

**WORK SESSION & REGULAR MEETING OF THE LOWER TOWNSHIP COUNCIL**  
**March 3, 2014 - 6:00 P.M.**

**Meeting called to order.**

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

Police Department Accreditation Presentation - Chief William Mastriana

Fishing Creek Community Volunteer Program Presentations - David Pacevich

**Work Session**

Second Hand Merchant Ordinance - Detective Sgt Ernest Macomber

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

Recreation Advisory Board Recommendation - Mark DiDonato

Diamond Beach Dune Project - Mayor Michael Beck

**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) 1 <sup>st</sup> reading / 2 <sup>nd</sup> reading & public hearing March 17 <sup>th</sup>
Ordinance #2014-04	An Ordinance of the Township of Lower Amending and Restating Chapter 351 - Flood Damage Prevention - 1 <sup>st</sup> reading / 2 <sup>nd</sup> reading & public hearing March 17 <sup>th</sup>

**Regular Agenda**

**Administrative Reports**

Monthly Reports - Finance, Police

**Council Comments**

**Call to the Public**

**Adjournment**

## COUNCIL MEETING MINUTES – FEBRUARY 19, 2014

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 19, 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 Thomas Conrad  
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

### **Work Session**

Karen Wadding & Lower Cape May Regional Students Presentation: NHTSA (National Highway Traffic Safety Association) "You Got Brains" Contest 2014

Karen Wadding, Health and Physical Education Teacher at LCMR, introduced students Nicole Hornbeck, Morgan Hart and Emily Levin to talk about the "You Got Brains" contest and ask for support from the community on their campaign to promote safe teen driving. Nicole Hornbeck, one of the students involved in the LCMR Teen Driving Campaign, talked briefly about the Share the Keys program and the "You Got Brains" Contest sponsored by the New Jersey Brain Injury Alliance. She thanked the Lower Township Police Department for allowing them to utilize the electronic sign to help promote seatbelt safety month. She also solicited support from the community and shared their slogan: "LCMR wants you alive. Follow the law. Be smart when you drive".

At the request of Councilmember Neville, Manager Voll introduced Mark Shray of Hatch-Mott McDonald Engineering Firm to give an update on the Clubhouse Road Project. Mark Shray informed that the field survey is complete and the base maps are being prepared. Due to the timing of the project and necessary detours interfering with Independence Day weekend, he recommended we wait until the day after Labor Day to begin construction. He fielded questions from Council which included an approximate time frame for completion of the project.

Manager Voll introduced Leon Costello, Municipal Auditor, and Lauren Read, Township CFO, to introduce the 2014 budget. Mr. Costello discussed the details of the budget that resulted in a zero tax increase. He stated that he does not anticipate any changes in state aid and informed that we are well within the state cap. Upon Council's approval to move forward, the public hearing is scheduled for April 21<sup>st</sup>.

At the request of Mayor Beck, Mr. Costello gave an explanation of Ordinance #2014-01.

### **Consent Agenda**

John Sworonski, 607 Arctic Avenue, addressed Council for clarification regarding Ordinance #2014-01. Mayor Beck explained the Cap Bank.

- Approval of NJ State Fireman's Membership Application - David D Lewis - Villas Volunteer Fire Company  
Ordinance #2014-01 An Ordinance to Exceed the Municipal Budget Appropriations Limits and Establish a Cap Bank (annual ordinance required prior to approval of budget by the Director of Local Government Services) 1<sup>st</sup> reading of Ordinance - 2<sup>nd</sup> reading and public hearing March 17<sup>th</sup>
- Ordinance #2014-02 An Ordinance Establishing Five Year Tax Exemption for Improvements To And Construction Of Commercial and Industrial Structures in the Cape May County Airport Industrial Park 1<sup>st</sup> reading - 2<sup>nd</sup> reading and public hearing April 7<sup>th</sup>  
February 3, 2014
- Approval of Minutes  
Res. # 2014-64 Payment of Vouchers \$ 1,994,866.43  
Res. # 2014-65 Resolution Requesting Release of Performance Guarantee for Windmill Marina Assoc., LP; Block 763, Lots 9&10 and Block 764, Lots 11&12, Escrow #Z06-12-02 (\$1,469.08)
- Res. # 2014-66 Resolution Requesting Release of Maintenance Guarantee for S.W.Bajus, Ltd, Block 690, Lot 1.01 Escrow P08-04-05 (\$15,004.20)
- Res. # 2014-67 Resolution to Affirm the Township of Lower's Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public that Come into Contact With Municipal Employees, Officials and Volunteers (JIF requirement)
- Res. # 2014-68 Authorization for Refund of Taxes (one property \$640.04 paid twice)  
Res. # 2014-69 Resolution Supporting the Annual Greater Cape May Elks/Tom Beheler Youth Basketball Tournament (annual resolution providing for donations to ALS Hope of Cape May and Lower Twp traveling basketball team)
- Res. #2014-70 Transfer of 2013 Appropriations (\$17,000)  
Res. #2014-71 Introduction of Budget  
Res. #2014-72 Application for 2014 Drug Enforcement And Demand Reductions (DEDR) Grant Funds (annual)
- Res. #2014-73 Bid Acceptance and Award for One (1) New 2014 Ford F-550 4X4 Chassis with Dump Body, Plow and Spreader or Equal (Kindle Ford \$75,768.15)
- Res, #2014-74 Bid Acceptance and Award for One (1) New 2014 Ford F-350 4X4 Crew Pickup with Snow Plow or Equal (Hertrich Fleet Services \$34,482.)
- Res. #2014-75 Approval of Change Order #1 and Contract Amendment to ADA Upgrades Paul R Will Recreation Complex (net increase of \$9,205. Concrete needed to be ADA compliant)
- Res. #2014-76 Authorization for the Payout of Accumulated Compensatory Time (T Whittington \$9,910.96)

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

### Regular Agenda

- Res. #2014-77 Amend Resolution #2013-231; Appointment of Special Counsel for the Purpose of Opposing the City of Cape May's Attempt to Withdraw From the Lower Cape May Regional School District (making the total of the contract \$25,000)

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

### **Administrative Reports**

Monthly Reports: Construction, Dog, Municipal Clerk, Tax Collector, Vital Statistics

### **Council Comments**

Councilmember Conrad commented on an article in the Press of Atlantic City regarding LCMR's borrowing abilities being disputed by Cape May City's council member. He added that the dispute is based on opinion, rather than facts and figures. He spoke about the ripple effect this issue is having on the community. He thanked the manager, department heads and employees for the decisions made with regard to the budget and talked about where this will lead us in the future.

