

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

Work Session**Consent Agenda**

Approval of Minutes – June 16, 2025

Approval of New Jersey State Firefighters Association Membership – O.Pagen – Erma Volunteer Fire Company

Res. #2025-243 Authorization for the Payment of Vouchers \$ 1,832,096.45

Res. #2025-244 Authorization for South Jersey Power Cooperative Natural Gas Supply Service Application

Res. #2025-245 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (DEDR, \$26,215)

Res. #2025-246 A Resolution Requesting that the New Jersey Department of Transportation Relocate Two Existing Bus Stops on Breakwater Road (CR613)

Res. #2025-247 A Resolution Requesting Approval from the County of Cape May to Install A Bus Stop Shelter within the Breakwater Road County Right-of-way near the Intersection of Breakwater and Hornet Roads

Res. #2025-248 Bid Acceptance and Contract Award for the Bayshore Road Pickleball Courts to Think Pavers Hardscape, LLC (LT-C-065)

Res. #2025-249 Approving Change Order #3 with DeBlasio & Associates for the Preliminary Assessment Report for Jake's Law Playground for Phase II of the Rotary Community Park Renovation (LT-C-028)

Res. #2025-250 A Resolution Authorizing the Execution of a Shared Service Agreement between the Township of Lower and the County of Cape May in Connection with the Receipt of Cape May County Open Space Funds for the Improvement of David C Douglass Sr. Memorial Park

Ordinance #2025-16 An Ordinance Amending Chapter 7, Traffic, Article 1, General Provisions, of the Code of the Township of Lower This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for August 4, 2025

Ordinance #2025-17 An Ordinance Amending Chapter 575, Stormwater Management, of the Code of the Township of Lower to Ensure Consistency with the June 2025 Municipal Stormwater Management Plan Adopted by the Lower Township Planning Board This is the first reading of this Ordinance. The second reading and public hearing has been scheduled for August 4, 2025

Regular Agenda

Ordinance #2025-14 An Ordinance Amending Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, of the Code of the Township of Lower to Reiterate that Free Public Parking is Provided Along All Public Rights-of-Way Throughout the Township. This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Ordinance #2025-15 An Ordinance Amending Chapter 583, Streets and Sidewalks, Article I, Excavation of Streets, of the Code of the Township of Lower This is the second reading and public hearing of this Ordinance. This Ordinance has been posted, published and made available to the public.

Administrative Reports

Treasurer's

Personnel Action Report

Public Comment**Council Comments****Adjourn**

COUNCIL MEETING MINUTES – June 16, 2025

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on June 16, 2025 at 5:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

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

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

Councilmember Thomas Conrad
Councilmember Joseph Wareham
Councilmember Roland Roy, Jr.
Deputy Mayor Kevin Coombs
Mayor Frank Sippel

Also present: Michael Laffey, Township Manager, Robert Belasco, Township Solicitor and Karen Fournier, Deputy Township Clerk

Consent Agenda

Approval of Minutes - June 2, 2025

Res. #2025-223 Authorization for the Payment of Vouchers \$ 883,007.44

Res. #2025-224 Reappointment to the Planning Board - Selby

Res. #2025-225 Reappointment to the Planning Board - Rosenberg

Res. #2025-226 A Resolution Amending the Personnel Policies and Procedures Manual of Lower Township (Lightning Awareness and Heat Stress Prevention)

Res. #2025-227 Approval for Whale of A Day Festival

Res. #2025-228 Approval for Behr Brewing 5K Scheduled for June 22, 2025

Res. #2025-229 Reappointment to the Zoning Board of Adjustments- Bosco

Res. #2025-230 Bid Acceptance and Contract Award for the FY2025 NJDOT Municipal Aid Program Reconstruction of Beach Avenue and Delaware Avenue to South State Inc. (LT-C-061) (\$231,581.20)

Res. #2025-231 Annual Renewal of Liquor Licenses for the year 2025-2026

Res. #2025-232 Approval for Pyrotecnico Fireworks Inc to Load and Unload a Fireworks Barge in Lower Township (Congress Hall)

Res. #2025-233 Approval to Submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for FY2025 Local Transportation Projects Funds (LTPF) – Reconstruction of Beachhurst Drive

Res. #2025-234 Approval to Submit a Grant Application MA-2026- Resurfacing of Frances Avenue – 00072 and Execute a Grant Agreement For the FY2026 Municipal Aid Program (MA) with the New Jersey Department of Transportation

Res. #2025-235 Resolution Amending Contracts with Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12A Adding Mohawk Lifts LLC Vendor #V00065739

Res. #2025-236 Approval of Change Order #1 for the Engineering Services for the Construction Phase of FY2025 NJDOT Municipal Aid Program Reconstruction of Beach Avenue and Delaware (LT-C-061) (\$14,500)

Res. #2025-237 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Small Cities \$400,000)

Res. #2025-238 Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A:4-87, Chapter 159 (Alcohol Education Rehab \$2,063.32)

Res. #2025-239 Authorizing Payout of Terminal Leave (J.Grauel \$857.52)

Res. #2025-240 Authorizing Payout of Terminal Leave (C.Muldoon \$285.22)

Res. #2025-241 Authorization for 2025 Incentive Award for Insurance Waiver

Res. #2025-242 A Resolution Requesting Approval from the County of Cape May to Install Poles within County Rights-Of-Way in Support of the Lower Township Hometown Heroes Program

Ordinance #2025-14 An Ordinance Amending Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, of the Code of the Township of Lower to Reiterate that Free Public Parking is Provided Along All Public Rights-of-Way Throughout the Township. This is the first reading of this Ordinance. The second reading and public hearing is scheduled for Monday, July 7, 2025.

Ordinance #2025-15 An Ordinance Amending Chapter 583, Streets and Sidewalks, Article I, Excavation of Streets, of the Code of the Township of Lower This is the first reading of this Ordinance. The second reading and public hearing is scheduled for Monday, July 7, 2025.

Emily Calthern, President of Sunset Beach Sportsman Club, thanked the Township for their continued support.

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

Regular Agenda

Ordinance #2025-13 An Ordinance Amending Chapter 400, Land Development, of the Code of the Township of Lower, to reflect Amendments to the Cannabis Regulatory, Enforcement, Assistance and Marketplace Modernization Act, Authorizing Class 5 Retail Licensees to Provide Delivery Services This is the second reading and public hearing for this Ordinance. This Ordinance has been posted, published and made available to the public.

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

Engineer Report

Marc DeBlasio gave Council an update on the following engineering projects being handled by DeBlasio & Associates: Reconstruction of Beach Avenue; Bayshore Road Pickleball Courts; Reconstruction of Ridgewood Avenue; Bay Outfall Extensions; Clem Mulligan Storm Sewer Pump Station; Lower Township Public Works Building; Municipal Pool Building; Reconstruction of Frances Ave.; and Reconstruction of Beachhurst Ave. Mr. DeBlasio also informed about the upcoming LTMUA Water Main Replacement Project in North Cape May.

Administrative Reports

Clerk, Construction, Dog, Tax, Vital

Public Comment

Gary Newton, Villas, thanked the Township for addressing the former issues at Clem Mulligan Park and voiced concern about a new problem with reckless riding of electric bikes, dirt bikes, etc.; urging Council to mitigate the problem before someone gets hurt.

Mayor Sippel directed Manager Laffey and Solicitor Belasco to look into the matter.

Council Comments

Councilmember Conrad gave an update on the Foster House and looks forward to its completion.

Councilmember Wareham gave an update on Town Bank Road improvements and expressed best wishes to the new businesses in the Township: Job Lot and Cape May Esthetics and Wellness. He also congratulated graduates.

Councilmember Roy – no additional comments

Deputy Mayor Coombs commented on the success of the Escape the Cape Triathlon and reminded residents to be safe with schools recessing for summer.

Mayor Sippel thanked the Elks for the Flag Day Ceremony and for their contributions to the community.

Adjournment

There being no further business to address, motion to adjourn moved by Deputy Mayor Coombs, seconded by Councilmember Wareham. Motion to adjourn was unanimous. Meeting adjourned at 5:15 p.m.

Frank Sippel, Mayor

Township Clerk

Approved:

Resolution #2025-243

Ranges		Item Status		Purchase Types		Misc	
Range: First to Last Rcvd Batch Id Range: First to Last		Open: N Void: N Paid: N Held: Y Aprv: N Rcvd: Y		Bid: Y State: Y Other: Y Exempt: Y		P.O. Type: All Include Project Line Yes Items: Format: Condensed Include Non-Budgeted: Y Vendors: All	
Vendor #	Name						
P.O. #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
00067		ALL AMERICAN SPORTS CORP.*					
25-01369	05/30/25	FOOTBALL HELMETS	Open	\$2,969.95	\$0.00		
00110		ANCO HOME CENTER ~					
25-01372	05/30/25	MONTHLY- MAY '25	Open	\$497.18	\$0.00		
00134		ATLANTIC COUNTY JOINT INS FUND					
25-00028	01/03/25	2025 JIF PAYMENT \$1,155,672.00	Open	\$288,418.00	\$0.00		
00153		ATLANTIC CITY ELECTRIC*					
25-01831	07/01/25	ROCHESTER	Open	\$1,060.39	\$0.00		PC1
25-01834	07/01/25	*REVISED PO JUNE ELECTRIC	Open	\$17,186.67	\$0.00		
		Vendor Total:		\$18,247.06			
00199		AUTO ZONE INC					
25-01675	06/16/25	PARTS FOR VEHICLES/DPW	Open	\$408.37	\$0.00		
25-01676	06/16/25	PARTS FOR VEHICLES/DPW	Open	\$150.05	\$0.00		
		Vendor Total:		\$558.42			
00323		JOHN BEERS					
25-01832	07/01/25	CONTRACT REIMBURSEMENT	Open	\$723.65	\$0.00		
00403		BLUE WAVE EXPRESS CAR WASH					
25-01778	06/25/25	CAR WASHES 1/1/25 - 4/30/25	Open	\$798.00	\$0.00		
00784		CAPE MAY STAR & WAVE					
25-01713	06/17/25	Legals - 6/4/2025 & 6/11//2025	Open	\$148.75	\$0.00		
01125		MARGARET CROMPTON					
25-00029	01/03/25	CONTRACTUAL REIMBURSEMENT M	Open	\$100.00	\$0.00		B
01200		DELTA DENTAL PLAN OF NJ					
25-01843	07/02/25	JUNE 2025 DENTAL CLAIMS	Open	\$15,649.65	\$0.00		
01265		BRIAN DONAHUE					
25-01803	06/30/25	BLANKET 2025 CONTRACT REIMB	Open	\$1,554.00	\$0.00		B
01269		DISCOUNT HYDRAULICS*					
25-00986	04/14/25	PARTS/DPW	Open	\$3,008.06	\$0.00		
01340		EAGLE POINT GUN ~					
25-01487	06/06/25	AMMO T0106	Open	\$4,588.70	\$0.00		
01443		ERMA VOLUNTEER FIRE CO					
25-01684	06/16/25	2025 PRIMARY - POLLING LOCATIO	Open	\$300.00	\$0.00		
01590		FORD, SCOTT & ASSOCIATES					

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Vold Amount	Contract	PO Type
01590		FORD, SCOTT & ASSOCIATES	<i>Account Continued</i>				
25-00568	02/25/25	RES 25-16 DNE \$43K	Open	\$4,000.00	\$0.00		
01653		GENTILINI FORD ~					
25-01293	05/22/25	PARTS/DPW	Open	\$3,979.74	\$0.00		
01655		GANN LAW BOOKS*					
25-01657	06/12/25	COURT - NJ RULES OF EVIDENCE	Open	\$223.00	\$0.00		
01690		GRANTURK EQUIPMENT CO*					
24-02151	08/08/24	RES 2024-258 6010P TUB GRINDER	Open	\$572,165.50	\$0.00		
25-01490	06/06/25	RES 2025-206 29CY REAR LOADER	Open	\$143,448.20	\$0.00		
		Vendor Total:		\$715,613.70			
01741		GENTILINI CHEVROLET, LLC ~					
25-01291	05/22/25	PARTS FOR VEHICLES/DPW/JUNE	Open	\$367.60	\$0.00		
25-01671	06/16/25	SEAL KIT/DPW	Open	\$188.11	\$0.00		
		Vendor Total:		\$555.71			
01864		JONAS PIZZA, LLC ~					
25-01471	06/06/25	PIZZA FOR TRAINING NIGHT	Open	\$32.00	\$0.00		
02025		HUNTER JERSEY PETERBILT~					
25-01668	06/16/25	PARTS FOR VEHICLES / DPW	Open	\$3,120.06	\$0.00		
25-01746	06/23/25	PARTS FOR VEHICLES/DPW	Open	\$3,758.59	\$0.00		
		Vendor Total:		\$6,878.65			
02027		JESCO INC~					
25-00985	04/14/25	PARTS /DPW	Open	\$524.80	\$0.00		
02065		PYROTECNICO FIREWORKS INC					
25-00636	03/06/25	RES#25-42/JULY 3ED FIREWORKS	Open	\$69,000.00	\$0.00		
02097		LACAL EQUIPMENT INC					
25-01264	05/19/25	GUTTER BROOMS/DPW	Open	\$692.79	\$0.00		
02108		KEEN COMPRESSED GAS CO*					
25-01240	05/16/25	BOTTLED GAS/DPW	Open	\$144.33	\$0.00		
02245		DAVID LEPOR					
25-01784	06/25/25	IN LIEU OF HEALTH INSURANCE	Open	\$2,500.00	\$0.00		
02247		LAWSON PRODUCTS, INC. ~					
25-01356	05/28/25	SUPPLIES FOR DPW	Open	\$1,050.04	\$0.00		
02292		DONALD LOMBARDO					
25-01786	06/26/25	MEDICAL CLAIM	Open	\$1,522.50	\$0.00		
02402		MGL PRINTING SOLUTIONS ~					
25-01436	06/05/25	250 COMMERCIAL TRASH BILLS	Open	\$255.00	\$0.00		
02461		JOHN MAHER					

