

WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL

March 17, 2014 - 6:00 P.M.

Meeting called to order.

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

Work Session

Cape May County Electronic Recycling - Gary Douglass, Public Works Director

Consent Agenda

Approval of Minutes March 3, 2014
Res. #2014-88 Payment of Vouchers \$2,383,945.58
Res. #2014-89 Authorization for the Payout of Accumulated Compensatory Time (D.Fisher \$3,725.02)
Res. #2014-90 Contract Award For 3rd Final Year Fertilizer/Slice Seed Township Grounds and Parks (Tru-Green LP \$18,009.)
Res. #2014-91 A Resolution In Support of a "No Passing Zone" Along the Entire Length of Route NJ 162 (requested by NJDOT - bridge entering south side of canal)
Res. #2014-92 Bid Acceptance and Contract Amendment for Maintenance of Township Grounds and Parks (Douglass Landscaping \$55,475.)
Res. #2014-93 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction Website
Res. #2014-94 Authorizing Payment of 2014 Employer Share Pension (PERS \$566,367.00, PFRS \$807,796.00)

Regular Agenda

Res. #2014-95 Resolution Authorizing the Donation of Winter Police Jackets No Longer Needed For Public Use to Lower Cape May Regional High School's School Based Youth Services
Res. #2014-96 Appointment of Acting Municipal Engineer for 2014 Without Public Bidding (Engineering Design Associates, PA Not to exceed \$5,000)
Ordinance #2014-01 An Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (Annual Ordinance required prior to approval of budget by the Director of Local Government Services) 2nd reading & public hearing
Ordinance #2014-03 An Ordinance Amending Chapter Seven Titled "Traffic" of the Code of the Township of Lower (regulating parking on Third Avenue from Rt 109 to Wissahickon Ave) 2nd reading & public hearing
Ordinance #2014-04 An Ordinance of the Township of Lower Amending And Restating Chapter 351- Flood Damage Prevention 2nd reading & public hearing

Administrative Reports

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

Council Comments

Call to the Public

Adjournment

COUNCIL MEETING MINUTES – March 3, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on March 3, 2014 at 6:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember James Neville
Councilmember Erik Simonsen
Deputy Mayor Clark
Mayor Michael Beck

Also present: Michael Voll, Township Manager, Ron Gelzunas, Township Solicitor and Karen Fournier, Clerk's Office

Police Department Accreditation – Chief William Mastriana – has been rescheduled to March 17, 2014

Fishing Creek Community Volunteer Program Presentations - David Pacevich – rescheduled to April 7th

Work Session

Second Hand Merchant Ordinance - Detective Sgt Ernest Macomber

Detective Sgt Ernest Macomber and Detective Joe Boyle presented before Council to request an amendment to the ordinance for second-hand merchants to include electronics and high dollar merchandise in the Rapid System to aide in tracking stolen property.

Mayor Beck directed Solicitor Gelzunas to draft an amendment to the ordinance for Council's approval.

Cape May County Electronic Recycling - Gary Douglass, Public Works Director – has been rescheduled to the March 17th meeting

Recreation Advisory Board Recommendation - Mark DiDonato

Mark DiDonato, Vice-Chairman, and Luke Gegan, member of the Recreation Advisory Board, presented before Council to request consideration for the 2014 Park / Recreation Development Application to the Cape May County Planning Department Open Space Program. Please see attached.

Diamond Beach Dune Project - Mayor Michael Beck

Mayor Beck spoke briefly about the Diamond Beach Dune Project. He directed Manager Voll to have the Planning Board make a recommendation. Manager Voll informed that, at the request of Mayor Beck and Councilmember Simonsen, he directed Bill Galestok, Planning Director, to send notification to area residents of the March 20th planning board meeting.

Consent Agenda

Approval of Minutes	February 19, 2014
Res. #2014-78	Payment of Vouchers \$ 1,623,369.87
Res. #2014-79	A Resolution Requesting Release of Demolition Bond for Block 541, Lot 15; 206 Glencreek Road, Townbank (releasing \$500)
Res. #2014-80	Issuance of Ice Cream Peddling and Ice Cream Salesmen Licenses for the Year 2014 (Mr. Softee)
Res. #2014-81	Appointment of Acting Municipal Engineer for 2014 Without Public Bidding (Engineering Design Associates, P.A. not to exceed \$5000)

- Res. #2014-82 Authorizing Payout of Terminal Leave (G.Curvan \$1,425.14)
 Res. #2014-83 Authorization for 2014 Incentive Award for Insurance Waiver (G.Curvan \$833.33)
 Res. #2014-84 Authorizing Payout of Terminal Leave (E.Will \$7,687.51)
 Res. #2014-85 Approval of Precious Metal License (Adele's Jeweled Treasures)
 Res. #2014-86 Approval of Change Order #1 ADA Upgrades and Improvements At The "Old" Fishing Creek School (Thomas Barry Construction \$50,000)
 Res. #2014-87 A Resolution Urging Our US House Members to Vote "YES" On the Homeowner Flood Insurance Affordability Act of 2014, H.R. 3370 (as amended)
 Ordinance #2014-03 An Ordinance Amending Chapter Seven Titled "Traffic" of the Code of the Township of Lower (No Parking Regulations on Third Ave) 1st reading / 2nd reading & public hearing March 17th
 Ordinance #2014-04 An Ordinance of the Township of Lower Amending and Restating Chapter 351 - Flood Damage Prevention - 1st reading / 2nd reading & public hearing March 17th

Mayor Beck requested Resolutions #2014-78 and 2014-81 be moved to the regular agenda.

On the consent agenda:

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

Regular Agenda

Res. #2014-78 Payment of Vouchers \$ 1,623,369.87

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

Res. #2014-81 Appointment of Acting Municipal Engineer for 2014 Without Public Bidding (Engineering Design Associates, P.A. not to exceed \$5000)

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						X
NEVILLE					X	
SIMONSEN				X		
CLARK	X		X			
BECK		X	X			

Administrative Reports

Monthly Reports – Finance, Police

Council Comments

Councilmember Neville commented on the school closing due to inclement weather and thanked the Police and Public Works Departments for the snow removal. He also mentioned that improvements were made at Two Mile Crab House and looks forward to the season starting.

Councilmember Simonsen spoke of the Hansen family and their involvement in the St. Baldrick's fundraiser held at the Two Mile Crab House. He commented on the South Jersey Middle School Honors Band held at the LCMR Performing Arts Center as well as the Honors Choir held at the Middle Township PAC. He provided information on the LCMR girls basketball playoff game and announced the accomplishments of three LCMR students competing in the NJSIA state championship at Boardwalk Hall in Atlantic City. He disclosed the approval of the Open Space Trust Application for the Life-Saving Station and Maritime Museum at Higbee Beach and he hopes to see improvements take place there soon.

Deputy Mayor Clark reported that the sentiments from the last Council meeting regarding the school funding issue have echoed throughout Cape May. He informed that the Friends of Lower Township Campaign will be reinstated this year to support the recreational programs throughout Lower Township.

Mayor Beck announced the Health and Wellness Fair to be held on April 22nd at the Recreation Center. He offered information about the Employment Services Network for anyone interested in the GED program or career exploration. He also talked briefly about a resolution being passed to support the House Bill 3370.

Call to Public

No one addressed Council.

Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Simonsen, seconded by Deputy Mayor Clark. Motion to adjourn unanimous. Meeting adjourned at 6:28 pm.

