

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL
February 19, 2020 - 7:00 P.M.

Meeting called to order

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

Work Session

Res. #2020-81 A Resolution Confirming the Appointment to Fill the Vacancy of Ward Two (2) Councilmember until the General Election
Swearing in of New Ward 2 Councilmember

Consent Agenda

Approval of Minutes – February 3, 2020

- Res. #2020-82 Payment of Vouchers \$ 329,604.02
Res. #2020-83 Recycling Tonnage Grant Certification of Taxes Paid
Res. #2020-84 Transfer of 2019 Appropriations
Res. #2020-85 Recycling Tonnage Grant Resolution
Res. #2020-86 Authorization for Refund of Taxes (6 properties)
Res. #2020-87 Approval of Contribution to the Coast Guard Community Festival (\$1,000)
Res. #2020-88 A Resolution Awarding a Contract to Cape Mining and Recycling, LLC for the Removal and Disposal of Wood Chips Located at the Municipal Utilities Authority on an As Needed Basis

Res. #2020-89 Authorization for the Payout of Accumulated Sick Time (T.Shough & E.Campbell)
Ord #2020-03 Amending Chapter 419, Littering of the Code of the Township of Lower
Ord #2020-04 An Ordinance Amending the Code of the Township of Lower, Adding Chapter 167; Pet Waste
Ord #2020-05 An Ordinance Amending the Code of the Township of Lower; Adding Chapter 576; Improper Disposal of Waste
Ord #2020-06 An Ordinance Amending the Code of the Township of Lower, Adding Chapter 420; Yard Waste Collection Program
Ord #2020-07 An Ordinance Amending the Code of the Township of Lower; Adding Chapter 10; Illicit Connection
Ord #2020-08 An Ordinance Amending the Code of the Township of Lower; Adding Chapter 577; Private Storm Drain Inlet Retrofitting
Ord #2020-09 An Ordinance Amending the Code of the Township of Lower; Adding Chapter 571; Refuse Containers/Dumpster
Ord #2020-10 An Ordinance Amending Chapter 400, Land Development, of the Code of the Township of Lower
This is the first reading of Ordinances #2020-03 through 2020-10. Public hearings for these Ordinances have been scheduled for March 16, 2020.

Regular Agenda

Res. #2020-90 Approval of an Alcoholic Beverage Control Plenary Retail Consumption License – Person to Person Transfer – License #0505-33-011-005, From Five P's Inc to Spyglass of Cape May, LLC

Ordinance #2020-02 – An Ordinance Authorizing the Township of Lower to Covey a Deed of Easement to the Property Owners of Block 796, Lots 45 & 46 In Order to Afford Said Owner Access to Use and Maintain An Existing Wooden Pier/Walkway Constructed on Township Owned Property. This is the second reading and public hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

Engineer's Report – Mott MacDonald

Administrative Reports

Monthly Reports - Clerk, Construction, Dog, Tax, Vital

Council Comments

Call to the Public

Closed Session

Res. #2020-91 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **Attorney/Client Privilege – Contract negotiations**

COUNCIL MAY RETURN FROM CLOSED SESSION TO TAKE FORMAL ACTION

Res. #2020-92 Approving a Professional Service Contract with Mott MacDonald for Professional Landscape Architecture and Engineering Services for Clem Mulligan Sports Complex Renovations (\$116,900)

Adjournment

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

RESOLUTION #2020-81

Title: A RESOLUTION CONFIRMING THE APPOINTMENT TO FILL THE VACANCY OF WARD TWO (2) COUNCILMEMBER UNTIL THE GENERAL ELECTION

WHEREAS, on February 3, 2020, Lower Township Ward 2 Councilmember David Perry tendered a letter of resignation to Township Clerk Julie Picard, formally resigning from his elected position as Ward 2 Councilmember of the Township of Lower due to his appointment to serve as Deputy Mayor of the Township of Lower; and

WHEREAS, Deputy Mayor Perry's resignation from his position as Councilmember of Ward 2 has created a vacancy in the seat of Councilmember of Ward 2 of the Township of Lower; and

WHEREAS, the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq., sets forth the procedure for filling a vacancy in the membership of a governing body; and

WHEREAS, pursuant to N.J.S.A. 40A:16-4, the Lower Township Council may temporarily fill said vacancy by appointment until the vacancy is filled for its unexpired term at the next general or regular municipal election; and

WHEREAS, pursuant to N.J.S.A. 40A:16-11, in light of the fact that former Ward 2 Councilman David Perry was elected to the office of Councilmember as a nominee of the Republican Party, the Lower Township Regular Republican Organization has presented the names of three (3) qualified nominees to the Lower Township Council for its consideration in order to fill the Ward 2 Councilmember vacancy; and

WHEREAS, after careful consideration, the Lower Township Council has elected to appoint the individual identified below to immediately fill the vacant office of Ward 2 Councilmember and serve until a successor is elected in the 2020 General Election, in order to fulfill the duration of the current Ward 2 term until its expiration of December 31, 2022:

NAME:

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that _____ is hereby appointed as the Councilmember of Ward 2 of the Township of Lower, temporarily filling the vacancy of Councilman David Perry until the upcoming 2020 General Election.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

COUNCIL MEETING MINUTES – February 3, 2020

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 3, 2020 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

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

Also present: James Ridgway, Township Manager, David Stefankiewicz, Township Solicitor and Karen Fournier, Deputy Township Clerk

Work Session

Mayor Sippel explained the procedure to fill the vacancy of Deputy Mayor. Clerk Picard read the three names submitted by the Regular Republican Organization. Councilmember Conrad nominated David Perry to fill the vacancy of Deputy Mayor, seconded by Councilmember Roy. Solicitor Stefankiewicz reiterated the procedure. Councilmember Perry accepted the nomination and resigned his position as Councilmember, Ward 2.

Res. # 2020-66 A Resolution Confirming the Appointment to Fill the Vacancy of Deputy Mayor for the Remainder of the Term

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

Swearing In of New Deputy Mayor

Sherriff Robert Nolan administered the Oath of Office of Deputy Mayor to David Perry, while his wife, Janet Perry held the Bible.

2020 Budget Message/Introduction – Manager Jim Ridgway, CFO Lauren Read, Auditor Leon Costello
 Manager Ridgway complimented Auditor Leon Costello and CFO Lauren Read for their outstanding work, and thanked all department heads for their role in the proposed budget. He introduced the Proposed 2020 Budget, stating compliance with all tax levy and spending cap laws, and highlighting a zero percent increase. The Budget Hearing is scheduled for March 2, 2020 at 7:00 p.m. A budget summary will be published in the Cape May Star & Wave and copies of the Proposed 2020 Budget are available on the Township website and in the clerk's office at Townhall. Auditor Leon Costello pointed out the date for the Public Hearing and informed that the State will not allow the budget to be adopted until the Governor's Address in mid-March.

Res. #2020-67 2020 Budget Introduction (2020 budget hearing has been scheduled for March 2nd)

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

Presentation - Dredge Material Project – Dave Hoppenjans, DRBA Chief Engineer
 Greg Pawlowski, DRBA Project Engineer

Greg Pawlowski, DRBA Senior Project Engineer, introduced COO, Vince Maconey, and Chief Engineer, Dave Hoppenjans. Mr. Pawlowski explained the details of the dredging operation and assured that permits have been obtained from both State and Federal agencies.

Kathy Sauerzopf, 505 Shunpike Road, congratulated Mayor Sippel and Deputy Mayor Perry on their appointments. Ms. Sauerzopf addressed the DRBA with a list of concerns about the project, specifically the odor, run-off and toxicity of the dredge materials, the location and aesthetics of the dump site and its effect on surrounding properties.

Mr. Pawlowski addressed Ms. Sauerzopf's concerns. A lengthy discussion continued.

Ms. Sauerzopf voiced discontent about the lack of communication to Township officials and thanked Council for the opportunity to express her concerns.

Consent Agenda

Approval of Minutes – January 22, 2020

- Res. #2020-68 Payment of Vouchers \$ 826,029.98
- Res. #2020-69 Issuance of 2020 Taxi and Operator Licenses (Aarts & G Garibaldi)
- Res. #2020-70 Issuance of 2020 Limousine and Operator Licenses (High Roller, Cape May Limo & G Garibadi)
- Res. #2020-71 Authorization for Waiver of Planning Board Application Fee for the Lower Township Municipal Utilities Authority
- Res. #2020-72 Authorizing Payment of 2020 County Tax (First and Second Quarters) and 2019 Added Tax (annual)
- Res. #2020-73 Approval of Change Order #1 to Resolution #2019-321; Approving Additional Professional Services for the Construction Phase of the Beach Access Improvements Piling Installation (Mott MacDonald \$8,400)
- Res. #2020-74 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund (annual)
- Res. #2020-75 Acceptance and Contract Award for Beach Access Decks and Stair Piling Installation (Walters Marine Construction \$39,400)
- Res. #2020-76 Authorization for the Payout of Accumulated Sick Time (K.Lewis \$2,388.92)
- Res. #2020-77 Authorizing the Payout of Terminal Leave (H.Bailey \$57,122.00)
- Res. #2020-78 Authorization for the Payout of Accumulated Sick Time (M.Plenn \$17,416.01 to Def Comp)
- Res. #2020-79 Approval of 2020 Rotary Towing Licenses (Cape May Exxon, John's Auto Body, Cape Harbor, Off Shore Getty & Eddies Auto - Annual approval)

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

Regular Agenda

Mayor Sippel commented in favor of the resolution as a strong supporter of the Second Amendment.

Sherriff Robert Nolan thanked Council for their response to the community by supporting this resolution.

Mayor Sippel pointed out the letters received from the community requesting this resolution.

- Res. #2020-80 A Resolution Declaring the Township of Lower a Second Amendment/Lawful Gun Owner Sanctuary

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

DRBA discussion continued

Howard Carl, Villas, asked for an update on the status of beach restoration.

Councilmember Conrad explained that the Township is awaiting a response from the Army Corp of Engineers.

Manager Ridgway explained why the Township did not adopt the new FEMA flood maps.

Tom Nelson, Erma, addressed the DRBA about their choice location for dumping the dredge materials. Dave Hoppenjans, DRBA, explained. A brief exchange ensued.

Bill Greenfield, Villas, inquired about city water in the surrounding area. Councilmember Conrad responded.

Cheryl Zebrowski, 504 Shunpike Road, expressed discontent with the negative impact on her neighborhood and the DRBA's failure to notify the Township.

Manager Ridgway commented about sewer and water in that area.

Greg Pawlowski, DRBA, informed about the County's request to isolate the truck route.

Kevin O'Brien, Erma, addressed the DRBA about enforcement of the trucking statute.

Greg Pawlowski communicated the DRBA's plan for an upcoming project on Sandman Boulevard and Beach Drive.

Manager's Report

Manager Ridgway shared flattering news from the Governor's office regarding maintenance of Township parks and gave a brief update on the Roseann Avenue project.

Council Comments

Councilmember Conrad congratulated Deputy Mayor Perry on his appointment.

Councilmember Roy congratulated Deputy Mayor Perry.