Councilmember Neville agreed with Councilmember Conrad on the school issue.

Councilmember Simonsen announced the accomplishments of seven RMT students making the all-honors South Jersey Band and informed of it being held at LCMR auditorium on March 7<sup>th</sup>. He congratulated Eileen Kreis for a successful fund raiser to benefit the NJ Run for the Fallen. He thanked everyone involved in working on the budget and voiced his desire to see more police officers on the streets.

Deputy Mayor Clark made a plea to Cape May City's council members and voters on the school funding issue. He suggested a panel discussion in which both councils, their lawyers and community members talk about the timeframe and expenses of a lawsuit. In addition, he suggested that they tour the school to see firsthand all that their tax dollars are paying for and then let the taxpayers decide whether or not to proceed with its attempt to withdrawal from the regional school.

Mayor Beck agreed with Deputy Mayor Clark's appeal. He commented on the school issue and voiced his opposition to the leadership in Cape May. He announced the public hearing on the Diamond Beach Dunes Project to be held on February 21 at North Wildwood City Hall.

### **Call to Public**

Janet Pitts addressed Council regarding the Diamond Beach Dune issue. She and Mayor Beck had a discussion about where the sand is being taken from to build the dune.

John Sworonski, 607 Arctic Avenue, commented in favor of Deputy Mayor Clark's appeal. He spoke of his experience attending school board meetings, getting to know Mr. Kobik and touring the regional school after reviewing his own tax bill. He encouraged the people of Cape May to do the same.

Frank Soracco of Villas addressed Council to get clarification on Ordinance #2014-02. He voiced his concern with the condition of the buildings for any prospective business owner. Deputy Mayor Clark told of a success story in Linwood in which the same law was applied. Mayor Beck assured that this only applies to improvements and will not impact the current taxes being paid. Discussion ensued. Solicitor Gelzunas explained the difference between a tax abatement and a tax exemption. He also discussed the intent of this law and its advantages. Manager Voll pointed out several reasons why the exemption is a good idea.

Mr. Soracco also addressed his concern with rising water at Fishing Creek and passed out copies of an article and a petition from 2009. Councilmember Conrad agreed that the problem is getting worse, effecting

sections of Lower and Middle Township. Mayor Beck informed of a pending application that, if granted, would enable us to do a comprehensive study. Discussion ensued. Mr. Soracco brought up a concern about potential mold problems. Mayor Beck and Manager Voll agreed to reach out to the County regarding the situation.

Jack Frederick, 315 Roseann Avenue, addressed Council for an update on Roseann Avenue. Manager Voll informed that there have been noticeable improvements since the work of the Mosquito Commission and the work at Cox Hall Creek has been done. He does foresee pipes needing to be replaced in the future, but at present, the situation is being closely monitored. Upon inquiry, Councilmember Conrad assured Mr. Frederick that this problem is unrelated to Fishing Creek.

Ed Butler of Villas addressed Council regarding the FEMA flood plain maps. Mayor Beck informed him that Mr. Farrell has been working on surveying the area and is a couple months from completion. Manager Voll said Mr. Farrell believes he has a good argument to defend the people in the V zones and other zones based on the intelligence he has at this point.

Mr. Butler commented in favor of Deputy Mayor Clark's appeal.

Fred Long of Cold Spring thanked Deputy Mayor Clark for speaking up on the school issue. He stated that negotiations are better than war.

### Adjournment

There being no further business to address, motion to adjourn moved by Councilmember Neville, seconded by Councilmember Conrad. Motion to adjourn unanimous. Meeting adjourned at 7:04 p.m.

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Mayor

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Township Clerk

Approved:



Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
01201 DELL CORPORATION*	13-03590	12/10/13	EXTERNAL HARD DRIVE	Open	287.98	0.00		
01310 JLP INTL INC*	14-00316	02/03/14	REPAIR TO TREADMILL/WEIGHT RM	Open	250.00	0.00		
01519 TOM FOLS ELECTRICALCONTRACTOR*	14-00240	01/24/14	KEY LIGHT SWITCHES	Open	300.00	0.00		
01585 ALBERT FLITCROFT	14-00428	02/14/14	MEDICAL CLAIMS-DENTAL	Open	279.65	0.00		
01602 THOMSON WEST*	14-00527	02/26/14	NJ STAT- 4TH 1013 PP	Open	210.00	0.00		
01657 GOPHER SPORT*	14-00320	02/04/14	ICE PACKS	Open	268.52	0.00		
01781 HATCH MOTT MACDONALD, LLC*	13-02313	08/08/13	TAX MAP REVISIONS RES 2013-216	Open	232.00	0.00		
	14-00488	02/24/14	PROFESSIONAL ENGINEERING	Open	<u>568.80</u>	0.00		
					800.80			
01859 HESS CORPORATION	14-00492	02/24/14	ELECTRIC 01/20/14-02/14/14	Open	326.27	0.00		
	14-00496	02/24/14	01/20/14-02/18/14 ELECTRIC	Open	7,715.85	0.00		
	14-00526	02/26/14	ELECTRIC 01/20/14-02/14/14	Open	<u>96.19</u>	0.00		
					8,138.31			
02108 KEEN COMPRESSED GAS CO*	14-00022	01/07/14	BOTTLED GAS/GARAGE/DPW/JAN	Open	230.00	0.00		
02140 KINDLE FORD LINC/MERC., INC.*	14-00024	01/07/14	PARTS FOR POLICE VEHICLE/JAN	Open	962.74	0.00		
	14-00122	01/10/14	TRANSMISSION/POLICE VECHICLE	Open	<u>1,750.00</u>	0.00		
					2,712.74			
02223 LANDSMAN UNIFORMS*	13-03624	12/17/13	UNIFORMS	Open	1,216.55	0.00		
02334 LOWER TWP CHAMBER OF COMMERCE	14-00441	02/18/14	CHAMBER LUNCH-2/13/14 BACK BAY	Open	15.00	0.00		
02351 LOWER CAPE MAY REGIONAL	14-00003	01/07/14	2014 TAXES DUE 1/15-05/15/2014	Open	1,181,796.00	0.00		B
02443 ALLEN MAGNAVITA	14-00443	02/18/14	MEDICAL CLAIMS-V	Open	223.00	0.00		
02541 ROBERT D. MARTIN, JR	14-00444	02/18/14	MEDICAL CLAIMS	Open	49.94	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
02632 N J PLANNING OFFICIALS*	14-00277	01/28/14	BOARD MEMBER TRAINING & BOOKS	Open	20.00	0.00		
03086 NJ STATE ASSN CHIEFS OF POL*	14-00408	02/10/14	TRAINING MEMBERSHIP	Open	100.00	0.00		
03104 NORTHEAST IND.&MARINE SUPPLY*	14-00344	02/04/14	PARTS/DPW/RDS	Open	1,219.29	0.00		
	14-00345	02/04/14	RDS/DPW/PARTS/FEB	Open	<u>1,698.85</u>	0.00		
					2,918.14			
03158 NYSCA*	14-00293	01/29/14	LACROSSE COACHES CERTIFICATION	Open	40.00	0.00		
03279 PARDO'S TRUCK PARTS WHSE*	14-00051	01/07/14	RDS/SANT/RECY/DPW/JAN	Open	110.42	0.00		
03366 AMERI-GAS*	14-00476	02/20/14	PROPANE - BENNETTS CROSSING	Open	1,570.51	0.00		
03427 POLAR BEAR*	14-00123	01/10/14	REC/DPW/POLICE/TOWNHALL/MONTHL	Open	1,984.07	0.00		
	14-00294	01/29/14	2014 MAINTENANCE HVAC AGRMT	Open	<u>7,500.00</u>	0.00		
					9,484.07			
03466 R & R SPECIALTIES	14-00423	02/13/14	MEDALS-BBALL SKILLS COMPETITIO	Open	151.20	0.00		
03518 RIGGINS, INC.*	14-00437	02/14/14	OFF ROAD DIESEL	Open	1,513.32	0.00		
03723 STAPLES, INC.*	14-00377	02/05/14	OFFICE SUPPLIES	Open	269.97	0.00		
03765 TAX COLL&TREAS ASSN OF C M C*	14-00440	02/14/14	2014 MEMBERSHIP JACKSON/BROWN	Open	200.00	0.00		
03766 JOAN TAYLOR	14-00501	02/25/14	MEDICAL CLAIMS	Open	800.00	0.00		
03810 MUNICIPAL UTIL AUTH USAGE COST	14-00474	02/19/14	SEWER DUE 3/4/14	Open	160.00	0.00		
	14-00475	02/19/14	WATER BILL- DUE 3/4/14	Open	<u>124.96</u>	0.00		
					284.96			
03820 MUNICIPAL UTIL. AUTH ON CALL	14-00192	01/16/14	REEMBURSTMENT FOR DEC 2013	Open	105.32	0.00		
03935 STAPLES BUSINESS ADVANTAGE*	14-00388	02/06/14	OFFICE SUPPLIES	Open	53.70	0.00		
03969 VERIZON	14-00498	02/24/14	FEBRUARY 2014 PHONE SERVICE	Open	3,814.94	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
03995 VITAL COMMUNICATIONS, INC.*	14-00304	02/03/14	2014 ASSESSMENT NOTICE POSTCD	Open	2,922.29	0.00		
04105 PITNEY BOWES GLOBAL FINANCIAL	14-00198	01/17/14	MAIL MACHINE 2014	Open	451.00	0.00		
04300 W B MASON CO INC*	13-03118	10/22/13	LARGE FORMAT OFFICE SUPPLIES	Open	366.97	0.00		
	14-00253	01/24/14	SUPPLIES	Open	153.11	0.00		
	14-00257	01/24/14	OFFICE SUPPLIES- FIRE	Open	1,034.82	0.00		
	14-00301	01/30/14	PAPER & SUPPLIES- TOWNHALL	Open	240.49	0.00		
	14-00357	02/05/14	MASTER VISION COMBO BOARD	Open	34.98	0.00		
					<u>1,830.37</u>			
04514 WILLIAM BLANEY*	14-00398	02/10/14	DNE 25K RES 2014-23 CONTRACTS	Open	87.50	0.00		B
06019 AFFORDABLE FIRE PROTECTION INC	13-02666	09/11/13	MILLMAN FIRE SPRINKLER SYSTEM	Open	17,012.00	0.00		
6005 TOSHIBA BUSINESS SOLUTIONS IN*	14-00353	02/04/14	CARD DATA SUPPORT 1/14-01/15	Open	1,810.00	0.00		
6059 USABLE LIFE	14-00523	02/26/14	MARCH LIFE INSURANCE	Open	462.48	0.00		
6061 AMERIHEALTH ADMINISTRATORS	14-00442	02/18/14	FEB 17 HEALTH INS & RX	Open	118,962.40	0.00		
	14-00502	02/25/14	FEB 24 HEALTH INS & RX	Open	137,143.05	0.00		
	14-00524	02/26/14	MARCH 2014 ADMIN	Open	25,758.14	0.00		
					<u>281,863.59</u>			
6074 CAPE ATLANTIC JUNIOR FOOTBALL	14-00182	01/15/14	2014 CAPE ATLANTIC APP. FEE	Open	100.00	0.00		
7019 OCEAN VIEW VETERINARY*	14-00514	02/25/14	VET SERVICES-MEDICAL EXPENSES	Open	149.50	0.00		
7022 CAMPBELL & PRUCHNIK LLC*	13-02617	09/04/13	2013-231 COUNCIL REGIONAL TAX	Open	7,437.50	0.00		
	14-00479	02/21/14	RESOLUTION 2014-77 INCREASE	Open	6,737.50	0.00		
					<u>14,175.00</u>			
7057 A.J. ABRAMS COMPANY, INC	14-00426	02/13/14	ADAPTER KIT FOR SCOTT RESPIRAT	Open	596.28	0.00		
7083 OMNIGLOW, LLC*	13-03470	11/22/13	ROADFLARES	Open	276.00	0.00		
7111 HEATHER KENNEDY	14-00447	02/18/14	REFUND FOR COACHING/CERTIFICAT	Open	60.00	0.00		

