

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

JUNE 3, 2013 - 6:00 P.M.

Meeting called to order.

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

Work Session

Presentation - David Pacevich- Fishing Creek School - Lower Township Community Service Recognition Wall

Consent Agenda

Approval of Minutes May 20, 2013
Res. #2013-158 Payment of Vouchers \$ 216,451.82
Res. #2013-159 Approval of Change Order #1for Electrical Upgrades and Miscellaneous Changes at Millman Community Center (net increase of \$1,289.01)
Res. #2013-160 A Resolution Authorizing the Payment of Additional Compensation to the Tax Assessor and Staff for the Performance of Services in Connection with a Township-Wide Reassessment of All Real Property Within the Township of Lower and Acknowledging Approval from the Cape May County Board of Taxation and State of New Jersey Division of Taxation
Res. # 2013-161 Resolution Accepting Bids & Awarding the Contract to Supply Asphalt for 24 Months (Seashore Asphalt Company)
Res. #2013-162 Memorandum of Understanding Between the County of Cape May; the Delaware River and Bay Authority; the State of New Jersey, Department of Environmental Protection, Historic Preservation Office; Naval Air Station Wildwood Foundation; Joseph E Salvatore; Joan Berkley; the Township of Lower and the Lower Township Municipal Utilities Authority
Res. #2013-163 Issuance of 2013 Limousine and Operator Licenses (Ace Sharper Limousine)
Ord # 2013-11 An Ordinance Amending Ordinance #2012-21 Entitled Salary and Benefit Ordinance for the Township of Lower (Park Attendant) – Introduction - 2nd reading and public hearing June 17th
Ord #2013-12 An Ordinance Authorizing An Emergency Appropriation NJSA40A:4-53 for Completion of a Reassessment Program in the Township of Lower (\$185,000.) Introduction - 2nd reading and public hearing June 17th

Regular Agenda

Ord. #2013-09 An Ordinance of the Township Of Lower Amending and Restating Chapter 351 - Flood Damage Prevention 2nd reading - Public Hearing
Ord. #2013-10 Bond Ordinance Authorizing the Acquisition of Various Capital Equipment and the Completion of Various Capital Improvements in and for the Township of Lower, County of Cape May, State of New Jersey; Appropriating the sum of \$1,139,000. Therefore: Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Township of Lower , County of Cape May, State of New Jersey in the Aggregate Principal Amount of up to \$1,080,000.; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing. 2nd reading - Public Hearing
Res. #2013-164 Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey

Administrative Reports

Personnel Action Report
Monthly Report - Construction

Council Comments

Call to the Public

Closed Session

Res. #2013-165

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. Employment Relationship - William Mastriana / Brian Marker; Personnel Issues

Adjournment

PUBLIC INFORMATION

ANNUAL DOG LICENSES DUE. Any dog over 6 months, must be licensed. Proof of rabies vaccination required. If spayed/neutered, vet certificate required. \$5.00 Late Fee due after May 1.

YARD SALE LICENSES - Required for all yard, sales, attic sales, garage sales etc. Permit fee \$5.00 for two consecutive days and choice of rain date. Three permits permitted per year to a residence/person.

ALL RENTAL PROPERTIES REQUIRE LICENSE - All rentals, commercial or residential, whether yearly, seasonal or weekly require a mercantile license. R.E. Taxes must be current. Fire Inspection Required. Residential rental properties owners may be subject to license revocation for actions of their tenants. Detailed info and applications available in the Clerk's Office or by calling 886-2005.

COUNCIL MEETING MINUTES - May 20, 2013

The regular meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on May 20, 2013 at 6:00 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 James Neville
Councilmember Glenn Douglass
Deputy Mayor Norris Clark
Mayor Michael Beck

Also present: Charles W. Sandman, III, Solicitor, Michael Voll, Manager and Karen Fournier, Clerk's Office

Presentation - Arrow of Light Badge - Jacob Allen & Daniel Krueger

Mayor Beck and Council presented Daniel Krueger with a Certificate of Recognition for having obtained the Arrow of Light Badge, the highest award in Cub Scouts. Daniel is a member of Pack 63 and has been involved in Scouts for 9 years. He was accompanied by his mother Kristen, brother Dylan and grandfather Russell. Jacob Allen was not present.

Presentation - Judy Saracco

Mayor Beck introduced Judy Saracco, the recipient of the 2013 Outstanding Senior of the Year by Cape May County Department of Aging and Disability Services. Judy has been a volunteer with Holy Redeemer Home Care and Hospice for twelve years. In the words of her friends and coworkers, she is known as an asset to the community. Mayor Beck and Council presented Judy with a plaque congratulating her on her distinguished achievement.

Presentation - Police Commendations - Chief Brian Marker

Police Chief Brian Marker informed that last week was National Police Week when thousands of communities across the country got together to support their officers. Chief Marker, accompanied by Captain William Mastriana and Lieutenant Thomas Beeby, presented before Council to commend the following Officers on their outstanding performance: Patrolman Michael Perry, Patrolman Anthony Greto, Patrolman Kevin Boyle, and Patrolman Ed Edwards. See attached performance notices for specifics. Also present at the meeting was Jeff Brodhag of North Cape May, living testimony of the commendable efforts of Patrolmen Kevin Boyle and Anthony Greto who saved his life after suffering a heart attack while driving. In addition, Chief Marker acknowledged LCMR High School Resource Officer Mike Perry for the success of the large-scale, multi-agency school safety drill that was conducted last week.

Captain Mastriana informed that the Lower Township Police Department is an accredited agency, assessed by the State Chiefs Accreditation Commission and must comply with 112 standards based on Police Department Best Practices and NJ Statutory and Regulatory Law. Captain Mastriana presented Officer Jennifer Anzelone a Certificate of Recognition for her dedication and devotion to the accreditation process.

Mayor Beck thanked Chief Marker for the great work he's done with the Police Department. He wished him well on his upcoming June retirement and stated that he will be missed.

Presentation - Genesis Health Care - Denise Raymond

Mayor Beck introduced Denise Raymond with Genesis Health Care, along with Dave Kinder, Administrator at Victoria Manor and Jeannie Stanton, Regional Director of Sales and Marketing with Genesis. Mayor Beck and Council presented them with a Certificate of Appreciation for their outstanding service to the residents of Lower Township at the Health Fair on April 25. Ms. Raymond announced that they had 220 attendees at this year's event.

Work Session

Presentation - Lower Township Elementary Educational Foundations sponsored by the Friends of Fishing Creek School - George Drozdowski, Claudia Von Savage, John Louderback

Deputy Mayor Clark shared a story about a one room schoolhouse that started with a dream. Through the efforts and formation of Friends of Fishing Creek School and the support of sponsors and local donors, that dream for the Fishing Creek School is becoming a reality.

George Drozdowski, Lower Township Elementary School Superintendent spoke about the inception of the Lower Township Elementary Education Foundation in 2006 by his predecessor, Joseph Cirrinicione and the impact it's had on the community. The Foundation raises money to feed local families in need, as well as fund field trips and academic purchases and supplement the early childhood visitation program. Mr. Drozdowski proudly stated that the money raised goes no further than our own Township.

Deputy Mayor Clark announced that the Friends of Fishing Creek School have agreed to help raise money for the early childhood education program.

Claudia Von Savage, chairperson for the Friends of Fishing Creek School's newest initiative - raising money for the early childhood education program - expressed her belief in early intervention and stressed that parents are the best teachers. She acknowledged the people who have contributed so far and encouraged others to help with this worthwhile cause.

Deputy Mayor Clark thanked Architect, Jim Lindemon and Township Grants Coordinator, Colleen Crippen for their joint effort in securing almost \$240,000 from a Small Cities Grant to transform the schoolhouse into a fully functioning, ADA compliant community center aimed at supporting early childhood educational programs.

John Louderback, chairman of the Friends of Fishing Creek School gave Council a project update and informed that it has been 87 years since educational programs have been carried out in that schoolhouse. He also thanked Jim Lindemon and Colleen Crippen and announced a few of the upcoming events planned for the schoolhouse including family movie night and a summer music program.

Mayor Beck expressed his pride in so many people in this town for their ongoing community spirit. He thanked Deputy Mayor Clark and the Friends of Fishing Creek School for all their efforts.

Presentation - Recreation Department- Mitch Plenn & Jim Ridgway

Lower Township Recreation Director Mitchell Plenn and Assistant Director Jim Ridgway presented a powerpoint slide show highlighting some of the great things that the Recreation Department is doing (see attached powerpoint information).

At the conclusion of the presentation, Mr. Ridgway introduced Steve Del Monte of Delmo Sports, promoter of the inaugural Escape the Cape Triathlon.

Mr. Del Monte thanked Mayor and Council, Township Manager, the Police Department, the Recreation Department and all parties involved in the event for their support and cooperation. Mr. Del Monte noted that nothing like this has ever taken place on the East Coast. Registration opened up and sold out in just ten short weeks with competitors from 16 states. He anticipates a half-million to a million dollar boost in the local economy as a result of the event.

Deputy Mayor Clark declared that he is in favor of anything that can get people to dive into our water and swim to our shore. Councilmember Douglass encouraged people to check out the website, "it's very impressive".

Mayor Beck thanked Mr. Del Monte for the excitement that he's brought to the community and stated that he looks forward to the event. He also commended Mr. Plenn and Mr. Ridgway on their presentation and all the improvements to the Recreation Department.

Discussion - Sustainable Funding for Open Space

Mayor Beck had agreed to look at the resolution regarding Sustainable Funding for Open Space. He has had people approach him to share their opinions, both strongly opposing and strongly supporting this issue. After speaking with the League of Municipalities, he learned that there are three options being discussed in an effort to create a sustainable source of funding for Open Space: The first options has to do with a surcharge on water bills; The second option is a reissuance of a bond; The third and preeminent option, is a state sales tax in which one-fifth of one cent will be dedicated to the preservation of Open Space. Mayor Beck stated that he personally supports the concept of preservation, but does not know where Council stands on the issue.

Councilmember Conrad believes in preserving the land, but he does not trust the state with dedication of funds.

Councilmember Neville believes that a dedicated sales tax is the way to go and agreed to support a resolution.

Councilmember Douglass agreed with Councilmember Neville.

Deputy Mayor Clark agreed in support of the concept of Open Space, not the particular method of doing so.

Mayor Beck asked Solicitor Sandman to prepare the resolution for the next agenda.