Deputy Mayor Perry thanked the Lower Township Regular Republican Organization and fellow Councilmembers for their support and anticipates many future accomplishments for the Township. He also thanked all Township employees, volunteers and fire fighters, as well as his wife and family for their support.

Mayor Sippel thanked Manager Ridgway and Township employees for their hard work on the budget.

Call to the Public

James Sanford, Diamond Beach, requested Council's assistance with a situation regarding an ICONA property. Manager Ridgway agreed to assist with the situation.

Mr. Sanford voiced concern about the absence of dune protection in areas of Diamond Beach.

Manager Ridgway addressed Mr. Sanford's concerns.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Conrad, seconded by Councilmember Roy. Motion to adjourn was unanimous. Meeting adjourned at 8:11p.m.

Mayor

Township Clerk

Approved:

P.O. Type: All
Range: First to Last
Format: Condensed

Include Project Line Items: Yes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00055 LARRY AKINS								
	20-00434	02/10/20	CONTRACTUAL REIMBURSEMENT M	Open	100.00	0.00		
00110 ANCO HOME CENTER*								
	20-00134	01/09/20	SUPPLIES	Open	4.59	0.00		
	20-00226	01/17/20	MONTHLY - JANUARY	Open	122.64	0.00		
	20-00430	02/10/20	INV 252797 TOWNHALL TOOLS	Open	49.98	0.00		
					<u>177.21</u>			
00153 ATLANTIC CITY ELECTRIC*								
	20-00404	02/07/20	12/21-1/24/20 0161-137 SHUN	Open	147.10	0.00		
	20-00405	02/07/20	STREET LIGHTS 1/1-1/31/20	Open	33,209.57	0.00		
					<u>33,356.67</u>			
00179 AVERY TEITLER*								
	20-00233	01/22/20	PLANNING BOARD SOLICITOR	Open	625.00	0.00		
00194 ADVANCED VIDEO & SOUND LLC*								
	20-00236	01/22/20	REPLACEMENT OF DVR'S/POLICE	Open	1,980.00	0.00		
00292 ASCAP*								
	20-00145	01/09/20	LICENSE FEE FOR CONCERTS-2020	Open	363.00	0.00		
00301 BELMONT AND CRYSTAL SPRINGS*								
	20-00403	02/07/20	WATER TOWNHALL 1/6-1/21/20	Open	38.57	0.00		
	20-00410	02/07/20	WATER - DPS	Open	117.29	0.00		
	20-00424	02/10/20	MONTHLY SERVICE-FEBRUARY	Open	2.09	0.00		
	20-00426	02/10/20	BOTTLED WATER	Open	87.32	0.00		
	20-00441	02/10/20	WATER FIRE SAFETY	Open	12.33	0.00		
	20-00463	02/13/20	WATER DELIVERY - JAN 2020	Open	12.23	0.00		
					<u>269.83</u>			
00775 CAPRIONI PORTABLE TOILETS, INC*								
	20-00425	02/10/20	MONTHLY	Open	268.00	0.00		
00784 CAPE MAY STAR & WAVE								
	20-00027	01/07/20	4X 15 BALLOT 12/18/19	Open	498.00	0.00		
	20-00347	01/31/20	LEGAL PUBLICATION 1/29/20	Open	47.74	0.00		
	20-00377	02/04/20	LEGAL PUBLICATION 1/22/20	Open	142.60	0.00		
	20-00412	02/07/20	2/5/20 LEGAL PUBLICATION	Open	56.42	0.00		
					<u>744.76</u>			
00825 COMCAST*								
	20-00400	02/07/20	1/28-2/27/20 INTERNET FIRE	Open	143.26	0.00		
01170 VERIZON WIRELESS* F/S								
	20-00442	02/10/20	FS CELL 12/27/19-1/26/20	Open	52.89	0.00		

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01171 VERIZON WIRELESS - TOWNHALL								
	20-00401	02/07/20	IPHONE 12/29-1/28/20	Open	979.29	0.00		
	20-00402	02/07/20	12/24-1/23/20 CELL PHONE	Open	499.90	0.00		
					1,479.19			
01200 DELTA DENTAL PLAN OF NJ								
	20-00397	02/07/20	JAN 2020 CLAIMS GR# 9427	Open	9,405.55	0.00		
	20-00398	02/07/20	JAN 2020 ADMIN	Open	1,296.00	0.00		
					10,701.55			
01267 EDWARD DONOHUE								
	20-00399	02/07/20	CONTRACTUAL REIMBURSEMENT M	Open	86.33	0.00		
01483 FRA TECHNOLOGIES*								
	20-00264	01/23/20	2020 MAINTENANCE/UPDATE	Open	1,300.00	0.00		
01590 FORD, SCOTT & ASSOCIATES*								
	20-00436	02/10/20	NTE \$40K PER RES #2020-07	Open	4,000.00	0.00		B
01603 GENERAL CODE PUBLISHERS*								
	20-00367	02/04/20	ecode360 Annual Maintenance	Open	1,195.00	0.00		
01661 GENERAL SALES ADMINISTRATION*								
	19-01811	06/20/19	OUTFITTING PATROL VEHICLES	Open	11,132.58	0.00		
01806 ANTHONY J HARVATT, II, ESQ								
	20-00443	02/10/20	1/16/20 RESOLUTIONS CONCERNING	Open	300.00	0.00		
01873 HOME DEPOT*								
	20-00120	01/09/20	SUPPLIES ACCT#6035322538825229	Open	177.79	0.00		
02066 DEBORAH A. JOHNS								
	20-00460	02/13/20	CONTRACTUAL REIMBURSEMENT V	Open	308.00	0.00		
02200 KOHLER'S AUTO GLASS*								
	20-00271	01/23/20	WINDSHIELDS FOR PD CARS	Open	690.00	0.00		
02223 LANDSMAN UNIFORMS*								
	19-03176	11/15/19	UNIFORMS	Open	2,876.80	0.00		
02294 MARIE A. LOMONACO								
	20-00438	02/10/20	CONTRACTUAL REIMBURSEMENT M	Open	223.86	0.00		B
02411 MENEAR'S TREE SERVICE*								
	20-00414	02/07/20	REMOVE TREE	Open	350.00	0.00		
02714 MITCHELL HUMPHREY*								
	20-00197	01/15/20	FEB 1 THRU JAN 31 2021	Open	4,480.00	0.00		
02800 MURPHY FENCE COMPANY*								
	19-03444	12/17/19	SPLIT RAIL & POSTS FOR BAYFRON	Open	19,539.52	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02810 MOUNT CONSTRUCTION CO*	19-02035	07/16/19	ROSEANN PHASE 3 DNE \$2464865.0	Open	107,027.40	0.00		
03001 STATE TOXICOLOGY LABORATORY*	20-00225	01/17/20	RANDOM TESTING	Open	520.00	0.00		
03020 NJ DIVISION OF MOTOR VEHICLES	20-00348	01/31/20	PD 2020 FORD EXPLORER VIN#4092	Open	60.00	0.00		
03280 PARAMOUNT SANITARY SUPPLY*	20-00274	01/24/20	TOWEL DISPENSERS & SOAP DISPEN	Open	176.38	0.00		
03305 PEDRONI FUEL*	20-00391	02/07/20	NO LEAD GAS	Open	236.72	0.00		
03365 LYNN JEFFERIS	20-00466	02/13/20	CONTRACTUAL REIMBURSEMENT M	Open	235.08	0.00		
03460 V.E. RALPH & SON, INC.*	19-03580	12/31/19	SUPPLIES	Open	999.90	0.00		
03466 R & R SPECIALTIES	20-00373	02/04/20	BRNZE PLAQUE TIMOTHY MYERS	Open	270.00	0.00		
03491 RENTAL COUNTRY*	20-00066	01/08/20	MOWER PARTS	Open	1,196.58	0.00		
03518 RIGGINS, INC.*	20-00393	02/07/20	OFF HIGHWAY DIESEL	Open	292.19	0.00		
	20-00394	02/07/20	OFF HIGHWAY DIESEL	Open	458.61	0.00		
					750.80			
03537 RUTGERS, THE STATE UNIVERSITY*	20-00273	01/23/20	RUTGERS PURCHASING CONF	Open	350.00	0.00		
	20-00311	01/28/20	TRAINING CLASS	Open	964.00	0.00		
					1,314.00			
03814 UNIVERSAL COMPUTING SERV., INC*	19-03498	12/24/19	MAILERS/DAILY NOTICES	Open	567.32	0.00		
03899 UPS	20-00329	01/30/20	SHIPPING - ALCHOTEST	Open	28.81	0.00		
03971 VERIZON WIRELESS MDT POLICE	20-00345	01/31/20	VERIZON MDT	Open	843.27	0.00		
03985 VILLAS NAPA AUTO PARTS	20-00105	01/09/20	RDS/SANT/RECY/DPW	Open	3,333.20	0.00		
04075 BARBER CONSULTING SERVICES LLC	20-00215	01/16/20	CLOUD BACK UP 250GB ONE YEAR	Open	125.00	0.00		

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04080 WINNER FORD*								
	19-01791	06/18/19	2020 PD UTILITY INTERCEPTOR	Open	31,887.00	0.00		
04097 CINTAS FIRST AID AND SAFETY*								
	20-00392	02/07/20	FIRST AID SUPPLIEES	Open	85.38	0.00		
	20-00411	02/07/20	REFILL MEDICAL CABENET	Open	27.30	0.00		
					112.68			
04266 NJ DEPT OF HEALTH&SENIOR SVCS								
	20-00407	02/07/20	DEC 2019 DOG DAMAGE	Open	14.40	0.00		
	20-00408	02/07/20	JAN 2020 DOG DAMAGE	Open	712.80	0.00		
					727.20			
04278 RICHARD SANDMAN, ESQ								
	20-00234	01/22/20	SUB. ZBA SOLICITOR	Open	625.00	0.00		
6071 UNITED UNIFORMS LIMITED LIAB*								
	20-00266	01/23/20	UNIFORMS	Open	31.00	0.00		
7079 SUBURBAN PROPANE L P*								
	20-00446	02/11/20	PROPANE DELIVERY-CLEM MULLIGAN	Open	236.99	0.00		
7098 SHORE VETERINARIAN ANIMAL *								
	20-00382	02/06/20	EMERG ANIMAL 1/2/2020	Open	75.00	0.00		
7119 ENGINEERING DESIGN ASSOC*								
	19-00359	01/30/19	RES 18-326 SCHELLENGERS LNDG	Open	632.50	0.00		B
	19-00360	01/30/19	RES 18-317 RABBIT RUN WATER	Open	552.50	0.00		B
					1,185.00			
7143 VERONICA LUGO								
	20-00427	02/10/20	BASKETBALL OFFICIAL	Open	80.00	0.00		
7354 FLEETPRIDE INC. *								
	19-03512	12/26/19	BRAKES FOR TRUCK 20-24	Open	2,248.42	0.00		
7386 COREY SCHEID								
	20-00374	02/04/20	1/13-1/14/2020 TRAINING MEALS	Open	20.00	0.00		
7387 ERIC DANZE								
	19-00936	03/29/19	2019 EQUIPMENT ALLOWANCE	Open	150.00	0.00		
7475 SUZANNE M SCHEID								
	20-00433	02/10/20	CONTRACTUAL REIMBURSEMNT M	Open	45.00	0.00		
	20-00465	02/13/20	CONTRACTUAL REIMBURSEMENT M/V	Open	612.06	0.00		
					657.06			
7508 BLANEY & KARAVAN PC*								
	19-01518	05/29/19	RES 2019-180 TAX DNE 14K	Open	487.50	0.00		B
	20-00155	01/10/20	RES# 2020-02 LABOR DNE \$40K	Open	3,640.00	0.00		B
					4,127.50			