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
02461		JOHN MAHER	<i>Account Continued</i>				
25-01787	06/26/25	MEDICAL CLAIM	Open	\$2,988.24	\$0.00		
02538		MARSH & MCLENNAN AGENCY, LLC					
25-00025	01/03/25	RES#2025-13 DNE \$40K	Open	\$3,333.33	\$0.00		B
02902		J. BYRNE INSURANCE*					
25-01756	06/23/25	Volunteer Accident Policy	Open	\$500.00	\$0.00		
03026		*NJ STATE HEALTH BENEFITS WIRE					
25-01796	06/27/25	JULY 2025 RETIREE HEALTH	Open	\$131,539.39	\$0.00		
25-01797	06/27/25	JULY 2025 ACTIVE HEALTH	Open	\$247,802.45	\$0.00		
		Vendor Total:		\$379,341.84			
03086		NJ STATE ASSN CHIEFS OF POL*					
25-00536	02/25/25	113TH ANNUAL TRAINING CONFEREN	Open	\$1,655.00	\$0.00		
03179		OFF-SHORE GETTY STATION*					
25-01740	06/23/25	INSPECTION/DPW	Open	\$150.00	\$0.00		
03296		PARISH OF ST. JOHN NEUMANN					
25-01683	06/16/25	2025 PRIMARY POLING LOCATION	Open	\$675.00	\$0.00		
03305		PEDRONI FUEL*					
25-01672	06/16/25	NO LEAD GAS/ DPW	Open	\$490.04	\$0.00		
25-01775	06/25/25	NO LEAD GAS/DPW/6.18.25	Open	\$656.27	\$0.00		
		Vendor Total:		\$1,146.31			
03387		POGUE INC. *					
25-01741	06/23/25	CONTROLLED SUBSTANCES TEST	Open	\$150.00	\$0.00		
03449		EUROFINS ENVIRONMENT TESTING					
25-01099	04/28/25	2025 SEASONAL POOL CONTRACT	Open	\$430.00	\$0.00		B
03518		RIGGINS, INC.*					
25-01774	06/25/25	OFF HIGHWAY DIESEL/DPW	Open	\$1,119.46	\$0.00		
03573		SAFETY-KLEEN CORP*					
25-01570	06/11/25	EQUIP.MAINTENANCE/DPW	Open	\$548.99	\$0.00		
03678		SMELTZER & SONS INC.*					
25-01698	06/17/25	SNOW FENCE- ROTARY PARK	Open	\$372.46	\$0.00		
03683		SNAP-ON TOOLS*					
25-01378	05/30/25	WRENCH/GARAGE/DPW	Open	\$798.28	\$0.00		
25-01399	06/02/25	ALL VEHICLE SCAN TOOL/SOFTWARE	Open	\$6,679.36	\$0.00		
		Vendor Total:		\$7,477.64			
03805		TOWNBANK VOLUNTEER FIRE CO.					
25-01685	06/16/25	2025 PRIMARY POLLING LOCATION	Open	\$450.00	\$0.00		
03820		MUNICIPAL UTIL. AUTH ON CALL					

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
03820		MUNICIPAL UTIL. AUTH ON CALL		<i>Account Continued</i>			
25-01238	05/16/25	REIMBURSEMENT/DPW/MAY 2025	Open	\$391.65	\$0.00		
03904		LOWE'S HOME CENTER INC*					
25-01544	06/11/25	SUPPLIES FOR BUILDING/DPW	Open	\$603.72	\$0.00		
03915		TURF EQUIPMENT & SUPPLY CO ~					
25-00982	04/14/25	MOWER PARTS/DPW	Open	\$851.16	\$0.00		
25-01673	06/16/25	MOWER PARTS/DPW	Open	\$2,221.24	\$0.00		
		Vendor Total:		\$3,072.40			
03985		VILLAS NAPA AUTO PARTS ~					
25-00978	04/14/25	RDS/SANT/RECY/DPW	Open	\$3,571.12	\$0.00		
25-01485	06/06/25	FS wire & batteries	Open	\$41.85	\$0.00		
		Vendor Total:		\$3,612.97			
03992		VAL-U AUTO PARTS LLC ~					
25-00377	02/06/25	RDS/SANT/REC/DPW/FEB	Open	\$5,496.03	\$0.00		
04085		CHRISTOPHER WINTER					
25-01788	06/26/25	MEDICAL REIMBURSEMENT	Open	\$51.25	\$0.00		
04089		WIZARD'S FESTIVAL OF FUN, INC*					
25-01692	06/17/25	RES#25-190 JULY 3RD RIDES	Open	\$15,900.00	\$0.00		
04097		CINTAS FIRST AID AND SAFETY*					
25-01405	06/02/25	MONTHLY/FIRST AIDE SUPPLY/DPW	Open	\$70.39	\$0.00		
25-01704	06/17/25	MEDICAL CABINET	Open	\$64.95	\$0.00		
25-01711	06/17/25	COURT CABINET SERVICE 6/2025	Open	\$62.59	\$0.00		
		Vendor Total:		\$197.93			
04301		SEASHORE ASPHALT CORPORATION*					
25-01217	05/13/25	ASPHALT FOR ROADWAYS	Open	\$163.35	\$0.00		B
05064		CAPE ISLAND GRAPHICS					
25-01699	06/17/25	BAY RUN SIGNS	Open	\$300.00	\$0.00		
25-01700	06/17/25	SIGNS FOR LOWER TWP POOL	Open	\$336.00	\$0.00		
		Vendor Total:		\$636.00			
05083		ALLEGRA MARKETING,PRINT & MAIL					
25-01475	06/06/25	INDEPENDENCE DAY POSTERS	Open	\$135.00	\$0.00		
6059		USABLE LIFE					
25-01795	06/27/25	LIFE INS JULY 2025	Open	\$938.25	\$0.00		
6063		CAPE MINING & RECYCLING, LLC*					
25-00105	01/13/25	SUPPLIES FOR ROADS/DPW/JAN	Open	\$271.96	\$0.00		
7054		GOOD DAY FOR A RUN					
25-01773	06/25/25	RETURN OF UNUSED ESCROW	Open	\$465.00	\$0.00		
7098		SHORE VETERINARIAN ANIMAL					

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
7098		SHORE VETERINARIAN ANIMAL	<i>Account Continued</i>				
25-01653	06/11/25	ANIMAL CONTROL - MAY 2025	Open	\$300.00	\$0.00		
7168		SEAN COLLINS					
25-01747	06/23/25	LACROSSE OFFICIAL	Open	\$70.00	\$0.00		
25-01752	06/23/25	LACROSSE OFFICIAL	Open	\$70.00	\$0.00		
		Vendor Total:		\$140.00			
7196		LAUREN HUGGINS SUIT					
25-00027	01/03/25	RES#2025-07 2025 PUBLIC INFO	Open	\$1,356.67	\$0.00		B
7207		MOTOROLA SOLUTIONS					
25-01433	06/05/25	RES 25-207 APX 8000 PORT RADIO	Open	\$114,462.00	\$0.00		
7216		THE ZONE GROUP, INC.					
25-01679	06/16/25	JULY 3RD BAND	Open	\$900.00	\$0.00		
7354		FLEETPRIDE INC.*					
25-01663	06/13/25	SUPPLIES/BLDG/DPW	Open	\$2,803.74	\$0.00		
7387		ERIC DANZE					
25-00277	01/27/25	2025 EQUIPMENT ALLOWANCE	Open	\$113.02	\$0.00		B
7430		HUTCHINSON MECHANICAL SERV					
25-01463	06/06/25	REPAIR-RTU EAST & GAME ROOM	Open	\$737.80	\$0.00		
7437		ECOVERSE INDUSTRIES LTD*					
25-01681	06/16/25	CABLES/DPW	Open	\$1,699.10	\$0.00		
7475		SUZANNE M SCHEID					
25-01779	06/25/25	MEDICAL REIMBURSEMENT	Open	\$20.00	\$0.00		
7680		RON O'HARA					
25-01771	06/24/25	SPRING SOCCER OFFICIAL	Open	\$420.00	\$0.00		
7751		HOFFMAN'S EXTERMINATING					
25-00938	04/10/25	PEST CONTROL/CANAL PARK-YEARLY	Open	\$132.60	\$0.00		
25-00939	04/10/25	PEST AGREEMENT-FREEMAN DOUGL	Open	\$75.00	\$0.00		
		Vendor Total:		\$207.60			
7777		CHRISTOPHER CAMMARATA					
25-01748	06/23/25	LACROSSE OFFICIAL	Open	\$35.00	\$0.00		
7820		DEBLASIO & ASSOCIATES, P.C					
23-02342	09/14/23	2023 STORMWATER GIS MAPPING	Open	\$5,837.50	\$0.00		B
23-03045	11/28/23	#23-389 SURF RIDGEWOOD DNE 48K	Open	\$6,598.75	\$0.00		
24-01240	05/13/24	RES 2024-167 NCM STORM SEWER	Open	\$2,855.00	\$0.00		B
24-02404	09/06/24	RES 2024-288 C/O 2 DPW BUILDNG	Open	\$7,758.38	\$0.00		B
24-03368	12/06/24	#24-372 BAY OUTFALL EXT #C059	Open	\$15,510.00	\$0.00		B
24-03369	12/06/24	2024-373 MS4 PERMIT PROG #C060	Open	\$4,245.00	\$0.00		B
24-03455	12/19/24	#24-402 BEACH/DEL DNE 38K C061	Open	\$2,473.75	\$0.00		
25-00446	02/11/25	RES 2025-61 CARDINAL LT-C-062	Open	\$4,692.50	\$0.00		B

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
7820		DEBLASIO & ASSOCIATES, P.C	<i>Account Continued</i>				
		Vendor Total:		\$49,970.88			
7929		AMAZON CAPITAL SERVICES, INC ~					
25-01176	05/08/25	ASPHALT RAKES	Open	\$473.20	\$0.00		
25-01303	05/23/25	IPAD & CASE FOR PHOTOS	Open	\$299.00	\$0.00		
25-01365	05/28/25	PURCHASING/TREAS SUPPLIES	Open	\$131.16	\$0.00		
25-01430	06/04/25	STARTER FOR ROAD DEPT	Open	\$277.94	\$0.00		
25-01437	06/05/25	TRIMMER CARBURETOR & PLANNER	Open	\$25.23	\$0.00		
25-01466	06/06/25	BOCA OFFICE SUPPLIES	Open	\$813.00	\$0.00		
25-01651	06/11/25	CHAIRS/OFFICE SUPPLIES	Open	\$410.31	\$0.00		
25-01710	06/17/25	SUMMER CAMP SUPPLIES	Open	\$1,071.86	\$0.00		
25-01712	06/17/25	SNACKS FOR SUMMER CAMP	Open	\$586.54	\$0.00		
25-01728	06/19/25	MISC SUPPLIES FOR CAMP	Open	\$779.90	\$0.00		
25-01730	06/19/25	MISC. POOL ITEMS	Open	\$202.99	\$0.00		
25-01802	06/27/25	RATCHET STRAPS	Open	\$146.90	\$0.00		
		Vendor Total:		\$5,218.03			
7930		RAY WELSH					
25-01753	06/23/25	LACROSSE OFFICIAL	Open	\$280.00	\$0.00		
8175		INTEGRITY INTERPRETING LLC					
25-01310	05/23/25	COURT INTERPRETING 4/2025	Open	\$47.25	\$0.00		
25-01745	06/23/25	COURT INTERPRETING 5/2025	Open	\$84.00	\$0.00		
		Vendor Total:		\$131.25			
8211		CONFIRE FIRE PROT SERV LLC*					
25-01468	06/06/25	MILLMAN CTR REPAIRS/TESTING	Open	\$1,711.00	\$0.00		
8490		BUSINESS INFORMATION SYSTEMS*					
25-01480	06/06/25	COURT RECORDING CONTRACT RENT	Open	\$988.05	\$0.00		
8512		GUY N POTTS II					
25-01680	06/16/25	JULY 3RD BAND	Open	\$800.00	\$0.00		
8547		SOUTHERN SHORE REGIONAL DMO					
25-01565	06/11/25	Full page ad in 2025 SJNJ Mag	Open	\$1,000.00	\$0.00		
8564		MATTHEW REILLY					
25-01388	06/02/25	TRAINING REIMBURSEMENT	Open	\$53.54	\$0.00		
8721		BLANEY, DONOHUE, & WEINBERG PC					
25-00023	01/03/25	RES#2025-04 PROSECUTOR DNE 40k	Open	\$3,750.00	\$0.00		B
25-00024	01/03/25	RES#2025-04 WWC DNE \$10K	Open	\$833.33	\$0.00		
		Vendor Total:		\$4,583.33			
8833		BAYSHORE LAUNDRY & LINEN LLC					
25-01729	06/19/25	WASHING OF FOOTBALL PANTS	Open	\$146.25	\$0.00		
8850		SERVEPRO					
25-00225	01/22/25	HAZ. WASTE CLEAN-UP 2025	Open	\$500.00	\$0.00		B

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
8972 25-01662	06/13/25	THE HOME CITY ICE COMPANY ~ ICE FOR PUBLIC WORKS	Open	\$39.75	\$0.00		
8978 25-01768	06/24/25	BARRY COHEN LACROSSE OFFICIAL	Open	\$70.00	\$0.00		
9001 25-01731	06/19/25	CALLMINER INC ~ PHONE VOICE RECORDER 7/25-7/26	Open	\$4,800.00	\$0.00		
9021 25-01153	05/06/25	NATIONAL HIGHWAY PRODUCTS INC~ MATERIAL FOR SIGNS/DPW	Open	\$1,451.92	\$0.00		
25-01337	05/27/25	STREET SIGNS/DPW	Open	\$3,725.00	\$0.00		
25-01403	06/02/25	TRAFFIC CONES/DPW	Open	\$1,740.00	\$0.00		
Vendor Total:				\$6,916.92			
9023 25-01755	06/23/25	PROSHRED SOUTHERN NEW JERSEY SHRED EVENT/6/7/25	Open	\$875.00	\$0.00		
9026 25-01307	05/23/25	STARR SEPTIC LLC ~ PORTA-POTS CANAL PARK	Open	\$126.50	\$0.00		
25-01421	06/04/25	LUXURY BATHROOM/DPW/JUNE	Open	\$948.00	\$0.00		
25-01682	06/16/25	JULY 3RD PORTA-POTS	Open	\$1,735.00	\$0.00		
Vendor Total:				\$2,809.50			
9134 25-01661	06/13/25	ASCENDANCE TRUCK EASTERN PA PARTS FOR TRUCKS/DPW	Open	\$3,934.20	\$0.00		
9166 25-00270	01/27/25	REMINGTON & VERNICK ENG II INC RES 2025-79 HVAC REPL TOWNHALL	Open	\$5,960.00	\$0.00		
9180 25-01678	06/16/25	ANTHONY BAKER ENTMT LLC JULY 3RD BAND	Open	\$1,000.00	\$0.00		
9210 24-01829	07/03/24	CASELLA PRODUCTIONS LLC LTPD RECRUITMENT VIDEO	Open	\$2,000.00	\$0.00		
9216 25-00043	01/07/25	ATLANTICARE REGIONAL MEDICAL RES#2024-229 YEAR 1	Open	\$5,000.00	\$0.00		B
25-01482	06/06/25	BLS E CARDS FOR TRAINING	Open	\$105.00	\$0.00		
Vendor Total:				\$5,105.00			
9296 25-01769	06/24/25	ALTEK BUSINESS SYSTEMS INC KYOCERA/DETECTIVES PD JUNE-25	Open	\$28.50	\$0.00		
9316 25-00020	01/03/25	THE BELASCO LAW FIRM LLC RES#2025-01 DNE \$40k	Open	\$3,333.33	\$0.00		B
9392 25-01381	06/02/25	INSECTROPOLIS INC. BUGS ON THE GO OUTREACH 7-23	Open	\$620.00	\$0.00		
9393		TURTLESINGER INC.					