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type		
7112 CODY CERASI	14-00448	02/18/14	REFUND FOR COACHING/CERTIFICAT	Open	45.00	0.00				
7116 MAUREEN GARCIA	14-00491	02/24/14	MILLMAN DAMAGE DEPOSIT 2/15/14	Open	300.00	0.00				
7121 RAYMOND NORRIS CLARK	14-00529	02/26/14	REIM ADVERTISING EXPENSE	Open	477.37	0.00				
BOSNA KAREN MANETTE BOSNA	14-00525	02/26/14	YOGA INSTRUCTOR FOR FEBRUARY	Open	115.00	0.00				
FEDEX FEDEX	13-03698	12/31/13	OVERNIGHT SHIPPING FOR CHECK	Open	38.82	0.00				
G-DB DB ELECTRONICS	14-00414	02/10/14	FIX MICROPHONE IN MTG ROOM	Open	200.00	0.00				
TRANSACTION TRANSACTION CONFERENCE	14-00311	02/03/14	CONFERENCE	Open	180.00	0.00				
<b>Total Purchase Orders:</b>				85	<b>Total P.O. Line Items:</b>	231	<b>Total List Amount:</b>	1,593,264.74	<b>Total Void Amount:</b>	0.00

Vendor	PO #	Description	CK#	Amount
Multi Temp	13-00755	HVAC Ductwork- Millman	52109	\$ 2,243.38
Multi Temp	13-01248	HVAC Change Order #1	52109	\$ 3,894.00
Treasurer, Tax	14-00438	2014 Animal Shelter	52016	\$ 23,967.75
TOTAL Manual Checks				\$ 30,105.13
TOTAL Computer Generated Checks				\$ 1,593,264.74
TOTAL Bill List				\$ 1,623,369.87

I hereby certify the foregoing to be the original Resolution adopted by Township Council at a meeting held on March 3, 2014

Julie A 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 #2014-79**

**TITLE: A RESOLUTION REQUESTING RELEASE OF DEMOLITION BOND FOR Block 541, Lot 15, 206 GLENCREEK ROAD, TOWNBANK**

**WHEREAS**, Commercial Services, Inc., posted a Demolition Bond with the Township of Lower, in the amount of \$500.00, and

**WHEREAS**, the Township Building Inspector made a final inspection and the Certificate of Occupancy was issued July 22, 2013.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, the Governing Body thereof, that the demolition bond be and hereby is **released**.

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

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

MEMORANDUM

TO: Mayor Michael Beck &  
Council Members

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

DATE: February 21, 2014

RE: Release of Demolition Bond  
Commercial Services, Inc.  
206 Glencreek Road  
Block 541, Lot 15  
Resolution #2014-79

Please release to the applicant the demolition bond that the Township is hold in trust, to assure the required demolition. A certificate of occupancy was issued July 22, 2013. Thank you.

WJG:las

att.

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

RESOLUTION #2014-80

**TITLE: ISSUANCE OF ICE CREAM PEDDLING AND ICE CREAM SALESMEN LICENSES FOR THE YEAR 2014**

**WHEREAS**, James Brown T/A Mister Softee Ice Cream has submitted an application for Ice Cream Peddling and Ice Cream Salesman Licenses for the year 2014; And

**WHEREAS**, all required paperwork and fees have been received for the licenses.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower that the Clerk be authorized to issue the following licenses for the year 2014, after inspection of the vehicle with the Police Department

**Ice Cream Peddling Salesman License**

James Brown - Mister Softee  
Jason R Brown - Mister Softee

**Ice Cream Peddling Business License**

2011 W4Z Workhorse Vin #SB4KFD2D0B3444064 (Mister Softee)

**BE IT FURTHER RESOLVED**, that anyone selling in conjunction with this license will do so only upon proper application and license approval by the Township.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						



# LOWER TOWNSHIP POLICE DEPARTMENT

**William Mastriana**  
Chief of Police

**CAPTAIN THOMAS BEEBY**  
Executive Officer

**LT. MARTIN BIERBACH**  
Administrative Services Commander

**LT. PATRICK GREENE**  
Patrol Bureau Commander

**HEADQUARTERS**  
Cape May County Airport  
405 Breakwater Road  
Erma, NJ 08204

Office: (609) 886-1619  
Fax: (609) 889-6664

February 25, 2014

Julie Pickard  
2600 Bayshore Road  
Villas, NJ 08251

RE: Jim's Mr. Softee of Cape May County, LLC. – Truck Inspection and Application

Dear Julie:

On February 25, 2014, I inspected the application provided by Jim's Mr. Softee of Cape May County, LLC. Owner, James Brown.

Upon review of the application, the applicant's driver's license and listed drivers, along with the vehicle registration, insurance credentials and a safe vehicle inspection, all documents appear to be in order and the safety inspection revealed no violations.

Therefore it is the recommendation of this office to approve Jim's Mr. Softee of Cape May County, LLC. for Licensing.

Thank you in advance for your attention in this matter.

Sincerely,

Lieutenant Patrick Greene  
Patrol Bureau Commander

PRG/jmb

C file

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

**RESOLUTION #2014-81**

**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 3, 2014.

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

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						



**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

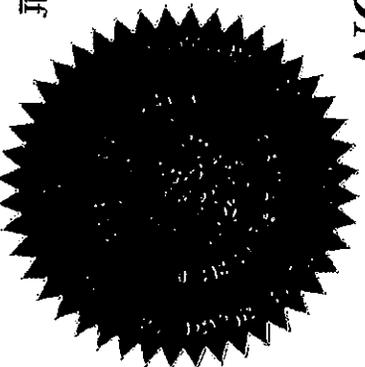
Engineering

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/certnpt.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

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

RESOLUTION # 2014-82

Title: AUTHORIZING PAYOUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has resigned from the Township and is entitled to payment for accumulated vacation, compensatory and personal 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 signature \_\_\_\_\_ that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a revised payment due to George Curvan in the amount of \$1,425.14 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

Curvan, George

TOWNSHIP OF LOWER  
RETIREMENT PAYOUT ANALYSIS

DATE: 2/21/2014

EMPLOYEE: Curvan, George

DATE OF RESIGNATION 2/21/2014

DATE OF PAYMENT:

RESOLUTION #:

Annual Salary:	\$71,400.00
Hourly Rate:	\$39.23
Longevity	

<b>SALARY:</b>		
Salary due to	2/21/2014	\$12,357.69
Salary paid through	2/21/2014	\$10,984.60
longevity due		
Longevity paid		
<b>Balance due</b>		<b>\$1,373.09</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	39.23	0.00
Personal	29.02	39.23	1,138.45
Sick	0.00	39.23	0.00
Vacation	7.31	39.23	286.69
Health Ins Incentive	2 months		833.33
<b>Terminal Leave Payout</b>			<b>\$2,258.47</b>
<b>Final pay</b>			<b>\$3,631.56</b>

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual	7 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	0.00				0.00
Personal	25.25	28.00	0.13	3.77	0.00	29.02
Sick	46.00	105.00	0.13	14.13	9.00	0.00
Vacation	1.50	84.00	0.13	11.31	5.50	7.31
<b>Total</b>	<b>72.75</b>	<b>217.00</b>		<b>29.21</b>	<b>14.50</b>	<b>36.33</b>

Accrual and time used are current to 2/26/14 subject to change if time is used or not currently reported.