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
7532 HEATHER MCNULTY*								
	20-00375	02/04/20	JAN HIT FIT AND SPROUT SPOT	Open	420.00	0.00		
7555 LORCO PETROLEUM SERVICES*								
	20-00318	01/29/20	USED OIL REMOVAL	Open	22.00	0.00		
7636 MOTT MACDONALD LLC*								
	19-01699	06/07/19	C/O 2 RES 19-205 ROSEANN IMPR	Open	31,503.47	0.00		B
	19-02261	08/12/19	REC BATHROOM CONSSTRUCTION PHA	Open	9,492.00	0.00		B
	19-02853	10/24/19	ROSEANNE #15-231 \$19,377.30	Open	4,791.00	0.00		B
					45,786.47			
7772 PIONEER ATHLETICS*								
	19-02824	10/21/19	SPRAY PAINT FOR FIELDS	Open	303.00	0.00		
7792 JPMONZO MUNICIPAL CONSULTING								
	20-00200	01/15/20	WEBINAR/DECONSTRUCTING AUDIT	Open	100.00	0.00		
	20-00212	01/16/20	CEU FOR CCCC AND CRP	Open	50.00	0.00		
					150.00			
7820 DEBLASIO & ASSOCIATES, P.C*								
	19-02342	08/21/19	2019 ROAD PROGRAM	Open	2,515.00	0.00		B
7929 AMAZON CAPITAL SERVICES, INC								
	20-00278	01/24/20	SUPPLIES	Open	251.15	0.00		
	20-00334	01/31/20	KITCHEN SUPPLIES	Open	169.88	0.00		
	20-00350	02/04/20	LEGAL PADS	Open	21.10	0.00		
	20-00370	02/04/20	PROTECTIVE CASE FOR TC	Open	21.99	0.00		
	20-00378	02/06/20	POLYCOM SOUNDSTATION2 ANALOG	Open	359.00	0.00		
	20-00385	02/06/20	SUPPLIES	Open	484.51	0.00		
	20-00415	02/07/20	OFFICE SUPPLY	Open	29.98	0.00		
	20-00418	02/07/20	GAVEL AND SOUND BLOCK SET	Open	37.98	0.00		
					1,375.59			
8012 FRED LAHM								
	20-00428	02/10/20	BASKETBALL OFFICIAL	Open	100.00	0.00		
8040 UTILITY LINE SERVICES								
	20-00217	01/16/20	RETURN UNUSED ESCROW	Open	3,643.73	0.00		
8063 JOHNNY BUILES								
	20-00381	02/06/20	WRESTLING OFFICIAL	Open	95.00	0.00		
8064 DON MATOUSCH								
	20-00380	02/06/20	WRESTLING OFFICIAL	Open	144.00	0.00		
8212 MICHAEL CALAFATI ARCHITECT LLC								
	19-01424	05/15/19	RES 19-163 NATHANIEL HOUSE	Open	3,470.00	0.00		
8215 UNITED STATES BRONZE								
	19-03456	12/18/19	BRONZE PLATE FOR BIERSBACH	Open	226.85	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8229 ASPLUNDH TREE EXPERT LLC	20-00219	01/16/20	RETURN UNUSED ESCROW	Open	7,098.75	0.00		
8230 ATLANTIC CITY ELECTRIC	20-00220	01/16/20	RETURN OF UNUSED ESCROW	Open	352.18	0.00		
8237 KATHERINE SANDERS	20-00395	02/07/20	1ST QTR TAXES REFUND B215 L12	Open	543.00	0.00		
8238 JOSHUA GOLDBERG	20-00396	02/07/20	1ST QTR TAXES REFUND B276 L9	Open	449.50	0.00		
8239 BRENDAN GHEER	20-00389	02/07/20	WRESTLING OFFICIAL	Open	144.00	0.00		
8240 TOM HAAS	20-00390	02/07/20	WRESTLING OFFICIAL	Open	95.00	0.00		
8242 LINDA PICCIONI	20-00435	02/10/20	REFUND 1ST QTR TAXES B84 L7	Open	396.46	0.00		
8243 EILEEN BADAME	20-00439	02/10/20	REFUND 1ST QTR TAX B30 L24	Open	559.59	0.00		
8244 DJA LAND HOLDINGS LLC	20-00458	02/11/20	REFUND 1ST QTR TAX B 496.03 L4	Open	1,708.39	0.00		
BOSNA KAREN MANETTE BOSNA	20-00376	02/04/20	JAN 2020 YOGA	Open	130.00	0.00		
DOUGHERT GEORGIA DOUGHERTY	20-00457	02/11/20	CONTRACTUAL REIMBURSEMENT M	Open	48.00	0.00		
GRIFFI GRIFFIN AUTO-MANUAL SALES, INC*	20-00316	01/29/20	RENEWAL 20220	Open	2,975.00	0.00		
PRESS PRESS OF ATLANTIC CITY	20-00372	02/04/20	2/7/20 NOTICE HEARING FOSTER	Open	83.96	0.00		

Total Purchase Orders: 113 Total P.O. Line Items: 0 Total List Amount: 329,604.02 Total Void Amount: 0.00

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-83

Title: RECYCLING TONNAGE GRANT CERTIFICATION OF TAXES PAID

WHEREAS, the Recycling Enhancement Act, P.L. 2007, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2019 in the amount of \$_____ Documentation supporting this submission is available at the Municipal Hall located at 2600 Bayshore Road, Villas, NJ 08251 and shall be maintained for no less than five years from this date.

Tax certified by: _____
Name of Official: Lauren Read,
Title of Official: Treasurer/CFO
Township of Lower
Date: February 19, 2020

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-84

Title: **TRANSFER OF 2019 APPROPRIATIONS**

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following transfers, totaling \$5,000.00 be made between the 2019 budget appropriation reserves:

LINE ITEM		ACCT. NUMBER	TO	FROM
SOLICITOR	OE	9-01-20-155-200	5,000.00	
GROUP HEALTH INSURANCE	OE	9-01-23-220-400		5,000.00
			5,000.00	5,000.00

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-85

Title: **RECYCLING TONNAGE GRANT RESOLUTION**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing Lower Township to apply for the **2019 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Township of Lower hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Linda Thomas, CRP, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-86

Title: **AUTHORIZATION FOR REFUND OF TAXES**

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

WHEREAS, a refund is due.

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

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
276	9	Joshua Goldberg 217 Ridgewood Ave	Mortgage Co Responsible	\$ 449.50
215	12	Katherine Sanders 27 Maryland Ave	Mortgage Co Responsible	\$ 543.00
30	24	Eileen Badame 213 E Jacksonville Ave	Paid Twice	\$ 559.59
84	7	Linda Piccioni 14 E Hudson Ave	Mortgage Co Responsible	\$ 396.46
496.03	4	DJA Land Holdings, LLC 207 Fire Lane	Mortgage Co Responsible	\$ 1,708.39
277	11	Susan Kennedy Burgos 123 Ridgewood Ave	Mortgage Co. Responsible	\$ 533.11

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

RESOLUTION #2020-87

Title: APPROVAL OF CONTRIBUTION TO THE COAST GUARD COMMUNITY FESTIVAL

WHEREAS, Cape May County, has been granted the official designation as a "Coast Guard Community";
and

WHEREAS, Cape May Coast Guard personnel and their families are an integral part of our community,
contributing their time and efforts throughout the Township; and

WHEREAS, the annual Coast Guard Community Festival has been scheduled for 2020; and

WHEREAS, Cape May County has requested unanimous support of Cape May County municipalities by
contributing towards the cost of sponsoring the festival lunch for the Coast Guard families; and

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

Appropriation # 01-20-110-299

Signature: _____
Lauren Read, CFO

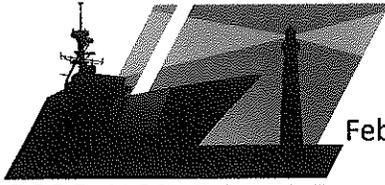
NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower, County of
Cape May, State of New Jersey does hereby authorize and approve a contribution of \$1,000.00 as a 2020 Coast
Guard Community Festival Contribution.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the
foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February
19, 2020.

Julie A Picard, Township Clerk

Mayor/Council/Manager ✓



February 3, 2020

RCVD FEB 5 '20

CAPE MAY COUNTY
COAST GUARD COMMUNITY FOUNDATION
P.O.Box 1365, Rio Grande, NJ 08242
609.888.6120

Township of Lower
Attn: Mayor Sippel
2600 Bayshore Road
Villas, NJ 08251

Board of Trustees

Will Morey, Chair
Cape May County Freeholder

Jeffrey Pierson
Cape May County Freeholder

Vicki Clark
President, Cape May County
Chamber of Commerce

Clarence F. Lear III
Mayor, City of Cape May

Herb Godfrey
Trustee

Nina Ranalli
Trustee

Jay Spork
Trustee

Richard Weiss
Trustee

Linda Wolf
Trustee

Eli Massood
Treasurer

Mayor Sippel,

We are celebrating the 6th annual Cape May County Coast Guard Community Festival with a week-long celebration in 2020. The celebration begins with the **Southern New Jersey Coast Guard Ball on Saturday, April 25th** at the Wildwoods Convention Center and concludes with the **Coast Guard Community Festival at USCG Training Center Cape May on Saturday, May 2nd.**

We are requesting the Township of Lower's continued support of the free lunch voucher program for active duty military personnel who attend the festival. We were able to provide lunch vouchers to over 714 military personnel at last year's event. An invoice based upon your level of support for last year is attached for your convenience.

The week-long celebration includes activities throughout Cape May County which recognize the importance of the Coast Guard in our community:

- Art show at the Mad Batter Restaurant in the City of Cape May
- "Salute to the Coast Guard" event at the MudHen Brewing Company in the City of Wildwood
- Children's art show at the Nature Center in the City of Cape May
- Coast Guard art exhibit at the Museum of Cape May County in Middle Township
- Open House at the Life Saving Station in Ocean City

Please contact me if you have any questions or would like to discuss how your community can participate in the festival week.

Best regards,

Michael Couch
Executive Director

Executive Director

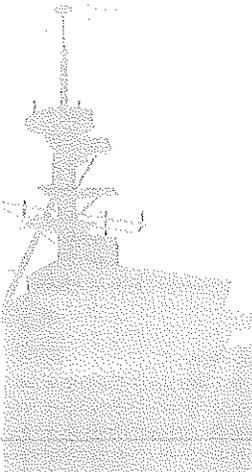
Mike Couch

Festival Director

Lee Anne Tarr

Cape May County, inclusive of sixteen municipalities, is designated as a Coast Guard Community.