Mayor

Township Clerk

Approved:

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01171 VERIZON WIRELESS - TOWNHALL								
	14-00609	03/10/14	CELL SERVICE 02/24/14-03/23/14	Open	614.82	0.00		
	14-00610	03/10/14	I PHONE BILL MARCH 1-MARCH 28	Open	<u>972.59</u>	0.00		
					1,587.41			
01200 DELTA DENTAL PLAN OF NJ								
	14-00551	03/03/14	DENTAL MARCH 2014	Open	12,554.96	0.00		
01389 EDDIE'S AUTO BODY*								
	14-00397	02/07/14	PATROL UNIT PAINT	Open	900.00	0.00		
	14-00432	02/14/14	SHOP /ALIGNMENT	Open	<u>55.00</u>	0.00		
					955.00			
01530 FIRE DISTRICT #1								
	14-00429	02/14/14	2014 FIRE DISTRICT TAXES	Open	108,191.83	0.00		
01550 FIRE DISTRICT #3								
	14-00614	03/11/14	2014 FIRE DISTRICT TAXES	Open	157,493.10	0.00		
01643 WILLIAM GALESTOK								
	14-00633	03/12/14	MEDICAL CLAIMS	Open	85.00	0.00		
01781 HATCH MOTT MACDONALD, LLC*								
	13-01659	06/18/13	HATCH MOTT WATER INVESTIGATION	Open	2,712.50	0.00		
	14-00121	01/10/14	REMEDIAL INVESTIGATION UST DPW	Open	<u>432.50</u>	0.00		B
					3,145.00			
01806 ANTHONY J HARVATT, II, ESQ								
	14-00601	03/10/14	RESOLUTIONS	Open	600.00	0.00		
02140 KINDLE FORD LINC/MERC., INC.*								
	14-00596	03/10/14	RETURN OF UNUSED ESCROW	Open	148.64	0.00		
02223 LANDSMAN UNIFORMS*								
	13-03204	11/04/13	UNIFORMS	Open	1,915.50	0.00		
02247 LAWSON PRODUCTS, INC.*								
	14-00404	02/10/14	SUPPLIES FOR DPW/GARAGE	Open	699.67	0.00		
02248 LAWREN SUPPLY*								
	13-03633	12/18/13	BALLISTIC VESTS	Open	745.00	0.00		
02320 LOWER TOWNSHIP BRD OF EDUCATN								
	14-00002	01/07/14	2014 SCHOOL TAXES DUE 1ST	Open	1,525,156.40	0.00		B
02521 JOSEPH MARKER								
	14-00611	03/10/14	MEDICAL CLAIMS	Open	2,517.00	0.00		
02714 MITCHELL HUMPREY*								
	14-00473	02/19/14	ANNUAL MAINTENANCE 2/14-1/15	Open	3,860.00	0.00		
02726 MIDDLE TOWNSHIP								
	14-00552	03/03/14	ANIMAL CONTROL SERVICES	Open	675.12	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02940 MUNICIPAL RECORD SERVICE*	14-00439	02/14/14	LABELS	Open	90.00	0.00		
02947 DONALD MURPHY	14-00550	03/03/14	MEDICAL CLAIMS	Open	746.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	14-00369	02/05/14	PARTS/RDS/SANT/RECY/FEB.	Open	1,413.05	0.00		
03178 OCEANPORT INDUSTRIES INC*	14-00317	02/03/14	Road Salt	Open	6,342.25	0.00		
03305 PEDRONI FUEL*	14-00545	03/03/14	NO LEAD GAS/DPW	Open	427.74	0.00		
03366 AMERI-GAS*	14-00560	03/03/14	PROPANE-BENNETTS-CONSESSION	Open	241.32	0.00		
03387 POGUE INC. *	14-00493	02/24/14	SAFETY AND HEALTH CONSORTIUM	Open	266.00	0.00		
03427 POLAR BEAR*	14-00433	02/14/14	ROOFTOP HVAC PUBLIC SAFETY	Open	5,845.00	0.00		
03491 RENTAL COUNTRY*	14-00469	02/19/14	CHAIN SAW/PARTS/MACHINE RENTAL	Open	549.99	0.00		
03518 RIGGINS, INC.*	14-00549	03/03/14	HIGHWAY DIESEL	Open	703.14	0.00		
	14-00627	03/11/14	HIGHWAY DIESEL	Open	1,308.79	0.00		
					<u>2,011.93</u>			
03573 SAFETY-KLEEN CORP*	14-00472	02/19/14	EQUIP./MAINTENANCE	Open	309.29	0.00		
03688 SOUTHERN NJ CHAPTER NIGP*	14-00613	03/11/14	MARCH 2014 MEETING MVITELLI	Open	30.00	0.00		
03692 SOUTH JERSEY GAS CO*	14-00499	02/24/14	GAS FOR FEBRUARY 2014	Open	12,422.85	0.00		
03720 SOUTH SHORE BASKETBALL LEAGUE	14-00252	01/24/14	BASKETBALL REFEREE FEES	Open	1,080.00	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	14-00617	03/11/14	SEWER CHARGES DUE 4/1/2014	Open	1,160.00	0.00		
03971 VERIZON WIRELESS MDT POLICE	14-00578	03/06/14	VERIZON WIRELESS - MDT'S	Open	587.32	0.00		
03985 VILLAS NAPA AUTO PARTS	14-00366	02/05/14	RDS/SANT/RECY/FEB.	Open	2,854.75	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
04077 RONALD J. GELZUNAS	14-00018	01/07/14	2014 LEGAL SERVICES DNE \$90	Open	6,635.50	0.00		
04097 CINTAS FIRST AID AND SAFETY*	14-00588	03/10/14	FIRST AID/DPW	Open	100.37	0.00		
	14-00632	03/11/14	FIRST AID SUPPLIES- TOWNHALL	Open	<u>106.21</u>	0.00		
					206.58			
04204 ZACHARY ZELWAK	14-00595	03/10/14	MEDICAL CLAIMS	Open	96.00	0.00		
04266 NJ DEPT OF HEALTH&SENIOR SVCS	14-00607	03/10/14	STATE DOG LICENSE FEES-FEBRUAR	Open	412.80	0.00		
05101 VITELLI ELECTRIC*	14-00250	01/24/14	ELECTRIC SERVICE	Open	400.00	0.00		
06033 WYNS CONSULTING LLC*	14-00631	03/11/14	2014-62 \$16,500 INCREASE	Open	16,500.00	0.00		
06038 ALIANO BROTHER GENERAL CONTACT	14-00058	01/08/14	ADA UPGRADE REC#13-309 \$92,637	Open	32,851.07	0.00		
6043 TIFFANY HUTCHINSON	14-00537	02/28/14	REIMBURSEMENT-COACH-SOCCER	Open	15.00	0.00		
6061 AMERIHEALTH ADMINISTRATORS	14-00592	03/10/14	MARCH 3 HEALTH INS & RX	Open	63,605.94	0.00		
	14-00621	03/11/14	MARCH 10 HEALTH INS & RX	Open	<u>322,320.94</u>	0.00		
					385,926.88			
6088 CRAFT OIL CORPORATION*	14-00342	02/04/14	DIESEL MOTOR OIL	Open	1,425.60	0.00		
7041 CARI ECKEL	14-00538	02/28/14	REIMBURSEMENT-COACH-LACROSSE	Open	15.00	0.00		
7044 A SHORE THING CLEANING*	14-00449	02/18/14	CLEANING OF MILLMAN CENTER	Open	175.00	0.00		
7098 SHORE VETERINARIAN ANIMAL *	14-00157	01/13/14	ANIMAL RES# 2014-36 DUE 1ST	Open	4,166.67	0.00		
7117 NJLM	14-00500	02/24/14	EMPLOYMENT AD-ENGINEER	Open	130.00	0.00		
7122 JAMES PELLERIN	14-00539	02/28/14	REIMBURSEMENT-COACH-SOCCER	Open	25.00	0.00		
7123 CHRIS LAMBERT	14-00540	02/28/14	REIMBURSEMENT-COACH-LACROSSE	Open	15.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type		
7124 KIM HARRIS	14-00546	03/03/14	REIMBURSEMENT-COACH-LACROSSE	Open	15.00	0.00				
7125 JOSEPH SCHAFFER	14-00547	03/03/14	REIMBURSEMENT-COACH-SOCCER	Open	15.00	0.00				
7126 MAGGIE SLEIGHT	14-00548	03/03/14	REFUND FOR JUDO	Open	40.00	0.00				
	14-00587	03/10/14	REFUND- JUDO REGISTRATIONS	Open	<u>120.00</u>	0.00				
					160.00					
7128 PAMELA LEVIN	14-00585	03/10/14	REIMBURSEMENT OF COACH/NYSCA	Open	35.00	0.00				
	14-00594	03/10/14	REIM LACROSSE COACH/NYSCA	Open	<u>35.00</u>	0.00				
					70.00					
7129 SPILKER FUNERAL HOME	14-00593	03/10/14	REFUND DUPLICATE PAYMENT DEATH	Open	20.00	0.00				
7131 DAN WAGNER	14-00623	03/11/14	REFUND FOR VOLUNTEER COACH	Open	15.00	0.00				
BERB BERNADETTE ERB	14-00535	02/28/14	REIMBURSEMENT- COACH-SOCCER	Open	25.00	0.00				
BLAUE BLAUER ASSOCIATES INC*	13-00857	03/26/13	ADA REC/FISHING 12-182\$16k DNE	Open	450.00	0.00				
BONNER ROBERT BONNER JR	14-00536	02/28/14	REIMBURSEMENT-COACH-SOCCER	Open	15.00	0.00				
CARROT CARROT-TOP INDUSTRIES, INC*	14-00237	01/24/14	AMERICAN FLAG- MILLMAN CENTER	Open	122.41	0.00				
COMMSERV COMMERCIAL SERVICES, INC	14-00531	02/27/14	RELEASE OF DEMO BOND	Open	500.00	0.00				
G-ISL ISLAND TROPHIES	13-02797	09/30/13	PLAQUE	Open	60.00	0.00				
JFLECK JACOB FLECK	14-00534	02/28/14	REIMBURSEMENT FOR COACH-SOCCER	Open	25.00	0.00				
SEAGE SEAGEAR MARINE SUPPLY*	14-00247	01/24/14	RAIN JACKET/ WINTER JACKET	Open	1,419.50	0.00				
STAN1 STANLEY ACCESS TECH LLC	14-00618	03/11/14	ELECTRIC DOOR MAINT 3/14-2/15	Open	1,964.96	0.00				
<hr/>										
Total Purchase Orders:		90	Total P.O. Line Items:		228	Total List Amount:		2,382,047.58	Total Void Amount:	0.00