Employee Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

Treasurer's Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

E17 4-01-23-220-412  
4-01-56910-199

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

**RESOLUTION # 2014-83**

**Title: AUTHORIZATION FOR 2014 INCENTIVE AWARD FOR INSURANCE WAIVER**

**WHEREAS**, the employee listed below has waived health insurance and is due an incentive amount per Superior Officers Union and PBA Union Contract, Article 12, Section F, AFSCME Union Contract, Article VII, Section F and Supervisors Contract, Article VI, Section F; and

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

**WHEREAS**, it has been determined by the Township Treasurer as evidenced by signature, \_\_\_\_\_ that adequate funding is available for such payment in the current year's budget for Health Insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Lower that payment to the following employee:

Name	Months of Waiver	Amount
Curvan, George	2	\$833.33

in the amount of **\$833.33** is authorized and chargeable to the 2014 Budget account 4-01-23-220-412.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

Curvan, George

TOWNSHIP OF LOWER  
 RETIREMENT PAYOUT ANALYSIS  
 DATE: 2/21/2014

EMPLOYEE: Curvan, George  
 DATE OF RESIGNATION 2/21/2014  
 DATE OF PAYMENT:  
 RESOLUTION #:

Annual Salary:	\$71,400.00
Hourly Rate:	\$39.23
Longevity	

<b>SALARY:</b>		
Salary due to	2/21/2014	\$12,357.69
Salary paid through	2/21/2014	\$10,984.60
longevity due		
Longevity paid		
<b>Balance due</b>		<b>\$1,373.09</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	39.23	0.00
Personal	29.02	39.23	1,138.45
Sick	0.00	39.23	0.00
Vacation	7.31	39.23	286.69
Health Ins Incentive	2 months		833.33
<b>Terminal Leave Payout</b>			<b>\$2,258.47</b>
<b>Final pay</b>			<b>\$3,631.56</b>

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual	7 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	0.00				0.00
Personal	25.25	28.00	0.13	3.77	0.00	29.02
Sick	46.00	105.00	0.13	14.13	9.00	0.00
Vacation	1.50	84.00	0.13	11.31	5.50	7.31
<b>Total</b>	<b>72.75</b>	<b>217.00</b>		<b>29.21</b>	<b>14.50</b>	<b>36.33</b>

Accrual and time used are current to 2/26/14 subject to change if time is used or not currently reported.

Employee Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Treasurer's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Prepared by Colleen Crippen, 02/07/2014

E17 4-01-23-220-412  
 4-01-56910-199

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

RESOLUTION # 2014-84

Title: AUTHORIZING PAYOUT OF TERMINAL LEAVE

WHEREAS, the employee listed below has retired from the Township and is entitled to payment for accumulated vacation, sick, compensatory and personal 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 signature \_\_\_\_\_ that adequate funding is available for accumulated time in the dedicated line item "Reserved for Accumulated Absences".

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lower that a payment due to Ellen Will in the amount of \$ 7,687.51 is authorized and chargeable to the Reserve for Accumulated Absences.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

Will, Ellen

TOWNSHIP OF LOWER  
 RETIREMENT PAYOUT ANALYSIS  
 DATE: 2/26/2014

EMPLOYEE: Will, Ellen  
 DATE OF RETIREMENT 3/1/2014  
 DATE OF PAYMENT:  
 RESOLUTION #:

Annual Salary:	\$43,636.16
Hourly Rate:	\$23.98
Longevity	

<b>SALARY:</b>		
Salary due to	2/28/2014	\$8,391.57
Salary paid through	2/28/2014	\$6,713.24
longevity due		
Longevity paid		
<b>Balance due</b>		<b>\$1,678.33</b>

<b>TERMINAL LEAVE:</b>			
	Hours	Rate	Total
Comp	0.00	23.98	0.00
Personal	16.06	23.98	385.00
Sick	277.65	23.98	6,657.00
Vacation	26.92	23.98	645.51
<b>Terminal Leave Payout</b>			<b>\$7,687.51</b>
<b>Final pay</b>			<b>\$7,687.51</b>

	(A)	(B)	(C)	(B * C) (D)	(E)	A + D - E (F)
	Carryover	Annual Accrual	8 weeks / 52 weeks	Prorated Time Due	Time Used	Hours to be paid
Comp	0.00	7.00		7.00	7.00	0.00
Personal	26.75	28.00	0.15	4.31	15.00	16.06
Sick	287.00	105.00	0.15	16.15	25.50	277.65
Vacation	7.00	175.00	0.15	26.92	7.00	26.92
<b>Total</b>	<b>320.75</b>	<b>315.00</b>		<b>54.38</b>	<b>54.50</b>	<b>320.63</b>

Accrual and time used are current to 2/26/14 subject to change if time is used or not currently reported.

Employee Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Treasurer's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

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

RESOLUTION # 2014-85

**TITLE: APPROVAL OF PRECIOUS METALS LICENSE**

**WHEREAS**, an application has been made for a Precious Metal License by the following applicant in accordance with Ordinance #2012-14; and

**WHEREAS**, the applicant has paid the proper fees, posted the required bonds and after a Police objection, a hearing was held and a determination was made that the applicant has taken precautions to address the cause of the violation, a license shall be granted for the 2014 license year with the determination of violation being considered by any future hearing officer as a prior violation for the purpose of imposing a heightened penalty for any future violation.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Lower, that a Precious Metal License for the year 2014 be approved and is hereby approved for the following applicant:

Adele's Jeweled Treasures      1816 Bayshore Road

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 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 # 2014-86

TITLE: APPROVAL OF CHANGE ORDER #1 ADA UPGRADES AND IMPROVEMENTS AT THE  
"OLD" FISHING CREEK SCHOOL

WHEREAS, Thomas Barry Marine Construction Inc. was originally awarded the contract per Resolution #2013-308 in the amount of \$272,200 for the ADA improvements to Fishing Creek School on December 2, 2013; and

WHEREAS, Change Order #1 will provide lead paint removal to the Fishing Creek School for \$38,000.00; Asbestos removal and disposal of garage roof for \$12,000.00 for a total of \$50,000.00.