Vendor # P.O. #	PO Date	Name Description	Status	Amount	Void Amount	Contract	PO Type
9393		TURTLESINGER INC.	<i>Account Continued</i>				
25-01382	06/02/25	LIVE TURTLE ENCOUNTER 7-30	Open	\$300.00	\$0.00		
9395		OCEAN CITY THEATRE COMPANY					
25-01384	06/02/25	SUMMER CAMP-7/01/25	Open	\$550.00	\$0.00		
9396		WHATS OUT THERE LLC					
25-01386	06/02/25	PLANETARIUM SUM CAMP 7/02/25	Open	\$300.00	\$0.00		
9412		BLUETRITON BRANDS INC.					
25-01744	06/23/25	COURT WATER DELIVERY 5/2025	Open	\$60.45	\$0.00		
9413		NICHOLAS SANCHECZ					
25-01705	06/17/25	FINGERPRINT/BACKGROUND	Open	\$57.73	\$0.00		
9414		MAUREEN KERSCH					
25-01708	06/17/25	FINGERPRINT/BACKGROUND	Open	\$57.73	\$0.00		
9415		AMANDA JASINSKI					
25-01709	06/17/25	FINGERPRINT/BACKGROUND	Open	\$57.73	\$0.00		
BLAUE		BLAUER ASSOCIATES INC*					
22-02882	11/17/22	2023 SCPF APPLICATION CONSULT	Open	\$450.00	\$0.00		B
BUS		SHEPPARD BUS*					
25-01385	06/02/25	SUMMER CAMP - JULY 1, 2025	Open	\$1,180.00	\$0.00		
BYRNE		ELIZABETH BYRNE CUSTODIAN					
25-00677	03/11/25	RETIRED MEDICALSUPPLEMENT	Open	\$581.25	\$0.00		
CANCELO		DON CANCELOSI					
25-01750	06/23/25	LACROSSE OFFICIAL	Open	\$140.00	\$0.00		
HOLTJ		AL HOLTJE					
25-01754	06/23/25	LACROSSE OFFICIAL	Open	\$70.00	\$0.00		
LOWER		LOWER TOWNSHIP					
25-01830	07/01/25	JUNE 25 DIFFERENCE CARD	Open	\$21,707.69	\$0.00		
PRESS		PRESS OF ATLANTIC CITY					
25-01666	06/13/25	NOTICE RFQ FOSTER HOUSE	Open	\$133.72	\$0.00		
PRINCE		STEPHEN PRINCE JR					
25-01688	06/17/25	SPRING SOCCER OFFICIAL	Open	\$630.00	\$0.00		
25-01689	06/17/25	BASKETBALL OFFICIAL	Open	\$120.00	\$0.00		
Vendor Total:				\$750.00			
ROMANOW		FRED ROMANOWSKI					
25-01751	06/23/25	LACROSSE OFFICIAL	Open	\$140.00	\$0.00		
SMITHS		SHEILA D SMITH					
25-01789	06/27/25	MEDICARE SUPPLEMENT	Open	\$219.23	\$0.00		

Vendor #	Name						
P.O. #	PO Date	Description	Status	Amount	Vold Amount	Contract	PO Type
TOMTO005		TOM TOTO					
25-01749	06/23/25	LACROSSE OFFICIAL	Open	\$140.00	\$0.00		

Total Purchase Orders: 156 Total P.O. Line Items: 0 Total List Amount: \$1,829,772.45 Total Vold Amount: \$0.00

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

RESOLUTION # 2025-243

Title: AUTHORIZING PAYMENT OF VOUCHERS

<u>VENDOR</u>	<u>CHECK #</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
MidAtlantic Center Arts	5143	6/7/2025 Camp	\$ 324.00
Division of Pensions/Ben	6905	Claims Experience	\$2,000.00

TOTAL MANUAL CHECKS:	\$ 2,324.00
TOTAL COMPUTER GENERATED:	\$1,829,772.45

TOTAL BILL LIST	<u>\$1,832,096.45</u>
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	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
WAREHAM							
ROY							
COOMBS							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025.

Julie A Picard, Township Clerk

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

RESOLUTION #2025-244

**Title: AUTHORIZATION FOR SOUTH JERSEY POWER COOPERATIVE NATURAL GAS
SUPPLY SERVICE APPLICATION**

WHEREAS, the Township desires to participate in the South Jersey Power Co-Operative (SJPC), Camden County as lead agency with the approved energy consultant, Concord Energy Services.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Margaret Vitelli, Township Qualified Purchasing Agent is hereby authorized to include the Township of Lower in the South Jersey Power Co-Operative (SJPC) for various terms up to Thirty-Six (36) Month contract bid for retail purchase of Natural Gas Supply Bid.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

SJPC 2025 NATURAL GAS BID PARTICIPATION RESPONSE FORM

TO: SOUTH JERSEY POWER COOPERATIVE (SJPC) EXISTING MEMBERS
FROM: LAURA J. PAFFENROTH, ESQ, QPA
DATE: June 5, 2025
RESPONSE DEADLINE: July 25, 2025

As lead agency and on behalf of the SJPC, Camden County is preparing to issue a new bid for natural gas supply service. The new contract will begin December 2025 and/or 2026 upon the expiration of our existing contracts. We welcome your continued participation in the SJPC.

Participation is easy and only requires a few steps:

1. Complete the attached "Participation Response Form."
2. Complete the attached "Required Account Information" form and provide one (1) recent copy of all natural gas utility bills for any new accounts to be included in the bid.

In order to participate, the attached forms must be completed in its entirety, and we must receive the documents listed above by 5 pm, Friday July 25, 2025. Directions are provided on the following forms.

The SJPC has awarded a contract to Concord Energy Services, a professional consulting firm, to assist us with the bid. If you have any questions regarding this process or the information contained herein, please feel free to contact Kim Coulter at 609-760-4056 or via email at kcoulter@concord-engineering.com.

Due to the substantial volume and load diversity of our group, the SJPC expects continued success with securing the most competitive natural gas pricing possible. We look forward to your continued participation.

GENERAL TERMS, CONDITIONS AND BID APPROACH

The SJPC will seek a retail Supplier of natural gas supply service for a contract term of service that will begin with the first meter read after December 1, 2025, and/or December 1, 2026 depending on the Bid Group. The intent is to seek bid pricing for various terms up to thirty-six (36) months. By submitting the attached Participation Form, your local government entity ("LGE") acknowledges that the Lead Agency of the SJPC (Camden County) will enter into a master contract with the winning supplier(s) on behalf of the entire SJPC, including your LGE. Each individual LGE will not sign a contract directly with the winning bidder, but it is expected that your LGE will adhere to the terms and conditions of the master contract. It is also expected that you will pass a Board Resolution acknowledging the terms of the agreement (winning bidder, price, term, etc.) post-bid award.

We expect the structure of the pricing request in this year's bid to include two (2) different product structures. The product structures would include: 1) Firm Fixed Price; 2) Firm Fixed Basis Upcharge Price with the ability to lock in NYMEX commodity. Both product structures would be for 100% of your requirements and non-recallable. Accounts will be categorized in Bid Lots and priced according to their respective utility, rate class, and consumption as appropriate.

Similar to our last bid, each participating member will support this effort via a usage-based fee based on natural gas consumption. There will be no fees paid directly by any participating member as all fees will be paid by the winning Supplier.

SJPC 2025 NATURAL GAS BID

PARTICIPATION RESPONSE FORM

INSTRUCTIONS: COMPLETE THIS FORM AND RETURN TO CONCORD ENERGY SERVICES, BY EMAIL TO THE ATTENTION OF:

CES Procurement Operations : Email: kcoulter@concord-engineering.com
You will receive an email confirmation that your form has been received.

STEP 1: CHECK THE APPROPRIATE BOX BELOW

☒ **YES, PLEASE** include my accounts in this year's SJPC Natural Gas Supply Service Bid. I understand that my account(s) will be awarded to the lowest responsible bidder for a service period of up to three (3) years. I authorize the SJPC's representatives to secure our utility data on our behalf.

☐ **NO, THANK YOU**, we will not participate in this year's SJPC Natural Gas Supply Service Bid.

STEP 2: IF "YES", COMPLETE THE FOLLOWING (all fields required, please write legibly):

Entity and County: Township of Lower / Cape May County

Contact Name: Margaret Vitelli

Contact Position: Purchasing Agent

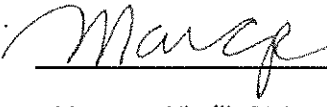
Contact Email Address: mvitelli@townshipoflower.org

Contact Phone: 609-886-2005 x123

Entity Billing Address:
(for winning energy supplier) 2600 Bayshore Road
Villas NJ 08251

STEP 3: SIGNATURE OF AUTHORIZED REPRESENTATIVE:

By signing the Participation Form, I understand and acknowledge that the entity I represent is hereby committed to the SJPC Natural Gas 2025 bid process and will be contractually bound to the terms of the resulting master agreement between the lead agency and the winning bidder. Subsequent to bid award, we will pass a Board Resolution to document our commitment to the process and the terms of the agreement (low bid price, supplier, contract service dates, etc.) We understand that we cannot and will not switch to an alternate energy supplier during the term of the resulting agreement.

Signature: 

Printed Name and Position: Margaret Vitelli, QPA

STEP 4: SUBMIT NATURAL GAS ACCOUNT INFORMATION (see following page for details)

Benefits of Joining the South Jersey Power Co-Op (SJPC)

♦ Introduction

Energy load aggregation for electricity and/or natural gas is the process by which local government agencies join in a Cooperative to secure more competitive prices than they might otherwise receive working independently. Becoming a member of the South Jersey Power Cooperative Pricing System (SJPC) can be accomplished through a very simple process of providing basic energy account information and establishing a resolution to participate in the upcoming RFB for Natural Gas and Electric Supply Service. Currently we are opening up the Cooperative to new members for participation.

The County of Camden Board of Commissioners adopted a resolution establishing South Jersey Power CPS - Energy Aggregation (SJPC) for the purchase of electricity and natural gas commodity as set forth by N.J.A.C. 5:34-7.19. This resolution has been duly filed with the Department of Community Affairs and is registered under the following Cooperative Pricing Energy Supply Systems: ID#57-CCCPS, ID#16-GLCPS, ID#75-SCCPS, ID#64-CCCPS, ID#E8803-ACCMCS.

♦ Lower Transaction Costs/Scale Economies

Buying energy through a competitive bid process on the open market has become a risky and complicated process. With dozens of retail energy suppliers offering a confusing patchwork of contract terms, weighing the merits of competing bids can be a daunting task, especially for local government agencies that have limited experience in electric procurement strategies. While most local government agencies expect to pay less for electricity in deregulated markets, poorly defined bid terms and contracts, defaulting suppliers, and failure to understand the "fine print" have actually resulted in higher energy costs in many cases.

Energy load aggregation creates economies of scale by making it possible for local government agencies to pool their energy load with like agencies which can save time and resources. The local government agency will be able to realize savings by engaging the shared services of the SJPC and Concord Energy Services who have extensive experience in designing and developing the bid specifications and contracts, managing the RFB process, and providing ongoing customer service support with the awarded supplier. By deploying a higher level of expertise in the energy procurement process, the local government agency will typically enjoy more competitive rates, savings and lower transaction costs than they could achieve working independently.

♦ Conclusion

Energy load aggregation is one of the most effective means of achieving savings and mitigating risks in today's emerging energy markets. The challenge lies in finding a suitable cooperative partner and a NJBPU-licensed Energy Aggregator specialist capable of analyzing the load data, developing and administering the RFB process, and providing ongoing management and monitoring services on behalf of the cooperative. It is important to note, that pricing for participating members of an aggregate group may vary depending on individual load factors, cost of service and RFB objectives. Joining the SJPC and participating in the upcoming Electric Supply Service RFB can be a powerful cost-reduction tool for local government agencies.

For additional information, please contact Kim Coulter @ 609-760-4056 or via email at kcoulter@concord-engineering.com.

Participant	Account Location	Service Address	City	Zip Code	Utility	SA ID	Rate Class
Lower Township	Annex Bldg	2600 Bayshore Rd	Villas	08251	S/G	1610236179	GSGFT
Lower Township	Maintenance Bldg	771 Seashore Rd	Cape May	08204	S/G	4690188891	GSGFT
Lower Township	Fishing Creek	2102 Bayshore Rd	Villas	08251	S/G	9260931441	GSGFT
Lower Township	Public Safety Building	1389 Langley Rd	Cape May	08204	S/G	6690135708	GSGFT
Lower Township	Langley/Rescue	1389 Langley Rd Apt B	Cape May	08204	S/G	2900135822	GSGFT
Lower Township	Miklan Center	209 Bayshore Rd	Villas	08251	S/G	8320236256	GSGFT
Lower Township	Public Works	771 B Seashore Rd	Lower Township	08204	S/G	8610177694	GSGFT
Lower Township	Recreation Center	2600 Bayshore Rd (Rec)	Villas	08251	S/G	5510236174	GSGFT
Lower Township	Rec Center	4 Clearwater Drive	Cape May	08204	S/G	4764101693	GSGNH

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

RESOLUTION #2025-245

Title: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

SECTION 1.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lower, County of Cape May, hereby requests the Director of the Division of Local Government Services to approve the increase of \$26,215.00 for an item of revenue in the budget of the year 2025 as follows:

Miscellaneous Revenues –	
Revenue Offset with Appropriations -	DEDR
Total with increase to be	\$ 26,215.00

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$26,215.00 be and the same is hereby appropriated under the caption of:

General Appropriations –	
Public & Private Programs Offset by Revenues -	DEDR
State/Federal Share	\$ 26,215.00
Non State Share	\$
Total with increase to be	\$ 26,215.00

FURTHER RESOLVED that a certified copy of this resolution with a copy of the appropriate documentation be electronically filed with the State of New Jersey, Division of Local Government Services.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

LEONARD C. DESIDERIO
DIRECTOR
Administration, Clerk of the
Board, Department of Law,
Human Resources, Public
Works, Emergency
Management, Public Safety,
Fire Marshall, Tourism

MILANIE COLLETTA
Medical Examiner, Library,
Prosecutors, Tax Board,
Superintendent of Schools,
Special Services School,
Technical School, Rutgers,
Consumer Affairs

BOBBY BARR
Economic Development,
Planning, Open Space,
Health, Mosquito Control,
Veteran Affairs, Sheriff,
Corrections, Animal Shelter



CAPE MAY COUNTY
BOARD OF COUNTY COMMISSIONERS

4 Moore Road
Cape May Court House, NJ 08210-1654
(609)465-1065 Fax (609)465-6189

ANDREW BULAKOWSKI
VICE DIRECTOR
Fare Free Transportation,
Facilities and Services, Park &
Zoo, County Clerk, Adjusters,
Board of Elections

WILL MOREY
Human Services, Aging and
Disability Services, Behavioral
Health Services, Surrogate,
Information Technology, RSVP

Kevin Lare
Clerk/Administrator

Ronald Simone
Assistant Administrator

This **SUBCONTRACT** is between the County of Cape May hereafter referred to as the **COUNTY** and the **Township of Lower** hereafter referred to as the **SUBCONTRACTOR**.