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

RESOLUTION # 2014-88

TITLE: AUTHORIZING THE PAYMENT OF VOUCHERS

<u>Vendor</u>	<u>PO #</u>	<u>Description</u>	<u>CK</u>	<u>Amount</u>
HILTON WOODBRIDGE	14-00574	3/12-14 HOTEL MASTRIANA	52174	\$ 398.00
JACK FICHTER	14-00224	FEBRUARY PUBLIC INFO OFFICER	52173	\$1500.00
			Total Manual Checks	\$ 1,898.00
			Total Computer Generated	\$ 2,382,047.58
			Total Bill List	\$ 2,383,945.58

I hereby certify the foregoing to be a resolution adopted by the Township Council at a meeting held on March 17, 2014..

Julie Picard, Township Clerk

	MOITON	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2014-89

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that payment to David Fisher in the amount of \$3,725.02 is authorized and chargeable to the 2014 Budget account 4-01-25-240-12.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

LOWER TOWNSHIP POLICE DEPARTMENT

SPECIAL REPORT

TO: Chief Mastriana
FROM: Cpl David Fisher #141
DATE: March 2, 2014
SUBJECT: Comp-time buy back

Chief,
I respectfully request to sell 83 hours of accrued comp time back to the township.

Respectfully Submitted,


David J Fisher
Corporal Badge 141

C	File	Date	Officer	Comments
		3/14/14	Chief Mastriana	forward to township

APPROVED 

4-01-25-240-121

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

RESOLUTION # 2014-90

TITLE: CONTRACT AWARD FOR 3RD FINAL YEAR FERTILIZER/SLICE SEED TOWNSHIP GROUNDS AND PARKS

WHEREAS, the Township awarded bid for the Fertilizer/Slice Seed for Township of Lower Grounds and Parks on 2012-70 to Tru-Green LP with a 3rd final option for 2014 after approval by a resolution of the governing body;

WHEREAS, the Township is awarding the final 3rd year option for Fertilizing and Slice Seed for the Township's various locations to the following:

AWARD TO: TRU-GREEN LP
TERM: 2014 Season Final
TOTAL: \$18,009.00

WHEREAS, the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation # :

CFO Signature: _____

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

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2014-91

Title: **A RESOLUTION IN SUPPORT OF A "NO PASSING ZONE" ALONG THE ENTIRE LENGTH OF ROUTE NJ 162**

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 162 in Lower Township; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 162 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along Route NJ 162.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that it supports the use of a "No Passing Zone" on Route 162 in Lower Township as recommended by NJDOT.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

I hereby certify the foregoing to be the original resolution adopted by Township Council at a meeting held on March 17, 2014.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSENT	ABSTAIN
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

RECEIVED
2-27-14

CHRIS CHRISTIE
Governor

JAMES S. SIMPSON
Commissioner

KIM GUADAGNO
Lt. Governor

February 14, 2014

Julie A. Picard
2600 Bay Shore Road
Villas, New Jersey 08251-1399

**No Passing Zone
Route NJ 162
Lower Township
Cape May County**

Dear Ms. Picard:

This is in reference to an investigation conducted by the New Jersey Department of Transportation to inventory the existing centerline markings along Route NJ 162, in the Township of Lower, County of Cape May.

Staff of the Bureau of Traffic Engineering (BTE) has completed an investigation. Based on this investigation, the existing centerline markings are in compliance with current design standards. Therefore, Route NJ 162 will remain a "No Passing Zone" throughout the entire length of Lower Township.

Although the centerline markings will not change, NJDOT will still need to update our records. In order to do so, these updates must be legally established as "No Passing Zones" requiring a Traffic Regulation Order (TRO). An initial step in the TRO process is to receive a Resolution of Support (Concurrence) from the municipal governing body. The New Jersey Attorney General's Office now stipulates that the Resolution of Concurrence is required within 90 days. Enclosed is a sample for your use.

Once this office is in receipt of the certified adopted Resolution of Concurrence from the Lower Township governing body, a Traffic Regulation Order will be promulgated.

Should you have any questions, please feel free to contact Robert Smetanka, Principal Traffic Investigator, at 609-530-2657.

Sincerely,

Michael Mihalic
Supervisor, Traffic Investigations

enc.

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

RESOLUTION # 2014-92

**TITLE: BID ACCEPTANCE AND CONTRACT AMENDMENT FOR MAINTENANCE OF TOWNSHIP
GROUNDS AND PARKS**

WHEREAS, the Township advertised bids for the Maintenance of Township Grounds & Parks on December 21, 2011, accepted on January 11, 2012 at 9:00 a.m. and awarded on February 22, 2012 to Douglass Landscaping Services, LLC as per Resolution #2012-77 with option for 2014 upon approval by a resolution of the governing body;

WHEREAS, the Township is awarding Change Order #1 amending the contract to the following:

Add Mitnick School: 4 Baseball Fields and surrounding common areas 27 cuts @ 275.00=\$7425.00

Remove Servicing David Douglass Memorial School 31 cuts @ 125.00= \$3875.00.

CONTRACT AWARD TO:	DOUGLASS LANDSCAPING	
<u>ORIGINAL CONTRACT AMOUNT</u>	<u>\$51,925.00</u>	2014 Year
<u>Mitnick School</u>	<u>\$ 7,425.00</u>	Additional Services 2014
<u>David Douglass School</u>	<u>\$ 3,875.00</u>	Removed Location 2014
<u>TOTAL \$55,475.00</u>		

WHEREAS, the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation # :

CFO Signature: _____

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Change Order #1 for Douglass Landscaping is hereby approved to increase the contract total to \$55,475.00

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION # 2014-93

TITLE: AUTHORIZING THE SALE OF TOWNSHIP OF LOWER SURPLUS NO LONGER NEEDED FOR PUBLIC USE ON GOVDEALS ONLINE AUCTION WEBSITE

WHEREAS, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and;

WHEREAS, the Township of Lower intends to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the Township surplus property; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of in the County of Cape May, State of New Jersey, that the Township of Lower is hereby authorized to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the surplus property as indicated on Schedule A on an online auction website;

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

SCHEDULE A	
DESCRIPTION	
COMPUTER DELL OPTIPLEX SX260	
COMPUTER DELL OPTIPLEX SX260	
SMITH CORONA ELECTIRC TYPEWRITER XE 5100	
DELL AS500 COMPUTER SPEAKER	
MICROSOFT KU 0045 KEYBOARD- WHITE	
KENSINGTON 64333 KEYBOARD	
HP KU9963 KEYBOARD-BLACK	
HP MOUSE	
DELL SK8115 KEYBOARD - BLACK	
DELL MOUSE MUAN DEL1	
METROLOGIC MS 700i-H1 SCANNER	
METROLOGIC MS 700i-H1 SCANNER	
METROLOGIC MS 700i-H1 SCANNER	
IBM WHEEL WRITER 6 TYPEWRITER	
DELL E173FP6 COMPUTER MONITOR	
HP 1150C OFFICE JET PRO COPIER	
HP LASERJET 5P PRINTER	
2005 FORD 550 DUMPTRUCK	
DELL OPTIPLEX GX270	
DELL MONITORS MODEL 1703FPT	
DELL MONITOR MODEL 1907FPC	
DELL MONITOR MODEL E771P	
ACER MONITOR MODEL AL1906A	
DELL MONITOR MODEL E173FPT	
EPSON RECEIPT PRINTER	
EPSON RECEIPT PRINTER	
HP COLOR LASER JET 4650 N	
DELL LASER MFP 1600N	
HP COLOR LASER JET CP4005DN	
DELL COMPUTER MONITOR GX200	
DELL GX 400 COMPUTER	
DELL COMPUTER OPTIPLEX GX270	
DELL COMPUTER OPTIPLEX GX240	
1997 FORD NEW HOLLAND BACKHOE	
XEROX WORK CENTRE 3045	
HP LASER JET 4250DTN	
HP LASER JET 2200DT	
BROTHER INTELLIFAX 2800	
GATEWAY SOLO LAPTOP	
IBM WHEEL WRITER TYPEWRITER 1000	
(8) OPTIPLEX COMPUTERS GX270	