The Foundation supports the designation by honoring Coast Guard families for their extraordinary service; celebrating and educating regarding the U.S. Coast Guard in Cape May County.



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

RESOLUTION #2020-88

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

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

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

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

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

Appropriation: 0-01-32-465-611

Signature: _____
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, in consultation with the Township Director of Public Works and Township Purchasing Agent, that Cape Mining is hereby awarded a contract for the removal and disposal of wood chips located at the Municipal Utilities Authority upon authorization from the Director of Public Works with the approval of the CFO for the availability of funds through December 31, 2020.

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

CAPE MINING AND RECYCLING

609-465-5617

Price List 2020

Materials Received Into Facility

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

Materials Picked-up or Delivered

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

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

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

10 ton minimum on deliveries

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

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

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

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

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

RESOLUTION # 2020-89

Title: AUTHORIZATION FOR THE PAYOUT OF ACCUMULATED SICK TIME

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

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

WHEREAS, it has been determined by the Township Treasurer as evidenced by her signature _____ that adequate funding is available for such payment in the 2019 budget for Salaries and Wages

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that payment to the employees listed on the attached schedule not to exceed the amount of \$1,589.48 is authorized and chargeable to the 2019 Budget:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
ROY						
PERRY						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief Mastriana
FROM: Ptlm. Shough #210
DATE: 01/31/2020
SUBJECT: Sick Time Sell back for 2019

I am respectfully requesting to sell back 40 unused sick hours as per the agreement between the Township of Lower and the PBA. I have used less than 40 hours of sick time for the calender year of 2019. Thank you sir for your review of this matter.

Respectfully Submitted,


Thomas Shough
Patrolman Badge 210

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20 * 7869 =
031 * 476 * +

C File

Date	Officer	Comments
02/01/2020	SGT. Robert Smith #161	
02/03/2020	LT. Thomas [Signature]	Forwarded to CPT Priolo
2-3-2020	Capt. [Signature]	Rev'd. Fwd. to Top Hall

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief Mastriana
FROM: Ptlm. Campbell
DATE: 01/31/2020
SUBJECT: Sick Time Sell back for 2019

I am respectfully requesting to sell back 40 unused sick hours as per the agreement between the Township of Lower and the PBA. I have used less than 40 hours of sick time for the calender year of 2019. Thank you sir for your review of this matter.

Respectfully Submitted,



Eric Campbell
Patrolman Badge 214

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40° x

18° 9501 =

750° 00° *+

C File

Date	Officer	Comments
02/01/2020	Sgt. Robert Smith Jr.	OK
02/03/2020	Sgt. Thomas Valenti	FWD OPT. PRICED
2-3-2020	Cpt. 139	REC'D. FWD TO Twp Hall

ORDINANCE #2020-03

AMENDING CHAPTER 419 LITTERING, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, per Department of Environmental Protection regulations, all municipal ordinances must meet the current requirements of the Storm Water Act; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following Amendments be made to Chapter 419:

Section 1. Purpose:

An ordinance to establish requirements to control littering in The Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

Section 2. Definitions: 419-1 ; the following definitions shall be replaced:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

Litter Receptacle – a container suitable for the depositing of litter.

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Section 3. Prohibited acts and regulated activities:

Section 419-2 shall be replaced with:

It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

Section 419-3 shall be replaced with:

Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

Section 4. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 5. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

Julie A Picard, Township Clerk

David Perry, Deputy Mayor

Frank Sippel, Mayor

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

ORDINANCE #2020-04

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER, ADDING CHAPTER 167;
PET WASTE

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 167, PET WASTE

SECTION 1. Purpose: An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. **Immediate** – shall mean that the pet solid waste is removed at once, without delay.
- b. **Owner/Keeper** – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. **Pet** - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. **Pet solid waste** – waste matter expelled from the bowels of the pet; excrement.
- f. **Proper disposal** – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION 3. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

SECTION 4. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION 5. Enforcement:

The provisions of this Article shall be enforced by Animal Control, Code Enforcement, the Police Department and the Local Board of Health of the Township of Lower.

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both.

Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Julie A Picard, Township Clerk

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

ORDINANCE #2020-05

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 576;
IMPROPER DISPOSAL OF WASTE

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 576; IMPROPER DISPOSAL OF WASTE

SECTION 1. Purpose: An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. **Municipal separate storm sewer system (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by THE Township of Lower or other public body, and is designed and used for collecting and conveying stormwater

b. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. **Stormwater** – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION 3. Prohibited Conduct: The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Lower is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

SECTION 4. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from firefighting activities

i. Flows from rinsing of the following equipment with clean water: - Beach maintenance equipment immediately following their use for their intended purposes; and - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

SECTION 5. Enforcement: This ordinance shall be enforced by the Public Works Department; Code Enforcement; Police Department and/or other Municipal Officials of Lower Township

SECTION 6. Penalties: Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$1,000.00.

Section 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Julie A Picard, Township Clerk

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

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

ORDINANCE #2020-06

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 420 ;
YARD WASTE COLLECTION PROGRAM

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 420 ; YARD WASTE COLLECTION PROGRAM

SECTION 1. Purpose: An ordinance to establish a yard waste collection and disposal program in The Township of Lower , so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions: For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. **Containerized** – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

b. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. **Street** – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

d. **Yard Waste** – means leaves and grass clippings.

SECTION 3 Yard Waste Collection Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION 4. Enforcement: The provisions of this ordinance shall be enforced by the Public Works Department; Code Enforcement; Police Department

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

SECTION 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Julie A Picard, Township Clerk

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

ORDINANCE #2020-07

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 10;
ILLICIT CONNECTION

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 10; ILLICIT CONNECTION

SECTION 1. Purpose: An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Township of Lower, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. **Domestic sewage** - waste and wastewater from humans or household operations.

b. **Illicit connection** – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Lower Township Municipal Utilities Authority, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. **Industrial waste** - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. **Municipal separate storm sewer system (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lower or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

e. **NJPDES permit** – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. **Non-contact cooling water** - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. **Process wastewater** - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. **Stormwater** – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION 3. Prohibited Conduct: No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Lower any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION 4. Enforcement: This ordinance shall be enforced by the Public Works Department, Code Enforcement, Police Department and/or other Municipal Officials of the Township of Lower

SECTION 5. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

SECTION 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 7. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

Julie A Picard, Township Clerk

David Perry, Deputy Mayor

Frank Sippel, Mayor

ORDINANCE #2020-08

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 577;
PRIVATE STORM DRAIN INLET RETROFITTING

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 577; PRIVATE STORM DRAIN INLET RETROFITTING

SECTION 1. Purpose: An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Lower so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. **Municipal separate storm sewer system (MS4)**– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lower or other public body, and is designed and used for collecting and conveying stormwater. : "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

b. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. **Storm drain inlet**- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet. d. **Waters of the State** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Prohibited Conduct: No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION 4. Design Standard: Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION 5. Enforcement: This ordinance shall be enforced by the Public Works Department, Code Enforcement, Police Department and/or other Municipal Officials of the Township of Lower

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

SECTION 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

Julie A Picard, Township Clerk

ORDINANCE #2020-09

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LOWER; ADDING CHAPTER 571,
REFUSE CONTAINER/DUMPSTER

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following chapter shall be added:

Chapter 571 REFUSE CONTAINER/DUMPSTER

SECTION 1. Purpose: An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township of Lower and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION 2. Definitions: For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. **Municipal separate storm sewer system (MS4)** – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Lower or other public body, and is designed and used for collecting and conveying stormwater. "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

b. **Person** – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. **Refuse container** – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. **Stormwater** – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

e. **Waters of the State** – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION 3. Prohibited Conduct: Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Lower

SECTION 4. Exceptions to Prohibition:

a. Permitted temporary demolition containers

b. Litter receptacles (other than dumpsters or other bulk containers)

c. Individual homeowner trash and recycling containers

d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION 5. Enforcement: This ordinance shall be enforced by the Public Works Department, Code Enforcement, Police Department and/or other Municipal Officials of the Township of Lower

SECTION 6. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a maximum penalty, upon conviction, of a fine not exceeding \$100 or imprisonment for a period not exceeding 90 days, or both.

SECTION 7. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

SECTION 8. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 9. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Introduced: February 19, 2020

Adopted:

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Councilmember

Julie A Picard, Township Clerk

David Perry, Deputy Mayor

Frank Sippel, Mayor

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

ORDINANCE #2020-10

Title: **AN ORDINANCE AMENDING CHAPTER 400, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF LOWER**

WHEREAS, Chapter 400, Land Development, of the Code of the Township of Lower regulates and limits the uses of land, the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Lower into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board and a Board of Adjustment; and prescribing penalties for the violation of its provisions; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89, the governing body shall, at least every ten (10) years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination; and

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, specifically N.J.S.A. 40:55D-25 and 40:55D-28, the Lower Township Planning Board is given exclusive authority to adopt or amend the Master Plan, or a component thereof, including a municipality's land use ordinance; and

WHEREAS, on December 12, 2019, the Lower Township Planning Board completed its periodic reexamination of the Township's Master Plan and it transmitted a copy of its "General Re-examination of the Master Plan" report to Township Council for its review and consideration; and

WHEREAS, the said "General Re-Examination of the Master Plan" report contains various recommendations outlining proposed revisions to the Township's Land Development Ordinance for Council's consideration;

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

Section 1. The following subsections of **Chapter 400, Land Development**, are hereby amended as follows:

400-10 Zoning Map

(7) R-3 District.

(b) The Tranquility Park R-3 District includes the area within a boundary line beginning where the Route 109 bridge crosses the canal and going westward along the canal to the railroad right-of-way until its intersection with Ferry Road, then eastward along Ferry Road to Route 109, and continuing eastward along Route 109 until its intersection with the easterly edge of Lot 1, Block 753.05, then southward along that edge to Portsmouth Road, then eastward along that road until it intersects 11th Avenue, then southward along that road to 8th Avenue, then eastward along 8th Avenue to Wissahickon Avenue, then southward along Wissahickon Avenue to 7th Avenue, then eastward along 7th Avenue to Route 109 to the beginning point. The R-3 District shall include Block 753.01, Lot 39.03; Block 753.05, Lot 1; Block 773, Block 774 and Block 775.

(13) GB District.

(a) The GB District along the Route 109 curve consists of the area bounded by a line beginning at the northeast corner of Lot 1, Block 753.05, running southward along the easterly boundary of that lot to its intersection with Portsmouth Road, then eastward along Portsmouth Road to 11th Avenue, then southward to its intersection with 8th Avenue, then eastward along 8th Avenue to its intersection with Wissahickon Avenue, then southward along Wissahickon Avenue to 7th Avenue, then eastward along 7th

Avenue to US Route 109, then northward and around the bend westward to the point of beginning. This GB District shall not include Block 753.01, Lot 39.03; Block 753.05, Lot 1; Block 773, Block 774 and Block 775.