WHEREAS, it is the policy of the Board of County Commissioners of Cape May County to maximize available resources to expand the alcohol and drug abuse service system, and

WHEREAS, through P.L. 1989, Ch. 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services, and

WHEREAS, the Board of County Commissioners wishes to extend an opportunity to each municipality to participate in this program, and

WHEREAS, the **Township of Lower** has submitted an application to conduct prevention activities during the **CONTRACT** period which has become the basis for this agreement in accordance with the conditions listed in the subsequent pages of this document.

Services:

Total Amount of SUBCONTRACT:	<u>\$52,430.00</u>
Total Amount of County Funds:	<u>\$26,215.00</u>
Availability of Funds:	<u>G-400- 2973A-2026-5689-003</u>
Amount of Local In-Kind Match:	<u>\$19,661.25</u>
Amount of Local Cash Match:	<u>\$6,553.75</u>

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

RESOLUTION #2025-246

Title: A RESOLUTION REQUESTING THAT THE NEW JERSEY DEPARTMENT OF TRANSPORTATION RELOCATE TWO EXISTING BUS STOPS ON BREAKWATER ROAD (CR613)

WHEREAS, the Township of Lower has been contacted by New Jersey Transit requesting approval for the installation of eight (8) new bus bus stops along Breakwater Road (CR 613) in connection with the extension of existing bus service provided along Breakwater Road, specifically NJ Transit 552 to/from the Cape May County Airport; and

WHEREAS, the Township Council of the Township of Lower has evaluated the request from NJ Transit, and the situation as a whole, and it has determined that establishing new bus stops along Breakwater Road (CR 613) is necessary to the facilitate the extension of the Breakwater Road bus service and to ensure adequate access to public transportation is maintained;

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the following described locations are hereby designated as bus stops, subject to authorization from the County of Cape May;

1. In accordance with the provisions of N.J.S.A. 39:4-8(e), the Township Council of the Township of Lower hereby designates the following locations along Breakwater Road (CR 613) as bus stops:

A. Along Breakwater Road (CR 613), eastbound, on the southerly side thereof at:

- a. Fishing Creek Road – (Near side)

Beginning at the westerly curb line of Fishing Creek Road and extending 105 feet westerly therefrom (location 33432).

- b. Freedom Drive – (Near side)

Beginning at the westerly curb line of Freedom Drive and extending 105 feet westerly therefrom (location 33433).

- c. Sheridan Drive – (Near side) (Prolongation)

Beginning at the prolongation of the westerly curb line of Sheridan Drive and extending 105 feet westerly therefrom (location 33434).

- d. Briarwood Drive – (Near side)

Beginning at the westerly curb line of Briarwood Drive and extending 105 feet westerly therefrom (location 33435).

B. Along Breakwater Road (CR 613), westbound, on the northerly side thereof at:

- a. Between Briarwood Drive and Paddock Lane – (Mid-block) (Prolongation)

Beginning 126 feet west of the prolongation of the westerly curb line of Briarwood Drive and extending 135 feet westerly therefrom (location 33428).

- b. Sunset Drive – (Far side)

Beginning at the westerly curb line of Sunset Drive and extending 100 feet westerly therefrom (location 33429).

c. Between Freedom Drive and Pine Street – (Mid-block) (Prolongation)

Beginning 76 feet west of the prolongation of the westerly curb line of Freedom Drive and extending 135 feet westerly therefrom (location 33430).

d. Fishing Creek Road – (Far side)

Beginning at the westerly curb line of Fishing Creek Road and extending 150 feet westerly therefrom (location 33431).

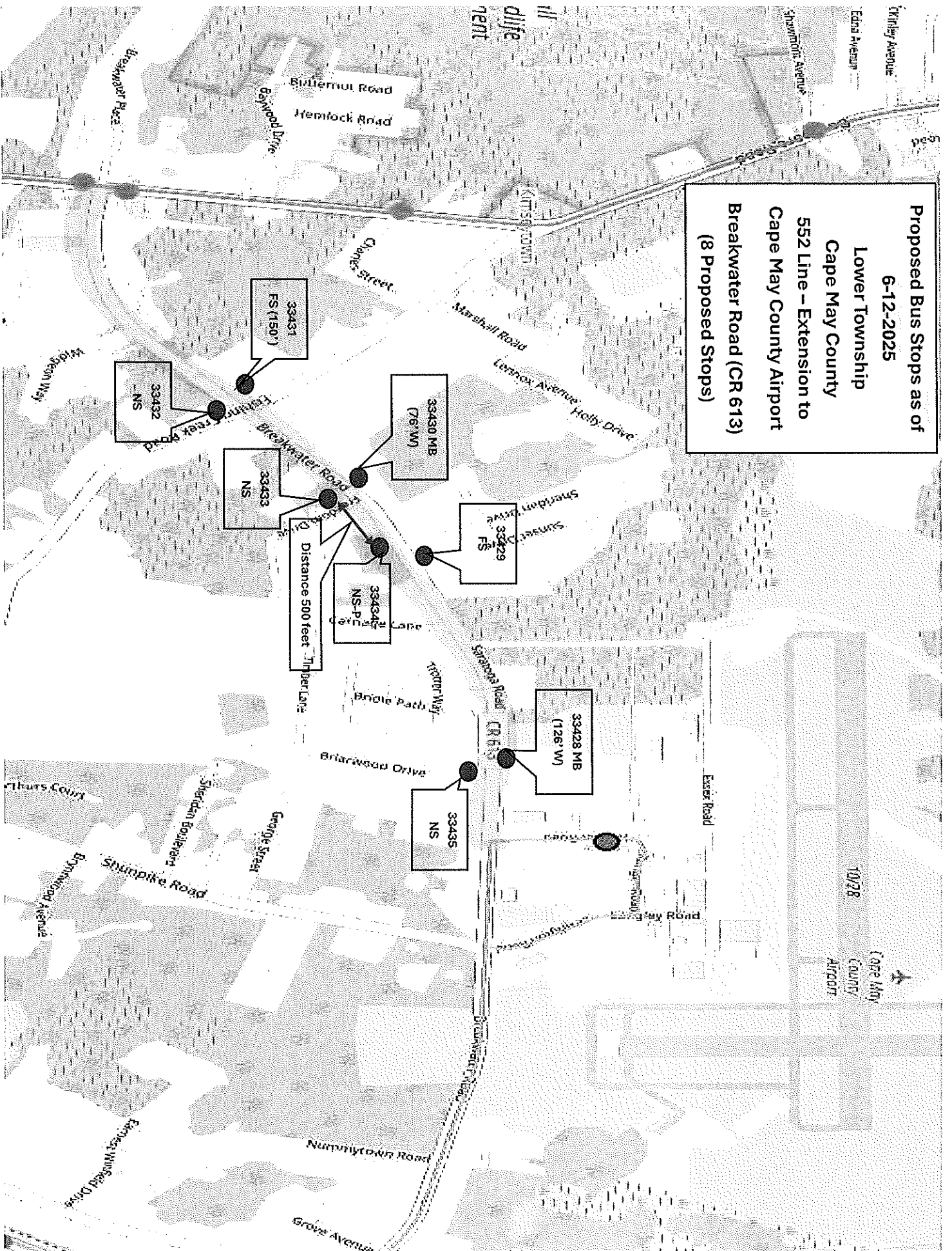
NOW THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the Mayor and Council of Lower Township will enforce the needed traffic regulations governing the bus stop locations and provide the necessary police security to ensure the safety of the traveling public.

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
CONRAD						
WAREHAM						
ROY						
COOMBS						
SIPPEL						

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

**Proposed Bus Stops as of
6-12-2025**
Lower Township
Cape May County
552 Line – Extension to
Cape May County Airport
Breakwater Road (CR 613)
(8 Proposed Stops)



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

RESOLUTION #2025-247

Title: A RESOLUTION REQUESTING APPROVAL FROM THE COUNTY OF CAPE MAY TO INSTALL A BUS STOP SHELTER WITHIN THE BREAKWATER ROAD COUNTY RIGHT-OF-WAY NEAR THE INTERSECTION OF BREAKWATER AND HORNET ROADS

WHEREAS, the Township of Lower, in collaboration with the New Jersey Transit, has recently undertaken an evaluation of the location of bus stops within the Township; and

WHEREAS, the Township of Lower, in an effort to assist its citizens, seeks to install a bus shelter within the County of Cape May's right-of-way on Breakwater Road, near its approximate intersection with Hornet Road; and

WHEREAS, in light of the fact that Breakwater Road is a County public right-of-way, formal approval from the County of Cape May is required for any installations its public right-of-way.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township hereby respectfully requests the approval and support of the Cape May County Board of Commissioners to authorize the installation of a Bus Stop Shelter on Breakwater Road at its approximate intersection with Hornet Road.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

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

RESOLUTION # 2025-248

Title: **BID ACCEPTANCE AND CONTRACT AWARD FOR THE BAYSHORE ROAD PICKLEBALL COURTS TO THINK PAVERS HARDSCAPE LLC (LT-C-065)**

WHEREAS, the Notice to Bidders for the Bayshore Road Pickleball Courts (LT-C-065) was advertised on June 4, 2025 and accepted on Friday June 27, 2025 at 10:00 a.m. prevailing time; and

WHEREAS, Five (5) sealed bids were submitted and reviewed by the Township Engineer, QPA and the Recreation Superintendent; and

WHEREAS, Think Pavers Hardscape LLC was the lowest qualified bidder complied with the specifications and supplied all required bid documents and the CFO has certified the availability of funds as evidenced by her signature below:

Appropriation: Ord #25-12 C-04-55-442-661

Signature: *Lauren Picard*

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the following contract is hereby awarded:

AWARD TO: THINK PAVERS HARDSCAPE LLC.
TOTAL: \$518,962.00

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

ENGINEERS, SURVEYORS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

June 30, 2025

VIA EMAIL

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

**Re: Township of Lower, Cape May County, NJ
Bayshore Road Pickleball Courts
D&A File #: LT-C-065**


Dear Ms. Picard:

We have tabulated the five (5) bids received on June 27, 2025 for the above referenced project. As such, we have determined that the lowest responsible bidder appears to be Think Pavers Hardscaping in the amount of \$518,962.00. Enclosed please find one (1) copy of the bid tabulation for your files.

In accordance with N.J.S.A. 40A:11-1 et seq., the award should be made to the lowest responsible bidder which appears to be Think Pavers Hardscaping, 125 Kings Highway, Mount Royal, NJ 08061 in the amount of \$518,962.00. The contractual award should be made contingent upon approval from the Township Purchasing Agent, Chief Financial Officer and Township Solicitor.

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

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


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

cc: Mayor Frank Sippel (via email w/encl.)
Michael Laffey, Manager (via email w/encl.)
Margaret Vitelli, Qualified Purchasing Agent (via email w/encl.)
Mitchell Pienn, Superintendent of Parks and Recreation (via email w/encl.)
Rob Belasco, Solicitor (via email w/encl.)
Lauren Read, CFO (via email w/encl.)
Cody Stanford (via email w/encl.)
Andrew McTague (via email w/encl.)



BID TABULATION

CONSULTING ENGINEERS AND PLANNERS

Project Name: Bayshore Road Pickleball Courts
D&A Project #: LT-C-055
Client: Township of Lower Merion
Bid Opening Date: 6/27/25