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

RESOLUTION # 2014-94

TITLE: AUTHORIZING PAYMENT OF 2014 EMPLOYER SHARE PENSION

WHEREAS, the amounts listed below are owed for the employer's share of pension in the current year 2014 and share due on April 1, 2014 and it is necessary to receive authorization for the payments of bills which affect the budget, and

WHEREAS, payment of employer's share of pension to the State is required to be remitted through electronic payment (EFT); and

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

WHEREAS, fund for pension payment are available in the 2014 budget appropriations for PERS and PFRSW as certified by the Chief Financial Officer _____

NOW, THEREFORE BE IT RESOLVED by the Township Council that the following pension payments totaling \$1,374,130.00 are hereby authorized:

Public Employees' Retirement Systems (PERS)	4-01-36-471-501	\$566,367.00
Police and Fireman's Retirement System (PFRS)	4-01-36-475-501	\$807,796.00

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

LOWER TOWNSHIP	
Employer No: 2-51880	
Due Date: 04/01/2014	
Do not remit any other payment(s) with this invoice.	

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AUTHORIZATION INFORMATION**

Payment Amount

Confirmation #: _____ Date: _____

Remit payment through the TEPS system by calling 1-800-200-2269 or the TEPS Internet System at www.payments.govonesolutions.com/njpenmenu. Any questions regarding this invoice please call 609-984-1513.

STATE OF NEW JERSEY
DIVISION OF PENSIONS AND BENEFITS
Trenton, New Jersey 08625

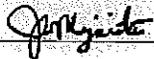
Form Approved By
Division of Local Government Services
Department of Community Affairs

**PUBLIC EMPLOYEES' RETIREMENT SYSTEM
ANNUAL EMPLOYER APPROPRIATION INVOICE**

Date: 12/19/2013

Account or Appropriation Charged	LOWER TOWNSHIP	Billing Details	Amount
	Employer No: 2-51880	NORMAL CONTRIBUTION	\$ 146,839.00
		ACCRUED LIABILITY	397,783.00
		TOTAL REGULAR PENSION CONTRIBUTIONS	544,622.00
		NON-CONTRIBUTORY GROUP LIFE INSURANCE	8,304.00
		TOTAL PENSION & NON-CONTRIB. GRP. INS.	552,926.00
		ACCRUED LIABILITY - ERI 1	13,441.00
Approved for Payment			
(Name and Title) _____ (Date) _____	Due Date: 04/01/2014		
	Payment Record		
	Voucher # _____		
	Warrant # _____		
	Date: _____		
	Message Box		
	Payments will only be accepted through TEPS.		
	Please retain this invoice for your records.		
Invoice Received, Checked and Approved		Questions Call: (609) 984-1513	
Signature: _____		TOTAL DUE:	\$ 566,367.00
Date: _____			
Officer's or Employee's Certification			
Having knowledge of the facts in the course of regular procedures, I certify that the services have been rendered; said certification is based on knowledge of a municipal official or employee or other reasonable procedures.			
Signature: _____			
Title: _____			

I do solemnly declare and certify under the penalties of the law that this bill is correct in all its particulars; that the services have been rendered as stated herein; that no bonus has been given or received by any person or persons with the knowledge of this claimant in connection with the above claim; that the amount herein stated is justly due and owing; and that the amount is a reasonable one.


Deputy Director of Finance

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

RESOLUTION #2014-95

TITLE: RESOLUTION AUTHORIZING THE DONATION OF WINTER POLICE JACKETS NO LONGER NEEDED FOR PUBLIC USE TO LOWER CAPE MAY REGIONAL HIGH SCHOOL'S SCHOOL BASED YOUTH SERVICES

WHEREAS, Lower Township Police Department currently has approximately 25 winter police jackets the Township has deemed are no longer needed for public use and are of no monetary value; and

WHEREAS, Lower Cape May Regional High School, through the school nurse and the School Based Youth Services has a program to assist local residents and children in need; and

WHEREAS, Lower Township would like to participate in this worthwhile objective to assist our local residents and children, through Bonnie Walker the Regional High School Nurse, Mr. Hickman and his Law Enforcement Class and the School Based Youth Services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that 25 winter jackets from the Lower Township Police Department are hereby authorized to be donated to Lower Cape May Regional High School.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

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

RESOLUTION #2014-96

TITLE: APPOINTMENT OF ACTING MUNICIPAL ENGINEER FOR 2014 WITHOUT PUBLIC BIDDING

WHEREAS, the Township of Lower ("Township") has a need to acquire an acting municipal engineer as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Township has determined and certified in writing that the value of the acquisition will not exceed \$17,500, and Engineering Design Associates, P.A.(EDA) has submitted a Municipal Rate Schedule and an agreement for services which will not exceed \$5000; and

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

Appropriation # Various Capitol Improvement Projects

Signature _____

WHEREAS, EDA completed and submitted a Business Entity Disclosure Certification which certifies that EDA has not made any reportable contributions to a political or candidate committee in the Township of Lower in the previous one year, and that the contract will prohibit EDA from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lower hereby approves the appointment of EDA as Acting Engineer of Record and that the Business Disclosure Entity Certification for the above appointment shall be published in the Township's Official paper.

I hereby certify the foregoing to be the original Resolution adopted by the Township Council at a meeting held on March 17, 2014.

Julie A Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

EXHIBIT A

MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127) N.J.A.C. 17:27

GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

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

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Div. of Contract Compliance & EEO as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Div. of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Firm Name: Engineering Design Associates, P.A.

Name of Agent: Vincent C. Orlando

Title: Secretary/Treasurer

Date: 3/11/14

BUSINESS ENTITY DISCLOSURE CERTIFICATION
 FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
 TOWNSHIP OF LOWER

Part I B Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name Engineering Design Assoc. PA has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding March 11, 2014 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Thomas Conrad	
James Neville	Any present or future candidate committee or
Erik Simonsen	joint candidate committee or local political party
Norris Clark	committee formed for the election of members of
Michael E. Beck	the Lower Township governing body.

Part II B Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Vincent C. Orlando	406 W. Hampton Ct., Cape May Ct. House, NJ 08210
Steven L. Filippone	510 Sun Pine Dr., Mays Landing, NJ 08330
Joseph H. Maffei	231 Woodbine Rd., Steelmantown, NJ 08270
Christopher J. Carey	2344 Pine St., Mays Landing, NJ 08330

Part 3 B Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

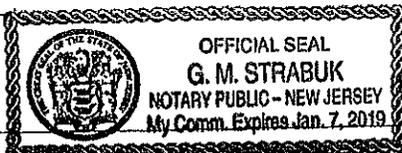
Name of Business Entity: Engineering Design Associates, P.A.

Signed: [Signature] Title: Secretary/Treasurer

Print Name: Vincent Orlando Date: 3/11/14

Subscribed and sworn before me this 11 day of March, 2014

My Commission expires:



[Signature]
 (Affiant)
G. M. Strabuk
 Print name & title of affiant) (Corporate Seal)

**LOWER TOWNSHIP
2600 BAYSHORE ROAD
VILLAS, NJ 08251
(609) 886-2005**

AFFIDAVIT OF PAY-TO-PLAY COMPLIANCE

The Undersigned, being duly sworn, of full age according to law, upon my oath, depose and say:

1. I am a duly authorized representative of (the "Business Entity"), which for the purposes of this Affidavit includes all entities of which the Business Entity owns, directly or indirectly, a more than 50% equity interest.

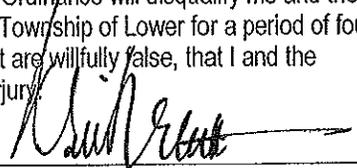
2. The Business Entity is seeking the award of a Professional Services Contract or Unspecifiable Services Contract pursuant to the exceptions from public bidding under Sections 5(1) of the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.

3. In accordance with Lower Township Ordinance No. 2004-10 (the "Pay-to-Play Ordinance"), I am making this Affidavit under penalties of perjury to represent to the Township of Lower that neither I nor the Business Entity have made any political contributions in violation of Section 95-2 of the Pay-to-Play Ordinance.