400-14 R-1 Single-Family Residential and R-2 Single-Family Residential

- E. Minimum off-street parking. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together. The minimum size shall be nine feet by 18 feet and the minimum surface shall be clam shells, washed gravel or better. The spaces may be stacked and the garage may be one of the spaces.
- (1) Dwelling units shall each provide two spaces per dwelling unit when enlarging or erecting a building.
 - (2) Churches shall provide one space per every five permanent seats. (One seat shall be considered 22 inches in calculating the capacity of pews or benches.)
 - (3) Schools shall provide one space per employee for grades kindergarten through eighth grades, 2 1/2 spaces per employee for grades nine through 12, and in all cases sufficient space for school bus loading and unloading.
 - (4) Home occupations shall provide not less than one space per 100 square feet of gross floor area or fraction thereof devoted to the home occupation, but the Planning Board may, at its own discretion, require additional spaces. The Planning Board may also prohibit piggy-back parking.
 - (5) See § 400-34 for additional standards.

400-17 GB General Business.

- A. Principal permitted uses on the land and in buildings.
- (1) Lodges and clubs.
 - (2) Public purpose uses.
 - (3) Banks.
 - (4) Offices and office buildings.
 - (5) Restaurants without liquor licenses.
 - (6) Theaters, bowling alleys and other indoor recreational activities, as a conditional use.
 - (7) Service stations, as a conditional use.
 - (8) Laundromats.
 - (9) Garden centers.
 - (10) Stores and shops for the conduct of any lawful retail business.
 - (11) Personal service shops (barbershops, dry-cleaning pickup service, beauty parlors, etc.).

(12) Automotive service center.

In the GB-1 Zone, all of the above uses shall be permitted; in addition to those uses enumerated above, the following uses shall also be permitted on the land and in the buildings in the GB-1 Zone:

(13) Bars, taverns, nightclubs, and restaurants with liquor licenses.

(14) Car washes.

(15) Vehicular sales agencies.

In addition to those uses permitted in the GB and GB-1 Zones, the following uses shall also be permitted in the GB-2 Zone:

(16) Offices and office buildings, with an attached dwelling unit.

(17) Stores and shops for the conduct of any lawful retail business, with an attached dwelling unit.

(18) Personal service shops, with an attached dwelling unit.

(19) Restaurants and establishments with liquor licenses, with an attached dwelling unit.

(20) Public Electric Vehicle Charging Stations.

400-18 RB Residential Business.

A. Principal permitted uses on the land and in buildings.

(1) Single-family detached dwelling units.

(2) The following uses shall be permitted, provided that they are part of a residential structure or its accessory building

(a) Stores and shops for the conduct of any retail business.

(b) Light industrial uses.

(c) Personal service shops (e.g., barbershops, dry-cleaning pickup service, beauty parlors, etc.).

(d) Offices and office buildings.

(e) Restaurants without liquor licenses.

(f) Indoor recreational activities, as a conditional use.

(g) Service stations, as a conditional use.

(h) Laundromats.

(i) Garden centers.

(j) Day-care centers.

(k) Automotive service centers.

400-19 Industrial

A. Principal permitted uses on the land and in buildings.

- (1) Offices and office buildings.
- (2) Industrial plans of a type which carry on processes within completely enclosed buildings, including the manufacture, assembly or treatment of products.
- (3) Wholesale distribution centers and warehouses.
- (4) Industrial parks on tracts of land at least 25 acres in area comprised of any combination of the uses listed hereinabove.
- (5) Public utility uses as conditional uses under N.J.S.A. 40:55D-67 ((see § 400-56 for additional standards).
- (6) Construction equipment and/or material storage yard.
- (7) Methadone clinics, as a conditional use, only in the I-1 Industrial-Special Purpose Zone, Block 410.01, Lots 36, 37, and 37.01 (see § 400-56 for additional standards).
- (8) Public Electric Vehicle Charging Stations.

400-29 Accessory buildings.

- A. Accessory buildings as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirements for the principal building regardless of the technique of connecting the principal and accessory buildings.
- B. Accessory buildings not to be constructed prior to principal buildings. No construction permit shall be issued for the construction of an accessory building for the purpose of occupancy prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Construction Official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.
- C. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed in Article IV, except that no poultry or livestock shelter shall be erected nearer than 100 feet to any dwelling on the same lot, subject to the following exceptions pertaining to the raising and housing of horses:
 - 1) Only one (1) horse shall be permitted per acre of ground; however, no more than two (2) horses shall be permitted on one (1) lot;
 - 2) Any livestock shelter utilized exclusively to house horses shall maintain a minimum 40ft. setback to all property lines and any dwellings located on site; and
 - 3) Any and all horse shelters and properties housing horses which exist at the time of the adoption of this Ordinance shall be exempt from these regulations.
- D. Height of accessory buildings. The height of accessory buildings shall be as prescribed in Article IV.

- E. Location. An accessory building may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed in Article IV, except that, if erected on a corner lot, the accessory building shall be set back from either street to comply with the minimum required setback for the respective zoning district and not the closest point of any building on the lot as described in § 400-8, Definitions. No poultry or livestock shelter shall be erected nearer than 100 feet to any lot lines.

400-40 Minimum lot size for farm animals.

A minimum of one acre shall be required in any district for the keeping of customary farm animals, subject to the following exception pertaining to the raising and housing of horses:

- 1) Only one (1) horse shall be permitted per acre of ground; however, no more than two (2) horses shall be permitted on one (1) lot;
- 2) Any livestock shelter utilized exclusively to house horses shall maintain a minimum 40ft. setback to all property lines and any dwellings located on site; and
- 3) Any and all horse shelters and properties housing horses which exist at the time of the adoption of this Ordinance shall be exempt from these regulations.

400-77 Preliminary site plan review.

- A. Where required. Where a zoning, occupancy or building permit is required for any new construction, enlargement, relocation, reconstruction, or for any open parking area, accessory or otherwise, whether by right, variance, or conditional use, such application shall be referred to the Planning Board for review of the site plan. However, the provisions of this section shall not apply to a single-family dwelling, permitted as of right, or any use, building or structure accessory thereto.

- (1) Has secured previous site plan approval(s);
- (2) Involves normal maintenance or replacement such as a new roof, painting, new siding or a similar activity; and/or
- (3) Does not effect existing circulation, drainage, building arrangement, landscaping, buffering, lighting and/or similar considerations.

- B. Objective of site plan review. In reviewing any site plan under this section, the Board shall be concerned with the following objectives:

- (1) To promote the public health, safety, comfort, convenience, prosperity, amenity, and other aspects of general welfare.
- (2) To ensure that the layout of the proposed use shall be in harmony with the surrounding area and shall contribute to its desirable and orderly development.
- (3) To ensure that traffic generated by the proposed use will not adversely affect the surrounding area and will not disrupt the orderly movement of vehicles and pedestrians in such area.

- C. Factors considered. In such review, the Board shall take into consideration such factors as the following:

- (1) Provisions for fire and police protection, including free access for fire-fighting equipment and other emergency vehicles around buildings, the availability of fire hydrants and the installation of proper size service water lines.
- (2) The adequacy of provisions of drainage of surface waters and for waste disposal.
- (3) The location and the layout of accessory off-street parking and off-street loading spaces, the width and grading of all entrances and exits to such spaces, the location of such exits and entrances, the degree of visibility and the direction of major flow, together with:
 - (a) The distance from street intersection;
 - (b) The likelihood of lefthand turns and other turning movements; and
 - (c) The likelihood of drawing vehicular traffic to and through local residential streets.
- (4) The arrangements for safe and convenient pedestrian circulation on the site and on its approaches.
- (5) The impact of the proposed layout upon the surrounding area, and particularly upon any nearby residences, including but not limited to:
 - (a) The location and height of buildings;
 - (b) The location, intensity and direction of any outdoor lighting and the proposed times for its use;
 - (c) The likelihood of any other nuisances; and
 - (d) Whether appropriate and adequate screening is provided.
- (6) The site, location and type of any signs and their appropriateness in the area involved.
- (7) The arrangements for any outdoor display or storage.
- (8) The proposed landscaping and its appropriateness in the area involved. Preservation of substantial trees is to be encouraged to the maximum extent possible.
- (9) The arrangement of buildings, structures and open spaces on the site.
- (10) All utility services should be adequate for the purpose intended and shall be placed underground. All utilities shall be approved by the appropriate agencies prior to submission of the site plan to the Planning Board.
- (11) In its review the Board shall encourage creative design of the site to provide a more convenient and attractive layout. The Board's review shall be concerned with all site features, including, inter alia, accessory buildings, structures, and signs as well as the major buildings or structures.

D. Minor site plan waiver may be applied for if the application for development:

- (1) Is not an existing or proposed vacant lot.
- (2) The Board determines that the proposed development will not adversely affect existing circulation, drainage, building arrangements, landscaping, buffering, lighting, and similar conditions; and

- (3) Where the size of any proposed addition does not exceed 25% of the existing building.

E. An applicant shall submit:

- (1) Twenty current copies of a survey prepared by a NJ Licensed Land Surveyor [three (3) sealed] of the site and 20 copies of a drawing showing the location of all existing buildings and entrances, including height and dimensions of buildings. The drawings may be prepared by an applicant or a representative. The current use of the site must be indicated on the drawing.
- (2) The applicant shall submit a letter requesting a minor site plan waiver from the Planning Board.
- (3) Minor site plan application shall not require review by the Township Engineer except on a case-by-case basis, as ordered by the Planning Board.
- (4) The Planning Board shall review the application and grant the Waiver, or refer the application for a Preliminary and Final Site Plan review before the Planning Board.

F. Procedure, powers and appeal.

- (1) The following procedure shall be required for approval of a site plan: The applicant shall complete 20 copies of an official application form. This application form and a copy of the regulations governing site plan review are obtainable from the Planning Board Secretary. The applicant shall supply 20 copies of the site plan drawings and supporting plans and/or documents based upon the Tax Map of the Township. The 20 copies of the application form, together with 20 copies of the site plan drawings, together with the application fee, as herein set forth, shall be submitted to the Planning Board Secretary at least 21 days prior to the meeting at which it is to be considered. All papers shall be submitted simultaneously. The minimum application fee shall be in accordance with Article X. The fee shall be paid in cash or by check made payable to the Township of Lower. The application shall contain all information required by this chapter and the regulations for site plan review and shall comply with all such requirements and regulations as therein provided or it will not be considered by the Board. The applicant shall appear before the Planning Board to present this proposal at the time of the Board's consideration of it.
- (2) In any submission under this section, the Board shall review the application utilizing the site review factors above noted and the requirements of the zoning chapter and may approve or disapprove the proposed plan, or may approve it subject to appropriate conditions and safeguards designed to further the general purposes of this chapter and the specific purposes indicated above. The building permit and certificate of occupancy shall then be made explicitly subject to continued conformity with those conditions and safeguards.
- (3) The Planning Board shall report upon any such proposal within 90 days from the time of its referral. The report shall contain the Board's findings and reasons for its actions. The Board's report may be postponed for two additional periods by agreement between the Board and the applicant, not to exceed 60 days each, and if not then acted upon, the applicant's proposal shall be deemed approved. If the Planning Board believes that any such proposal raises questions of unusual public interest, the Board may hold a public hearing on such proposal in which case notice thereof shall be published in the official newspaper of the municipality or in any newspaper of general circulation within the municipality at least 10 days prior to the hearing and notice of the hearing shall be given by applicant to adjoining owners as required in connection with a variance applicant to the Board of Adjustment.