				Think Pavers Hardscaping 2315 Anthony Avenue Mount Laurel, NJ 08053	Command Company, Inc. 2315 Anthony Avenue Bordentown City, NJ 08615	Landberg Construction 82 Tuckahoe Road Bordentown, NJ 08617	West Bay Construction 133 Pleasant Avenue Aston, NJ 08021	Brother Egan Paving, LLC 383 Oakbury Road Farmingdale, NJ 07727		
Item #	DESCRIPTION	QUANTITY & UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	CLEARING SITE	LUMP SUM	\$45,500.00	\$45,500.00	\$50,000.00	\$50,000.00	\$40,000.00	\$40,000.00	\$77,208.00	\$77,208.00
2	SITE EXCAVATION, FILLING AND GRADING	LUMP SUM	\$24,599.64	\$24,599.64	\$70,000.00	\$70,000.00	\$60,000.00	\$60,000.00	\$54,000.00	\$54,000.00
3	SOIL EROSION AND SEDIMENT CONTROL	LUMP SUM	\$10,000.00	\$10,000.00	\$17,000.00	\$17,000.00	\$5,000.00	\$5,000.00	\$73,963.00	\$73,963.00
4	CONSTRUCTION LAYOUT	LUMP SUM	\$1,890.00	\$1,890.00	\$10,000.00	\$10,000.00	\$8,500.00	\$8,500.00	\$5,000.00	\$5,000.00
5	12" x 12" CONCRETE VERTICAL CURB	446 L.F.	\$125.00	\$55,750.00	\$61.00	\$27,206.00	\$45.00	\$20,250.00	\$46.00	\$21,408.00
6	FORMER GRADED AGGREGATE BASE COURSE, 6" THICK	393 S.Y.	\$5.00	\$1,965.00	\$17.50	\$6,877.50	\$14.00	\$5,500.00	\$15.00	\$5,895.00
7	HOT MIX ASPHALT BASE COURSE, MIX 10M64, 2" THICK	125 TON	\$80.00	\$10,000.00	\$205.00	\$25,625.00	\$160.00	\$20,000.00	\$178.00	\$22,150.00
8	HOT MIX ASPHALT SURFACE COURSE, MIX 5M64, 2" THICK	128 TON	\$80.00	\$10,240.00	\$205.00	\$26,240.00	\$170.00	\$21,700.00	\$205.00	\$26,240.00
9	PICKLEBALL COURTS FENCING & GATES, 8' HIGH	446 L.F.	\$199.00	\$88,854.00	\$90.00	\$40,140.00	\$110.00	\$49,060.00	\$150.00	\$66,900.00
10	PICKLEBALL COURTS FENCING, 4' HIGH	136 L.F.	\$76.00	\$10,336.00	\$76.00	\$10,336.00	\$64.00	\$8,816.00	\$100.00	\$13,600.00
11	PICKLEBALL COURTS NETS	LUMP SUM	\$15,750.00	\$15,750.00	\$15,000.00	\$15,000.00	\$17,000.00	\$17,000.00	\$18,000.00	\$18,000.00
12	PICKLEBALL COURTS STRIPING AND SURFACING	LUMP SUM	\$13,581.00	\$13,581.00	\$17,500.00	\$17,500.00	\$17,000.00	\$17,000.00	\$55,400.00	\$55,400.00
13	6" x 12" CONCRETE VERTICAL CURB	24 L.F.	\$25.00	\$600.00	\$68.00	\$1,632.00	\$15.00	\$360.00	\$12.00	\$288.00
14	CONCRETE SIDEWALK, 2" THICK	185 S.Y.	\$55.00	\$10,275.00	\$495.00	\$91,925.00	\$111.00	\$20,535.00	\$290.00	\$53,775.00
15	DEFLECTABLE WARNING SURFACES	2 UNIT	\$340.00	\$680.00	\$500.00	\$1,000.00	\$350.00	\$700.00	\$500.00	\$1,000.00
16	REFLECTIVE WARNING LINES, THERMOPLASTIC - 2"	24 L.F.	\$15.00	\$360.00	\$75.00	\$1,800.00	\$50.00	\$1,200.00	\$75.00	\$1,800.00
17	PAVING SHADE STRUCTURE, TURNING AND INTERNAL	3 UNIT	\$15,000.00	\$45,000.00	\$20,000.00	\$60,000.00	\$4,600.00	\$13,800.00	\$6,200.00	\$18,600.00
18	PHONE TABLE	4 UNIT	\$1,500.00	\$6,000.00	\$4,500.00	\$18,000.00	\$1,800.00	\$7,200.00	\$2,400.00	\$9,600.00
19	PAVING SHADE STRUCTURE, TURNING AND INTERNAL	8 UNIT	\$900.00	\$7,200.00	\$1,800.00	\$14,400.00	\$1,800.00	\$14,400.00	\$2,400.00	\$19,200.00
20	LITTER RECEPTACLE	4 UNIT	\$1,500.00	\$6,000.00	\$2,800.00	\$11,200.00	\$2,600.00	\$10,400.00	\$4,000.00	\$16,000.00
21	WOOD MULCHING, 4" THICK	132 S.Y.	\$5.00	\$660.00	\$35.00	\$4,620.00	\$27.00	\$3,570.00	\$30.00	\$3,960.00
22	TIMBER EDGING	150 L.F.	\$15.00	\$2,250.00	\$60.00	\$9,000.00	\$31.00	\$4,650.00	\$100.00	\$15,000.00
23	PAVING TYPE 3"	2 UNIT	\$20,000.00	\$40,000.00	\$1,000.00	\$2,000.00	\$1,600.00	\$3,200.00	\$5,000.00	\$10,000.00
24	12" REINFORCED CONCRETE VERTICAL CURB, 2" THICK	50 L.F.	\$20.00	\$1,000.00	\$90.00	\$4,500.00	\$160.00	\$8,000.00	\$120.00	\$6,000.00
25	PICKLEBALL COURTS MARKING, 8' HIGH	446 L.F.	\$15.00	\$6,690.00	\$15.00	\$6,690.00	\$16.50	\$7,357.50	\$17.00	\$7,581.00
26	PICKLEBALL COURTS MARKING	1 UNIT	\$1.00	\$1.00	\$12.00	\$12.00	\$10.00	\$10.00	\$15.00	\$15.00
27	SIGN	1 UNIT	\$180.00	\$180.00	\$350.00	\$350.00	\$215.00	\$215.00	\$500.00	\$500.00
28	HMA MILLING, 2" OR LESS	22 S.Y.	\$120.00	\$2,640.00	\$25.00	\$550.00	\$22.00	\$484.00	\$75.00	\$1,650.00
29	TOPSOIL & SEED, 5" THICK	\$61 S.Y.	\$55.00	\$3,355.00	\$19.00	\$3,610.00	\$27.00	\$5,478.00	\$15.00	\$3,150.00
30	CONCRETE STAIRS	LUMP SUM	\$35,000.00	\$35,000.00	\$15,500.00	\$15,500.00	\$13,700.00	\$13,700.00	\$10,000.00	\$10,000.00
31	ALLOWANCE UNFORESEEN ITEMS	20000 ALLOWANCE	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
32	SITE LIGHTING	LUMP SUM	\$49,000.00	\$49,000.00	\$49,700.00	\$49,700.00	\$12,000.00	\$12,000.00	\$70,000.00	\$70,000.00
TOTAL AMOUNT BID BASED ON ESTIMATED QUANTITIES FOR BID ITEMS 1 - 32				\$318,962.00	\$588,443.00	\$597,022.00	\$663,867.00	\$793,229.00		

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

RESOLUTION #2025-249

Title: APPROVING CHANGE ORDER #3 WITH DeBLASIO & ASSOCIATES FOR PRELIMINARY ASSESSMENT REPORT FOR JAKE'S LAW PLAYGROUND FOR PHASE II OF THE ROTARY COMMUNITY PARK RENOVATION (LT-C-028)

WHEREAS, DeBlasio & Associates were awarded a professional service contract on June 5, 2023 by Resolution #2023-199 for the Design and Permitting for Phase 1 and Phase 2 of the Rotary Community Park Renovations (LT-C-028) in the amount of \$65,000.00; Change Order #1 was awarded on September 6, 2023 by Resolution #2023-303 for \$39,000.00; Change Order #2 was awarded on August 5, 2024 by Resolution 2024-261 for \$6,000.00; and

WHEREAS, DeBlasio & Associates have provided a proposal to prepare a Preliminary Assessment Report and Grant Coordination as part of the Green Acres requirement for Jake's Law Playground for Phase II of Rotary Park for an additional \$6,500.00; and

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

Appropriation: 5-01-20-165-299

Signature: *Lauren Read*
Lauren Read, CFO

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Change Order #3 attached hereto in the amount of \$6,500.00 is hereby approved and increasing the contract total to \$116,500.00.

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

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on July 7, 2025

Julie A Picard, Township Clerk

DEBLASIO & ASSOCIATES

ENGINEERS, SURVEYORS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

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

July 1, 2025

VIA EMAIL

Mr. Michael Laffey, Manager
Township of Lower
2600 Bayshore Road
Villas, NJ 08251

**Re: Township of Lower, Cape May County, NJ
Rotary Park Phase 2 - Preliminary Assessment Report
Jake's Law Playground at Rotary Park
D&A File #: LT-C-028**

Dear Mr. Laffey:

Per your request, we are pleased to submit our proposal for the preparation of a Preliminary Assessment Report and grant coordination as part of the Green Acres requirement for the Jake's Law Playground at Rotary Park. The Preliminary Assessment Report will be prepared in accordance with the Technical Requirements for Site Remediation (N.J.A.C.7:26E) as well as NJDEP's March 2018 Preliminary Assessment Technical Guidance.


To complete the above reference scope of work, our professional service fee is listed below:

Preparation of Preliminary Assessment Report: \$6,500.00

We will need a copy of the Township's Green Acres submittal package to assist in the preparation of this report.

Upon your authorization, we are prepared to begin work immediately in the preparation of the Preliminary Assessment Report. Should you have any questions or require additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates


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

Cc : Mayor Frank Sippel (via email)
Mitchell Plenn, Superintendent of Parks and Recreation (via email)
Margaret Vitelli, QPA (via email)
Julie Picard, Clerk (via email)
Colleen Crippen, Grants Coordinator (via email)
Finance (via email)

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

RESOLUTION #2025-250

Title: A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF LOWER AND THE COUNTY OF CAPE MAY IN CONNECTION WITH THE RECEIPT OF CAPE MAY COUNTY OPEN SPACE FUNDS FOR THE IMPROVEMENT OF DAVID DOUGLASS, SR. MEMORIAL PARK

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Township of Lower (the "Township") operates and maintains the David Douglass, Sr. Memorial Park located adjacent to the Delaware Bay and the Cape May-Lewes Ferry Terminal; and

WHEREAS, the Township is currently in the process of obtaining necessary permits from the New Jersey Department of Environmental Protection and other outside agencies in order to renovate and improve David Douglass, Sr. Memorial Park; and

WHEREAS, on January 9, 2025, the Township of Lower submitted an application to the Cape May County Open Space Review Board requesting open space funds to facilitate the renovation and improvement of David Douglass, Sr. Memorial Park; and

WHEREAS, on January 21, 2025, the Cape May County Open Space Review Board thoroughly reviewed, deliberated, and voted to make a recommendation to the Board of County Commissioners to fund the David Douglass, Sr. Memorial Park improvement project, in an amount not to exceed \$2,139,567.00; and

WHEREAS, on May 13, 2025, the Cape May County Board of Commissioners held a public hearing at which it reviewed the recommendation of the Open Space Review Board, and heard public comment, and the Cape May County Board of Commissioners voted to enter into a Shared Services Agreement with the Township to support the implementation of the project; and

WHEREAS, in the spirit of interlocal cooperation, and in furtherance of the principles underlying the Act, the Parties now deem it necessary and proper to renew and memorialize the terms, as set forth below, to outline their respective rights and responsibilities for the benefit of both entities, for the benefit of local and county taxpayers, and to promote public health, safety and welfare generally; and

WHEREAS, the Township Council of the Township of Lower finds that this Shared Service Agreement is in the best interests of the citizens of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lower, County of Cape May, State of New Jersey, that the attached shared services agreement between the County of Cape May and the Township of Lower be and is hereby authorized and accepted and that the proper officials of the Township of Lower are authorized to execute said agreement.

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

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held July 7, 2025.

Julie A Picard, Township Clerk

SHARED SERVICES AGREEMENT

BY AND BETWEEN THE

COUNTY OF CAPE MAY

AND

THE TOWNSHIP OF LOWER

JULY 8, 2025–JULY 7, 2027

CAPE MAY COUNTY OPEN SPACE AND FARMLAND PRESERVATION PROGRAM

THIS SHARED SERVICES AGREEMENT is made and dated as of the 8th day of July, 2025 between the COUNTY OF CAPE MAY (hereinafter "County") and the TOWNSHIP OF LOWER (hereinafter "Township"), both public bodies corporate and politic of the State of New Jersey.

WITNESSETH:

WHEREAS, the County has determined that it is in the best interest of the County and residents therein, as well as the municipalities and residents of the individual municipalities located within the County, for the County to provide funds to such municipalities for the acquisition of lands for open space and the development of public park and recreation facilities or improvements; and

WHEREAS, the County desires, pursuant to the provisions of statutes providing for joint action with regard to capital projects and improvements which are deemed to benefit the County and the municipalities and their residents (including without limitation N.J.S.A. 40:12-16, et seq., N.J.S.A. 40:12-9 and N.J.S.A. 40A:65-1, et seq.), to provide funding for such projects and improvements, and

WHEREAS, in 1989, pursuant to P.L. 1989, Chapter 30, the County of Cape May Board of Chosen Freeholders established an Open Space and Farmland Preservation Trust Fund; and

WHEREAS, on December 27, 2012, in accordance with N.J.S.A. 40:12-15.3, the Board of Chosen Freeholders adopted new Program Guidelines for the Open Space Program that amended the County's parameters for Open Space projects to include eligibility for park and recreation development as well as historic preservation projects; and

WHEREAS, the Township has submitted an application under the County's 2024 Open Space Program with an initial request for funding in the amount of \$2,139,567.00 (hereinafter "Submitted Proposal"), which Submitted Proposal is included as part of Schedule A; and

WHEREAS, on January 21, 2025, the Open Space Review Board thoroughly reviewed, deliberated and voted to make a recommendation to the Board of County Commissioners to fund this project as follows: David Douglass Sr. Memorial Park (hereinafter the "Property"), in an amount not to exceed \$2,139,567.00 (hereinafter the "Defined Project"); and

WHEREAS, a public hearing on the Defined Project was held on May 13, 2025 at the Cape May County Administration Building, 4 Moore Road, Cape May Court House, New Jersey 08210; and

WHEREAS, on the basis of the information provided by the Township, the recommendation of the Open Space Review Board, and any input received at the public hearing, the Board of County Commissioners (formerly, Board of Chosen Freeholders) desires to enter into this Shared Services Agreement with the Township to support the implementation of the Defined Project; and

WHEREAS, the County and the Township desire to enter into this Agreement in order for the County to provide funding to the Township for the aforementioned Defined Project;

NOW, THEREFORE, in consideration of the promises, agreements and covenants hereinafter set forth and mutually agreed to, the County and the Township, each for itself, its successors and assigns, do mutually covenant, promise and agree as follows:

ARTICLE I PROVISION OF SERVICES

SECTION 101. County Funding The County agrees to provide reimbursement funds to the Township to undertake the Defined Project. Such funds shall be provided by the County to the Township, without an obligation for repayment so long as the Township completes the Defined Project within the time frame outlined in Section 102 below.

SECTION 102. Agreement Term: Terms and Conditions. The term of the Agreement shall commence on July 8, 2025 and shall terminate on July 7, 2027 (the "Initial Term"), which shall be the date when the Defined Project must be completed as referred to in Section 101 above. If the Township wishes to request an extension of the Initial Term, of up to one (1) year, it shall make such request in writing at least sixty (60) days prior to such date to the Open Space Review Board for consideration and, if warranted a request to the Cape May County Board of County Commissioners. One (1) additional one (1) year extension will be considered if the Township can demonstrate substantial progress toward completion of the Defined Project. The Open Space Review Board shall notify, in writing, the Township of the Open Space Review Board's decision to extend the completion of the Defined Project no later than thirty (30) calendar days prior to the expiration date of the Initial Term. The Open Space Review Board agrees that it will not unreasonably withhold its consent for an extension so long as the Township can demonstrate substantial progress toward completion of the Defined Project. The Township acknowledges, however, that the decision of whether to extend the required completion date is a matter left to the sole discretion of the Open Space Review Board.