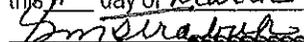
4. Also in accordance with the Pay-to-Play Ordinance, I am disclosing that the following represents all of the contributions that were made by the Business Entity and, to the best of my knowledge, all principals owning 10% more of the Business Entity's equity, their respective spouses, and all of the Business Entity's employees and officers and their respective spouses, to all New Jersey State and County political party committees commencing on the later of the effective date of the Pay-to-Play Ordinance (October 4, 2004) or twelve (12) months from date of this Affidavit and ending on the date of this Affidavit:

Date	Name of Organization	Amount
	(SEE ATTACHED SHEET)	

4. I represent and acknowledge that I have received, read and fully understand the Pay-to-Play Ordinance and that my violation of the Pay-to-Play Ordinance will disqualify me and the Business Entity from receiving any additional contract from the Township of Lower for a period of four (4) years and, in the event any statements made in this Affidavit are willfully false, that I and the Business Entity would be subject to criminal prosecution for perjury.



Sworn and Subscribed to before me
this 1st day of March, 2014.


Notary Public



EDA

5 Cambridge Drive
 Ocean View, NJ 08230-
 Tel: 609-390-0332 Fax: 609-390-9204

Account Quick Report

Printed on: 3/11/2014

Page 1 of 1

Accrual Basis

Filters Used:

- Account ID: 6153 to 6153

Type	Date	Num	Memo	Split	Amount
6153-Political Donations					
Check	10/25/2013	12742	Borough of Woodbine-Clarence Ryan	-Split-	200.00
Check	10/23/2013	12737	Franklin Twp Committee	2531366-Newfield National Bank-Checking	300.00
Check	10/25/2013	12742	Franklin Twp Joe Pelsch	-Split-	450.00
Check	10/2/2013	1	Francis, Wilburn & LaToree for Committee-West CM	2531366-Newfield National Bank-Checking	500.00
Check	2/27/2014	13030	Chris Brown for Assembly	2531366-Newfield National Bank-Checking	100.00
Check	10/16/2013	12717	Comm. to elect Michael Clark-MT Comm	2531366-Newfield National Bank-Checking	300.00
Check	10/16/2013	12718	Francis, Wilburn & LaTorre for Comm-West Cape May	2531366-Newfield National Bank-Checking	250.00
Check	10/4/2013	12685	Comm to elect michael Clarke-MT Comm	2531366-Newfield National Bank-Checking	250.00
Check	10/2/2013	12686	Murphy/O'connor for Comm-Dennis Twp Comm	2531366-Newfield National Bank-Checking	300.00
6153-Political Donations Total:					\$2,650.00

Chapter 95, PROFESSIONAL SERVICE CONTRACTS, REGULATION OF

[HISTORY: Adopted by the Township Council of the Township of Lower 10-4-2004 by Ord. No. 2004-10. Amendments noted where applicable.]

§ 95-1. Definitions.

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

BUSINESS ENTITY SEEKING A PUBLIC CONTRACT -- An individual, including the individual's spouse, if any, and any child living at home, person, firm, corporation, professional corporation, partnership, organization or association. The definition of a business entity includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

PROFESSIONAL BUSINESS ENTITY -- A business entity as defined in this section which provides services by individuals who are required to be professionally licensed under the laws or regulations of this State or which provides "extraordinary unspecifiable services" pursuant to N.J.S.A. 40A:11-5(1)(a)(ii).

§ 95-2. Prohibition of awarding public contract to certain contributors.

A. Any other provision of law to the contrary notwithstanding, the Township of Lower or any of its purchasing agents or agencies or those of its independent authorities, boards or commissions, as the case may be, shall not enter into an agreement or otherwise contract to procure services from any professional business entity if that entity has solicited or made any contribution of money or pledge of a contribution, including in-kind contributions, to a campaign committee of any candidate for or holder of the office of Mayor or Council of the Township of Lower or to any Township of Lower political party committee in excess of the thresholds specified in Subsection C of this section within one calendar year immediately preceding the date of the contract or agreement.

B. No professional business entity which enters into negotiations for or agrees to any contract or agreement with the Township of Lower or any department or agency thereof or of its independent authorities, boards or commissions for the provision of professional services shall knowingly solicit or make any contribution of money or pledge of a contribution including in-kind contributions in excess of the thresholds specified in Subsection C of this section to a campaign committee of any candidate for or holder of the office of Mayor or Council of the Township of Lower or to any Township of Lower political party committee between the time of first communications between that business entity and the Township of Lower regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement.

C. Notwithstanding Subsections A and B above, any individual who is a professional business entity may annually contribute a maximum of \$250 each for any purpose to any candidate for or holder of the offices of Mayor or Council of the Township of Lower, or \$500 to any Township of Lower political party committee, without violating this § 95-2; provided, however, that no group of individuals meeting the definition of a professional business entity may, in the aggregate, contribute annually for any purpose in excess of \$2,500 to all Township of Lower candidates for or holders of the offices of Mayor or Council and all Township of Lower political party committees combined without violating § 95-2.

§ 95-3. Contributions made prior to the effective date.

No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for or holder of the office of Mayor or Council of the Township of Lower or Township of Lower political party committee shall be deemed a

violation of this chapter, nor shall an agreement for services be disqualified thereby, if that contribution or agreement was made by the professional business entity prior to the effective date of this chapter.

§ 95-4. Contribution statement required by professional business entity.

A. Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies or independent authorities, boards or commissions, as the case may be, shall receive a sworn statement from the professional business entity made under penalty of perjury that the professional business entity has not made a contribution in violation of § 95-2.

B. Prior to awarding any contract or agreement to procure services with any professional business entity, the Township or any of its purchasing agents or agencies or independent authorities, boards or commissions, as the case may be, shall also receive a sworn statement from the professional business entity made under penalty of perjury disclosing all contributions made by the professional business entity during the immediately preceding 12 months to any New Jersey state and/or county political party committees which contributions, when added to any contributions made to any Township of Lower political party committees during the same time period, exceed the sum of \$500.

C. The professional business entity shall have a continuing duty to report any violations of this Chapter that may occur and to report any additional contributions to New Jersey state and/or county political party committees above the amounts set forth in Subsection B of this section during the negotiation or duration of a contract.

D. The sworn statement required under this section shall be made prior to entry into the contract or agreement with the Township and shall be in addition to any other certifications that may be required by any other provision of law.

§ 95-5. Penalty.

A. All Township of Lower professional service agreements shall provide that it shall be a breach of the terms of the government contract for a professional business entity to violate § 95-2 or to knowingly conceal or misrepresent contributions given or received or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

B. Any professional business entity who knowingly fails to reveal a contribution made in violation of § 95-2 or who knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution shall be disqualified from eligibility for future Township contracts for a period of four calendar years from the date of the violation.

C. Nothing herein shall be deemed to apply to contributions made to any county or state campaign committee, candidate or officeholder, or to any county or state political party committee, however, such contributions are subject to the disclosure provision that may apply as set out in § 95-4C.

§ 95-6. Procedures to ensure compliance with regulation.

A. Neither the Chief Financial Officer nor his or her designee shall issue a certification of availability of funds without first receiving a certification from the Township Manager that the disclosures required by this chapter have occurred and that such disclosures do not violate the contribution limits set forth herein.

B. No contract or agreement for professional services shall be signed and delivered to any professional business entity without full compliance with this chapter.



**ENGINEERING DESIGN ASSOCIATES
 MUNICIPAL RATE SCHEDULE**

JANUARY 2013

Hourly Rates:

Principal Engineer/Planner	\$125.00
Associate Engineer/Planner	\$112.00
Project Landscape Architect	\$112.00
Project Engineer (Licensed Professional Engineer)	\$103.00
Professional Planner	\$98.00
Licensed Landscape Architect	\$92.00
Project Technician	\$87.00
Environmental Specialist	\$82.00
AutoCadd/Technician	\$82.00
Administrative Assistant	\$46.00
Clerical (other than overhead functions)	\$40.00
Inspector (Level One)	\$68.00
Inspector (Level Two)	\$72.00

Reimbursable Expenses:

- Reimbursable expenses will be invoiced using direct costs for all products.
- There shall be no mileage costs.