- (4) Granting of site plan approval shall not relieve any applicant from any provision of the zoning chapter, nor shall such approval constitute a recommendation of any zoning variance or other relief that applicant may thereafter seek from the Board of Adjustment.
- (5) An application form shall be obtained from the Secretary of the Planning Board, and regulations shall contain all information hereinafter indicated.

G. Regulations governing the application for site plan review.

- (1) Give title and location of development and the name and address of record owner and/or development applicant, and site planner preparing the site development plan.
- (2) Indicate proposed use or uses of the land and buildings.
- (3) Site plans should be presented at a scale no smaller than one inch equals 50 feet, nor larger than one inch equals 20 feet; size of sheets should not exceed 36 inches by 24 inches.
- (4) Scale and graphic scale.
- (5) North arrow in same direction on all sheets.
- (6) Submit survey of the property prepared by a licensed surveyor of New Jersey, showing boundaries of properties, lines of all existing streets and roads, easements, rights-of-way and areas dedicated to public use within 200 feet of the development. Also indicated on this sheet will be the North arrow, scale feet and graphic scale, name and address and professional license number and seal of the surveyor who prepared the survey.
- (7) Give names of all owners of record of all adjacent properties with lot and block number, parcel number, Tax Map number, within 200 feet of the property.
- (8) Show existing and proposed buildings with dimensions, showing, with first floor elevation, present and finished grade elevations at all corners and entrances. Present buildings and structures to be removed are to be indicated.
- (9) Submit topographic map to delineate existing contours at two-foot intervals, up to 10 feet beyond property lines, as well as proposed grading and contours, wooded areas, trees (where six inches or greater in diameter), floodplains, ponds, streams and drainage ditches, etc.
- (10) Indicate the location of all existing and proposed structures, i.e., walls, fences, culverts, bridges, roadways, etc., with grade elevations for each structure.
- (11) Indicate existing zones of the development site and of zones within 100 feet of the property.

- (12) Show all existing schools and special district boundaries within 200 feet of the property. This should be shown on a separate map or as a key map on the site plan map itself.
- (13) Indicate the distance of the property line (measured along the center line of existing streets abutting the property) to the nearest intersection which should be shown.
- (14) Show the boundaries of the property, building and setback lines, lines of existing streets, lots, reservations, easements and areas dedicated to public use.
- (15) Indicate locations of all utility structures and lines, existing and proposed stormwater drainage on-site and off-site and from buildings and structures, as well as telephone, power and light, water hydrant locations, sewer, gas, etc., whether privately or publicly owned, with manholes, inlets, pipe sizes, grades, inverts and directions of flow.
- (16) Show location, size and nature of the entire lot or lots in question of contiguous lots owned by the applicant or owner of record, or in which the applicant has a direct interest even though a portion of the entire property is involved in site plan development. Provide on a key map, if necessary.
- (17) Show all proposed easements and public and community areas.
- (18) Indicate all means of vehicular ingress and egress to and from the site on to public streets, showing the size and location of driveways, curb cuts and curbing, and site lines.
- (19) Show location and design of off-street parking areas, showing their size, and the locations of internal circulation, traffic patterns, parking space, aisles, driveways, curbing, barriers, and wearing surface finishes and construction.
- (20) Show location, arrangement and dimensions of truck loading and unloading platforms and docks.
- (21) Indicate provisions for refuse and garbage disposal. Insure that such areas are not exposed to view, are unpolluting, covered from weather and are secure from vandalism. Incineration of burning units will be of such design and construction as to be approvable by the State Departments of Health and Environmental Protection. Compactor units will ensure completely sealed operation. Open dump areas for garbage or refuse should be prohibited, but where they are deemed necessary they must be enclosed and constricted with views to sight, fire protection, sanitation and security.
- (22) Show provisions for screening or storage of equipment, attached or separate from buildings.
- (23) Indicate all existing or proposed exterior lighting (freestanding and/or on building) for size, nature of construction, lumens, heights, area and direction of illumination, footcandles produced, as well as time controls proposed for outdoor lighting and display.

- (24) Note all existing and proposed signs and their sizes, nature of construction and locations, height and orientation, including all identification signs, traffic and directional signs and arrows, freestanding and facade signs and time control for sign lighting.
- (25) Indicate locations, dimensions and construction of off-site sidewalks, on-site exits, walks and sidewalks. Provision should be made for pedestrian safety, accessways and, where necessary, a bicycle system and racking.
- (26) Show proposed screening of green areas and landscaping and fencing, including a planting plan and schedule, and trees, off-site and along road, etc. Provision should be made for maintenance.
- (27) Show improvements to adjoining streets and roads, and traffic control devices necessary in streets or highways. Acceleration and deceleration lanes, paving, land dedication or acquisition for roads should be considered.
- (28) Copies of any covenants and deed restrictions intended to cover any of the development site should be submitted.
- (29) A detailed written description, sketch, rendering or picture of any new buildings or structures should be presented.
- (30) Preliminary architectural floor plans and elevations should be submitted, with the name, address, professional number and seal of the architect.
- (31) Supply appropriate places for signature and date of approval of the Chairman and Secretary of the Board and its Engineer.
- (32) In fire prevention, consideration must be shown for service lines, hydrants, siamese connections, automatic sprinkler system, fire zones, no-parking fire zones and pavement and wall signs.
- (33) Flood zone and based flood elevation.
- (34) Final lot grading plan.
- (35) Show house numbers for each building lot on the final site plan plot only.

H. If the development plan requires CAFRA approval, the plan must be resubmitted to the Planning Board with any conditions imposed by CAFRA shown on the plan. Said conditions shall become a condition of Planning Board approval.

400-80 Fees.

A. Every application for development, site plan review or variance shall be accompanied by cash or certified check made payable to the Township of Lower in accordance with the following schedule:

(1) Subdivisions.

Type	Application Charge	Escrow Account
Sketch plat	\$150	\$200
Preliminary plat	\$150 + \$150 per lot	\$80 per lot up to 10 lots; \$40 each in excess of 10
Final plat	\$750	\$30 per lot
Minor subdivision	\$450 + \$150 per each newly described lot	\$250 for first newly described lot; per lot in excess of one lot
Revised plat	\$750	\$750
Tax Map updates	\$75 per lot up to 20 lots; \$15 each lot in excess of 20 lots	None

(2) Site plans.

Type	Application Charge	Escrow Account
Preliminary plan	\$750 + \$75 per unit	\$300 for first acre; \$200 each additional acre or p thereof
Final plan	\$1,125	\$300 for first acre; \$200 each additional acre or p thereof
Minor site plan Waiver	\$450	\$200 for first acre; \$50 for each additional acre or p thereof
Revised site plan	\$750	\$300

(3) The applicant is responsible for any reasonable professional fees connected with the review or inspection of the plan and/or site.

(4) Dune review plan.

Type	Application Charge	Escrow Account
Dune review plan	\$1,125	\$400

(5) Variances.

Type	Application Charge	Escrow Account
Appeals (N.J.S.A. 40:55D-70a)	\$750	\$150
Interpretation (N.J.S.A. 40:55D-70b)	\$375	\$150
Hardship (N.J.S.A. 40:55D-70c)	\$300	\$150
Use (N.J.S.A. 40:55D-70d)	\$400 first unit/lot; \$200 additional unit/lot	\$150
Permit (N.J.S.A. 40:55D-34 and 40:55D-35)	\$750	\$150
Exceptions (waiver of design standards, N.J.S.A. 40:55D-51)	\$300	\$150
Extension of approval	\$150	None

(6) Other applications.

Type	Application Charge	Escrow Account
Conditional uses	\$750	\$150
House moving	Refer to § 199-3D	Refer to § 199-3D
Informal review	\$375	None

Type	Application Charge	Escrow Account
Special meeting at applicant's request	\$1,125	None
Zoning verification letter	\$150	--
Zoning permit	\$25	--

- B. The application charge for subdivision and site plan is a flat fee to cover administrative expenses. The escrow account is established to cover the costs of professional services, including engineering, legal and other expenses, connected with the review of the submitted materials. Sums not utilized in the review process shall be returned to the applicant. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow. Final approval is contingent upon receiving additional sums where applicable. (The escrow account schedule is only an estimate based on average costs.)
- C. Where an application for development includes several approval requests, the total sum of all of the individual required fees shall be paid.
- D. Each applicant for sketch plat, preliminary or final subdivision or site plan approval shall agree, in writing, to pay all reasonable costs for professional review of the application and for inspection of the improvements required by the Board. Such costs must be paid in full before any construction permit is issued, except in the case of site plan review.
- E. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Township shall be at the expense of the applicant, who shall also have the sole responsibility of arranging the court reporter's attendance.

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

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

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

Thomas Conrad, Councilmember

, Councilmember

Roland Roy, Jr., Councilmember

Dave Perry, Deputy Mayor

Frank Sippel, Mayor

First Reading:

Adopted:

Attest: _____
Julie A Picard, Township Clerk

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

RESOLUTION #2020-90

Title: APPROVAL OF AN ALCOHOLIC BEVERAGE CONTROL PLENARY RETAIL CONSUMPTION LICENSE - PERSON TO PERSON TRANSFER - LICENSE #0505-33-011-005, FROM FIVE P'S INC TO SPYGLASS OF CAPE MAY, LLC

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License 0505-33-011-005, heretofore issued to Spyglass of Cape May, LLC as a "POCKET LICENSE"; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and all additional financing obtained in connection with the license.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Lower Township Council does hereby approve effective Wednesday, February 19, 2020 at 8:00pm, the transfer of the aforesaid Plenary Retail Consumption License to Spyglass of Cape May, LLC and does hereby direct the Township Clerk to endorse the License Certificate to the New Ownership as follows: "This License, subject to all of its terms and conditions, is hereby transferred, effective 8:00 pm February 19, 2020 to Spyglass of Cape May, LLC as a "Pocket License".