**THOMAS BARRY MARINE CONSTRUCTION INC.**

ORIGINAL CONTRACT \$272,200.00  
CHANGE ORDER #1 \$ 50,000.00  
TOTAL \$322,200.00

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

Appropriation # : \$38,060 – 4-01-56-750-351  
\$11,940 – 4-15-56-223-048

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 Thomas Barry Marine Construction, Inc. is hereby approved to increase the contract total to \$322,200.00.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 2014.

\_\_\_\_\_  
Julie A. Picard, Township Clerk

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
NEVILLE						
SIMONSEN						
CLARK						
BECK						

# AIA<sup>®</sup> Document G701<sup>™</sup> - 2001

## Change Order

PROJECT (Name and address):	CHANGE ORDER NUMBER: <u>1</u>	OWNER: <input type="checkbox"/>
	DATE: <u>February 26, 2014</u>	ARCHITECT: <input type="checkbox"/>
TO CONTRACTOR (Name and address):	ARCHITECT'S PROJECT NUMBER:	CONTRACTOR: <input type="checkbox"/>
	CONTRACT DATE:	FIELD: <input type="checkbox"/>
	CONTRACT FOR:	OTHER: <input type="checkbox"/>

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

The original Contract Sum was	\$ <u>272,200.<sup>00</sup></u>
The net change by previously authorized Change Orders	\$ <u>- 0 -</u>
The Contract Sum prior to this Change Order was	\$ <u>272,200.<sup>00</sup></u>
The Contract Sum will be increased by this Change Order in the amount of	\$ <u>50,000.<sup>00</sup></u>
The new Contract Sum including this Change Order will be	\$ <u>322,200.<sup>00</sup></u>

The Contract Time will be increased by ~~Zero (0)~~ 30 days.  
 The date of Substantial Completion as of the date of this Change Order therefore is August 1, 2014

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

ARCHITECT (Firm name)	<u>Thomas Barry Marine Construction, Inc</u>	OWNER (Firm name)
ADDRESS	<u>PO Box 122 South Dennis, NJ 08245</u>	ADDRESS
BY (Signature)	<u>Sally M. Barry</u>	BY (Signature)
(Typed name)	<u>Sally M. Barry</u>	(Typed name)
DATE	<u>February 26, 2014</u>	DATE

**Thomas Barry *MARINE***

**CONSTRUCTION, INC.**

P.O. Box 132  
South Dennis, N.J. 08245  
(609) 861-5262

February 26, 2014

Margaret Vitelli, Purchasing Agent  
Township of Lower  
2600 Bayshore Road  
Villas, NJ 08251

RE: Change Order No. 1  
Paint Removal.  
Garage roof removal and disposal.  
ADA Upgrades and Improvements At The "Old" Fishing Creek School

**SCOPE OF WORK**

To remove paint in areas, as per the following: All window sashes, casings, and trim (interior only) and loose paint in all other areas of the existing interior.

To repaint these areas.

All interior walls and ceilings will be encapsulated with approved sealant.

To repaint with paint selected by owner.

This work will be done in conjunction with all painting, woodworking, and structural renovation currently contracted.

Total price for interior paint removal: \$ 38,000.00

To remove and dispose of garage roof.

Work to be performed by Klemco, Inc workers to be included under our payroll.

Total price for removal and disposal of garage roof: \$ 12,000.00

30 days additional will be required to perform work.

Total price for Change Order No. 1: \$ 50,000.00

Our fax: 609-861-0222

Consortium for Workforce and Economic Development  
New Jersey Council of County Colleges  
330 West State Street  
Trenton, NJ 08618

February 28, 2011

Dear Mr. Barry:

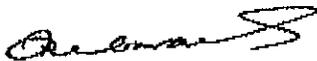
Congratulations on successfully completing the combined EPA/DCA Lead and Safety training program. Enclosed are the certifications you earned as a result of the training:

New Jersey Regulations on Lead Safe Work Practices  
OSHA Hazardous Communications  
EPA Renovator Initial  
EPA Lead Dust Sampling Technician

This program is subsidized by a grant from the New Jersey DCA in order to protect all NJ contractors and multiple dwelling owners with these critical 4 certifications at an affordable tuition rate. The program funding is limited and we would encourage you to inform your colleagues of our training. The goal of the colleges and DCA is to train and certify as many NJ contractors, renovators and landlords as possible over the next several months while funding lasts.

Once again, congratulations on acquiring your certifications and thank you for helping us get the word out to your colleagues in the industry.

Sincerely,



Dean Anbarasan  
Project Manager

Telephone (609) 393-9000  
Fax (609) 392-8158

NEW JERSEY ADMINISTRATIVE CODE  
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\*\*\* New Jersey Register, Vol. 45, No. 14, July 15, 2013 \*\*\*

TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 17. LEAD HAZARD EVALUATION AND ABATEMENT CODE

*N.J.A.C. 5:17 (2013)*

"Window well" means the window trough. It is also synonymous with window stool, defined in ASTM Standards E1605-94 as flat, horizontal molding fitted over the sill, on the window interior, between jambs, that comes in contact with the bottom rail of the (lower) operating sash and the window sill.

"XRF" means x-ray fluorescence, a radiological method of in-place testing for the presence of lead-based paint on surfaces.

§ 5:17-1.3 Resource materials

Additional information on evaluating and abating lead hazards may be obtained from the following sources: American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; The National Center for Lead-Safe Housing, 10227 Wincopin Circle, Suite 205, Columbia, Maryland 21044, (410) 992-0712; The National Institute of Building Sciences, 1201 L Street, NW, Suite 400, Washington, DC 20005-4024, (202) 289-7800; and the Steel Structures Painting Council, The Crane Building, 40 24th Street, 6th Floor, Pittsburgh, Pennsylvania 15222.

§ 5:17-2.1 Certification required

(a) Effective January 1, 1996, no individual, partnership, corporation or other business entity shall engage in either the business of lead evaluation or the business of lead abatement, unless certified by the Department in accordance with section 15 of P.L. 1993, c.288 (*N.J.S.A. 52:27D-428*) and these rules.

1. For lead abatement jobs performed on superstructures where public bidding procedures are applicable, projects with an advertisement date that precedes September 24, 1997 may proceed without a certified lead abatement contractor.

(b) Any individual, corporation, partnership or other business entity seeking certification in accordance with these rules shall either be certified or shall employ individuals certified by the Department of Health in accordance with section 3 of P.L. 1993, c.288 (*N.J.S.A. 26:2Q-3*) (see *N.J.A.C. 8:62*) and shall designate a person, certified as a lead abatement supervisor by the Department of Health, at each job site to be responsible for ensuring compliance with the requirements of P.L. 1993, c.288 and of these rules.