State of New Jersey

Division of Consumer Affairs

State Board of Professional Engineers and Land Surveyors

THIS CERTIFIES THAT

ENGINEERING DESIGN ASSOCIATES
5 CAMBRIDGE DRIVE
Ocean View NJ 08230

Has met the requirements of the State Board of Professional Engineers and Land Surveyors and is hereby issued a

CERTIFICATE OF AUTHORIZATION

to offer the following services

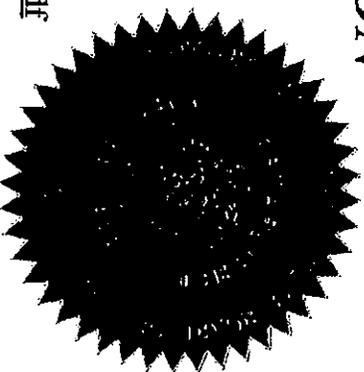
Engineering

07/17/2002

Person in Responsible Charge

STEVEN L FILIPPONE

For the names of other Responsible Charge Licensees, go to: <http://www.njconsumeraffairs.com/pels/certppt.pdf>



Date: September 13, 2012

Certificate No. 24GA27970300

Expiration Date: 08/31/2014


Acting Executive Director



STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name: ENGINEERING DESIGN ASSOCIATES OF MARMORA, P.A.

Trade Name:

Address: 5 CAMBRIDGE DR
OCEAN VIEW, NJ 08230-1228

Certificate Number: 0100782

Effective Date: January 13, 1987

Date of Issuance: December 02, 2011

For Office Use Only:

20111202095044636

BUSINESS ENTITY DISCLOSURE CERTIFICATION
 FOR NON-FAIR AND OPEN CONTRACTS
 Required Pursuant To N.J.S.A. 19:44A-20.8
 TOWNSHIP OF LOWER

Part I – Contractor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the business entity by the name Engineering Design Assoc., PA has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding January 3, 2008 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Lower, defined pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

Thomas Conrad	
James Neville	Any present or future candidate committee or
Eric Simonsen	joint candidate committee or local political party
Norris Clark	committee formed for the election of members of
Michael E. Beck	the Lower Township governing body.

Part II – Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership Corporation Sole Proprietorship Subchapter S Corporation
 Limited Partnership Limited Liability Corporation Limited Liability Partnership

Name of Stock or Shareholder	Home Address
Vincent C. Orlando	406 W. Hampton Dr., Cape May Court House, NJ 08210
Steven L. Filippone	510 Sun Pine Drive, Mays Landing, NJ 08330
Joseph H. Maffei	231 Woodbine Rd., Steelmantown, NJ 08270
Christopher J. Carey	2344 Pine St., Mays Landing, NJ 08330

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity will be liable for any penalty permitted under law.

Name of Business Entity: Engineering Design Associates, P.A.
 Signed: [Signature] Title: Secretary/Treasurer
 Print Name: Vincent C. Orlando Date: 2/25/14

Subscribed and sworn before me this 25th day of
February, 20 14.
 My Commission expires: 01/07/19

[Signature]
 (Affiant)
Georgeann M. Strabuk
 (Print name & title of affiant) (Corporate Seal)



Professional Service Contract

THIS PROFESSIONAL SERVICE CONTRACT ("Contract"), made this ____ day of March, 2014, by and between the TOWNSHIP OF LOWER, a municipal corporation of the State of New Jersey, with offices located at 2600 Bayshore Road, Villas, New Jersey 08251 (the "Township") and ENGINEERING DESIGN ASSOCIATES, PA, with offices located at 5 Cambridge Drive, Ocean View, New Jersey (the "Contractor").

WITNESSETH:

WHEREAS, the Township desires to retain the services of Contractor as its municipal engineer to perform those services as set forth in this Contract; and

WHEREAS, the Contractor desires to be render services to the Township as its municipal engineer in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, the Township and Contractor, in consideration of the mutual covenants contained herein, covenant and agree as follows:

1. Award. Contractor, pursuant to duly published notice of award per Resolution #2014-81 of Township accepting professional services ("Resolution"), adopted March 3, 2014, and which Resolution is herein incorporated by this reference, agrees to perform all work and/or services required by the Resolution and this Contract, and to otherwise comply with all requirements contained therein.

2. Assignment. Contractor agrees not to assign, transfer, convey, sublet or otherwise dispose of this Contract, or any part thereof, or its rights, title or interest therein, without first obtaining the written consent of the Township. Notwithstanding the above, the Township consents to the use by the Contractor, under the direct supervision of the Contractor, of other engineers employed by the same firm as the Contractor, provided they are licensed and in good standing in the State of New Jersey.

3. Licenses/Certifications. Contractor is hereby engaged to work in the capacity of municipal engineer in and for the Township, and hereby represents all personnel rendering engineering services are licensed engineers and in good standing with the State of New Jersey, and possess all the requisite licenses and permits to perform all work contemplated under the terms of this Contract, and will so continue to be throughout the duration of this Contract.

4. Term, Termination. Contractor shall commence services hereunder on the date of the Resolution, and this Contract shall automatically terminate upon the sooner of the appointment of a successor municipal engineer, or six (6) months from the date of the Resolution. Either party may terminate this Contract at any time by written notice to the other party.

5. Duties/Responsibilities. The Contractor shall provide general municipal engineering services the Township of Lower.

6 Compensation. In consideration for Contractor performing his obligations under this Contract, Township agrees to compensate Contractor in accordance with the Municipal Rate Schedule attached hereto but in no event shall the compensation exceed FIVE THOUSAND (\$5,000.00) DOLLARS ("Compensation").

7. Anti Discrimination Laws. During the performance of this Agreement, the Contractor agrees to comply with the provisions of N.J.S.A. 10:2-1, N.J.S.A. 10:5-33, which are incorporated herein by reference, and as follows:

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

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

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

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

(e) The Contractor where applicable, agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

(f) The Contractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges,

universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

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

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

8. Miscellaneous Provisions.

(a) Contractor and Township agree that time is of the essence in the faithful performance of this Contract.

(b) This Contract represents the entire agreement by and between the parties and may only be amended by a written instrument signed by the parties.

(c) This Contract shall be governed by and construed in accordance with the laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written, pursuant to Resolution #2014-81.

ATTEST:

TOWNSHIP OF LOWER

By: _____
Michael Beck, Mayor

WITNESS:

ENGINEERING DESIGN ASSOCIATES, PA

By: _____
Vince Orlando

WTH: 2-19-14

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

ORDINANCE #2014-01

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-15.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lower in the County of Cape May finds it advisable and necessary to increase its CY 2014 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Lower hereby determines that a 3.5% increase in the budget for said year, amounting to \$689,925 in excess of the increase in final appropriations otherwise permitted by the Local Government Cape Law is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lower, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that in the CY 2014 budget year, the final appropriation of the Township of Lower shall, in accordance with this ordinance and N.J.S.A. 40A: 4-15.14, be increased by 3.5% amounting to \$689,925, and the CY 2014 municipal budget for the Township of Lower be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinafter that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael Beck, Mayor

Adopted: _____

Attest: _____
Julie A Picard, Township Clerk

INTRO 3-03-14

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

ORDINANCE #2014-03

TITLE: AN ORDINANCE AMENDING CHAPTER SEVEN TITLED "TRAFFIC" OF THE CODE OF THE TOWNSHIP OF LOWER

BE IT ORDAINED by the Township Council of the Township of Lower that Chapter 7, titled Traffic, of the Code of the Township of Lower is hereby amended and supplemented as follows:

Section 1. Section 7-3.3, titled Parking Prohibited at All Times on Certain Streets of Chapter 7 of the Code of the Township of Lower is hereby amended to include the following addition to Schedule 1, No Parking:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Third Avenue	North Side	From Route 109 to Wissahickon Avenue
Third Avenue	South Side	From the curbline of Route 109 to a point 60 feet therefrom

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

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

Section 4. This Ordinance shall become effective immediately upon final passage and publication, according to law.

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael E Beck, Mayor

Adopted: _____

Attest: _____
Julie A Picard, Township Clerk

**LOWER TOWNSHIP POLICE DEPARTMENT
SPECIAL REPORT**

TO: William Mastriana, Chief of Police
FROM: Captain Thomas Beeby, Executive Officer
DATE: January 20, 2014
SUBJECT: Wissahickon Avenue, Route 109 through Third Avenue – Parking Conditions

Dear Sir:

On November, 2013, Township Manager, Michael Voll asked me to review the parking conditions in the area of Third Avenue, near Wissahickon Avenue in the Cold Spring Section of Lower Township.

Currently the south side of Third Avenue is a "No Parking Zone" from Route 109 to Wissahickon Avenue. The north side of Third Avenue has three residential homes with driveways.

Signs placed along the north side indicate "No Parking, Do Not Block Driveways," thus allowing space on the roadway for approximately four legally parked vehicles and in some instances, vehicles parked extremely close to the corner of Route 109 and Third Avenue, (on the north side), causing a potential traffic hazard.