Consent Agenda

Ed Butler of Villas addressed Council regarding Resolution 2013-143, to inquire about the amendment to the Capital Budget. Mayor Beck explained that it has been reduced from 1.6 million to 1.1 million. Mr. Butler voiced his concern about it being a bond issue and costing the taxpayers money. Mayor Beck reassured Mr. Butler that the Township has been very stringent about spending and continued to explained the reason for bonding.

- Membership Applic. NJ Fireman's Association - Joshua Senbertrand, Villas Vol Fire Co
- Approval of Minutes May 6, 2013
- Res. #2013-141 Payment of Vouchers \$ 195,539.21
- Res. #2013-142 Authorization for Refund of Taxes (4 properties \$3,420.11)
- Res. #2013-143 Capital Budget Amendment
- Res. #2013-144 Authorizing Payout of Terminal Leave (L.Vito \$1,963.20.)
- Res. #2013-145 Cops In Shops Summer Shore Initiative 2013 (Authorizing application)
- Res. #2013-146 Issuance of Ice Cream Peddling and Ice Cream Salesmen Licenses for the year 2013 (Summer Daze, Mister Softee and A & T Ice, LLC)
- Res. #2013-147 Issuance of 2013 Taxi and Operator Licenses (Ocean Cab)
- Res. #2013-148 Insertion of Special Item of Revenue Pursuant to NJSA 40A:4-87, Chapter 159 (NJDOT \$175,000.)
- Res. #2013-149 Insertion of Special Item of Revenue Pursuant to NJSA 40A:4-87, Chapter 159 (Comcast Technology Grant (\$100,000.)
- Res. #2013-150 Supporting Cape May City and Cape May County's Application to the United States Coast Guard for Official Designation of Cape May County as "A Coast Guard Community"
- Res. #2013-151 Appointment of Public Information Officer for June 1, 2013 thru December 31, 2013 Without Public Bidding (Jack Fichter - \$7,000.)
- Res. #2013-152 Authorization for the Payout of Accumulated Compensatory Time (E.Coombs \$8,310.80)
- Res. #2013-153 Resolution Opposing New Jersey State Assembly Bill No. 3920 Creating A New Jersey Coastal Commission (requested by Planning & Zoning)
- Res. #2013-154 Insertion of Special Item of Revenue Pursuant to NJSA 40A:4-87, Chapter 159 (Clean Communities \$69,368.29)
- Ord. #2013-09 An Ordinance of the Township of Lower Amending and Restating Chapter 351 - Flood Damage Prevention - Introduction - 2nd reading and public hearing June 3rd
- Ord. #2013-10 Bond Ordinance Authorizing the Acquisition of Various Capital Equipment and the Completion of Various Capital Improvements in and for the Township of Lower, County of Cape May, State of New Jersey; Appropriating the sum of \$1,139,000. Therefore: Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Township of Lower , County of Cape May, State of New Jersey in the Aggregate Principal Amount of up to \$1,080,000.; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing. Introduction - 2nd reading and public hearing June 3rd .

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD		X	X			
NEVILLE			X			
DOUGLASS	X		X			
CLARK			X			
BECK			X			

Regular Agenda

Res. # 2013-155

Authorizing Payment of Vouchers (Douglass Landscaping \$6,392.50)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD			X			
NEVILLE		X	X			
DOUGLASS					X	
CLARK	X		X			
BECK			X			

Res. # 2013-156

Authorizing Payment of Vouchers (L/T Rescue \$35,000.)

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD					X	
NEVILLE		X	X			
DOUGLASS	X		X			
CLARK			X			
BECK			X			

Administrative Reports

Personnel Action Report

Department Monthly Reports: Animal Control, Dog License, Municipal Clerk, Police, Tax Collector, Treasurer, Vital Statistics

Council Comments

Councilmember Conrad announced that roads will be closed, including the Seashore Bridge on June 2nd for the Triathlon. He also announced the Runway 5K event at the Naval Air Station on June 8th.

Councilmember Neville remains optimistic about the good things the Triathlon will bring to Lower Township. He also proudly announced that he will be absent from the next meeting as he will be listening to his son's Valedictorian Speech during Graduation.

Councilmember Douglass expressed his excitement watching local people prepare for the Triathlon. He commended Steve Del Monte and the Township Recreation Department for their hard work. He also announced the successful start of fishing season.

Mayor Beck said he looks forward to the Triathlon and the exposure that it will bring. He hopes that residents will come watch the event.

Mayor Beck also announced the following: Jeans for Troops, Thursday, May 23rd, \$5 donation; Housing and Mortgage Finance Agency meeting, Thursday, May 30th at 1:00 in Town Hall; Community Day, June 8th; Escape the Cape Triathlon, June 2nd.

Mayor Beck thanked the Greater Cape May Elk's Lodge for hosting a luncheon for local Veterans. He proudly proclaimed "we have some real heroes in this town".

Councilmember Douglass attended the Grand Opening of Family Promise's new office building and stated that they are an asset to our community.

Mayor Beck agreed, stating that Family Promise does a fantastic job.

Call to the Public

Frank Saracco of Villas addressed Council to commend Lower Township’s Animal Control Officer, Don Montgomery, and thank him for his quick, professional response to a daytime incident involving a raccoon at his door.

Betty Somers of Villas addressed Council to also commend the Animal Control Officer for helping with an incident involving a cat.

Steve Sheftz of Townbank addressed Council requesting their attendance at the meeting on May 30th at Town Hall regarding water hook ups. He also informed that the response has been great and thanked Mayor and Council for their assistance.

Wayne Wiesman of Beechwood Avenue addressed Council to thank the people involved with reconstructing 4th and Beechwood Avenues, and Eileen Kreis for the phone calls she made.

Manager Voll announced that preliminary construction has started on Clubhouse Road. He also informed that security will be tight during the Triathlon event to ensure everyone’s safety.

Walter Miller of Villas addressed Council to thank the Police Department for maintaining traffic on Main Street and Manager Voll for his help with the situation at Wawa. He also voiced his disapproval with corporations in this town that refuse to abide by the noise ordinance.

Mayor Beck suggested that the solution be a combination of a sound barrier between the properties and the cooperation of Wawa not allowing their distributors to make deliveries during set hours. He also suggested that the Township Solicitor get involved this time.

Robert Rizzo addressed Council to comment on the fine job the Recreation Department did on their presentation. He requested they post the dates and times of upcoming events.

Mayor Beck informed that the information is on the Township Website under Recreation Department, but he will try to get something posted elsewhere.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Douglass, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:55 pm.

Mayor

Township Clerk

Approved:

LOWER TOWNSHIP POLICE DEPARTMENT
Performance Notice

COPY

For Chief and Capt

TO: Pflm Michael Perry BADGE NO. 178
FROM: Sgt Priole
DATE: 5/4/13
SUBJECT: Quick actions at fire call at 300 Townbank Rd

You are hereby Commended Reprimanded for:

On 3/22/13 while on patrol during shift change, you responded to a reported structure fire at a residence at 300 Townbank Rd (case # 2013-008913). You without concern for your own personal safety entered a building that was on fire to evacuate the residents. Your quick response and decisive actions upon your arrival averted a potential loss of life. Your efforts are recognized and you are to be commended for a job well done.

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Supervisor's Signature

5/4/13

Date

Copies to: Lt Beeby

LOWER TOWNSHIP POLICE DEPARTMENT
Performance Notice

COPY

TO: Ptlm Ed Edwards BADGE NO. 147
FROM: Sgt Priole
DATE: 5/4/13
SUBJECT: Quick actions at fire call at 300 Townbank Rd

You are hereby Commended Reprimanded for:

On 3/22/13 while on patrol during shift change, you responded to a reported structure fire at a residence at 300 Townbank Rd (case # 2013-008913). Your quick response and decisive actions upon your arrival in extinguishing the fire, in my opinion prevented the fire from becoming a full blown structure fire. Your actions saved a greater loss of property, and averted a possible loss of life. Your efforts are recognized and you are to be commended for a job well done.

SA [Signature] 139
Supervisor's Signature

5/4/13
Date

Copies to: Lt Beeby

LOWER TOWNSHIP POLICE DEPARTMENT
Performance Notice



TO: Ptlm Anthony Greto BADGE NO. 187
FROM: Sgt Priole
DATE: 5/5/13
SUBJECT: Performing CPR on MVA victim

You are hereby Commended Reprimanded for:

On 4/19/13 while off duty, you reported a motor vehicle crash into a house (case # 2013-012341) in the vicinity of your residence. After reporting the incident, you responded before on duty officers were able. You assisted in removing the non-responsive victim from the motor vehicle, and performing CPR, after the subject was revived, you awaited rescue and medic arrival and subsequent transport to the hospital where the victim eventually made a full recovery. Your quick response and decisive actions upon your arrival averted a potential loss of life. Your efforts are recognized and you are to be commended for a job well done.



Supervisor's Signature

5/5/13

Date

Copies to: Lt Beeby

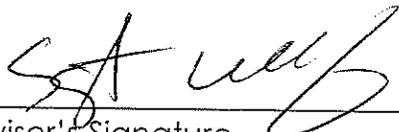
LOWER TOWNSHIP POLICE DEPARTMENT
Performance Notice

COPY

TO: Ptlm Kevin Boyle BADGE NO. 188
FROM: Sgt Priole
DATE: 5/5/13
SUBJECT: Performing CPR on MVA victim

You are hereby Commended Reprimanded for:

On 4/19/13 while on patrol, you responded to a reported motor vehicle crash into a house (case # 2013-012341). You removed the non-responsive victim from the motor vehicle, assessed his condition and began CPR, after receiving a pulse you placed him into a recovery position to await rescue and medic arrival and subsequent transport to the hospital where the victim eventually made a full recovery. Your quick response and decisive actions upon your arrival averted a potential loss of life. Your efforts are recognized and you are to be commended for a job well done.

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Supervisor's Signature

5/5/13

Date

Copies to: Lt Beeby

For those of who may not know the Lower Township Police Department is an accredited agency. What this means is that every three years an accredited law enforcement agency must have their accreditation status reassessed by the State Chiefs Accreditation Commission. To receive this accreditation, Lower Township Police Department must comply with 112 Standards based on police department best practices and New Jersey Statutory and Regulatory Law.

On April 28th and 29th of this year, Lower Township Police Department took part in our second on-site assessment as a part of a program to achieve reaccreditation.