SECTION 103. Township Obligation. In consideration for the County providing the funding to reimburse the Township, the Township agrees to undertake the Defined Project and to complete it by the end of the Term of this Agreement as described in Section 102 above.

SECTION 104. Conditions Precedent. The following items shall be conditions precedent to the performance by the County and the Township of the respective obligations under this Agreement:

(a) The Approving Capital or Bond Ordinance or other budget provisions setting forth the authorization to proceed with the Defined Project of the Township shall have been adopted and shall be in full force and effect. A fully executed copy must be provided to the County within thirty (30) days of adoption.

(b) Application for and receipt of any necessary permits from any and all agencies.

(c) Delivery of opinions of counsel to the County and the Township that this Agreement has been duly authorized and executed, and upon due execution by the other party will be a valid, binding and enforceable obligation of the County or the Township, as the case may be, except as the enforceability thereof may be subject to general principles of equity and laws affecting the enforcement of creditor's rights generally.

SECTION 105. Authorized County and Township Representatives.

(a) The authorized County Representative for all purposes of the Agreement shall be the Commissioner Director or such other representative who shall, from time to time, be designated by the Commissioner Director.

(b) The authorized Township Representatives for all purposes of the Agreement shall be the Mayor or such other representative who shall, from time to time, be designated by the Mayor.

**ARTICLE II
REPRESENTATIONS AND WARRANTIES**

SECTION 201. Representations and Warranties of the County. The County represents and warrants to the Township as follows:

(a) General. The County is a public body corporate and politic of the State of New Jersey and has the power and authority to provide the Services to the Township and to execute and deliver this Agreement and all documents necessary to give effect to this Agreement and to perform its obligations hereunder.

(b) No Conflict. The execution, delivery and performance of this Agreement (i) has been duly authorized by all requisite action of the County, (ii) to the best knowledge of an Authorized County Representative, following diligent inquiry, will not violate or conflict with any provision of law, rule or regulation, any order of any court or other agency of government and (iii) to the best knowledge of an Authorized County Representative, will not violate or result in a default under any provision of any indenture, agreement or other instrument.

(c) Litigation. Except as otherwise disclosed to the Township, to the best knowledge of an Authorized County Representative, there is no action, suit or proceeding at law or in equity or by or before any Governmental Authority or other agency now pending or, threatened against or affecting the ability of the County to enter into this Agreement.

(d) Obligations of the County. When executed and delivered by the County, this Agreement will be a legal, valid and binding obligation of the County enforceable against it in accordance with its terms, except as enforcement thereof may be limited by applicable bankruptcy, moratorium or similar laws affecting creditors' rights generally.

SECTION 202. Representations and Warranties by the Township. The Township makes the following representations and warranties to the County:

(a) General. The Township (i) is a public body corporate and politic of the State of New Jersey, (ii) has full corporate power and authority to execute and deliver this Agreement and all documents necessary to give effect to this Agreement and to perform its obligations hereunder, and (iii) by proper Township action has duly authorized the execution and delivery of this Agreement.

(b) No Conflict. The execution, delivery and performance of this Agreement (i) has been duly authorized by all requisite action of the Township, (ii) to the best knowledge of an Authorized Township Representative, following diligent inquiry, will not violate or conflict with any provision of law, rule or regulation, any order of any court or other agency of government and (iii) to the best knowledge of an Authorized Township Representative, will not violate or result in a default under any provision of any indenture, agreement or other instrument.

(c) Litigation. Except as otherwise disclosed to the Township, to the best knowledge of an Authorized Township Representative, there is no action, suit or proceeding at law or in equity or by or before any Governmental Authority or other agency now pending or, threatened against or affecting the ability of the Township to enter into this Agreement or perform the services hereunder.

(d) Obligations of the Agency. When executed and delivered by the Township, this Agreement will be a legal, valid and binding obligation of the Township, enforceable against it in accordance with its terms, except as enforcement thereof may be limited by applicable bankruptcy, moratorium or similar laws affecting creditors' rights generally.

ARTICLE III OPEN SPACE AND FARMLAND PRESERVATION PROGRAM REQUIREMENTS

SECTION 301. The County will reimburse the Township in an amount not to exceed \$2,139,576.00 to support the Defined Project identified in Section 302. This amount is the maximum total amount of funding by the County to the Township.

SECTION 302. The Township will utilize funding from the County in the amount of \$2,139,576.00 to support the Defined Project. The Defined Project is specifically identified and described in the Township's application, presentation and recommendation by the County Open Space Review Board, the contents of which are attached hereto as Schedule A and incorporated into this Section 302 as if set forth at length. The following additional requirements are conditions of the County's approval of the Defined Project:

1. The County's funding of the Defined Project is based in part on the proposed scheduling scenario detailed by the Township in its presentation to the Open Space Review Board. Any changes to the proposed schedule presented at the January 21, 2025 meeting must be reviewed by the Board prior to implementation.

2. Upon completion of the project, the Township is required to install a permanent marker or plaque recognizing the collaborative partnership between the Township and the County and acknowledging funding through the Cape May County Open Space & Farmland Preservation Trust Fund. The signage will be in a manner and template form approved and provided by the County and the Cape May County Open Space Review Board.
3. The County is desirous of ensuring for the long-term viability of investment of Open Space Trust Fund dollars. A detailed maintenance schedule and budget is required and will be expected to be adhered to both on a short-term and long-term basis, to ensure that the improved sites are properly maintained and kept in a perpetual state of "neat, clean, and orderly." County staff may, from time to time, conduct site inspections to ensure adherence to this policy. These inspections are not meant to take the place of or to supplement municipal inspections, but rather are for the purpose of informing the County Open Space Program of the level of commitment by the municipality to protect the project which has emerged as a partnership between the two entities.
4. The Township agrees to maintain the Project as set forth in Schedule A.
5. This project was funded through the Open Space Trust Fund, which is supported by the taxpayers of the County of Cape May. Accordingly, proper recognition to the Open Space Program should be provided in any media publication or event related to the project, with invitations and participation, including short remarks by one County Commissioner or representative to events being extended to both the Open Space Board and the Board of County Commissioners.
6. Notice should also be made on the Township 's web page of the contribution of Open Space funds to facilitate the construction/renovation of the available recreational facility.

The County's funding shall not be utilized for any other purpose. In the event said funding is not utilized for the Defined Project, the County shall declare the Township in default of this Agreement and require the immediate repayment of \$2,139,567.00 to the County as described in Section 308 herein.

SECTION 303. The Township is responsible for the design, preparation, permitting, construction and completion of the Defined Project. The Township will prepare detailed site plans, with engineer's estimates, for approval by the Open Space Review Board and/or the Board of County Commissioners prior to the commencement of the Defined Project, and will be wholly responsible for the implementation of the Defined Project in accordance with the same. Said Defined Project is or shall be accessible to all individuals as required by the Americans with Disabilities and Amendments Act. The Township further agrees to assume or continue the obligations and prerogatives which otherwise apply to it as the owner of the property and of the Defined Project such as the long-term care, maintenance and operation of the Defined Project which shall include all applicable insurance thereon.

SECTION 304. The County will reimburse the Township the actual amount of expenditures made by the Township for implementation of the Defined Project in an amount described in Section 301 above. Upon completion of the Defined Project, the County will schedule

a formal inspection of the Defined Project, and will review the Defined Project for consistency with the site plan and engineer's estimates referenced in Section 303 above. The Township will provide a certification to the total expenditures and provide proof of all expenditures for the Defined Project to the Chief Financial Officer of the County of Cape May within thirty (30) days of final completion of the Defined Project. Proof of all expenditures shall be in the form of vouchers or purchase orders, vendor invoices, and copies of cancelled checks (both sides). The failure to provide said documentation will result in a default of this agreement, and will result in non-payment by the County.

SECTION 305. To the fullest extent permitted by law, the Township shall defend, indemnify and hold harmless the County and its elected officials, officers, agents, servants and employees from and against any and all claims, damages, losses, costs and expenses, including, but not limited to attorney's fees, legal costs and legal expenses arising out of, relating to, or resulting from, directly or indirectly, the performance of any and all work funded under this Agreement, provided that such claim, damage, loss, cost or expense is caused or alleged to be caused by the negligent acts, negligent omissions, and/or fault of the Township, anyone directly or indirectly employed or retained by the Township, or for anyone who acts on behalf of the Township, regardless of whether caused in part by the negligent act or omission of the County, provided it is not caused by the sole negligence of the County.

The Township assumes the risk of all damage, loss, cost and expense arising out of or relating to the Defined Project.

In addition to the Township naming County of Cape May as an Additional Insured on a Primary Non-Contributory basis with a waiver of subrogation in favor of the County on its public liability insurance policies. Additionally, the Township shall require, in all agreements for professional and non-professional contract services necessary for the performance and completion of work funded under this Agreement, that Township and County of Cape May are named, on the service provider's public liability insurance policies, as Additional Insured on a Primary Non-Contributory basis with a waiver of subrogation. A certificate of insurance evidencing said coverage and the additional insured designation shall be provided to the County on an annual basis and must be in effect for the duration of the Shared Services Agreement and made available before grant monies are disbursed.

SECTION 306. The Township waives all rights to make a claim (or crossclaim) or file a suit against the County for, and relieves the County from all liability or responsibility of any kind arising from such damages, loss, cost or expense arising out of or related to the Defined Project.

SECTION 307. **Default.** Failure on the part of the Township to comply with either the implementation of the Defined Project, in any aspect, as described in its application or any provision of this Agreement, or the satisfactory maintenance of the improvements, as required herein constitutes "default". Upon "default", as determined solely by the County, the County may, at its option, either:

(a) Declare this Agreement to be terminated, and require the Township to repay the funds identified herein to the County within ten (10) days; or

(b) Permit the Township to “cure” any default within thirty (30) days. Thereafter, the County may, at its option, grant any other additional time needed to cure any default as necessary. If said default continues longer than any time frame agreed upon by the County, the Township shall repay the funds identified herein to the County within ten (10) days.

SECTION 308. County Indemnification. The County agrees to indemnify the Township and hold it harmless from and against any claims, damages, losses or liabilities that the Township may incur as a result or arising out of the sole negligence on the part of the County. The County does not waive any applicable N.J.S.A. 59-1, et seq. immunities.

ARTICLE IV MISCELLANEOUS

SECTION 401. Governing Law This Agreement shall be deemed to be a contract under the laws of the State of New Jersey and for all purposes, including interpretation hereof and performance hereunder, shall be governed in accordance with the laws of the State of New Jersey. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement may bring the legal action or proceeding in the Superior Court of New Jersey sitting in Cape May Court House, New Jersey.

SECTION 402. Consents. Any consents required by the County or the Township under this Agreement (other than those delegated to the applicable Authorized County Representative or Authorized Township Representative) shall be adopted by a resolution of the respective governing bodies.

SECTION 403. Amendments. Any amendment or modification of this Agreement will only be effective upon the execution of a written instrument authorized by the members of the Township in the case of the Township and the Commissioner Director and the Board of County Commissioners in the case of the County.

SECTION 404. Assignment. No party may assign or attempt to assign its respective obligations under this Agreement. Any purported assignment of rights in violation of this provision is void. In addition to voiding the purported assignment, the County shall declare the assignor in default of this Agreement and require the re-payment of all project funds within seven (7) days.

SECTION 405. Severability. If one or more of the provisions of this Agreement are determined to be contrary to law, then such provision or provisions shall be deemed severable from the remaining provisions and shall not affect the validity of the other provisions of this Agreement.

SECTION 406. Term. The duties and obligations under Sections 305, 306 and 307 shall remain in effect for as long as the applicable statute of limitations remain in effect and the

duty to defend shall extend beyond the statute of limitations to the extent any claim is made against the County at any time in the future as it relates to the Defined Project.

SECTION 407. **Notices.** All notices required under the terms of this Agreement shall be given by hand delivering such notices or by mailing such notices by certified or registered mail, return receipt requested, to the address of the parties. Notices to the County shall be sent to the Clerk, Board of County Commissioners and the County Treasurer. Notices to the Township shall be sent to the Mayor and the Clerk of the Township.

SECTION 408. **Entire Agreement.** This Agreement constitutes the entire understanding of the parties.

[signatures on next page]

IN WITNESS WHEREOF, the County and the Township have caused their respective seals to be hereunto affixed and attested and this Agreement to be signed by their respective, duly authorized officers and to be dated as of the day and year first written above.

ATTEST:

COUNTY OF CAPE MAY

Kevin Lare
Administrator/Clerk of the Board
[SEAL]

BY:

Leonard C. Desiderio
Commissioner Director

Date: _____

APPROVED AS TO FORM:

Jeffrey R. Lindsay, Esquire
County Counsel

ATTEST:

TOWNSHIP OF LOWER

Julie Picard
Township Clerk
[SEAL]

BY:

Frank Sippel
Mayor

Date: _____

APPROVED AS TO FORM:

Township Solicitor

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

ORDINANCE #2025-16

Title: AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, ARTICLE I, GENERAL PROVISIONS, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, in accordance with N.J.S.A. 39:4-197, municipalities are afforded the authority to regulate traffic and parking on municipal public rights-of-way throughout their jurisdiction; and

WHEREAS, Chapter 7, Traffic, of the Code of the Township of Lower establishes regulations pertaining to parking and traffic throughout the Township of Lower; and

WHEREAS, § 7-4.1 of the Code of the Township of Lower restricts vehicles exceeding four (4) tons in weight from operating/driving on certain streets within the Township; and

WHEREAS, § 7-5 of the Code of the Township of Lower restricts vehicle traffic on various streets throughout the Township by designating specific streets as one-way; and

WHEREAS, the Township has received correspondence from property owners residing along the 0 to 100 Block of Iowa Avenue raising concerns about delivery vehicles using the roadway and requesting that the Township consider prohibiting vehicles exceeding four (4) tons in weight from traveling on Iowa Avenue; and

WHEREAS, the Township Council of the Township of Lower has evaluated the request to prohibit vehicles exceeding four (4) tons from traveling on Iowa Avenue, considered input from the Lower Township Department of Public Works and the Lower Township Police Department, and, based on the roadway layout in this area of the Township, the dimensions of Iowa Avenue, and its proximity to Bayshore Road, has determined that it is appropriate to prohibit vehicles exceeding four (4) tons in weight from operating/driving on the 0 to 100 Block of Iowa Avenue and the entirety of Nevada Avenue, and to convert the existing portion of Iowa Avenue adjacent to Bayshore Road into a two-way street.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 7, Traffic, Article I, General Provisions, Subsection 4.1, Limiting the use of streets to certain class of vehicles, is hereby amended as follows:

Section 1. Chapter 7, Traffic, Article I, General Provisions, Subsection 4.1, Limiting the use of streets to certain class of vehicles, is hereby amended, as follows, in order to exclude vehicles exceeding four tons' gross weight from using Iowa Avenue:

§ 7-4.1 Limiting the use of streets to certain class of vehicles.