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk

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

ORDINANCE #2020-02

Title: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER TO CONVEY A DEED OF EASEMENT TO THE PROPERTY OWNERS OF BLOCK 796, LOTS 45 & 46 IN ORDER TO AFFORD SAID OWNER ACCESS TO USE AND MAINTAIN AN EXISTING WOODEN PIER/WALKWAY CONSTRUCTED ON TOWNSHIP OWNED PROPERTY

WHEREAS, Clair Hooper ("Hooper") is the owner of certain real property located at 880 W. Rio Grande Avenue, a/k/a Block 796, Lots 45 and 46 ("Subject Property"), on the official Tax Map of the Township of Lower;

WHEREAS, there is currently an existing wooden pier/walkway constructed at the Subject Property which is owned by Hooper and which has been constructed directly over and across Richardson's Avenue, a paper street owned and maintained by the Township, Channel Road, a paper street owned and maintained by the Township, and Township owned property identified as Block 797, and Block 795, Lots 90 and 91, which provides the Subject Property with access to Richardson Channel;

WHEREAS, on July 11, 2018, the New Jersey Department of Environmental Protection ("NJDEP") issued Hooper a Notice of Violation associated with the performance of unauthorized regulated activities within a coastal wetland without obtaining authorization from the Department's Division of Land Use Regulation to reconstruct/repair the existing wooden pier/walkway;

WHEREAS, in order to resolve the pending NJDEP Notice of Violation and to apply for required permits, the NJDEP has indicated that Hooper requires written consent from the Township of Lower in order to perform restoration work to the existing wooden pier/walkway on and within property owned by the Township of Lower;

WHEREAS, in connection with the approval and authorization required from the NJDEP to permit Hooper to complete required and necessary repairs to said wooden pier/walkway located on and within Township owned property, the Township of Lower has determined that it is necessary to convey a right-of-way access easement to Hooper over its land so as to afford Hooper with permission and access to undertake the contemplated restoration work;

WHEREAS, N.J.S.A. 40A:12-1 et seq. permits the conveyance of an interest in land not needed for public purposes; and

WHEREAS, the public's interest in the Easement is not affected by granting this easement as Richardson's Avenue and Channel Road are unimproved paper streets, and the property owned by the Township, Block 797, and Block 795, Lots 90 and 91, consists of marshland and land that is currently underwater.

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

Section 1. The Township of Lower is hereby authorized to convey a deed of easement to Clair Hooper to afford her access to use and maintain an existing wooden pier/walkway constructed within Richardson's Avenue, a paper street owned and maintained by the Township, Channel Road, a paper street owned and maintained by the Township, and Township owned property identified as Block 797, and Block 795, Lots 90 and 91, as further identified in **Exhibit A** which is attached hereto;

Section 2. The Mayor and Township Clerk are hereby authorized to execute all documents necessary for the conveyance of the Easement, including but not limited to executing a Deed of Easement, attached hereto as **Exhibit B**, and other required conveyance documents;

Section 3. The Mayor and Township Clerk are hereby authorized to execute the Application Form for Permit Authorization required by the New Jersey Department of Environmental Protection granting Hooper its permission to proceed with the required permit application, which is attached hereto as **Exhibit C**;

Section 4. The land subject to the Easement is not needed for a public purpose and it is determined to be in the best interests of the Township of Lower to permit access by Hooper to the land in question by way of an Easement;

Section 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 6. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Councilmember

Frank Sippel, Mayor

Introduced: January 22, 2020

Adopted:

Attest: _____
Julie A Picard, Township Clerk

Easement

KNOW ALL PEOPLE BY THESE PRESENTS, THAT the Township of Lower, ("Authority" or "Grantor"), a municipal corporation with a business address of 2600 Bayshore Road, Villas, NJ 08251, for One Dollar (\$1) and other good and valuable consideration paid by Clair Hooper, whose address is 31 Shade Court, Maple Shade, New Jersey, 08052, ("Grantee"), the receipt of which is hereby acknowledged, does hereby provide and grant to Grantee, its successors and assigns, a nonexclusive easement and right-of-way (the "Easement") over and across the following described real property (the "Easement Area"), for so long as the Easement is used solely for the purposes mentioned in this Easement, for the purpose of providing a means of ingress to and egress over and above the land and water by means of a raised pier to access the Grantee's waterfront dock, deck and mooring structures a set forth in the attached schematic being more particularly described as attached hereto.

The Easement is granted, subject to the conditions, restrictions, and limitations contained in this Easement. The recording of this NonExclusive Access Easement or use of the Easement by the Grantee, for itself and its successors and assigns, will be deemed acknowledgment and acceptance by Grantee of all terms and conditions, restrictions, and limitations contained in this document, which will be effective and binding on the Grantee, its successors and assigns. The Easement will constitute an appurtenance to the real property.

1. Grantee assumes the risk and will indemnify and hold harmless Grantor and/or Grantors' directors, officers, employees, public officials, agents, customers, invitees, and licensees against, any and all demands, claims, causes of action, fines, penalties, damages, losses, liabilities, judgments, and expenses for bodily injury, death, any other personal injury, damage to real or personal property, and business interruption (including, without limitation, attorneys' fees and court costs) incurred in connection with or arising from: (1) the use or occupancy of the Easement Area by Grantee, or its employees, agents, contractors, invitees, visitors, any other person entering upon the Easement Area under the express or implied invitation of Grantee, or any person claiming under Grantee; (2) any activity, work, or thing done, or permitted or suffered on or about the Easement Area by Grantee, or its employees, agents, contractors, invitees, visitors, any other person entering upon the Easement Area under the express or implied invitation of Grantee, or any person claiming under Grantee; (3) any acts, omissions, or negligence of Grantee, or its employees, agents, contractors, invitees, visitors, any other person entering on the Easement Area under the express or implied invitation of Grantee, or any person claiming under Grantee; (4) any breach, violation, or nonperformance by Grantee, or its employees, agents, contractors, invitees, visitors, any other person entering on the Easement Area under the express or implied invitation of Grantee, or any person claiming under Grantee, of any term, covenant, or provision of this NonExclusive Access Easement or any law, ordinance, or governmental requirement of any kind; or, (5) (except for loss of use of all or any portion of the Easement Area or Grantee's property located within the Easement Area which is proximately caused by or results proximately from the negligence or willful misconduct of

Easement

Grantor), any injury or damage to the person, property, or business of Grantee, or its employees, agents, contractors, invitees, visitors, any other person entering on the Easement Area under the express or implied invitation of Grantee, or any person claiming under Grantee. If any action or proceeding is brought against Grantor and/or Grantors' directors, officers, employees, public officials, agents, customers, invitees, or licensees by reason of any such claim, Grantee, on notice from Grantor, will defend the claim at Grantee's expense with counsel satisfactory to Grantor.

2. Grantor expressly reserves a reversionary interest in the Easement Area. Grantee will not share, lease, assign, sell, convey, or transfer all or any part of the Easement or rights granted in this Easement. In the event the Grantee abandons, disuses, shares, leases, sells, assigns, conveys, or transfers all or any part of the Easement, or rights granted in this Easement, the Easement and all rights connected with the Easement will terminate and revert to Grantor in accordance with the Grantor's interest in the real property, and a Grantor may file an Affidavit of Facts Relating to Title for the purpose of giving public notice of any such reversion. On termination and reversion as stated, the Grantee will execute and deliver a recordable instrument of conveyance returning the described easement rights to Grantor and releasing any and all rights which may have been conveyed by this Easement. Grantor will be released from any obligation or liability to Grantee arising or resulting from the granting or termination.

3. Grantee agrees to be responsible for all costs related to damage to Grantors' real property or interest in the real property, which damage was occasioned by or resulted from the Grantee's use of the Easement.

4. The rights granted in this Easement do not include any rights of Grantee to construct or install any improvements in the Easement Area without the written authorization of the Authority. However, the Grantor hereby authorizes the Grantee the right to maintain, repair, and replace in kind and in place the existing pier for ingress and egress to the Grantee's waterfront dock, deck and mooring structures as set forth in the attached schematic.

5. The rights granted in this Easement are nonexclusive and will not be construed to interfere with or restrict the Grantor's paramount right to use the Easement Area for any and all public purposes, to fully use and enjoy the property, or construct and maintain property improvements in, over, under, across and through Easement Area, so long as such use and enjoyment does not unduly interfere with the use of the Easement for the purposes granted to Grantee.

6. Grantee will not permit or suffer to exist any mechanics or materialman's lien of any kind or nature against the Easement Area or other lands owned by Grantor for any work done or materials furnished at the instance, request, or on behalf of Grantee. Grantee will indemnify and hold harmless Grantor against any and all liens, claims, demands, costs, and expenses of any nature connected with or arising out of such work done or materials furnished.

7. All activities conducted on the Easement Area by Grantee will be conducted in compliance with all laws, ordinances, rules, and regulations including, without limitation, environmental,

Easement

land use, and public utility laws, rules and regulations. This includes, but is not limited to, any rules, regulations, and/or permitting process established by Grantor to regulate access to the Easement Area in addition to the terms contained in this Easement.

IN WITNESS WHEREOF, the Grantor, Township of Lower, by its duly authorized officer _____, has caused this instrument to be executed and subscribed _____.

Township of Lower

By: _____

[Name of authorized officer]

[Title of authorized representative]

Subscribed and sworn to before me on [date of attestation].

[Notary clause]

Notes

James R. Boney & Associates, LLC

LAND SURVEYORS

N. J. LICENSE No. 31264 ♦ PA. LICENSE No. SU-048532-R

13 Stone Mill Court, Egg Harbor Township, NJ 08234

Office: (609) 788- 8013 Mobile: 457-2826

LEGAL DESCRIPTION

(EASEMENT)

ALL THAT CERTAIN LOT, tract or parcel of land and premises situate, lying and being in the TOWNSHIP of LOWER, County of CAPE MAY and State of New Jersey, being a five feet wide easement for the use and maintenance of an existing wooden pier or walkway running from the northeasterly line of Richardson's Avenue, over and through meadowlands to the division line between Lot 90 and Lot 91, Block 795, Lower Township Tax Map, being more particularly described as follows:

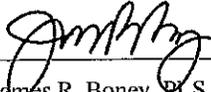
BEGINNING a point in the Northeasterly sideline of Richardson's Avenue (50' wide, not open), said point being 34.71 feet southeast of the southeast corner of Lower Township Tax Map Lot 47, Block 796 and from said beginning point running thence:

- 1) South 53 degrees 04 minutes 34 seconds West, 253.02 feet to a point in the division line between Lot 90 and Lot 91, Block 795; thence
- 2) North 79 degrees 02 minutes 38 seconds East, along said division line, 11.42 feet to a point; thence
- 3) North 53 degrees 04 minutes 34 seconds East, 242.94 feet to a point in the said line of Richardson's Avenue; thence
- 4) North 39 degrees 06 minutes 35 seconds West, along same, 5.00 feet to the Point and Place of BEGINNING.