This was administered by the New Jersey Law Enforcement Accreditation Commission in conjunction with the New Jersey State Association of Chiefs of Police.

The accreditation program requires agencies to comply with standards in four basic areas that represent the best practices in law enforcement.

The standards address policy and procedures, administration, operations and support services.

As a part of the on-site assessment, agencies and employees, along with members of the community were invited to offer comments by telephone and public information sessions which were conducted on April 29, 2013.

This assessment is the first reaccreditation for the department as a part of the New Jersey State Association of Chiefs of Police Law Enforcement Accreditation Program.

On behalf of the Lower Township Police Department and the Township of Lower, we would like to present this Certificate of Recognition to Officer Jennifer Anzelone for without her dedication and devotion to the accreditation process we wouldn't have been able to achieve this reaccreditation.

POWERPOINT SLIDE INFORMATION
RECREATION DEPARTMENT TOP 10

1ST SLIDE
LOWER TOWNSHIP RECREATION DEPARTMENT
"REACHING NEW HEIGHTS"
IMPROVE ALL FACILITIES
STRENGTHENING RELATIONSHIPS WITH COMMUNITY ORGANIZATIONS
GOAL IS IMPLEMENTING NEW PROGRAMS AND MAKING CURRENT PROGRAMS BETTER
WE HAVE CREATED A TOP TEN LIST EXHIBITING SOME OF OUR DEPARTMENTS HIGHLIGHTS

2ND SLIDE
INTRODUCTION- VIDEO OF FLYING VEHICLES
PRESENTATION OF TOP TEN LIST

3RD SLIDE
RECENT RENOVATIONS TO THE RECREATION CENTER
NEW AND IMPROVED FOYER AREA
BRAND NEW FITNESS ROOM AND FITNESS EQUIPMENT
FACELIFT TO THE GYMNASIUM
NEW TELEVISIONS, VIDEO GAMES AND TABLE GAMES IN GAMEROOM
ID CARD SYSTEM- 1052 MEMBERS IN SYSTEM. RECREATIONAL AIDES IMPLEMENTED AND COMPLETED DATA ENTRY IN SIX MONTHS.

4TH SLIDE

TOWNSHIP SWIMMING POOL
OPENING JUNE 22, 2013- LABOR DAY
DAILY FEES AND RESIDENT POOL PASSES
OVER 7500 VISITORS IN 2012
TWO NATIONALLY CERTIFIED POOL OPERATORS ON STAFF
AQUA FITNESS PROGRAMS OFFERED THROUGHOUT THE SEASON

5TH SLIDE
YOUTH SPORTS PROGRAMS
OVER 1400 REGISTERED PARTICIPANTS 2012-2013 SCHOOL YEAR
FOOTBALL, CHEERLEADING, FALL SOCCER, BASKETBALL TRAVEL BASKETBALL, WRESTLING,
JUDO, SPRING SOCCER, BOYS LACROSSE, GIRLS LACROSSE
SUCCESSFUL BECAUSE OF OVER 100 VOLUNTEER COACHES
VOLUNTEER BACKGROUND INVESTIGATION, NYSCA CERTIFICATION, CONCUSSION TRAINING
HIGH SCHOOL BASKETBALL SUMMER LEAGUE- NEW PROGRAM

6TH SLIDE
SPRING SPECIAL EVENTS
EASTER EGG HUNT
OVER 300 PARTICIPANTS
COMMUNITY DAY- JUNE 8, 2013 11AM- 2PM
BIKE RODEO, BIKE AUCTION AND SHREDDING DAY
END OF SEASON BASKETBALL SKILLS COMPETITION