Trucks over four tons excluded from certain streets. Trucks over four tons' gross weight are hereby excluded from the streets or parts of streets described in Schedule V except for the pickup and delivery of materials on such streets. See Schedule V below.

Schedule V Trucks Over Four Tons	
Name of Street	Location
Amherst Road	Entire length
Apple Blossom Drive	Fire lane east to Sunnyside Drive
Atlantic Avenue	Entire length, south from the Wildwood Crest boundary
Austin Avenue	Entire length
Bayridge Road	Entire length

**Schedule V
Trucks Over Four Tons**

Name of Street	Location
Beachhurst Drive	Entire length
Beachland Drive	Entire length
Carlton Drive	Entire length
Cherry Hill Road	Fieldview Drive north to Mimosa Drive
Claremont Road	Entire length
Clearwater Drive	Entire length
Commander Road	Fieldview Drive north to Harmony Road
Cove Drive	Entire length
Croydon Drive	Entire length
Deborah Street	Entire length
Deepwater Road	Entire length
Edgewater Road	Entire length
Elliott Road	Entire length
Fieldview Drive	Sunnyside Drive west to Apple Blossom
Fire Lane	Bayshore Road east to Sunnyside Drive
Glade Drive	Townbank Road north to Apple Blossom
Harmony Road	Glade Drive east to Sunnyside Drive
Heidi Avenue	Entire length
Iowa Avenue	From 19 Iowa Avenue to the terminus
Joanne Street	Entire length
Judith Avenue	Entire length
Keyport Road	Entire length
Linda Anne Avenue	Entire length
Margaret Street	Entire length
Memphis Avenue	Entire length
Mimosa Drive	Fieldview Drive east to Sunnyside Drive
Mindy Avenue	Entire length
Nevada Avenue	Entire length
North Station Avenue	Entire length
Old Mill Drive	Entire length
Old Mill Drive	Fieldview Drive east to Sunnyside Drive
Orchard Drive	Fieldview Drive east to Sunnyside Drive
Park Boulevard	Entire length, south from the Wildwood Crest boundary
Raleigh Avenue	Entire length
Richmond Avenue	Entire length
Rochester Avenue	Entire length

Schedule V Trucks Over Four Tons	
Name of Street	Location
Roseann Avenue	Entire length
Sanddune Drive	Entire length
Seaview Avenue	Entire length, south from the Wildwood Crest boundary
Sivia Street	Entire length
South Station Avenue	Entire length
Sunnyside Drive	Townbank Road north to Apple Blossom
Suzanne Avenue	Entire length
Weeks Landing Road	From Seashore Road to Route 9
Willow Drive	Fieldview Drive east to Sunnyside Drive

Section 2. Chapter 7, Traffic, Article I, General Provisions, Subsection 5, One-way streets, is hereby amended, as follows, in order to remove the one-way street designation associated with Iowa Avenue:

§ 7-5 One-way streets.

The streets or parts of streets described in Schedule VI below are hereby designated as one-way streets in the direction indicated.

Schedule VI One-Way Streets			
Name of Street	Direction	Location	Parking Permitted
First Avenue	Westbound	Route No. 9 to Wilson Drive	
Madison Avenue	Eastbound	Ocean Drive to Seaview Avenue	North side
Memphis Avenue	Eastbound	New Jersey to Pacific Avenue	Both sides
Memphis Avenue	Eastbound	Ocean Drive to Seaview Avenue	Both sides
North Station Road	Westbound	Seaview Avenue to Ocean Drive	Both sides
Ocean Avenue	Eastbound	Bayshore Road to Cornell Street	
Seaview Avenue	Northbound	Madison Avenue to southerly curblin of Raleigh Avenue	Both sides
Seaview Avenue	Northbound	Raleigh Avenue to the terminus	Both sides
Second Avenue	Eastbound	Route No. 9 to Wilson Drive	
Wilson Drive	Westbound	Route No. 9 to First Avenue	

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. 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 5. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Joseph Wareham, Councilmember

First Reading:

Roland Roy, Jr., Councilmember

Adopted:

Kevin Coombs, Deputy Mayor

Attest: _____
Julie A Picard, Township Clerk

Frank Sippel, Mayor

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

ORDINANCE #2025-17

Title: AN ORDINANCE AMENDING CHAPTER 575, STORMWATER MANAGEMENT, OF THE CODE OF THE TOWNSHIP OF LOWER TO ENSURE CONSISTENCY WITH THE JUNE 2025 MUNICIPAL STORMWATER MANAGEMENT PLAN ADOPTED BY THE LOWER TOWNSHIP PLANNING BOARD

WHEREAS, municipalities in the state of New Jersey are obligated to adopt and implement municipal stormwater control ordinances that are consistent with rules and regulations adopted by the New Jersey Department of Environmental Protection; and

WHEREAS, on April 5, 2021, the Township Council of the Township of Lower adopted Ordinance 2021-08 which implemented the design and performance standards promulgated by the NJDEP via the adoption of the NJDEP's Model Stormwater Ordinance; and

WHEREAS, on July 17, 2023, the NJDEP adopted amendments to the Stormwater Management Rules set forth within N.J.A.C. 7:8; and

WHEREAS, on June 19, 2025, the Lower Township Planning Board adopted a revised Municipal Stormwater Management Plan as an element to the Township of Lower's current Master Plan; and

WHEREAS, in an effort to ensure consistency with the July 2023 stormwater management rule amendments and the June 2025 Municipal Stormwater Management Plan, the Township's existing stormwater management ordinance, codified in Chapter 575 of the Code of the Township of Lower, the Township Council of the Township of Lower deems it appropriate to repeal and replace its current Stormwater Management Ordinance; and

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

Section 1. Chapter 575, Stormwater Management, is hereby repealed and replaced with the following regulations:

575-1 Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

a. Non-residential major developments; and

- b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Township of Lower.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to August 24, 2025, shall be subject to the stormwater management requirements in effect on August 23, 2025.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to August 24, 2025, shall be subject to the stormwater management requirements in effect on August 23, 2025.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

575-2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.
3. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 *et seq.*

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep

slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021, or the effective date of this ordinance, whichever is earlier; or
3. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in the disturbance of one or more acres of land since February 2, 2004.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually result in the disturbance of one or more acres of land since February

2, 2004. *Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."*

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Public roadway or railroad" means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

"Public transportation entity" means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

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

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban Redevelopment Area" is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

575-3 Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

575-4 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual,

the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<p align="center"><u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff</u> <u>Quality, and/or Stormwater Runoff Quantity</u></p>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2(e)</u> <u>1(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device(a) (g)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes(b)</u> <u>No(c)</u>	<u>2(b)</u> <u>1(c)</u>
<u>Small-Scale Bioretention Basin(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes(b)</u> <u>No(c)</u>	<u>2(b)</u> <u>1(c)</u>
<u>Small-Scale Infiltration Basin(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

(Notes corresponding to annotations (a) through (g) are found after table 3)

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal highwater table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone); Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;

2. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 3. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 4. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Cape May County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Cape May County Clerk and shall contain a description and location of the stormwater management measure, as

well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this Ordinance, is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
- Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this Ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this Ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of

existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this Ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

575-5 Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.
2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section V.A.1.i. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/qsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:
1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and
 2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04
Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06

Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42
Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

575-6 Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<https://dep.nj.gov/stormwater/bmp-manual/>

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented.

Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

- B. Submissions required for review by the Department should be mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

575- 7 Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

571-8 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension

- iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

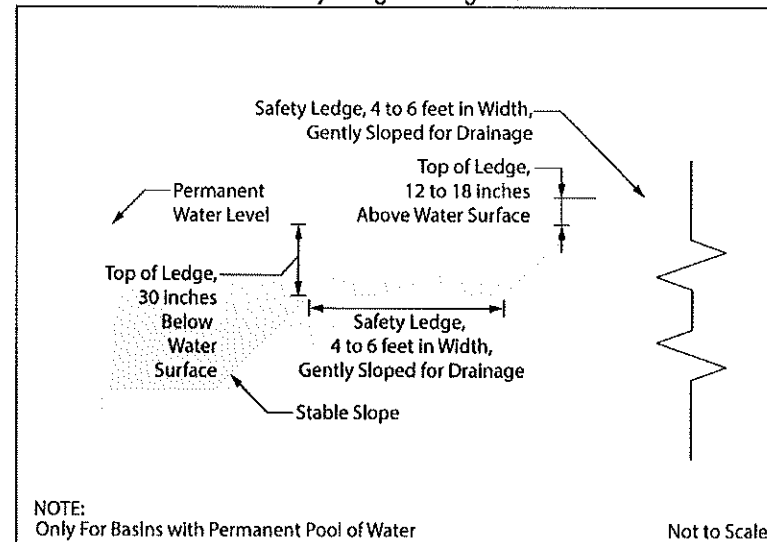
- i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



575-9 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site

Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal highwater table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

575-10 Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to

assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
 8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

575- 11 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties set forth in Chapter 1, Article III.

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. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance

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

Thomas Conrad, Councilmember

Joseph Wareham, Councilmember

First Reading: July 7, 2025

Roland Roy, Jr., Councilmember

Adopted:

Kevin Coombs, Deputy Mayor

Attest: _____
Julie A Picard, Township Clerk

Frank Sippel, Mayor

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

ORDINANCE #2025-14

Title: AN ORDINANCE AMENDING CHAPTER 7, TRAFFIC, ARTICLE I, GENERAL PROVISIONS, SUBSECTION 3, PARKING, OF THE CODE OF THE TOWNSHIP OF LOWER TO REITERATE THAT FREE PUBLIC PARKING IS PROVIDED ALONG ALL PUBLIC RIGHTS-OF-WAY THROUGHOUT THE TOWNSHIP

WHEREAS, in accordance with N.J.S.A. 39:4-197, municipalities are afforded the authority to regulate traffic and parking on municipal public rights-of-way throughout their jurisdiction; and

WHEREAS, Chapter 7, Traffic, of the Code of the Township of Lower establishes regulations pertaining to parking and traffic throughout the Township of Lower; and

WHEREAS, § 7-3.3 of the Code of the Township of Lower establishes parking prohibitions at all times on certain streets and certain locations throughout the entirety of the Township which are memorialized within Schedule I therein; and

WHEREAS, unless specifically prohibited within § 7-3.3, Schedule I, free public parking is provided along all public rights-of-way throughout the Township, and members of the public and/or private property owners are prohibited from unilaterally enacting their own no parking prohibitions; and

WHEREAS, in an effort to reaffirm the understanding that free public parking is available along all public rights-of-way not identified in § 7-3.3, Schedule I, the Township Council of the Township of Lower believes it is appropriate to amend § 7-3.3 to reflect that free public parking is available along public rights-of-way in the Township of Lower unless specifically prohibited.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, is hereby amended as follows:

Section 1. Chapter 7, Traffic, Article I, General Provisions, Subsection 3, Parking, is hereby amended as follows:

ARTICLE I GENERAL PROVISIONS

§ 7-3.3 Parking prohibited at all times on certain streets.

- A. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I below:

Schedule I No Parking		
Name of Street	Side	Location
Bates Avenue [Added 7-17- 2023 by Ord. No. 2023- 15]	Southeast	At Harvard and Bates Avenue
Bayshore Road	Both	From the center line of Fulling Mill Road to a point 250 feet north of the center line of Fulling Mill Road and from the center line of Fulling Mill Road to a point 290 feet south of the center line of Fulling Road

**Schedule I
No Parking**

Name of Street	Side	Location
Bayshore Road (C.R. 603)	Both	From New England Road north to the terminus
Bayshore Road	East	From Ocean Avenue to Tampa Avenue
Bayshore Road	East	From 200 feet north of Wilde Avenue to Maple Road
Beach Drive	Both	From Emerson Avenue to Pinewood Road
Beach Drive	Both	From the southerly curblin of Lincoln Boulevard to a point 4/10 of a mile southerly therefrom
Beach Drive	Both	North of Pinewood Drive to the terminus
Beach Drive	West	From Lincoln Boulevard to Emerson Avenue
Beach Drive	West	From Lincoln Boulevard north to Pinewood Avenue
Bermuda Avenue	East	From Ocean Avenue to Tampa Avenue
Canning House Lane	North	From Seashore Road to 500 feet east of Seashore Road
Delaware Parkway	North	From Bayshore Road to Rutgers Avenue
Delaware Parkway	South	From Bayshore Road to Cornell Avenue
First Avenue	North	From Route No. 9 to Wilson Drive
Fourth Avenue	Both	From Shore Road to Wissahickon Avenue
Fulling Mill Road	Both	From the center line of Bayshore Road to a point 250 feet east of the center line of Bayshore Road
Hudson Avenue	North	From Bayshore Road to Cornell Avenue
Iowa Avenue	Both	From Bayshore Road west 148 feet
Lincoln Boulevard	Both	From the west curblin of Bayshore Road (County Road No. 603) to a point 250 feet west therefrom
Lincoln Boulevard	South	From the center line of Bayshore Road to the center line of Wayne Avenue
Madison Avenue	South	From Ocean Drive to Seaview Avenue
Millman Lane	Both	From Maryland Avenue to Ohio Avenue
Millman Lane	Both	From New York Avenue to Pacific Avenue
New England Road	Both	From its terminus to County Road No. 603, Bayshore Road
New England Road	South	From its terminus to 320 feet east of the terminus
New Jersey Avenue	Both	From Millman Lane to Columbia Avenue
Ocean Avenue	North	From Bayshore Road to Cornell Avenue
Pennsylvania Avenue	Both	From Millman Lane to Columbia Avenue
Raleigh Avenue [Added 6-7-2004 by Ord. No. 2004-14]	South	Beginning at Pacific Avenue and extending west 157 feet

		Schedule I No Parking
Name of Street	Side	Location
Raleigh Avenue [Added 6-7-2004 by Ord. No. 2004-14]	South	Beginning at a point 368 feet west of the curbline of Pacific Avenue and extending west to its terminus
Raleigh Avenue [Repealed 6-7-2004 by Ord. No. 2004-14]		
Rio Grande Avenue	Both	From the dead end to point 75 feet west of the dead end
Rochester Avenue [Amended 5-3-2010 by Ord. No. 2010-04; 9-4-2024 by Ord. No. 2024-13]	North	From the beach to Atlantic Avenue
Schellengers Landing Road	North	From 400 feet east of Route No. 9 to the dead end
Schellinger Avenue [Added 2-18-2004 by Ord. No. 2004-3]	South	Beginning at a point approximately 320 feet from the center line of the intersection of Schellinger Avenue and Bay Drive and continuing 30 feet therefrom (also known as Block 70, Lot 11.01)
Second Avenue	North	From Route No. 9 to Wilson Drive
Sheriff Taylor Boulevard	Both	Between Sandman Boulevard (U.S. Route No. 9 - DRBA) and Townbank Road (CR 648)
States Avenue	East	From Nevada Avenue to Station Road
Third Avenue [Added 3-17-2014 by Ord. No. 2014-03]	North	From Route 109 to Wissahickon Avenue
Third Avenue [Added 3-17-2014 by Ord. No. 2014-03]	South	From the curbline of Route 109 to a point 60 feet therefrom
Village Road [Added 7-17-2023 by Ord. No. 2023-15]	North	From Bay Drive to the Bay
Weeks Landing Road	Both	From Seashore Road to Route No. 9
Weeks Landing Road	South	From Route No. 9 east to its terminus
Wilson Drive	East	From State Highway Route No. 9 to Third Avenue
Wilson Drive	South	From Millman Lane to Cornell Avenue

- B. Unless specifically prohibited as set forth in Schedule I above, free public parking shall be permitted along all public rights-of-way throughout the Township. No additional parking restrictions shall be presumed or enforced outside of those expressly stated in said Schedule I

or as otherwise authorized by duly adopted Ordinance or Resolution of the Township.