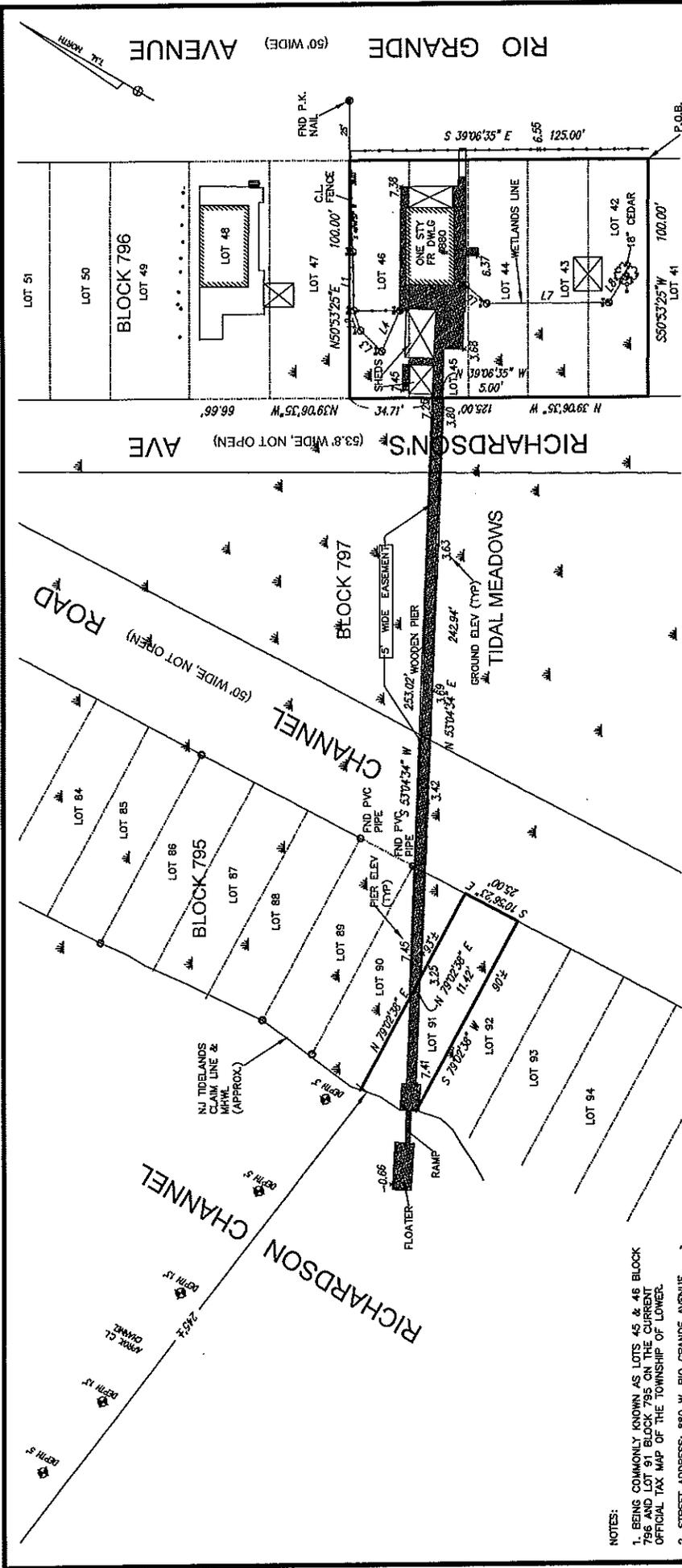
Described in accordance with a survey of the premises by James R. Boney, PLS dated May 31, 2018 and revised to December 10, 2019.

December 10, 2019

Date



James R. Boney, PLS
NJ License No. 31264



DATE: 05-31-18
 SCALE: 1"=40'
 DRN BY: JRB
 PROJ: 18-2016
 REV:
 12-20-18 LOT NUMBERS
 02-17-19 WETLANDS
 12-10-19 EASEMENT

SURVEY OF:
 BLOCK 796 LOTS 42, 43, 44, 45, & 46; BLOCK 795 LOT 91
 TOWNSHIP OF LOWER CAPE MAY COUNTY NEW JERSEY

James R. Boney
JAMES R. BONEY
 PROFESSIONAL LAND SURVEYOR
 NJ LICENSE NO. 31264
 13 STONE MILL CT. E.H.T., NJ 08234 PH: 609-788-8013

WETLANDS LINE TABLE

LINE	LENGTH	BEARING
L1	23.98	S50°15'48" W
L2	9.02	S31°33'42" W
L3	12.44	S05°58'23" V
L4	19.21	N75°18'51" E
L5	29.33	S59°42'04" E
L6	11.75	S02°35'57" W
L7	50.92	S39°07'05" E
L8	13.36	N82°47'17" E

- NOTES:
1. BEING COMMONLY KNOWN AS LOTS 45 & 46 BLOCK 796 AND LOT 91 BLOCK 795 ON THE CURRENT OFFICIAL TAX MAP OF THE TOWNSHIP OF LOWER.
 2. STREET ADDRESS: 880 W. RIO GRANDE AVENUE
 3. ELEVATIONS ARE MVD 1988

TO:
 CLAIRE HOOPER
 I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED AND PREPARED IN ACCORDANCE WITH THE LAWS OF THE STATE OF NEW JERSEY. FURTHER CERTIFY TO ITS ACCURACY EXCEPT FOR ANY EASEMENTS OR STRUCTURES NOT VISIBLE ON THE SURFACE.

2/5/2020

Register Report - Last month
1/1/2020 through 1/31/2020

Account	Description	Memo	Category	Amount
INCOME				
	Liquor Licenses			4,790.00
	Rental 2019-2020			400.00
	Taxi & Limo			150.00
	Towing			160.00
	Vac Prop Reg			500.00
	Yard Sale Permit			3,575.00
EXPENSES				
	Rental 2020-2021			5.00
TRANSFERS				
	Council Checking			75.00
				-4,865.00
				-4,865.00
OVERALL TOTAL				
				0.00

Township of Lower
 2600 Bayshore Road
 Villas, NJ 08251
 609-8861455

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 01/01/2020 To 01/31/2020

February 04, 2020 3:56:03PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$319,040.00	Cubic Footage:	141614 Cu.ft	Permit Issued:	96
Cost Of Alteration:	\$771,545.00	Square Footage:	10834 Sq.ft	Updates Issued:	12
Cost Of Demolition:	\$16,200.00			All Fees Waived:	2
Total Cost:	\$1,606,785.00			Municipal Fees Waived:	0

<u>PERMIT FEES</u>	<u>ADMIN FEES</u>	<u>WAIVED FEES</u>	<u>TOTAL FEES</u>
Building: \$17,471.00	Building: \$0.00	Building: \$0.00	Building Fees: \$17,471.00
Electrical: \$12,249.00	Electrical: \$0.00	Electrical: \$247.00	Electrical Fees: \$12,002.00
Fire : \$3,840.00	Fire : \$0.00	Fire : \$0.00	Fire Fees: \$3,840.00
Plumbing: \$5,724.00	Plumbing: \$0.00	Plumbing: \$0.00	Plumbing Fees: \$5,724.00
Elevator: \$0.00	Elevator: \$0.00	Elevator: \$0.00	Elevator Fees: \$0.00
Mechanical: \$2,715.00	Mechanical: \$0.00	Mechanical: \$0.00	Mechanical Fees: \$2,715.00
		* Total Waived: \$247.00	Technical Fees: \$41,752.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$525.00	\$0.00	\$525.00
Alteration Training Fee:	\$1,473.00	\$20.00	\$1,453.00
DCA Minimum Fee:	\$7.00	\$0.00	\$7.00
Sub total Training Fee:	\$2,005.00	\$20.00	\$1,985.00

TECHNICAL ISSUES

Building Technical:	56
Electrical Technical:	77
Fire Protection Technical:	19
Plumbing Technical:	36
Elevator Technical:	
Mechanical Technical:	29

CERTIFICATE ISSUES

Certificate of Occupancy:	8
Certificate of Approval:	18
Certificate of Continued Occupancy:	1

Certificate of Occupancy Fee:	\$2,742.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$2,742.00

PERMIT FEES:	\$41,752.00
DCA FEES:	\$1,985.00
CERTIFICATE FEES:	\$2,742.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$46,479.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$151.00
OTHER FEES:	\$150.00
GRAND TOTAL FEES:	\$46,780.00

* By State law (see N.J.S. 52:27D-126c): \$247.00

* By Municipality (see N.J.S. 52:27D-126b): \$0.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 01/01/2020 To 01/31/2020

February 4, 2020 3:56:41PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$5,949.00	\$40,680.00	\$0.00	\$46,629.00
CCO FEES	Sub Totals:	\$151.00	\$0.00	\$0.00	\$151.00
LICENSE FEES	Sub Totals:	\$50.00	\$300.00	\$0.00	\$350.00
HOMEOWNER LICENSE	Sub Totals:	\$0.00	\$50.00	\$0.00	\$50.00
GRAND TOTALS:		\$6,150.00	\$41,030.00	\$0.00	\$47,180.00

TOWNSHIP OF LOWER
 Dog Payment Audit Report
 FROM 1/1/2020 TO 1/31/2020

<u>Lic.#</u>	<u>License Fee</u>	<u>Registration</u>	<u>Pilot</u>	<u>Late</u>	<u>Pop.Ctrl</u>	<u>Misc. Receipt#</u>	<u>Check#</u>	<u>Cash</u>	<u>Check</u>	<u>Other</u>	<u>TOTAL</u>	
A.	Total Licenses reported With Registration Fee					:		449.00				
B.	Total Amount Due for Pilot Clinic Fund					:		89.80				
C.	Total Amount Due for Pop. Control Fund					:		174.00				
D.	Total Amount Due to State					:		712.80				

PAYMENT SUMMARY

CASH	1,915.00
CHECK	620.00
OTHER	0.00
TOTAL	\$2,535.00

1. Total Number of Licenses Issued	:	451	No License # : 0
2. Total Number of Licenses At No Charge	:	2	
3. Total Number of Licenses with pilot Fee	:	449	
4. Total Number of Non-spayed/Nonnuetered Fee		59	No Fee : 1
5. Total Number of Replacement Licenses	:	1	

**2020 CASH RECEIPTS
JANUARY**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Current year taxes (2020)	9,592,729.74	9,592,729.74
Prior year taxes (2019)	185,942.73	185,942.73
Prior year taxes (2018)	250.00	250.00
Prior year taxes (2017)		0.00
Previously exempt property		0.00
State Audit Pay Back		0.00
Municipal Lien		0.00
Recording		0.00
Bankruptcy		0.00
6% Penalty		0.00
Municipal Service Fees		0.00
Tax Search Fees		0.00
Interest	8,299.32	8,299.32
Lot clearing		0.00
Returned Check Fees	80.00	80.00
Duplicate Bills	80.00	80.00
Trash	5,946.00	5,946.00
TOTAL DEPOSITS	9,793,327.79	9,793,327.79
	0.00	
DEPOSITED TO COUNCIL CHECK	9,358,332.44	9,358,332.44
DEPOSITED TO WIPP ACCOUNT	434,995.35	434,995.35
TOTAL DEPOSITS	9,793,327.79	9,793,327.79
NSF Reversals	47,753.00	47,753.00
WIPP NSF Reversals	13,025.94	13,025.94
NSF Fee Reversal		0.00
TOTAL NSF	60,778.94	60,778.94
TOTAL	9,732,548.85	9,732,548.85

Prepared by Kathy Brown

**2020 JANUARY
VITAL STATISTICS**

Marriages,Civil Unions	10
Domestic Partners	0
Certified Copies	270
Certified Copies EDRS	0
Burial Permits	0

Marriages, Civil Unions State	\$250.00
Domestic Partners State	\$0.00
Marriages, Civil Unions Twp	\$30.00
Domestic Partners Twp	\$0.00
Certified Copies	\$2,700.00
Certified Copies EDRS	\$0.00
Burial Permits	\$0.00

TOTAL	\$2,980.00
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TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION # 2020-91

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, assembled in public session on February 19, 2020 that an Executive Session closed to the public shall be held on this date at approximately _____ P.M. in the Conference Room of the Township Hall, 2600 Bayshore Road, Villas for the discussion of matters relating to the specific items designated above.

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

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on February 19, 2020.

Julie A Picard, Township Clerk