7TH SLIDE
ROBERT COOMBS/ DAVID DOUGLASS MEMORIAL BAY RUN

12TH ANNUAL EVENT IN 2013

OVER 400 PARTICIPANTS ANNUALLY

WE ALSO OFFER SEVERAL SPORTS SPECIFIC AND SPECIALTY CAMPS IN THE SUMMER

8TH SLIDE

INDEPENDENCE DAY FESTIVAL

ESTIMATED OVER 10,000 PEOPLE ATTEND ANNUALLY

LIVE MUSIC CONSISTING OF FOUR BANDS AND RADIO STATIONS

OVER SIXTY VENDORS IN 2012

FAMILY ENTERTAINMENT THROUGHOUT THE EVENT

9TH SLIDE

FREE SUMMER CONCERTS AT THE FERRY

WELL ATTENDED EVENT IN OUR FIRST YEAR

WEDNESDAY, JULY 10, 2013 THE B STREET BAND

WEDNESDAY, JULY 24, 2013 THE SENSATIONAL SOUL CRUISERS

10TH SLIDE

FALL AND WINTER SPECIAL EVENTS

HAUNTED TRAILS AND HALLOWEEN COSTUME PARADE CELEBRATION

HAUNTED TRAILS ATTENDED BY SEVERAL THOUSAND RESIDENTS YEARLY

VOLUNTEERS CREATE A MAGICAL HALLOWEEN ADVENTURE IN THE WOODS

NEW YEARS EVE CELEBRATION ATTENDED BY SEVERAL HUNDRED RESIDENTS YEARLY

FERRY MERRY CHRISTMAS PARTY

SAFE, FAMILY FRIENDLY EVENT FOR THE ENTIRE COMMUNITY

JIM RIDGWAY

11TH SLIDE

MOST ANTICIPATED EVENT OF 2013

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00784	CAPE MAY STAR & WAVE							
	13-01390	05/16/13	LEGAL PUBLICATIONS-5-8-13	Open	60.14	0.00		
	13-01391	05/16/13	LEGAL PUBLICATIONS 5-1-13	Open	<u>97.34</u>	0.00		
					157.48			
00807	CDW-GOVERNMENT INC*							
	13-01140	04/19/13	HARD DRIVE REPLACEMENT	Open	119.24	0.00		
	13-01187	04/29/13	ADOBE ACROBAT XI STANDARD	Open	940.00	0.00		
	13-01195	04/29/13	COMPUTER PARTS	Open	<u>71.63</u>	0.00		
					1,130.87			
00820	COMCAST OF WILDWOOD* DPW							
	13-01499	05/29/13	MONTHLY INTERNET	Open	104.95	0.00		
00825	COMCAST*							
	13-01412	05/20/13	INTERNET SERVICE/CLEM MULLIGAN	Open	94.85	0.00		
	13-01454	05/24/13	MONTHLY INTERNET- FIRE SAFETY	Open	<u>109.90</u>	0.00		
					204.75			
01075	COPIERS PLUS*							
	13-01237	05/02/13	SERVICE DUPLICATOR/MACHINE	Open	142.50	0.00		
01125	MARGARET CROMPTON							
	13-01389	05/16/13	MEDICAL CLAIMS	Open	10.00	0.00		
01219	CONTRACTOR SERVICE*							
	13-01349	05/14/13	JACKETS PER UNION CONTRACT	Open	98.00	0.00		
01502	PAMELA FELDER							
	13-01497	05/29/13	MEDICAL CLAIMS	Open	39.16	0.00		
01519	TOM FOLS ELECTRICALCONTRACTOR*							
	13-01370	05/14/13	MOVE CABLE CONNECTION/INSTALL	Open	700.00	0.00		
	13-01439	05/23/13	ELECTRICAL REPAIRS	Open	250.00	0.00		
	13-01457	05/24/13	TWO 1/2 HORSEPOWER MOTORS	Open	<u>1,975.00</u>	0.00		
					2,925.00			
01690	GRANTURK EQUIPMENT CO*							
	13-00934	04/04/13	MONTHLY/APRIL	Open	380.65	0.00		
	13-00962	04/08/13	PARTS FOR GRINDER	Open	<u>261.13</u>	0.00		
					641.78			
01781	HATCH MOTT MACDONALD, LLC*							
	13-01392	05/16/13	PROFESSIONAL ENGINEERING	Open	1,055.20	0.00		
	13-01393	05/16/13	PROFESSIONAL ENGINEERING	Open	151.80	0.00		
	13-01405	05/20/13	PROFESSIONAL ENGINEERING	Open	554.50	0.00		
	13-01406	05/20/13	PROFESSIONAL ENGINEERING	Open	82.80	0.00		
	13-01407	05/20/13	PROFESSIONAL ENGINEERING	Open	257.00	0.00		
	13-01408	05/20/13	PROFESSIONAL ENGINEERING	Open	690.00	0.00		
	13-01409	05/20/13	PROFESSIONAL ENGINEERING	Open	576.90	0.00		
	13-01410	05/20/13	PROFESSIONAL ENGINEERING	Open	<u>1,077.00</u>	0.00		
					4,445.20			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01806 ANTHONY J HARVATT, II, ESQ	13-00973	04/08/13	BOARD SOLICITOR SALARY	Open	550.00	0.00		
01859 HESS CORPORATION	13-01469	05/28/13	04/19/13-05/20/13 ELECTRIC	Open	6,017.98	0.00		
02025 HUNTER JERSEY PETERBILT*	13-01264	05/06/13	PARTS FOR TRUCKS/MAY	Open	538.79	0.00		
02045 LIBERTY PARKS AND PLAYGROUNDS*	13-01160	04/22/13	PLAYSAFER RUBBER MULCH	Open	2,125.00	0.00		
02108 KEEN COMPRESSED GAS CO*	13-00937	04/04/13	MONTHLY/APRIL	Open	484.86	0.00		
02175 BRUCE KLAUSING	13-01419	05/21/13	MEDICAL CLAIMS	Open	124.95	0.00		
02294 MARIE A. LOMONACO	13-01388	05/16/13	MEDICAL CLAIMS	Open	5.00	0.00		
02415 STEPHEN FLITCROFT	12-03201	11/26/12	2012 CLOTHING ALLOWANCE	Open	50.84	0.00		
	13-01087	04/16/13	2013 EQUIP. ALLOWANCE	Open	<u>120.61</u>	0.00		B
					171.45			
02473 FRANCIS P. MAJANE	13-01496	05/29/13	MEDICAL CLAIMS	Open	391.04	0.00		
02541 ROBERT D. MARTIN, JR	13-01387	05/16/13	MEDICAL CLAIMS	Open	9.45	0.00		
02775 BARBARA MOORE	13-01495	05/29/13	MEDICAL CLAIMS	Open	830.00	0.00		
02800 MURPHY FENCE COMPANY*	13-01192	04/29/13	REPLACE 1 GATE FRAME POST ON	Open	215.31	0.00		
02940 MUNICIPAL RECORD SERVICE*	13-01395	05/16/13	SUBPOENAS	Open	177.50	0.00		
03072 NJ STATE LEAGUE OF MUNICIPALI*	13-01458	05/24/13	LEAGUE MAGAZINE 10/2013-6/2014	Open	176.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	13-00931	04/04/13	MONTHLY/APRIL	Open	787.56	0.00		
	13-01042	04/15/13	CYLINDER FOR VOLVO EXCAVATOR	Open	<u>2,545.36</u>	0.00		
					3,332.92			
03109 TRU GREEN CHEMLAWN	13-00969	04/08/13	FERTILIZER/SLICE SEED FIELDS	Open	2,495.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03160 OFFICE BASICS, INC*	13-01296	05/08/13	OFFICE SUPPLIES	Open	1,257.28	0.00		
03241 SARGENT OSHEA	13-01436	05/23/13	MEDICAL CLAIMS	Open	1,175.82	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	13-00932	04/04/13	MONTHLY/APRIL	Open	966.20	0.00		
	13-01024	04/11/13	TRUCK PARTS/BRAKES	Open	1,381.46	0.00		
	13-01256	05/06/13	RDS/SANT/REY/DPW/MAY	Open	848.58	0.00		
					<u>3,196.24</u>			
03280 PARAMOUNT SANITARY SUPPLY*	13-01313	05/09/13	TRASH BAGS	Open	435.57	0.00		
	13-01356	05/14/13	CLEANING SUPPLIES	Open	1,080.85	0.00		
					<u>1,516.42</u>			
03293 BLAINE PAYNTER	13-01402	05/16/13	MEDICAL CLAIMS	Open	55.00	0.00		
03305 PEDRONI FUEL*	13-01461	05/24/13	BO LEAD GAS/DPW	Open	450.25	0.00		
03440 QUALITY COMMUNICATIONS*	13-00289	01/28/13	10 MODEMS FOR POLICE CARS	Open	11,103.50	0.00		
	13-01139	04/19/13	MDT SUPPLIES	Open	368.00	0.00		
					<u>11,471.50</u>			
03466 R & R SPECIALTIES	13-00950	04/04/13	PLAQUE FOR SPONSORS/SOCCER LAC	Open	231.00	0.00		
03518 RIGGINS, INC.*	13-01401	05/16/13	HIGHWAY DIESEL	Open	1,301.52	0.00		
03521 LOUIS RUSSO	13-01418	05/21/13	MEDICAL CLAIMS	Open	98.00	0.00		
03541 RODIO TRACTOR SALES INC*	13-01273	05/06/13	50" BOOM MOWER PARTS	Open	390.94	0.00		
03692 SOUTH JERSEY GAS CO*	13-01465	05/28/13	GAS FOR MAY 2013	Open	2,594.46	0.00		
03764 TCTANJ	13-01385	05/15/13	2013 TCTA SPRING CONFERENCE	Open	235.00	0.00		
03867 UNIVERSAL SUPPLY CO.	13-01252	05/06/13	REPAIRS TO ROSEWOOD AVENUE	Open	453.70	0.00		
03899 UPS	13-01319	05/10/13	SHIPPING	Open	8.92	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03904 LOWE'S HOME CENTER INC*	13-01028	04/15/13	SUPPLIES FOR CAMERAS CLEM MULL	Open	159.92	0.00		
03914 ULINE INC*	13-01124	04/18/13	INVESTIGATIVE SUPPLIES	Open	66.35	0.00		
03969 VERIZON	13-01466	05/28/13	MAY 2013 PHONE SERVICE	Open	5,616.16	0.00		
03992 VAL-U AUTO PARTS LLC*	13-00943	04/04/13	MONTHLY/APRIL	Open	3,251.95	0.00		
04030 WEST PUBLISHING PAYMENT *	13-01386	05/16/13	ANNUAL UPDATES-NJ STAT UPDATES	Open	416.00	0.00		
04272 PROPET DISTRIBUTORS*	13-01312	05/09/13	DOGGY LITTER BAGS	Open	236.90	0.00		
04301 SEASHORE ASPHALT CORPORATION*	13-00926	04/04/13	MONTHLY/APRIL	Open	433.40	0.00		
	13-01266	05/06/13	ASPHALT/PATCH/RDS/MAY	Open	977.90	0.00		
					<u>1,411.30</u>			
04356 AMERICAN SOLUTIONS BUSINESS*	13-01088	04/16/13	Mercantile Notice/Cert Holders	Open	678.25	0.00		
05100 CHARLES W. SANDMAN, III ESQ	13-00268	01/23/13	2013 LITIGATION MONTHLY \$50k	Open	4,166.66	0.00		B
06020 JOSEPH PORRETTA BUILDERS*	13-00753	03/14/13	MILLMAN CENTER RENO #2013-65	Open	21,518.84	0.00		
06023 NASSAU INN*	13-01126	04/18/13	LODGING MASTRIANA 6/9-11 & 13	Open	548.00	0.00		
06025 O'DONNELL PLUMBING/HEAT LLC*	13-01170	04/24/13	PLUMBING AT MILLMAN RENOV	Open	11,000.00	0.00		B
06029 CELLULAR ADVANTAGE*	13-01432	05/22/13	IPHONE CASE G PLAYFORD	Open	59.99	0.00		
5022 INSTITUTE FOR FORENSIC PSYCHO*	13-01314	05/09/13	PSYCHOLOGICAL EXAM	Open	375.00	0.00		
5048 KIM COOLAHAN	13-01464	05/28/13	LACROSSE REF FEES-4/20/13	Open	90.00	0.00		
6049 DONALD MUNNO	13-01345	05/14/13	REPLACE RECYCLING CAN	Open	21.74	0.00		
6056 PHYLLIS MULDOON	13-01400	05/16/13	EMPLOY BACKGROUND CHECK	Open	41.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
6058 ELAINE MCDERMOTT	13-01437	05/23/13	REIM FOR FINGER PRINTING	Open	41.00	0.00		
6062 HERBERT PAYNE	13-01472	05/29/13	RETURN OF UNUSED ESCROW	Open	2.50	0.00		
BLAUE BLAUER ASSOCIATES INC*	13-00857	03/26/13	DCA#13-00122-00 ADA REC/FISHIN	Open	300.00	0.00		B
	13-01470	05/28/13	VILLAS OUTFALLS PHASE 2	Open	200.00	0.00		
					500.00			
CANCELO DON CANCELOSI	13-01399	05/16/13	BOYS LACROSSE REF FEE'S	Open	45.00	0.00		

Total Purchase Orders: 102 Total P.O. Line Items: 286 Total List Amount: 124,479.18 Total Void Amount: 0.00

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>Amount</u>
Ameri Health Admin	13-01463	June 2013 Health Benefits	\$90,200.00
Christopher Winter	12-02442	Calea Accreditation Consulting	\$1,320.00
Usable Life	13-01442	June 2013 Life Insurance	\$452.64

Total Manual Checks \$ 91,972.64
Total Computer Generated \$124,479.18

Total Bill List \$216,451.82

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on June 3, 2013.

Julie Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-159

TITLE: APPROVAL OF CHANGE ORDER NO. 1 FOR ELECTRICAL UPGRADES AND MISCELLANEOUS CHANGES AT MILLMAN COMMUNITY CENTER

WHEREAS, Joseph Porretta Builders was originally awarded a contract in the amount of \$ 190,500.00 for the Millman Center Renovations; and

WHEREAS, Change order # 1 requires supplemental work which will result in an increase of \$3,899.01 and a reduction in the amount of \$2,610.00, which will result in a net increase of \$1,289.01; and

WHEREAS, the CFO has determined sufficient funds are available in the budget as follows:

Appropriation C-04-55-410-6662 Signature: 

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, that Change Order No. 1 for supplemental electric work at the Millman Community Center is hereby approved.

BE IT FURTHER RESOLVED the previous total contract amount of \$190,500.00 shall have an increase of \$1,289.01. The revised contract total will be \$191,789.01.

I hereby certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on June 3, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

CHANGE ORDER NO. 1



**TOWNSHIP
OF LOWER**

CONTRACTOR: Joseph Porretta Builders
551 Anderson Avenue
Hammonton, NJ 08037

REASON FOR CHANGE: Miscelaneous changes & elctrical upgrades

THE TIME PROVIDED FOR COMPLETION OF THIS PROJECT IS: -
TIME EXTENTION FOR CHANGE ODRDER: - Days

UPON EXECUTION THIS DOCUMENT SHALL BECOME AN AMENDMENT TO THE CONTRACT

TYPE OF CHANGE	ITEM	DESCRIPTION	QTY	UNITS	UNIT PRICE	AMOUNT
SUPPLEMENTAL		(2) 1-pole, 20 amp, shunt trip breakers	1	LS	605.00	605.00
		Misc. Electric Work	1	LS	1,739.98	1,739.98
					SUBTOTAL:	\$2,344.98
EXTRA		Exist Signs	3			
		Outdoor Remotes	3			
		two-pole, 20 amp 22k AIC Circuit Breaker	1	LS	1,554.03	1,554.03
					SUBTOTAL:	\$1,554.03
REDUCTION		Gutter				
		PVC Fascia				
		4" Crown Molding	1	LS		2,610.00
					SUBTOTAL:	\$2,610.00

CHANGE ORDER SUMMARY

PREVIOUS CHANGE ORDERS			CURRENT CHANGE ORDER	
NO.	AMOUNT	REASON FOR CHANGE	TYPE OF CHANGE	TOTAL
1		Miscellaneous changes & elctrical upgrades		
2			+ SUPPLEMENTAL	\$2,344.98
3				
4			+ EXTRA	\$1,554.03
5				
6			- REDUCTIONS	\$2,610.00
7				
8			NET CONTRACT CHANGE	
9			THIS CHANGE ORDER	\$1,289.01
10				

ORIGINAL CONTRACT AMOUNT	\$190,500.00
AMENDED CONTRACT AMOUNT	\$191,789.01
TOTAL CONTRACT CHANGE (AMOUNT)	\$1,289.01
TOTAL CONTRACT CHANGE (PERCENT)	0.68%

ACCEPTED BY: _____ DATE _____
 Joseph Porretta Builders

RECOMMENDED BY: _____ DATE _____
 George Curvan, P.E.
 Lower Township Engineer

APPROVED BY: _____ DATE _____
 Mitch Plenn
 Lower Township Superintendent of Recreations

RESOLUTION #2013-160

TITLE: A RESOLUTION AUTHORIZING THE PAYMENT OF ADDITIONAL COMPENSATION TO THE TAX ASSESSOR AND STAFF FOR THE PERFORMANCE OF SERVICES IN CONNECTION WITH A TOWNSHIP-WIDE REASSESSMENT OF ALL REAL PROPERTY WITHIN THE TOWNSHIP OF LOWER AND ACKNOWLEDGING APPROVAL FROM THE CAPE MAY COUNTY BOARD OF TAXATION AND STATE OF NEW JERSEY, DIVISION OF TAXATION

WHEREAS, the Cape May County Board of Taxation mandates that municipalities be revalued if assessments of all taxable real property in the Township fall below 85% of market value or above 115%; or if there are changes to the zoning ordinance which have the potential to affect market value; and

WHEREAS, the Cape May County Board of Taxation encourages reassessments by municipalities in order to equalize existing assessments in order to avoid the need for another revaluation; and

WHEREAS, the Cape May County Board of Taxation ordered the Township of Lower to implement a municipal wide reassessment to be effective for the 2014 tax year and in accordance with N.J.S.A. 54:1-35.36 the State of New Jersey, Division of Taxation approved such order for a Township-wide Reassessment of all real property within the Township of Lower; and

WHEREAS, the Lower Township Tax Assessor has submitted information to establish that he and the staff of the Tax Assessor's Office have the requisite training, skills, resources, and experience to complete a Township-wide reassessment.