\* (c) Contractor certification shall not be required for the following individuals or activities:

1. An owner undertaking work on his or her own premises using his or her own employees, provided that those employees are certified by the Department of Health;

2. A homeowner performing lead abatement work himself or herself on a dwelling unit that he or she owns and occupies as a primary place of residence;

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TITLE 5. COMMUNITY AFFAIRS  
CHAPTER 17. LEAD HAZARD EVALUATION AND ABATEMENT CODE

*N.J.A.C. 5:17 (2013)*

\* 3. Any business firm engaging in painting, woodworking, structural renovation or other indoor or outdoor contracting services that may result in the disturbance of paint, provided that the firm does not hold itself out as certified by the Department or otherwise represent that it has specialized competency to perform lead evaluation or abatement work; or

4. A person with proof that he or she has completed a State-approved or HUD-sponsored training class to be a "clearance technician," when that person is taking a dust wipe sample in the work area following renovation, remodeling, repair or maintenance work; provided, however, that the activities that may be performed without evaluation contractor certification shall be limited to performing dust wipe sampling in the work area and providing a report with the results of the dust wipe analysis. A clearance technician is not qualified to perform evaluation, and is not qualified to perform clearance after a lead abatement, unless the clearance technician is employed by a certified evaluation contractor.

(d) A corporation, partnership or other business entity may be denied certification if any stockholder, director, officer, partner or other person having an economic interest in the organization shall have violated any of the provisions of these rules or been denied certification for cause. This provision shall also apply to any business organization having a parent or subsidiary relationship to any such business organization.

(e) Local health departments or other public agencies performing lead evaluations shall not be required to obtain contractor certification to perform evaluations within their jurisdictions.

§ 5:17-2.2 Conflict of interest

(a) No business firm shall be certified to offer lead evaluation or lead abatement services if any person who is a proprietor, general partner, officer, director, employee, or shareholder or limited partner in the firm is employed as an official or inspector by any agency, public or private, enforcing the State Uniform Construction Code Act or, except as otherwise provided in paragraph(a)2 below, is employed by any public health department or agency in the State of New Jersey.

1. This section shall not apply to the ownership of stock or other investment instrument in any corporation listed on any national stock exchange.

2. Any other provision of this subsection to the contrary notwithstanding, a business firm may be certified to offer lead evaluation services only, despite the fact that a person who is a proprietor, general partner, officer, director, employee, or shareholder or limited partner in the firm is employed by a public health department or agency in the State of New Jersey. In any such case, the business firm shall not engage in the business of lead evaluation within the area of jurisdiction of the public health department or agency by which any such person is employed and shall not have any relationship to any individual or business firm performing lead abatement services.

**KLEMCO INC**  
369 South Spruce Avenue  
Maple Shade, NJ 08052

DATE  
1/29/2014

NAME / ADDRESS

THOMAS BARRY MARINE  
P.O. BOX 132  
SOUTH DENNIS, N.J. 08245

PROJECT

2102-2106 BAYSHORE RD, VILLAS

DESCRIPTION
<p align="center"><b><u>SCOPE OF WORK:</u></b></p> <p align="center"><b><u>REMOVAL &amp; DISPOSAL OF ASBESTOS</u></b></p> <p align="center"><b><u>ROOFING.</u></b></p> <p><b><u>ESTIMATE INCLUDES \$200.00 N.J. DEPT. OF LABOR NOTIFICATION FEE.</u></b></p> <p>The above price includes all labor, material and equipment to perform the project. All prevailing federal, EPA, OSHA, state and local regulations will be followed. All work will be performed by EPA and State of New Jersey certified and licensed asbestos workers. All asbestos containing material and waste will be disposed in an EPA certified landfill.</p> <p>The above price includes \$1 million dollars occurrence and \$1 million dollars aggregate comprehensive general liability insurance on an occurrence basis with the ability to name the building owner as additional insured. All insurance coverage is provided by an A+ Superior rated insurance company.</p> <p>PHONE:856-779-0472 FAX:856-779-0151</p>

Accepted By: \_\_\_\_\_  
Accepted Date: \_\_\_\_\_

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

RESOLUTION #2014-87

**Title: A Resolution Urging Our U.S. House Members to Vote "YES" On the Homeowner Flood Insurance Affordability Act of 2014, H.R. 3370 ( as amended)**

**WHEREAS**, The U.S. House of Representatives is poised to begin debate this week on the Homeowner Flood Insurance Affordability Act of 2014 (H.R. 3370, as amended); and

**WHEREAS**, H. R. 3370 was originally introduced as a companion bill to the Senate measure (S. 1926)—also known as the Homeowner Flood Insurance Affordability Act of 2014. However, the original legislative text has been replaced with completely new language. The amended bill will be considered under a procedure that will require a 2/3 majority vote to pass and does not allow for any amendments; and

**WHEREAS**, H.R. 3370 (as amended) contains several provisions that would address county concerns:

\* Reinstates Grandfathering: The House bill would permanently repeal Biggert-Waters' phase-out of grandfathered policies and thus would allow grandfathering of policies to continue. This means that post-FIRM properties built to code at the time of construction may have the ability to grandfather into a lower premium.

\* Removes Sales Trigger: The House bill would discontinue the practice of fully actualizing rates at the point of sale, meaning the sales "trigger" is removed; this would ensure premium insurance rate certainty at the point of sale.

\* Retroactively Refunds Policyholders: The House bill would retroactively refund some Pre-FIRM policyholders if they paid a higher premium under Biggert-Waters.

\* Allows for Annual Surcharge: The House bill would institute a \$25 annual surcharge for all NFIP primary home policy holders and a \$250 annual surcharge on all second homes and businesses. All revenue from these surcharges go toward the NFIP reserve fund, established to meet the future obligations of the NFIP.