Upon examination, we propose elimination of off road parking on the north side of Third Avenue from Route 109 to Wissahickon Avenue and in exchange, we would allow parking on the south side of Third Avenue with restrictions. The distance from the stop sign to the first legal parking spot would be 60 feet.

The reason for the extended distance, a wider turn radius is needed for fire apparatus responding to the Landing Area, tractor trailer deliveries to Sea Gear, Utsch's Marina and vehicles towing boats to the local boat ramp.

Parking along the side, would allow for four parking spots. These spaces shall be equally spaced and painted and spaces shall also have signs indicating, "No Boat Trailers." Curbing on Third Avenue, north side, should also be painted yellow from Route 109 to Wissahickon, indicating "No Parking."

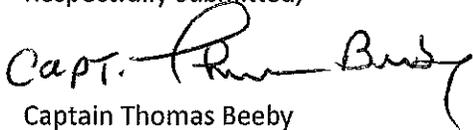
The curbing on Third Avenue from the stop sign west towards the first parking spot, (60 feet), should also be painted yellow indicating "No Parking."

Behind the fourth parking spot on the south side, the curbing shall also be painted, indicating "No Parking" to the rear entrance of Lucky Bones.

SPECIAL REPORT
Parking Conditions
Page 2

Please note that these are merely recommendations if accepted by the township. It should be processed through the proper channels for all Local Ordinance changes.

Respectfully submitted,

A handwritten signature in cursive script that reads "Capt. Thomas Beeby". The signature is written in black ink and is positioned above the printed name.

Captain Thomas Beeby
Executive Officer

TMB/davm

C file

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

ORDINANCE #2014-04

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

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

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

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

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

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

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

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

Changes shown [thus]

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

§351-1. Statutory Authorization

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

§351-2. Findings of Fact

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

§351-3. Statement of Purpose

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

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

- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§351-4. Methods of Reducing Flood Losses

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

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

**ARTICLE II
Definitions**

§351-5. Word usage.

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

§351-6. Definitions

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

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

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

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

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

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

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

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

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

[Best Available Flood Hazard Data - The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.]

[Best Available Flood Hazard Data Elevation - The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM.]

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

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

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

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

ELEVATED BUILDING - A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member

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

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

[Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.]

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

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

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

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

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

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

[Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.]

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

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

HISTORIC STRUCTURE - Any structure that is:

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

LOWEST FLOOR - The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements. [of CFR Section 60.3.]

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

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

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

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

[Preliminary Flood Insurance Rate Map (FIRM) - The draft version of the FIRM released for public comment before finalization and adoption.]

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

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

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

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

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration or any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

[Violation - The failure of a structure or other development to be fully compliant with this Ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.]

ARTICLE III General Provisions

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

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

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

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

- A. A scientific and engineering report "Flood Insurance Study, Cape May County, New Jersey (All Jurisdictions)" dated **[effective date.]**
- B. Flood Insurance Rate Map for Cape May County, New Jersey (All Jurisdictions) as shown on Index and panel(s), whose effective date is **[effective date.]**
- C. **[Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.]**

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

§351-9. Penalties for Noncompliance.

No structure or land shall hereafter be constructed, **[re-located to]**, extended, converted, or

altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Chapter 1, Article III for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Lower from taking such other lawful action as is necessary to prevent or remedy any violation.

§351-10. Abrogation and greater restrictions.

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

§351-11. Interpretation.

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

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

§351-12. Warning and Disclaimer of Liability.

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

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

**ARTICLE IV
Administration**

§351-13. Establishment of development permit.

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

structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

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

§351-14. Designation of Township Construction Official.

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

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

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

- A. Permit review.
 - (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
 - (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of §351-18D(1) are met.
 - (4) Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
 - (5) Review plans for walls to be used to enclose space below the base flood level in accordance with §351-18G(4).
- B. Use of other base flood and floodway data:
 - (1) When base flood elevation and floodway data has not been provided in accordance with §351-8, the Flood Control Officer shall obtain, review, and

reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, in order to administer §351-18A and §351-18B.

C. Information to be obtained and maintained:

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

D. Alteration of watercourses:

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

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

§351-16. Variance procedures.

A. Appeal Board.

- (1) The Lower Township Planning Board shall hear and decide appeals and request for variances from the requirements of this ordinance.
- (2) The Lower Township Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Flood Control Officer in the enforcement or administration of this ordinance.

- (3) Those aggrieved by the decision of the Lower Township Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey.
- (4) In passing upon such applications, the Lower Township Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury or others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of §351-16A(4) and the purposes of this ordinance, the Lower Township Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) The Flood Control Officer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

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

ARTICLE V

Provisions for Flood Hazard Reduction

§351-17. General Standards.

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

A. Anchoring.

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

B. Construction materials and methods.

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

C. Utilities.

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

D. Subdivision proposals.

- (1) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres

(whichever is less).

- E. Enclosure openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that area usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§351-18 Specific Standards

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

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

above the highest adjacent grade [**one (1) foot above**] the depth number specified in feet (at least [**three**] (3) feet if no depth number is specified) [**or at or above the best available flood hazard data elevation plus one (1) foot, whichever is more restrictive.**] And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- (3) Be floodproofed so that below the base flood level [**plus one (1) foot, or the best available flood hazard elevation data plus one (1) foot, (whichever is more restrictive)**] the structure is watertight with walls substantially impermeable to the passage of water;
- (4) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- (5) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section §351-15C(2)(a)(b).

C. Manufactured homes.

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

D. Floodways.

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

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If §351-18D(1) is satisfied, all new construction and substantial improvements must comply with Article V.
- (3) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated

development, shall not increase the water surface elevation of the base flood more than two-tenth (0.2) of a foot at any point.

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

F. Location of Structures.

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

G. Construction Methods.

- (1) Elevation.

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

- (a) **[The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive; and**

and,

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

(2) Structural Support

- (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one (1) percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

(c) There shall be no fill used for structural support.

(3) Certification.

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

(4) Space below the lowest floor.

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

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

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

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

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

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

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

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

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

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

Thomas Conrad, Councilmember

James Neville, Councilmember

Erik Simonsen, Councilmember

Norris Clark, Deputy Mayor

Michael Beck, Mayor

Adopted: _____

Attest: _____
Julie A Picard, Township Clerk

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

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 02/01/2014 To 02/28/2014

March 06, 2014 3:06:46PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$467,640.00	Cubic Footage:	92047 Cu.ft	Permit Issued:	83
Cost Of Alteration:	\$533,502.00	Square Footage:	10283 Sq.ft	Updates Issued:	3
Cost Of Demolition:	\$18,975.00			All Fees Waived:	1
Total Cost:	\$1,020,117.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$11,447.00	Building:	\$0.00	Building:	\$1,750.00	Building Fees:	\$9,697.00
Electrical:	\$3,790.00	Electrical:	\$0.00	Electrical:	\$176.00	Electrical Fees:	\$3,614.00
Fire :	\$3,196.00	Fire :	\$0.00	Fire :	\$50.00	Fire Fees:	\$3,146.00
Plumbing:	\$4,971.00	Plumbing:	\$0.00	Plumbing:	\$45.00	Plumbing Fees:	\$4,926.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00

Total Waived:

\$2,021.00

Technical Fees:

\$21,383.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$309.00	\$0.00	\$309.00
Alteration Training Fee:	\$910.00	\$148.00	\$762.00
DCA Minimum Fee:	\$13.00	\$0.00	\$13.00
Sub total Training Fee:	\$1,232.00	\$148.00	\$1,084.00

TECHNICAL ISSUES

Building Technical:	29
Electrical Technical:	45
Fire Protection Technical:	31
Plumbing Technical:	55
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$978.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$978.00

CERTIFICATE ISSUES

Certificate of Occupancy:	2
Certificate of Approval:	17
Certificate of Continued Occupancy:	0

PERMIT FBES:	\$21,383.00
DCA FEES:	\$1,084.00
CERTIFICATE FEES:	\$978.00
MIN FEES:	\$0.00
NET TOTAL FBES:	\$23,445.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$23,445.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 02/01/2014 To 02/28/2014

March 6, 2014 3:08:09PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
PERMIT FEES	Sub Totals:	\$779.00	\$22,666.00	\$0.00	\$23,445.00
Copies	Sub Totals:	\$0.00	\$15.00	\$0.00	\$15.00
LICENSE FEES	Sub Totals:	\$0.00	\$1,025.00	\$0.00	\$1,025.00
STORAGE CONTAINER	Sub Totals:	\$0.00	\$100.00	\$0.00	\$100.00
GRAND TOTALS:		\$779.00	\$23,806.00	\$0.00	\$24,585.00