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

1. The allegations of the preamble are incorporated by this reference.
2. Authorization from the Cape May County Board of Taxation and State of New Jersey, Division of Taxation for the Township Tax Assessor to complete a Township-wide reassessment of all real property within the Township of Lower be and hereby is acknowledged.
3. The compensation to be paid to the Township Tax Assessor shall be \$ \$125.00 per hour to complete a reassessment of all real property in the Township of Lower in consideration of the additional services to be provided by the Tax Assessor in the completion of the reassessment and the preparation for and defense of tax appeals arising as a result of such reassessment.
4. The compensation to be paid to temporary employees hired to inspect Township properties shall be \$ 7.50 per house for services to assist the Township Assessor in the completion of the reassessment.
5. The proper officials be and hereby are authorized to do all things necessary to carry out the intent of this Resolution.

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on June 6, 2013.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

RESOLUTION #2013-161

TITLE: RESOLUTION ACCEPTING BIDS & AWARDING THE CONTRACT TO SUPPLY ASPHALT FOR 24 MONTHS

WHEREAS, bids were advertised on May 8, 2013 and due on May 24, 2013 at 11:00 a.m. to Supply Asphalt for 24 Months; and

WHEREAS, three (3) proposals were submitted and reviewed by the QPA and Gary Douglass, CPWM, and the bidder complied with the specifications and supplied all required certifications and bid documents, and

WHEREAS, and the CFO has determined sufficient funds are available in the budget as follows:

Ord # 12-19 C-04-55-413-110 
 Appropriation # 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 contract for the above is hereby awarded to the lowest qualified responsible bidder as follows:

AWARD TO: SEASHORE ASPHALT COMPANY

AMOUNT: ITEMIZED BELOW

Hot Mix Asphalt Base Course, Mix I-2 Furnished at Plant	\$39.50 per ton
Hot Mix Asphalt Base Course, Mix I-4 Furnished at Plant	\$48.00 per ton
Hot Mix Asphalt Base Course, Mix I-5 Furnished at Plant	\$49.00 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-2	\$46.50 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-4	\$55.00 per ton
Furnish & Deliver Hot Mix Asphalt Base Course, Mix I-5	\$56.00 per ton

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.

I hereby certify the foregoing resolution was adopted by the Township Council at a meeting held on June 3, 2013.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

PROPOSAL FORM

2013-09

24 Month Contract to Supply Asphalt for Lower Township

Pursuant to and in compliance with your Advertisement for Bids dated May 8, 2013, and the Information for Bidders relating thereto, the undersigned hereby offers to furnish all plant, labor, materials, supplies, equipment and other facilitates and things necessary for, or proper for, or incidental to the Township of Lower for 2013 and 2014 (24 Month) Supply Asphalt to the Township of Lower as required by, and in strict accordance with the applicable provisions of plans and specifications and all addenda issued by the Township of Lower in accordance with the law whether received by the undersigned or not for the amount bid based on the following unit and/or lump sum prices.

Contracts will be awarded based on a primary vendor and secondary vendor for use if the primary vendor cannot supply the required material. Delivery must be made within twenty four (24) hours of order placement or sooner.

NOTE: Extension of Unit Prices must be exact

Contract time: 2013 and 2014 (24 Month) Contract

Schedule of Liquidated Damages: \$500.00 per calendar day
One (1) to fifteen (15) Days: \$1,00.00 per calendar day
Sixteen (16) to Thirty (30) Days: \$2,00.00 per calendar day
Greater than Thirty (30) Days:

Item	Description	Unit Price Per Ton
1.	Hot Mix Asphalt Base Course, Mix I-2, Furnished at Plant	39.50
2.	Hot Mix Asphalt Base Course, Mix I-4, Furnished at Plant	48.00
3.	Hot Mix Asphalt Base Course, Mix I-5, Furnished at Plant	49.00
4.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-2	46.50
5.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-4	55.00
6.	Furnish and Deliver Hot Mix Asphalt Base Course, Mix I-5	56.00

TOTAL Amount of Bid Based on Items #1-6 Inclusive \$ 294.00

The undersigned proposes to furnish and deliver the above goods/services pursuant to the Bid specification and made part hereof:

Seashore Asphalt Corp.

26-4281879

Company Name

Federal I.D. # or Social Security

2451 Route 610, Woodbine, NJ 08270

Address

Mary Lou Ottinger
Signature of Authorized Agent
609-861-2100

Mary Lou Ottinger, President

Type or Print Name

May 24, 2013

Telephone Number

Date

609-861-0465

Fax Number

Township of Lower, County of Cape May, State of New Jersey

RESOLUTION # 2013-162

Title: MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF CAPE MAY; THE DELAWARE RIVER AND BAY AUTHORITY; THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, HISTORIC PRESERVATION OFFICE; NAVAL AIR STATION WILDWOOD FOUNDATION; JOSEPH E SALVATORE; JOAN BERKEY; THE TOWNSHIP OF LOWER AND THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

WHEREAS, On or about June 2, 2010 a registration form was submitted to the State Historical Preservation Office seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately 1/3 of the entire airport and including property owned by the Township of Lower, as well as, property leased by the LTMUA.

WHEREAS, upon notice of said registration form written objections were filed by the various parties involved. Due to said objections extensive discussions, meetings and negotiations ensued in an effort to modify said submission in a Memorandum of Understanding whereby the concerns of all parties might be addressed; and

WHEREAS, all parties have come to an agreement on the form and content of said Memorandum of Understanding, most particular, it has been agreed that all property owned or leased by the Township of Lower is no longer part of said Historic District or any buffers thereto.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lower Council is hereby in agreement with the terms set forth in said Memorandum of Understanding and hereby authorizes the Mayor to execute same on behalf of the Township of Lower

I hereby certify the foregoing to be a Resolution adopted at a Council meeting held on June 3, 2013..

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGGLASS						
CLARK						
BECK						

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "MOU") is entered into as of the date this MOU is fully executed, by and between the County of Cape May; The Delaware River and Bay Authority; the State of New Jersey, Department of Environmental Protection, Historic Preservation Office; Naval Air Station Wildwood Foundation; Joseph E. Salvatore; Joan Berkey; the Township of Lower; and the Lower Township Municipal Utilities Authority.

- A. The Cape May County Airport (hereinafter "Airport"), located in the Township of Lower (hereinafter "Township"), County of Cape May (hereinafter "County"), and State of New Jersey, is owned by the County.
- B. The Delaware River and Bay Authority (hereinafter "Authority") was duly created pursuant to the Delaware-New Jersey Compact, 17 Del. C. § 1701 and N.J.S.A. 32:11E-1, et seq. Among the purposes of the Authority is the undertaking of projects which advance the economic growth and development within the counties of Delaware and New Jersey which border the Delaware River and Bay by providing for, planning and engaging in projects which will enhance the future economic growth and development of those areas.
- C. Pursuant to an Acquisition Agreement dated December 15, 1998, by and between the Authority and the County, the Authority agreed to assume operation and control of certain parcels of land and improvements at the Airport and further agreed to operate and manage the Airport and related facilities and to administer various leases relating to tenants at the Airport.
- D. The County and Authority entered into a Ground Lease dated June 8, 1999, a memorandum of which was recorded on June 9, 1999 in the Office of the Clerk of Cape May County in Book 2809, Page 0584, under which the County leased to the Authority certain parcels of land and improvements located at the Airport described therein as the

“Demised Premises.” This Ground Lease is for a thirty year term with two automatic thirty year renewals subject to certain rights to elect non-renewal as set forth therein and is expressly incorporated herein as if set forth at length. The Acquisition Agreement and Ground Lease predate the nomination of a historic district at the Airport.

- E. The State of New Jersey, Department of Environmental Protection, Historic Preservation Office (hereinafter “SHPO”) is dedicated to the preservation of the State’s historic, architectural, archaeological, engineering and cultural heritage through the implementation of the State's historic preservation program.
- F. Naval Air Station Wildwood Foundation (hereinafter “NASW”), operated by Joseph E. Salvatore (hereinafter “Salvatore”), brings key pieces of a community’s history back to life to raise public awareness of the historical importance of America’s contribution on the homefront and preserves military aviation and artifacts that commemorate significant events in our nation’s history. On or about October 21, 2003, NASW nominated and subsequently registered Hanger 1 located at the Airport on the New Jersey Register of Historic Places (hereinafter “New Jersey Register”) and on the National Register of Historic Places (hereinafter “National Register”). The New Jersey Register and National Register shall hereinafter collectively be referred to as “Registers”. Hanger 1 has continuously maintained this nomination status on the New Jersey Register since June 18, 2004 and on the National Register since October 4, 2004 and, as such, is subject to the regulations and review statutes and codes applicable to properties placed on the Registers.
- G. On or about June 2, 2010, Joan Berkey (hereinafter “Berkey”) submitted a Registration Form to SHPO seeking nomination, as a historic place, of a proposed Naval Air Station Wildwood Historic District consisting of approximately one third of the entire Airport and included property owned by the Township as well as property leased by the Lower

Township Municipal Utilities Authority (hereinafter "LTMUA") (hereinafter "Original Nominated District"), which Registration Form is incorporated herein as if fully set forth at length.