- C. No member of the general public, business entity, or private property owner shall impose, erect, install, or attempt to enforce any signage, barricade, marking, or other restriction purporting to prohibit or limit parking within, along, or adjacent to a public right-of-way, unless such action is expressly authorized by the Township in writing. Any such unauthorized restriction shall be deemed null and void, and subject to removal by the Township or its authorized agents.
- D. The Township reserves the right to investigate and remove any unauthorized no parking signage or obstructions found within public rights-of-way. Violators may be subject to penalties, fines, or other remedies as may be set forth under applicable law or the Township Code.

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

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

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

Thomas Conrad, Councilmember

Joseph Wareham, Councilmember

First Reading: June 16, 2025

Roland Roy, Jr., Councilmember

Adopted:

Kevin Coombs, Deputy Mayor

Frank Sippel, Mayor

Attest: _____
Julie A Picard, Township Clerk

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

ORDINANCE #2025-15

Title: **AN ORDINANCE AMENDING CHAPTER 583, STREETS AND SIDEWALKS, ARTICLE I, EXCAVATION OF STREETS, OF THE CODE OF THE TOWNSHIP OF LOWER**

WHEREAS, as outlined within Chapter 583, Streets and Sidewalks, Article I, Excavation of Streets, the Township has established regulations governing the excavation and repaving of streets and roadways under its jurisdiction; and

WHEREAS, pursuant to § 583-4B(8)(g) of the Township Code of the Township of Lower, any capital improvement, repaving, or reconstruction on any street or roadway within the Township of Lower is subject to a five (5) year road/street opening moratorium after the completion of construction, reconstruction, resurfacing, repaving or overlay; and

WHEREAS, in accordance with § 583-4B(8)(i) of the Township Code of the Township of Lower, the Township has established an exception for which a street or roadway that is subject to the aforementioned five (5) year moratorium on street openings may be excavated/opened, limited to claimed hardships asserted by a property owner, and such requests are currently subject to the review and approval of the Township Council; and

WHEREAS, in accordance with § 583-4B(8)(i) of the Township Code of the Township of Lower, in the event a street or road opening is permitted in connection with the approval of a hardship, individuals are required to repave the roadway, in accordance with the requirements of Chapter 583 of the Township Code; and

WHEREAS, in an effort to expedite the review of individual applications requesting a waiver on the grounds of a hardship, the Township Council of the Township of Lower finds that it is appropriate to designate the Township Manager as the representative from the Township who should review and either approve or deny individual hardship waiver requests;

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that Chapter 583, Streets and Sidewalks, Article I, Excavation of Streets, be and hereby is amended as follows:

Section 1. Chapter 583, Streets and Sidewalks, Article I, Excavation of Streets, Subsection 4(B)(8)(i), is hereby restated as follows:

- 583-4(B)(8)(i) In the event a property owner experiences a hardship condition which the owner believes justifies the issuance of a street opening permit contrary to the sections contained in this article, the Township of Lower may grant relief, in its sole discretion, if and only if the following conditions are satisfied:
- [1] The property owner shall submit a letter to the Township Clerk detailing the hardship they are experiencing and outlining the necessity to open the street in lieu of waiting until the expiration of any moratorium currently in effect.
 - [2] Upon receipt of the letter, the Township Clerk will forward a copy to the Township Manager for review.
 - [3] The letter must include all pertinent information necessary to review the request, such as property street address, block and lot, reason for the request, and type and size of street opening proposed.
 - [4] The Township Manager, in consultation with the members of the Township Council, shall consider the request and any objections received, and determine whether a hardship in fact exists that justifies the issuance of a moratorium waiver to authorize the excavation of a street or roadway that is the subject of a five (5)

year moratorium. Approval or denial of the request shall be issued in writing by the Township Manager. The Township is under no obligation to grant a hardship waiver, and each request will be reviewed on a case-by-case basis.

- [5] In the event the Township Manager approves a moratorium waiver request authorizing excavation of a street or roadway under a five (5) year moratorium necessitated by utility main improvements, final restoration will require a minimum restoration of the full width of the street or road, extending 50 linear feet in each direction from any road or street opening, from curbline to curbline. The applicant will be required to mill the existing roadway to a depth of two inches extending from intersection to intersection for the full width of the roadway (curbline to curbline) and install a two-inch-thick lift of bituminous concrete surface course, Mix I-5, for the entire length. All edges shall be coated with an asphalt tack coat prior to a two-inch lift of bituminous concrete surface course being placed on the roadway.
- [6] Authorized street excavations for utility main improvements on any roadway deemed to be in good condition, as determined by the Director of Public Works, may require resurfacing the entire roadway as described in this section and as directed by the Director.

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

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

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

Thomas Conrad, Councilmember

Joseph Wareham, Councilmember

First Reading: June 16, 2025

Roland Roy, Jr., Councilmember

Adopted:

Kevin Coombs, Deputy Mayor

Attest: _____
Julie A Picard, Township Clerk

Frank Sippel, Mayor

CASH RECONCILIATION MAY 31, 2025

	Cash		Less Checks Outstanding	Cash Book Balance
	*On Hand	On Deposit		
Current	1,496,975.59	14,233,877.79	1,508,258.09	14,222,595.29
Trust - Assessment				
Trust - Dog License	120.00	11,386.66	0.00	11,506.66
Trust - Other	16,107.31	4,733,995.11	22,841.17	4,727,261.25
Capital - General	0.00	39,764.06	0.00	39,764.06
Water - Operating				0.00
Water - Capital				0.00
Assessment Utility Trust				0.00
Public Assistance**				0.00
Garbage District				0.00
Grant Fund				0.00
Total	1,513,202.90	19,019,023.62	1,531,099.26	19,001,127.26

*Include Deposits In Transit (and change funds)

****Be sure to include a Public Assistance Account reconciliation and trial balance if the municipality maintains such a bank account.**

REQUIRED CERTIFICATION

I hereby certify that all amounts shown in the "Cash on Deposit" column on Sheet 9 and 9(a) have been verified with the applicable bank statements, certificates, agreements or passbooks at 31-May-25

I also certify that all amounts, if any, shown for Investments in Savings and Loan Association on any trial balance have been verified with the applicable passbook at 31-May-25

All "Certificates of Deposits," "Repurchase Agreements," and other investments must be reported as cash and included in this certification.

(THIS MUST BE SIGNED BY THE REGISTERED MUNICIPAL ACCOUNTANT (STATUTORY AUDITOR) OR CHIEF FINANCIAL OFFICER) depending on who prepared this Annual Financial Statement as certified to on Sheet 1 or 1(a).

Signature:

Lauren Read

Title: CFO, Township of Lower

Township of Lower
Treasurer's Report
2025

	Total	Jan	Feb	Mar	Apr	May
BEG. BAL. JAN. 1, 2025	13,350,401.70	13,350,401.70	12,630,447.37	16,243,660.80	12,781,654.48	8,701,670.43
RECEIPTS:						
Per Revenue Status	46,046,468.21	5,306,800.69	13,215,888.81	2,520,373.67	11,076,301.23	13,927,103.81
less: post cash surplus	(4,500,000.00)				(4,500,000.00)	
	41,546,468.21	5,306,800.69	13,215,888.81	2,520,373.67	6,576,301.23	13,927,103.81
Transfers:						
Capital - Clear Interfund	932,117.16	575,775.42	69,858.28	123,649.92	162,833.54	
Grants Received:						
CC \$ RECD	103,145.30					103,145.30
CMC Arts \$ Recd	7,106.25		7,106.25			
CMC Infrastructure \$ Recd	400,000.00		400,000.00			
DISTRACTED DRIVING \$ RECD	3,360.00					3,360.00
DSGPO \$ RECD	6,580.00	6,580.00				
JIF \$ Recd	6,225.00	2,750.00			3,475.00	
OPEN SPACE \$ RECD	846,289.16					846,289.16
Oploid Settlement	2,323.75					2,323.75
Recycling Tonnage \$ Recd	36,957.49				36,957.49	
1,411,986.95						
TOTAL RECEIPTS:	43,890,672.32	5,891,906.11	13,692,853.34	2,644,023.59	6,779,567.26	14,682,222.02
DISBURSEMENTS:						
2024 Reserves	521,563.37	320,928.91	147,102.49	18,589.19	33,470.08	1,472.70
2025 Current	42,224,798.36	5,794,981.55	9,935,857.16	6,109,329.55	10,838,682.13	9,545,947.97
2025 Capital	1,015,694.65	575,775.42	69,858.28	123,649.92	162,833.54	83,577.49
less: Special Emergency	(24,000.00)				(24,000.00)	
less: Def chgs TAX MAP	(35,000.00)				(35,000.00)	
less: Due capital CIF	0.00					
Appropriation Refunds:	(577,135.36)	(79,825.44)	(73,178.02)	(145,538.75)	(116,434.44)	(162,158.71)
TOTAL DISBURSEMENTS	43,125,921.02	6,611,860.44	10,079,638.91	6,106,029.91	10,859,561.31	9,468,839.45
END. BAL. DEC. 31, 2025	14,115,053.00	12,630,447.37	16,243,660.80	12,781,654.48	8,701,670.43	14,115,053.00
Total Appropriation Refunds	(577,135.36)	(79,825.44)	(73,178.02)	(145,538.75)	(116,434.44)	(162,158.71)
Bank Balance						
Checking	10,980,572.56	14,965,701.75	10,566,605.66	8,027,249.70	12,673,789.02	
Electronic Payments	14,412.23	9,913.86	8,613.31	20,617.56	25,694.74	
Online Payment Acct	882,218.25	1,220,657.17	374,083.50	626,097.91	1,381,598.68	
Total Bank Balance	11,877,203.04	16,196,272.78	10,949,302.47	8,673,965.17	14,081,082.44	
ADD: Deposits in Transit	911,720.03	225,207.00	2,497,680.31	337,729.57	87,218.87	
LESS: Outstanding Checks	(158,475.70)	(177,818.98)	(665,328.30)	(310,024.31)	(53,248.31)	
Adjusted Bank Balance	12,630,447.37	16,243,660.80	12,781,654.48	8,701,670.43	14,115,053.00	
	0.00	0.00	0.00	0.00	0.00	
Monthly Interest Received-Current Fund	246,897.44	47,530.05	57,961.69	52,979.58	36,494.15	51,931.97
Interest Rate		3.09%	3.09%	3.09%	3.09%	3.09%

MAY 2025

MAY

2025

DEPOSITS IN TRANSIT:

12,340.96	ONLINE TAX	
19,878.42	ONLINE TAX	
854.54	ONLINE TAX	
(692.78)	ONLINE TAX NSF	
(869.61)	ONLINE TAX NSF	
(51.12)	ONLINE TAX NSF	
(1,027.62)	ONLINE TAX NSF	
265.00	due from bank (check #255 for 265 needs re-	
10.00	vital (reverse mrna 5/30 if n/a)	
3,710.66	tax	
10.00	clerk	
10.00	boca	
20.00	edrs	6/6/25
20.00	edrs	6/6/25
3.74	BAIL	
24.20	COURT	
18.73	TAX RED	
88.99	PAYROLL	
276.53	AGENCY	
447.00	TAX PREM	
658.89	ESCROW	
110.04	CAPITAL-TD	
7,486.44	TRUST	
7,980.79	NJCMF	
60.00	CC REC	6/2/2025
503.00	CC BOCA	6/2/2025
245.00	CC UFSA	6/2/2025
140.00	CC CLERK,ET AL (dog)	6/2/2025
690.00	CC CLERK,ET AL	6/2/2025
15.00	CC REC	6/3/2025
200.00	CC REC	6/2/2025
22,218.72	DUE TRUST T.LEAVE	
3,031.88	DUE TRUST POC	
5,702.81	DUE TRUST POC	
1,419.33	DUE FROM DELTA DENTAL	ck 6213 + wirec
1,419.33	DUE FROM DELTA DENTAL	ck 6419 + wirec

Frank Sippel, Mayor
fsippel@townshipoflower.org

Kevin Coombs, Deputy Mayor
kcoombs@townshipoflower.org

Thomas Conrad, Ward 1
tconrad@townshipoflower.org



TOWNSHIP OF LOWER
2600 Bayshore Road
Villas, New Jersey 08251

Joseph Wareham, Ward 2
jwareham@townshipoflower.org

Roland Roy, Jr., Ward 3
rroy@townshipoflower.org

Michael Laffey, Manager
mlaffey@townshipoflower.org

To: Township Manger- Michael Laffey

From: Human Resources

Date: June 16, 2025

Subject: Personnel Action Report – May 2025

Name	Date	Position	Status	Salary
Matthew Mills	5/5/2025	Laborer	Temp FT	\$16.50 hr.
Jennifer Fleck	5/6/2025	Conf. Secretary	Full-Time	\$46,000.00
Thomas Fairman	5/12/2025	Laborer/CDL	Temp FT	\$18.00 hr.

Very Respectfully,

Christina Lewis,
Human Resources

Cc. Mayor and Council
Julie Picard, Township Clerk