\* Requires Affordability Study and Provides Additional Funding for the Study: The House bill would increase funding for FEMA to complete an affordability study from \$750,000 (under Biggert-Waters) to \$3 million. The measure would also reaffirm that the study be completed in two years; and

**WHEREAS**, The purpose of the Biggert-Waters Act of 2012 (BW-12) was to make FEMA's National Flood Insurance Program (NFIP), which faced a deficit of \$24 billion, solvent. However, BW-12 resulted in some unintended consequences for local governments, residents and businesses; and

**WHEREAS**, A number of the nation's 3,069 counties, both coastal and inland, have stated that their homeowners and business are facing drastically increasing annual NFIP flood insurance premiums due to BW-12's phase-outs of subsidized premium rates. According to the Government Accountability Office, properties in 2,930 counties had subsidized policies as of June, 2012; and

**WHEREAS**, As the Federal Emergency Management Agency (FEMA), which oversees the NFIP program, continues to update its Flood Insurance Rate Maps (FIRMs), more low-lying areas may begin to face drastic premium rate increases in the near future;and

**WHEREAS** , The Township of Lower supports a sustainable, fiscally responsible NFIP that protects the businesses and homeowners who built according to code and have followed all applicable laws. We also support amending BW-12 in a way that keeps flood insurance rates affordable while balancing the fiscal solvency of the program. Additionally, Lower Township supports reinstating the grandfathering of properties (not policies) that were built to code, have maintained insurance and have not repeatedly flooded.

**NOW, THEREFORE, BE IT RESOLVED** that The Township Council, of the Township of Lower, strongly urges our NJ House Members in The U.S. House of Representatives to vote YES on the Homeowner Flood Insurance Affordability Act of 2014 (H.R. 3370, as amended).

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to our NJ House Members, of the U.S. House of Representatives, for their valued consideration.

I hereby certify the foregoing to be the original resolution adopted by the Township Council at a meeting held on March 3, 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

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,

*Capt. Thomas Beeby*

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, New Jersey 08251



Incorporated 1798

(609) 886-2005

## MEMORANDUM

TO: Julie Picard,  
Township Clerk

FROM: William Galestok, PP, AICP   
Director of Planning

DATE: February 25, 2014

RE: Flood Damage Prevention Ordinance  
Update; Proposed Ordinance Amendment  
Chapter 351 - Flood Damage Prevention

The NJDEP, Office of Engineering and Construction, Bureau of Dam Safety and Flood Control has recommended the attached amendments to the Lower Township Flood Damage Prevention Ordinance. The changes will now reflect the "best available data" language recommended by the National Flood Insurance Program.

The updates are shown [thus] and have been reviewed and approved by the Lower Township Flood Control Officer, Gary Playford.

If you have any questions or comments, please contact me at your earliest convenience.  
Thank you.

WJG:las

att:1

cc: Ron Gelzunas, Twp. Solicitor, w/att.  
Mike Voll, Twp. Manager, w/att.  
Gary Playford, CO, Flood Control Officer, w/o att.  
Jason Dilworth, Building Inspector, w/o att.

Township of Lower  
 Treasurer's Report  
 YTD: 2014

	Total	Jan
<b>BEG. BAL. JAN. 1, 2014</b>	<b>5,744,728.47</b>	<b>5,744,728.48</b>
<b>RECEIPTS:</b>		
<b>Per Revenue Status</b>	6,025,111.65	6,025,111.65
Interest due from Escrow	(17.98)	(17.98)
Interest due from Capital	(37.78)	(37.78)
	<b>6,025,055.89</b>	<b>6,025,055.89</b>
<b>Grants Received:</b>		
JIF \$ RECD	2,000.00	2,000.00
2,000.00		
<b>TOTAL RECEIPTS:</b>	<b>6,027,055.89</b>	<b>6,027,055.89</b>
<b>DISBURSEMENTS:</b>		
2013 Reserves	579,841.50	579,841.50
2014 Current	5,417,269.88	5,417,269.88
2014 Capital	91,279.36	91,279.36
less: CIF post	0.00	
	0.00	
6,088,390.74		
<b>Appropriation Refunds:</b>	(90,915.52)	(90,915.52)
<b>TOTAL DISBURSEMENTS</b>	<b>5,997,475.22</b>	<b>5,997,475.22</b>
<b>END. BAL. DEC. 31, 2014</b>	<b>5,774,309.14</b>	<b>5,774,309.15</b>
Total Appropriation Refunds	(90,915.52)	(90,915.52)

<b>Bank Balance</b>	
Checking	6,718,850.46
Online Payment Acct	113,162.24
Total Bank Balance	6,832,012.70
ADD: Deposits in Transit	611,365.77
LESS: Outstanding Checks	(1,669,069.32)
<b>Adjusted Bank Balance</b>	<b>5,774,309.15</b>
	0.00

**OUTSTANDING CHECKS**  
**JAN 2014**

PRIOR	
47711	54.00
48492	26.25
48725	5.00
49106	150.00
49950	234.97
50333	20.00
50613	318.00
50681	310.00
51401	2,039.81
51407	35,000.00
51613	36.00
51625	300.00
51756	40.00
51789	831.10
51790	811.62
51792	491.14
due grants	63,714.73

104,382.62

14-00159  
 14-00132

JAN	
51802	1,965.00
51824	800.00
51830	60.00
51849	1,100.00
51881	708.57
51885	237.80
51886	357.00
51887	318.50
51891	325.00
51892	91.76
51893	412.01
51897	500.00
51899	543.00
51900	805.70
51902	475.00
51904	3,302.00
51905	1,525,156.40
51908	20.00
51912	282.48
51913	471.84
51917	9.72
51921	300.00
51922	5,643.00
51923	50.00
51926	34.25
51933	1,529.50
51936	90.00
51943	3,200.00
51945	10.00
51946	45.00
51948	35.00
51949	175.54
51950	15.00
51952	397.00
delta	
dental	15,205.75
fwt due	14.88

1,564,686.70

1,669,069.32

DIT'S	
19,987.54	ONLINE TAX
7,544.56	ONLINE TAX
251.00	
91,342.74	
560.00	
1,268.00	
26.55	
155.00	
30.00	
50.00	
610.00	
104,845.52	
95,548.44	
101,191.60	
92,686.67	
48,661.06	
45,602.09	
1,005.00	

611,365.77



**Lower Township Police Department  
Monthly Activity Report**

2014

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



**Lower Township Police Department  
Monthly Activity Report**

2014

	<b>January</b>	<b>Total:</b>
<b>Man Power Loss in Hours</b>		
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
<b>Police Department Overtime in Hours</b>		
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
<b>Government/Grant Funding Overtime in Hours</b>		0
Click It or Ticket	0	0
Cops n Shops	0	0
JV Curfew	0	0
DWI Patrol	0	0
Other	4	4
<b>Private Funding Overtime in Hours</b>		
Special Detail	0	0

Prepared by:

Chief William Mastriana \_\_\_\_\_

Date: \_\_\_\_\_