- H. In February and July 2011, the County and Authority each submitted written objections to the nomination of the Original Nominated District based on various grounds, which submissions are incorporated herein as if fully set forth at length.
- I. Subsequently, the County, Authority, SHPO, NASW, Salvatore, Berkey, Township and LTMUA (hereinafter individually referred to as "Party" and collectively referred to as "Parties") engaged in extensive cooperative communications in an attempt to resolve the objections to the nomination of the Original Nominated District.
- J. In an attempt to resolve this issue, the Parties discussed and agreed to the submission of a revised nomination by Berkey to SHPO on October 18, 2012 for registration of a proposed historic district limited to Hangar Number 1 (previously listed), Hangar Number 2, the Terminal Building (also known as the "Operations Building") and a "Boiler Room" (sometimes referred to as the "Sewage Pump House") as depicted in the "Proposed Naval Air Station Wildwood Historic District Plan" dated September 20, 2012 and updated by the County Engineer's Office on April 12, 2013 by William C. Burkett and Description of Lands to be Designated as Naval Air Station Wildwood Historic District at the Cape May County Airport in Lower Township dated April 17, 2013 prepared by the County (i.e., the legal description) attached hereto as Exhibits "A" and "B", respectively, and incorporated herein as if fully set forth at length (hereinafter "Proposed Historic District"). This Proposed Historic District may allow for increased funding for Federal, State and Local grants for NASW.

- K. The reduced footprint reflected in the Proposed Historic District will provide a balance of preservation of historic components of the Airport, with the goal of use of the Airport for economic development in the County.
- L. The New Jersey Register of Historic Places Act, N.J.S.A. 13:1B-15.128 et seq. (“Act”), requires prior authorization for actions of the State, county or municipality, or any agency thereof, which has the potential to affect New Jersey Register listed properties. Those effects may be direct or indirect. Direct effects are caused by the undertaking and occur at the same place and time. Indirect effects include those caused by the undertaking that are farther removed in distance or later in time, but are still reasonably foreseeable. Such indirect effects may include changes in the pattern of land use, population density or growth rate that may affect the quality of the historical, architectural, archaeological, or cultural characteristics that qualified a historic property to be listed in the New Jersey Register.
- M. The Act’s attendant regulations N.J.A.C. 7:4-1.1 et seq. (“Rules”), state that public projects or actions for which acquisition or construction contracts have been let prior to listing on the New Jersey Register shall not require review and approval.
- N. The County and DRBA have expressed a desire for certainty about which projects at the Airport may be found to have an indirect effect on the Proposed Historic District. In order to address that concern, the Parties agree that projects outside of the Proposed Historic District designated as a buffer zone, as depicted in the attached Exhibit “A” (hereinafter “Buffer Zone”), will not have an indirect effect on the Airport and will not require submission of an application for authorization pursuant to the Act. The Proposed Historic District and Buffer Zone shall hereinafter collectively be referred to as “Combined Historic District and Buffer Zone”.

- O. The Township operates its Public Safety Building within the confines of the Airport outside of the Combined Historic District and Buffer Zone. As the Public Safety Building is outside the Combined Historic District and Buffer Zone, projects at that building will not require authorization pursuant to the Act.
- P. The LTMUA operates a sewer pump station, water tower/tank, two (2) wells, sewer mains, sewer force mains, water mains and various equipment, machinery, parts, apparatus, devices, gear and infrastructure (hereinafter collectively "LTMUA Equipment") within the confines of the Airport most of which is outside the Combined Historic District and Buffer Zone. The LTMUA projects outside the Combined Historic District and Buffer Zone will not require authorization pursuant to the Act.
- Q. To ensure that the Airport functions safely, repairs to paved areas must be made on a routine and timely basis. Consequently, in kind repairs (matching design, color, texture, and, where possible, materials) to paved areas (including the use of asphalt for temporary repairs) at the Airport shall be treated as "routine maintenance" as used in the Rules which implement the Act and therefore will not require authorization pursuant to the Act.
- R. For projects that do not require authorization under the Act, the County and Authority agree to consider, in their sole and absolute discretion, use of the Secretary of the Interior's Standards for the Treatment of Historic Properties in connection with projects in the Combined Historic District and Buffer Zone.
- S. All Parties wish to advance all the purposes in this MOU cooperatively and in harmony with each Party recognizing the objectives of the other and wish to avoid the time, expense, and uncertainty of continuing to dispute this issue.
- T. In order to allow for the objectives of all Parties to advance consistent with the provisions of the Act and Rules, all Parties agree to the provisions within this MOU and recognize that these provisions are binding on all Parties and their successors, heirs and assigns.

NOW, THEREFORE, in consideration of the following promises and covenants and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto, intending to be legally bound, agree as follows:

1. The Recitals set forth above (excluding Recital R) are incorporated in the body of this MOU as if fully set forth at length.
2. Projects within the Proposed Historic District will require the application procedure for encroachment authorization for direct effects pursuant to the Rules. The area outside of the Proposed Historic District, but within the Buffer Zone, is the area where projects may have an indirect effect on the Proposed Historic District and will require consultation with SHPO on whether authorization is required pursuant to the Act. All projects in areas outside of the Combined Historic District and Buffer Zone will not require authorization pursuant to the Act. Notwithstanding the Parties' agreement to this Section 2, they acknowledge that review pursuant to Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, et seq. ("Federal Section 106") may be required.
3. Projects that are undertaken, operated, maintained or leased by the Authority are governed by the Acquisition Agreement between the County and Authority dated December 15, 1998 and the Ground Lease dated June 8, 1999, which provide that the Authority is responsible for all maintenance and repair of the premises governed by the Acquisition Agreement and Ground Lease and the Airport Layout Plan dated July 2001, and last revised on March 27, 2012 (prepared by C&S Engineers, Inc.) and the Conceptual Design Plan dated November 2004, and last revised on May 14, 2008 (prepared by C&S Engineers, Inc.) (hereinafter collectively "Plans"). Since the Acquisition Agreement, Ground Lease and Plans predate the nomination of the Proposed Historic District and/or the date of this MOU, actions allowed by the Acquisition Agreement, Ground Lease and Plans will not require authorization pursuant to the Act.

4. In kind activities, including, minor or temporary roof repairs, sidewalk and walkway repairs/replacements, ramp repairs/replacements, apron repairs/replacements, concrete repairs/replacements and paving are routine maintenance and will not require authorization pursuant to the Act.
5. Renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance of any and all current or proposed modern technology products outside the Combined Historic District and Buffer Zone, albeit visible from the exterior of structures within the Proposed Historic District including, but not limited to, satellite dishes, solar panels, antennae, telecommunications equipment, HVAC compressors, window air-conditioning units or any existing or proposed LTMUA Equipment, will not require authorization pursuant to the Act. The Parties, however, acknowledge that review pursuant to Federal Section 106 may be required.
6. SHPO's review and authorization of any renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance on, to or adjacent to any and all current or proposed structures within the Combined Historic District and Buffer Zone, do not supersede the requirements of any other governmental agency including, but not limited to, the Federal Aviation Administration. Any authorization issued by SHPO for a project within the Combined Historic District and Buffer Zone will be in accord with any applicable Federal, State and Local laws, while taking advantage of any flexibility established by applicable laws, rules, and procedures to facilitate the preservation of historic properties.
7. Renovations, alterations, improvements, construction, repairs, replacements, installation and maintenance on, to or adjacent to any and all current or proposed structures or LTMUA Equipment outside the Combined Historic District and Buffer Zone shall not

have an indirect effect on the Proposed Historic District and will not require authorization pursuant to the Act.

8. Repair of existing LTMUA underground infrastructure within the Combined Historic District and Buffer Zone, which includes in kind repair of ground/paving disturbed by the repairs will be routine maintenance, and therefore not require authorization pursuant to the Act.
9. Notwithstanding anything to the contrary in this MOU, nothing in this MOU shall affect the rights and obligations of the tenants at the Airport or the rights and obligations of any party to any agreement regarding any existing lease or current contract or current master plan of any property at the Airport.
10. It is agreed to and understood that the County and Authority are obligated solely to SHPO for performance of any of their respective obligations under this MOU. It is agreed and understood that the County and the Authority shall not be responsible for a breach of this MOU or a failure of another Party to perform with respect to such other Party's obligations under this MOU.
11. NASW, Salvatore and Berkey, for themselves and all persons and entities claiming by, through or under them, shall not, directly or indirectly, individually or in combination with any other person or entity, (a) seek to nominate, or (b) cause, encourage, entice, suggest to or solicit any other person or entity to nominate, any other portion of the Airport (i.e., outside the Proposed Historic District) as a historic place on the New Jersey Register or National Register, and forever waive, for themselves and all persons and entities claiming by, through or under them, any and all rights to do so. In the event that another individual and/or entity attempt(s) to increase the scope of the agreed upon Proposed Historic District, NASW, Salvatore and Berkey shall object to any such attempt to SHPO and agree with the County and Authority that the criteria for placement on the

<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>THE DELAWARE RIVER AND BAY AUTHORITY</p> <p>By: _____ James N. Hogan Chairperson</p> <p>Date: _____</p> <p>By: _____ William E. Lowe, III Vice Chairperson</p> <p>Date: _____</p> <p>By: _____ Scott A. Green Executive Director</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, HISTORIC PRESERVATION OFFICE</p> <p>By: _____ Daniel D. Saunders Administrator</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>NAVAL AIR STATION WILDWOOD FOUNDATION</p> <p>By: _____ Joseph E. Salvatore Executive Director</p> <p>Date: _____</p>

<p>WITNESS:</p> <p>_____</p> <p>Print Name: _____</p> <p>Date: _____</p>	<p>Joseph E. Salvatore</p> <p>_____</p> <p>Joseph E. Salvatore</p> <p>Date: _____</p>
<p>WITNESS:</p> <p>_____</p> <p>Print Name: _____</p> <p>Date: _____</p>	<p>_____</p> <p>Joan Berkey</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>TOWNSHIP OF LOWER</p> <p>By: _____</p> <p>Michael Beck</p> <p>Mayor</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>_____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY</p> <p>By: _____</p> <p>Matthew V. Ecker</p> <p>Executive Director</p> <p>Date: _____</p>

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

RESOLUTION #2013-163

TITLE: ISSUANCE OF 2013 LIMOUSINE AND OPERATOR LICENSES

WHEREAS, an application has been submitted by Ace Sharper Limousine to Ord. #2000-4 for a Limo License, and

WHEREAS, the applicant submitted the appropriate fees, provided the required documentation, and the Police have reviewed and approved the application packet.

