WHEREAS, N.J.S.A. 40:48-1.5(a)(1) and (2) specifically provides, in part, "...no municipality may adopt an ordinance, resolution, rule, or regulation concerning the breeding or keeping of honey bees activities or any activities related thereto ... or establish any restriction or requirement that would result in the prohibition of the breeding or keeping of honey bees..." and

WHEREAS, pursuant to N.J.S.A. 4:6-24, N.J.S.A. 40:48-1.5, and N.J.A.C. 2:24 et seq., the New Jersey Department of Agriculture has been afforded the exclusive authority over the regulation of beekeeping activities, and the New Jersey Department of Agriculture has promulgated uniform rules and regulations governing beekeeping activities which are applicable throughout the state of New Jersey; and

WHEREAS, in light of the fact that the state of New Jersey has enacted rules and regulations governing apiaries and beekeeping activities, and has delegated oversight of these activities to the New Jersey Department of Agriculture, municipal regulation of beekeeping activities has been preempted by State law; and

WHEREAS, in light of the fact that regulations governing beekeeping activities have been preempted by State law, the Township Council of the Township of Lower deems it to be necessary and appropriate to repeal §400-57(G), Beekeeping on small lots as a permitted use, of the Code of the Township of Lower as the regulations codified therein conflict with and are preempted by N.J.S.A. 4:6-24, N.J.S.A. 40:48-1.5, and N.J.A.C. 2:24 et seq.

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

Section 1. Chapter 400, Land Development, Article VII, Exceptions, Modifications and Development Alternatives, Section 57, General exceptions and modifications, Subsection G, Beekeeping on small lots as a permitted use, is hereby repealed in its entirety.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. 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 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

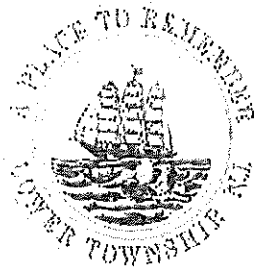
First Reading: August 7, 2023

Adopted:

Attest: _____
Julie A Picard, Township Clerk

TOWNSHIP OF LOWER

2500 Bayshore Road
Littleton, New Jersey 08250



Incorporated 1793

(609) 886-3003

MEMORANDUM

TO: Mayor Sippel & Lower Township Council
FROM: Lower Township Planning Board *WAS*
RE: Council Ordinance #2023-162
Beekeeping on small lots as a permitted use; Repeal
DATE: August 18, 2023

The Lower Township Planning Board discussed the above referenced ordinance and found it consistent with the Lower Township Master Plan and Zoning Ordinance. The discussion took place at the duly held meeting of the Planning Board, August 17, 2023.

CC: Planning Board
Planning Director
Township Manager
Township Clerk