OFFICE OF CONSTRUCTION OFFICIAL

Construction Permit Activity Report

RANGE: 02/01/2014 To 02/28/2014

March 06 , 2014 3:50:03PM

SUMMARY

CONSTRUCTION COSTS

COUNT

Cost Of Construction:	\$82,400.00	Cubic Footage:	7080 Cu.ft	Permit Issued:	9
Cost Of Alteration:	\$62,283.00	Square Footage:	637 Sq.ft	Updates Issued:	1
Cost Of Demolition:	\$0.00			All Fees Waived:	0
Total Cost:	\$144,683.00			Municipal Fees Waived:	0

PERMIT FEES

ADMIN FEES

WAIVED FEES

TOTAL FEES

Building:	\$1,857.00	Building:	\$0.00	Building:	\$0.00	Building Fees:	\$1,857.00
Electrical:	\$459.00	Electrical:	\$0.00	Electrical:	\$0.00	Electrical Fees:	\$459.00
Fire :	\$491.00	Fire :	\$0.00	Fire :	\$0.00	Fire Fees:	\$491.00
Plumbing:	\$644.00	Plumbing:	\$0.00	Plumbing:	\$0.00	Plumbing Fees:	\$644.00
Elevator:	\$0.00	Elevator:	\$0.00	Elevator:	\$0.00	Elevator Fees:	\$0.00
Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical:	\$0.00	Mechanical Fees:	\$0.00

Total Waived:

\$0.00

Technical Fees:

\$3,451.00

DCA

	Calculated Fees	Waived Fees	Collected Fees
Volume Training Fee:	\$24.00	\$0.00	\$24.00
Alteration Training Fee:	\$105.00	\$0.00	\$105.00
DCA Minimum Fee:	\$3.00	\$0.00	\$3.00
Sub total Training Fee:	\$132.00	\$0.00	\$132.00

TECHNICAL ISSUES

Building Technical:	3
Electrical Technical:	7
Fire Protection Technical:	4
Plumbing Technical:	5
Elevator Technical:	
Mechanical Technical:	

Certificate of Occupancy Fee:	\$281.00
Waived Certificate Fees:	\$0.00
Sub Total Certificate Fees:	\$281.00

CERTIFICATE ISSUES

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

PERMIT FEES:	\$3,451.00
FEES:	\$132.00
CERTIFICATE FEES:	\$281.00
MIN FEES:	\$0.00
NET TOTAL FEES:	\$3,864.00
PENALTIES COLLECTED:	\$0.00
CCO FEES:	\$0.00
OTHER FEES:	\$0.00
GRAND TOTAL FEES:	\$3,864.00

OFFICE OF THE CONSTRUCTION OFFICIAL

Account Summation-Summary

Report Run from 02/01/2014 To 02/28/2014

March 6, 2014 3:53:47PM

ACCOUNT:		Cash Amount	Check Amount	Credit Card Amount	Total Fee
Copies	Sub Totals:	\$0.00	\$25.00	\$0.00	\$25.00
PERMIT FEES	Sub Totals:	\$0.00	\$3,864.00	\$0.00	\$3,864.00
GRAND TOTALS:		\$0.00	\$3,889.00	\$0.00	\$3,889.00

Municipal Clerk

Register Report

2/1/2014 Through 2/28/2014

3/10/2014

Page 1

Account	Description	Memo	Category	Amount
INCOME				
	TOTAL Business Mercantile 2013-2014			275.00
	TOTAL Campgrounds & Trailers			8,922.00
	TOTAL Copies & Postage			6.10
	TOTAL Ice Cream License			20.00
	TOTAL Licenses & Permits			15.00
	TOTAL Rental Merc 2013-2014			1,200.00
	TOTAL Rental Merc 2014-2015			1,500.00
	TOTAL Scrapper			20.00
	TOTAL Searches			10.00
	TOTAL INCOME			11,968.10
TRANSFERS				
	TOTAL Council Checking			-11,968.10
	TOTAL TRANSFERS			-11,968.10
	OVERALL TOTAL			0.00



**Lower Township Police Department
Monthly Activity Report**

2014

	January	Total:
General Complaints and Service Calls	3266	3266
Emergency Medical Calls with L. T. Rescue	180	180
Fire Alarm Call Outs (Total)	39	39
Villas Fire Company	13	13
Town Bank Fire Company	17	17
Erma Fire Company	9	9
Assaults	2	2
Robbery	3	3
Domestic Violence Complaints	33	33
Domestic Violence with Assaults	7	7
Motor Vehicle Accidents	33	33
Traffic Warnings	30	30
Traffic Summons	95	95
Motor Vehicle Stops	309	309
Local Ordinance Warnings	0	0
Local Ordinance Complaints	1	1
Assaults on Police Officers (UCR Report Return "A")	0	0
Residential and Commercial Alarm Calls	82	82
Property Checks	1274	1274
Death Investigations	1	1
Burglaries	8	8
Thefts	22	22
Criminal Mischief Complaints	17	17
Disorderly Conduct Complaints	50	50
Animal Control Complaints	69	69
Adult Arrests (UCR Report Return "A")	48	48
Juvenile Arrests (UCR Report Return "A")	9	9
D.W.I. Arrests (UCR Report JV & Adult Arrests Combined)	1	1
Drug Possession Arrests (UCR Report JV & Adult Arrests Combined)	5	5
Investigation Reports Completed	96	96
Supplemental Investigation Reports Completed	69	69
Total Value Property Stolen (UCR Report Return "A")	\$6,326.00	\$6,326.00
Total Value Property Recovered (UCR Report Return "A")	\$981.00	\$981.00



**Lower Township Police Department
Monthly Activity Report**

2014

	January	Total:
Man Power Loss in Hours		
Union	0	0
Suspended	0	0
Vacation	816	816
Personal	48	48
Comp Hours	88	88
Sick Hours	180	180
Injury Hours	0	0
Training Hours	456	456
Military Training	348	348
Police Department Overtime in Hours		
Operations Overtime	74.25	74.25
Operations Comp Time	18	18
Investigation Division Overtime	41.5	41.5
Investigation Division Comp Time	32	32
Court Overtime	30	30
Court Comp Time	0	0
Holiday Overtime	1785	1785
Holiday Comp Time	38	38
Government/Grant Funding Overtime in Hours		0
Click It or Ticket	0	0
Cops n Shops	0	0
JV Curfew	0	0
DWI Patrol	0	0
Other	4	4
Private Funding Overtime in Hours		
Special Detail	0	0

Prepared by:

Chief William Mastriana

Date: 2/19/14

**2014 CASH RECEIPTS
FEBRUARY**

Township of Lower
Office of the Tax Collector

	MONTH TO DATE	YEAR TO DATE
Receipts		
Current year taxes (2014)	7,248,584.55	12,604,790.52
Prior year taxes (2013)	133,005.90	381,498.49
Arrears (2012)	250.00	1,766.91
Municipal lien		486.61
Recording		40.00
Bankruptcy	47.85	77.34
MUA CHARGES	44,362.10	44,362.10
Municipal service Fees	1,673.65	1,673.65
Tax Search Fees	20.00	20.00
Interest	12,045.77	25,170.71
Tax Sale Cost	6,192.31	6,192.31
Lot clearing		0.00
Returned Check Fees	40.00	120.00
Duplicate Bills	75.00	115.00
Trash	2,872.75	5,067.75
TOTAL DEPOSITS	7,449,169.88	13,071,381.39
DEPOSITED TO COUNCIL CHECK	7,270,963.73	12,752,483.91
DEPOSITED TO WIPP ACCOUNT	178,206.15	318,897.48
TOTAL DEPOSITS	7,449,169.88	13,071,381.39
NSF Reversals	3,536.04	9,966.44
TOTAL	7,445,633.84	13,061,414.95

Prepared by Susan Jackson

2014 FEBRUARY VITAL STATISTICS

Marriages,Civil Unions	5
Domestic Partners	0
Certified Copies	176
Certified Copies EDRS	2
Burial Permits	0
Marriages, Civil Unions - State	\$125.00
Domestic Partners - State	\$0.00
Marriages, Civil Unions - Twp	\$15.00
Domestic Partners - Twp	\$0.00
Certified Copies	\$1,760.00
Certified Copies - EDRS	\$20.00
Burial Permits	\$0.00
SUBTOTAL	\$1,920.00
Refund duplicate payment (for certified copies)	-\$20.00
TOTAL	\$1,900.00