NOW, THEREFORE BE IT RESOLVED, the Clerk is hereby authorized to issue the following:

ACE SHARPER LIMOUSINE

<u>License Type</u>	<u>Description</u>
Limo	2001 Lincoln Vin # 1LNHM82WX1Y636723 2004 Lincoln Vin # 1L1FM81W04Y655151 2002 Ford Vin #1FMNU40S12EB96857 1999 Lincoln Vin # 1L1FM81W1XY645037
Operator	Ernest L. Harper

I hereby certify the foregoing Resolution was adopted by the Township Council at a meeting held on June 3, 2013.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

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

ORDINANCE #2013-11

AN ORDINANCE AMENDING ORDINANCE #2012-21, ENTITLED "SALARY AND BENEFIT
ORDINANCE FOR THE TOWNSHIP FO LOWER

BE IT ORDAINED by the Township Council, the governing body of the Township of Lower, that Ordinance #2012-21 shall be amended and supplemented to include the following titles and ranges:

OTHER EMPLOYEES

Park Attendant 11.00 to 13.00 hr.

Section 1. This Ordinance shall take effect immediately upon final passage and publication according to law.

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

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Councilmember

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2013-12

TITLE: AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A.40a:4-53 FOR COMPLETION OF A REASSESSMENT PROGRAM IN THE TOWNSHIP OF LOWER

WHEREAS, the Township of Lower, County of Cape May, State of New Jersey ("Township"), has determined that it is necessary to undertake a program of reassessment of real property in the Township ("Project"); and

WHEREAS, the amount to be appropriated by the Township for the purpose described above is \$185,000.00, which amount shall be deemed a special emergency appropriation as defined and provided for in the Local Budget Law, N.J.S.A. 40A:4-1 et seq; and

WHEREAS, it is the desire of the Township Council to adopt an Ordinance to create such special emergency appropriation.

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

Section 1. There is hereby appropriated pursuant to N.J.S.A.40A:4-53(b), the sum of \$185,000.00 for the project, as further described in the preamble of this Ordinance.

Section 2. The appropriation of said \$ 185,000.00 for the project shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53(b).

Section 3. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S.A.40A:4-55)

Section 4. A certified copy of this Ordinance as finally adopted shall be filed by the Township Clerk with the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs.

Section 5. All Ordinances, or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This Ordinance shall take effect immediately upon final adoption in accordance with applicable law.

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

1st 5-20-13

2nd 6-3-13

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

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING AND RESTATING CHAPTER 351-FLOOD DAMAGE PREVENTION

WHEREAS, as a result of a federally mandated update of the base flood elevations ("BFE") for purposes of rating properties for flood insurance through the National Flood Insurance Program ("NFIP"), the federal government through FEMA has published advisory base flood elevations ("ABFE") maps which have updated the flood zones throughout the State of New Jersey; and

WHEREAS, also as a result of the publication of the ABFE maps and due to the impact that Superstorm Sandy had upon the New Jersey coast, the New Jersey Department of Environmental Protection ("DEP") has proposed amendments to its Flood Control Act Regulations, N.J.A.C. 7:13-1.1 et seq. which, have also incorporated the new ABFE maps and associated elevations for regulating all Construction activities in flood zones in the State of New Jersey, which proposed regulations have been implemented by emergency order of Governor Christie ("Flood Control Regulations"); and

WHEREAS, the Township of Lower has been participating in meetings with federal, state, county and municipal officials and professionals, and has been diligently reviewing and commenting on the Flood Control Regulations as well as the ABFE maps, which is a continuing and evolving process which will likely not be finalized for several months; and

WHEREAS, in the meantime, and without prejudice to the Township's position and objections to some of the flood zone designations under the ABFE maps as well as to certain provisions in the Flood Control Regulations, the Township Council desires to restate its Flood Management Ordinance to incorporate the proposed updates as recommended by federal and state officials in order to obtain a community rating discount under the NFIP, which will provide an economic benefit to the Township and all of its property owners through discounted flood insurance premiums, as well as to preserve the funding opportunities available through FEMA; and

WHEREAS, the adoption of this ordinance will not prevent the Township from continuing to question, comment on and challenge the ABFE maps as well as the Flood Control Regulations, and to make additional modifications to this ordinance as may be deemed advisable and in the best interest and welfare of the residents, business owners, property owners, tourists and guests of the Township of Lower.

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

- 1. Chapter 351 of the Township of Lower Code is hereby deleted in its entirety and replaced with the following:

ARTICLE 1
Statutory Authorization, Findings of Fact, Purpose and Objectives

§351-1. Statutory Authorization

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Township Council of the Township of Lower, of Cape May County, New Jersey does ordain as follows:

§351-2. Findings of Fact

- A. The flood hazard areas of the Township of Lower are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protections and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§351-3. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street, bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§351-4. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**ARTICLE II
Definitions**

§351-5. Word usage.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

§351-6. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

ADVISORY BASE FLOOD ELEVATION (ABFE)-The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

ADVISORY FLOOD HAZARD AREA (AFHA)- The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

ADVISORY FLOOD HAZARD MAP - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

APPEAL- A request for a review of the Flood Control Officer's interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING - A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

BASE FLOOD - The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

COASTAL HIGH HAZARD AREA - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

DEVELOPMENT - Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

EROSION - The process of the gradual wearing away of land masses.

FLOOD CONTROL OFFICER - The official designated by the Township Council as the person responsible for administration of this Chapter. The initial Flood Control Officer is designated as the Construction Official.

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN MANAGEMENT REGULATIONS - Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR - The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor

provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION - a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

PRIMARY FRONTAL DUNE - A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

RECREATIONAL VEHICLE - A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be a self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SAND DUNES - Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

START OF CONSTRUCTION - For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it

include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration or any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE - A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE - A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

ARTICLE III General Provisions

§351-7. Lands to which this chapter applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Lower, Cape May County, New Jersey.

§351-8. Basis for establishing areas of special flood hazard.

The areas of special flood hazard for the Township of Lower are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- A. A scientific and engineering report "Flood Insurance Study, Cape May County, New Jersey (All Jurisdictions)" dated _____.
- B. Flood Insurance Rate Map for Cape May County, New Jersey (All Jurisdictions) as shown on Index and panel(s), whose effective date is _____.
- C. Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated December 14,

2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at the Lower Township Municipal Building Construction Office, 2600 Bayshore Road, Villas, New Jersey.

§351-9. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Chapter 1, Article III for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Lower from taking such other lawful action as is necessary to prevent or remedy any violation.

§351-10. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§351-11. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the Township of Lower; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

§351-12. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Lower, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV
Administration

§351-13. Establishment of development permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in §351-8. Application for a Development Permit shall be made on forms furnished by the Flood Control Officer and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
- B. Elevation in relation to mean sea level to which any structure has been floodproofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in §351-18B; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§351-14. Designation of Township Construction Official.

The Township Construction Official is hereby appointed Flood Control Officer, to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

§351-15. Duties and responsibilities of Township Construction Official (Flood Control Officer)

Duties of the Township Construction Official shall include, but not be limited to:

- A. Permit review.
 - (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of §351-18D(1) are met.
 - (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so

as to increase potential flood damage.

- (5) Review plans for walls to be used to enclose space below the base flood level in accordance with §351-18G(4).

B. Use of other base flood and floodway data:

- (1) When base flood elevation and floodway data has not been provided in accordance with §351-8, the Flood Control Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer §351-18A and §351-18B.

C. Information to be obtained and maintained:

- (1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (2) For all new or substantially improved floodproofed structures:
 - (a) verify and record the actual elevation (in relation to mean sea level); and
 - (b) maintain the floodproofing certifications required in §351-13C.
- (3) In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of §351-18G(1) and §351-18G(2)(a) and (b) are met.
- (4) Maintain for public inspection all records pertaining to the provisions of this ordinance.

D. Alteration of watercourses:

- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in §351-16.

§351-16. Variance procedures.

A. Appeal Board.

- (1) The Lower Township Planning Board shall hear and decide appeals and request for variances from the requirements of this ordinance.
- (2) The Lower Township Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Flood Control Officer in the enforcement or administration of this ordinance.
- (3) Those aggrieved by the decision of the Lower Township Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- (4) In passing upon such applications, the Lower Township Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury or others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (5) Upon consideration of the factors of §351-16A(4) and the purposes of this ordinance, the Lower Township Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The Flood Control Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in §351-16A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variance shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause:
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of public as identified in §351-16A(4), or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V
Provisions for Flood Hazard Reduction

§351-17. General Standards.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

A. Anchoring.

- (1) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirements is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (4) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

D. Subdivision proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).
- E. Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that area usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§351-18 Specific Standards

In all area of special flood hazards where base flood elevation data have been provided as set forth in §351-8 or in §351-15B, the following standards are required:

- A. Residential Construction.
- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one (1) foot;
 - (2) Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent ground one (1) foot above the depth number specified in feet (at least three (3) feet if no depth number is specified) or at or above the advisory base flood elevation plus one (1) foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- B. Nonresidential construction. In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

- (1) Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one (1) foot; and
- (2) Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one (1) foot above the depth number specified in feet (at least three (3) feet if no depth number is specified) or at or above the advisory base flood elevation plus one (1) foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
or
- (1) Be floodproofed so that below the base flood level plus one (1) foot, or advisory base flood elevation plus one (1) foot, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in §351-15C(2)(a)(b).

C. Manufactured homes.

- (1) Manufactured homes shall be anchored in accordance with §351-17A(2).
- (2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation, plus one (1) foot (whichever is more restrictive).

D. Floodways.

Located within areas of special flood hazard established in §351-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If §351-18D(1) is satisfied, all new construction and substantial improvements must comply with Article V.

- (3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenth (0.2) of a foot at any point.

E. Coastal High Hazard Area. Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in §351-8. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

F. Location of Structures.

- (1) All buildings or structures shall be located landward of the reach of the mean high tide.
- (2) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

G. Construction Methods.

- (1) Elevation.

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive,

and,

- (b) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in §351-18G(4).

(2) Structural Support

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (c) There shall be no fill used for structural support.

(3) Certification.

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of §351-18G(1) and §351-18G(2)(a) and (b).

(4) Space below the lowest floor.

(a) any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

(b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

[1] breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

[2] the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

(c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

(d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

H. Sand Dunes. Prohibit man-made alteration of sand dunes within Zones VE and V on the community's DFIRM which would increase potential flood damage.

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

2. 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 provisions of this Ordinance are hereby declared to be severable.

3. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

Thomas Conrad, Councilmember

James Neville, Council Member

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

April 22, 2013

Mayor Michael Beck & Council Members
2600 Bayshore Road
Villas, NJ 08251

RE: Amended Flood Prevention
Ordinance

Dear Mayor & Council Members:

Please be advised that the Lower Township Planning Board, at a duly held meeting on April 18, 2013, voted to approve the proposed Flood Prevention Ordinance, referenced above.

If you have any questions or comments, please call anytime. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "WJG", is written over the typed name.

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

WJG:las

enc.1

cc: Michael Voll, Twp. Manager, w/o enc.
Charles Sandman, Twp. Solicitor, w/enc.
Julie Picard, Twp. Clerk, w/enc.
George Curvan, Twp. Engineer, w/o enc.
Gary Playford, Construction Official, w/o enc.
Planning Board members, w/o enc.

1st 5-20-13

TOWNSHIP OF LOWER, NEW JERSEY

ORDINANCE #2013-10

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, NEW JERSEY; APPROPRIATING THE SUM OF \$1,139,000 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,080,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Township of Lower, County of Cape May, New Jersey ("Township").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Township from all sources for the purposes stated in Section 7 hereof is \$1,139,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,080,000; and
- (c) a down payment in the amount of \$59,000 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$1,080,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$59,000, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Township in an amount not to exceed \$1,080,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Township in an amount not to exceed \$1,080,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$200,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A.	Acquisition of Various Pieces of Equipment for the Police Department including, but not limited to, mobile data recorders, barricades, ballistic vests and hardware, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$76,816	\$3,979	\$72,837	5 years
B.	Acquisition of Vehicles for the Police Department including, but not limited to, a pickup truck and sport utility vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	66,004	3,419	62,585	5 years
C.	Acquisition of Various Pieces of Equipment for the Department of Public Works including, but not limited to, a natural gas generator, trailer, screening machine, drainage pumps and barricades, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	138,007	7,149	130,858	5 years
D.	Various Upgrades to the Pole Barn, all as more particularly described in the plans and specifications on file in the office of the Township Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	54,003	2,797	51,206	15 years
E.	Acquisition of a Rear Loading Refuse Truck and Dump Truck for the Department of Public Works, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related	444,028	23,000	421,028	15 years

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
	thereto				
F.	Acquisition of Vehicles and Related Equipment for the Department of Public Works including, but not limited to, an All-Wheel Drive Truck with Plow, Skid Loader and Dump Body, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	128,408	6,652	121,756	5 years
G.	Acquisition of Equipment for the Recreation Department including, but not limited to, a storage shed, audio visual equipment, new flooring and furniture, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	70,324	3,643	66,681	5 years
H.	Various Recreational Improvements including, but not limited to, repairs to the hockey rink and volleyball court, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	37,203	1,927	35,276	15 years
I.	Acquisition of Various Equipment for the Municipal Offices including, but not limited to, hardware, furniture, and an HVAC, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	64,207	3,326	60,881	5 years
J.	Professional Costs Associated with ADA Improvements at the Fishing Creek School, all as more particularly described in the plans and specifications on file in the office of the Township Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	60,000	3,108	56,892	5 years
	Total	\$1,139,000	\$59,000	\$1,080,000	

Section 8. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 10.76 years.

Section 9. Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 10. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Township, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,080,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. The full faith and credit of the Township are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Township shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 12. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 13. The Township hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Township prior to the issuance of such bonds or bond anticipation notes.

Section 14. The Township hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes authorized by the Bond Ordinance is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 15. The improvements authorized hereby are not current expenses and are improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Thomas Conrad, Councilmember

James Neville, Councilmember

Glenn Douglass, Councilmember

Norris Clark, Deputy Mayor

Michael E. Beck, Mayor

Adopted: _____

Attest: _____
Julie A. Picard, Township Clerk

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

RESOLUTION #2013-164

TITLE: SUPPORTING SUSTAINABLE STATE FUNDING FOR PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND HISTORIC SITES IN NEW JERSEY

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres Program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years; the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years; and the Historic Trust has preserved 477 historic sites over the past 45 years; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

WHEREAS, Lower Township has been a direct beneficiary of, and partner to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of our communities and residents; and

WHEREAS, it is imperative that a long-term, dedicated source of funding be established in order to:

- sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act
- improve and ensure proper stewardship of parks, preserved lands, and historic sites
- provide equitable access to quality parks and recreation in urban, suburban, and rural areas
- match and leverage local, county, and private funds for these purposes
- protect drinking water supplies, water quality, and alleviate costly flood damages
- preserve fish and wildlife habitat and provide public access for hunting and fishing
- revitalize cities and towns
- protect our quality of life and economic prosperity.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of June, 2013, by the Township of Lower in Cape May County, State of New Jersey, that:

1. Lower Township supports establishment of a long-term, dedicated source of state funding for these purposes.

2. A certified copy of this resolution be served upon Governor Chris Christie, Senator Jeff Van Drew, Assemblyman Nelson Albano, and
3. Assemblyman Robert Andrzejczak, Freeholders County of Cape May, NJ Keep It Green, and the New Jersey State League of Municipalities.

I certify the foregoing to be a Resolution adopted by the Township Council at a meeting held on June 3, 2013.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
DOUGLASS						
CLARK						
BECK						

PERSONNEL ACTIONS

Report for Council Meeting of 06/03/2013

<u>Department</u>	<u>Name</u>	<u>Eff. Date</u>	<u>Replaces</u>	<u>Action</u>	<u>Title</u>	<u>Budgeted Item</u>
Recreation	Marino, Patsy	5/25/2013		seasonal	park attendant	yes
Public Safety	Halbruner, Eric	5/15/2013		appointment	Class II Officer	yes

Date of report 5/30/2013

c: Manager
Clerk
Payroll
Asst. Treasurer
Personnel Director
Bulletin Board
File

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-886-1455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 04/01/2013 To 04/30/2013

May 09 , 2013 10:52:27AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$142,909.00	Cubic Footage:	47196 Cu.ft	Permit Issued:	119
Cost Of Alteration:	\$2,191,200.00	Square Footage:	4661 Sq.ft	Updates Issued:	16
Cost Of Demolition:	\$5,000.00			All Fees Waived:	3
Total Cost:	\$2,339,109.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$39,117.00	Building:	\$0.00	Building:	\$50.00	Building Fees:	\$39,067.00
Electrical:	\$9,642.00	Electrical:	\$0.00	Electrical:	\$58.00	Electrical Fees:	\$9,584.00
Fire :	\$2,159.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$2,159.00
Plumbing:	\$19,151.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$19,151.00
Elevator:	\$68.00	Elevator:	\$0.00	Elevator:	\$68.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$176.00	Technical Fees:	\$69,961.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$157.00	\$0.00	\$157.00
Alteration Training Fee:	\$3,715.00	\$37.00	\$3,678.00
DCA Minimum Fee:	\$8.00	\$0.00	\$8.00
Sub total Training Fee:	\$3,880.00	\$37.00	\$3,843.00

TECHNICAL ISSUES

Building Technical:	69
Electrical Technical:	71
Fire Protection Technical:	19
Plumbing Technical:	68
Elevator Technical:	1
Mechanical Technical:	

Certificate of Occupancy Fee:	\$416.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$416.00

CERTIFICATE ISSUES

Certificate of Occupancy:	0
Certificate of Approval:	4
Certificate of Continued Occupancy:	1

PERMIT FEES:	\$69,961.00
DCA FEES:	\$3,843.00
CERTIFICATE FEES:	\$416.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$74,220.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$151.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$74,371.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 04/01/2013 To 04/30/2013

May 9, 2013 10:53:05AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$1,775.00	\$72,445.00	\$0.00	\$74,220.00
LICENSE FEES	Sub Totals:	\$325.00	\$1,700.00	\$0.00	\$2,025.00
CCO FEES	Sub Totals:	\$0.00	\$151.00	\$0.00	\$151.00
GRAND TOTALS:		\$2,100.00	\$74,296.00	\$0.00	\$76,396.00

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 04/01/2013 To 04/30/2013

May 09 , 2013 10:54:00AM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$106,600.00	Cubic Footage:	16877 Cu.ft	Permit Issued:	4
Cost Of Alteration:	\$24,300.00	Square Footage:	1351 Sq.ft	Updates Issued:	0
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$130,900.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>		<u>ADMIN FEES</u>		<u>WAIVED FEES</u>		<u>TOTAL FEES</u>	
Building:	\$724.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$724.00
Electrical:	\$324.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$324.00
Fire :	\$786.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$786.00
Plumbing:	\$563.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$563.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00
				Total Waived:	\$0.00	Technical Fees:	\$2,397.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$57.00	\$0.00	\$57.00
Alteration Training Fee:	\$40.00	\$0.00	\$40.00
DCA Minimum Fee:	\$0.00	\$0.00	\$0.00
Sub total Training Fee:	\$97.00	\$0.00	\$97.00

TECHNICAL ISSUES

Building Technical:	3
Electrical Technical:	2
Fire Protection Technical:	2
Plumbing Technical:	2
Elevator Technical:	
Mechanical Technical:	

CERTIFICATE ISSUES

Certificate of Occupancy:	1
Certificate of Approval:	1
Certificate of Continued Occupancy:	0

PERMIT FEES:	\$2,397.00
FEES:	\$97.00
CERTIFICATE FEES:	\$146.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$2,640.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$2,640.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 04/01/2013 To 04/30/2013

May 9, 2013 10:54:44AM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
Copies	Sub Totals:	\$0.00	\$9.95	\$0.00	\$9.95
PERMIT FEES	Sub Totals:	\$0.00	\$2,640.00	\$0.00	\$2,640.00
GRAND TOTALS:		\$0.00	\$2,649.95	\$0.00	\$2,649.95

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

RESOLUTION # 2013-165

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

