

COUNCIL MEETING MINUTES – February 23, 2022

The meeting of the Township Council of the Township of Lower, County of Cape May, State of New Jersey was held on February 23, 2022 at 7:00 p.m. in the meeting room of the Township Hall, 2600 Bayshore Road, Villas, New Jersey.

The Deputy 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 Kevin Coombs
Deputy Mayor David Perry
Mayor Frank Sippel

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

Mayor Sippel acknowledged Assemblyman Simonsen's presence at the meeting.

Work Session

Retirement Plaque Presentation - David McFeeters – Mayor Sippel

Mayor Sippel invited David McFeeters forward to present him with a retirement plaque on behalf of Council and thank him for his dedicated years of service to the Township.

Proclamation Presentation - Dorothy Crawford & James Dietterich – Mayor Sippel

Mayor Sippel invited Dottie Crawford and Jim Dietterich forward to present each with a proclamation on behalf of Council to acknowledge their selfless efforts with the Lower Township Kid's Christmas Program, helping local families in need.

Jim Dietterich, on behalf of Dottie Crawford and the Lower Township Kid's Christmas Program, thanked the Township and the numerous volunteers for supporting the program.

Police Promotion; Sgt. Jason Felsing – Mayor Sippel

Police Chief Lewis read Sergeant Felsing's biography into the record. Mayor Sippel administered the Oath of Office to Sergeant Jason Felsing while his daughters, Harper and Blair, held the Bible and his wife, Amanda, pinned his badge.

Department of Environmental Protection Presentation – Shore Protection Project from Herford Inlet to Cape May Harbor

Mayor Sippel advised that the presentation is being recorded for anyone interested in the information.

William Dixon, Asst. Director of the NJDEP Office of Coastal Engineering, thanked Mayor and Council for the opportunity to present the Coastal Storm Risk Management Project. Mr. Dixon introduced Chris Constantino-Environmental Specialist 3/Project Manager of the Office of Coastal Engineering, Stephen Rochette – Public Affairs Officer, USACE, and Erik Rourke (via phone) – Project Manager, USACE.

Stephen Rochette explained the purpose of the Shore Protection Project- to reduce the risk of storm damage to infrastructure in coastal communities between Hereford Inlet and Cape May Inlet, the Project area and different phases of the Project.

Eric Rourke pointed out benefits of the project and explained Periodic Nourishment.

William Dixon further explained the Nourishment and Maintenance phases and noted that the Project is eligible to receive federal funding.

Chris Constantino explained state and municipal obligations and covered Project basics and additional features. The Project Team fielded questions from Council, Manager Laffey, William Galestok, Solicitor Belasco and several members of the public, including:

Bob Baronowski, attorney for the Grande at Diamond Beach

Tim McKenna, 9601 Atlantic Ave, Board member for the Grande at Diamond Beach HOA.

Gregory Boris, Rochester Ave

Karem Kasbar, attorney representing Seapointe Village

Jim Yost, General Manager for Seapointe Village
 Jim Pomponi, Richmond Ave
 Jim Sanford, Diamond Beach
 Bob Repzinski, Treasurer of the Board at the Grande at Diamond Beach

The Power Point is attached.

Consent Agenda

Approval of Minutes- Feb 7, 2022

- Res. #2022-85 Authorization for the Payment of Vouchers \$ 410,717.45
- Res. #2022-86 Authorization for Refund of Taxes
- Res. #2022-87 A Resolution Requesting Release of Demolition Bond for Block 101, Lot 15, 128 E Bates Avenue
- Res. #2022-88 A Resolution Requesting Release of Demolition Bond for Block 512.08, Lot 2975; 433 Baywyn Road
- Res. #2022-89 Approving a Professional Service Contract with DeBlasio & Associates for the Engineering, Design and Construction Phases of the Replacement of Various Pavilions Project (\$32,000)
- Res. #2022-90 Awarding an Economic Development Loan to Jan and Liz Rupinski
- Res. #2022-91 Bid Acceptance and Contract Award of Reconstruction of Delaware Avenue, Delaware Bay Drive, Millman Lane and Atlantic Avenue (LT-C-024) to Asphalt Paving Systems (\$1,483,300.)
- Res. #2022-92 Authorizing the Sale of Township of Lower Surplus No Longer Needed for Public Use on GovDeals Online Auction
- Res. #2022-93 Award of Emergency Contracts for Snow Removal Due to Significant Snowfall Associated with Winter Storm Kenan (\$60,100.)
- Res. #2022-94 Contract Award to Rave Mobile Safety for Alerts for Public Safety (\$8,851.15)

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

Regular Agenda

Res. #2022-95 Authorization for the Payout of Accumulated Compensatory Time (M. Perry \$10,352.25)

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

Engineer's Report

Cody Stanford gave Council an update on the current engineering projects being handled by DeBlasio & Associates, including: Reconstruction of Wilson Drive; NJDEP CAFRA Permit; Cloverdale, Evergreen and Spruce Ave. Storm Sewer Improvements; Clem Mulligan Sports Complex; Reconstruction of Atlantic, Howland, Millman Lane and Mowery Aves.; Millman Center Improvements; NJDOT Municipal Aid Program- Reconstruction of Fire Lane; and Replacement of Various Pavilions.

Mayor Sippel inquired about the Pavilions and Clem Mulligan Projects.

Manager's Report

Manager Laffey congratulated Dottie Crawford and Jim Dietterich for their efforts and congratulated Sergeant Felsing on his promotion.

Monthly Reports

Clerk, Construction, Dog, Tax, Treasurer, Vital

Call to the Public - no comments

Council Comments

Councilmember Conrad thanked the NJDEP and residents for coming out to the meeting.

Councilmember Coombs – no comments

Deputy Mayor Perry requested Manager Laffey address the S curve on Clubhouse Road.

Manager Laffey agreed to look into it.

Deputy Mayor Perry also congratulated Sergeant Felsing, Jim Dietterich and Dottie Crawford.

Mayor Sippel announced the Governor's ban on plastic bags beginning in May. He also reminded about the Special Election for Lower Township Elementary Schools on March 8, 2022.

Closed Session

Res. #2022-96 Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. **Attorney/Client Privilege**

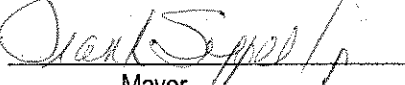
	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD		X	X				
COOMBS			X				
ROY							X
PERRY			X				
SIPPEL	X		X				

Council adjourned to Closed Session at approximately 8:43 p.m.

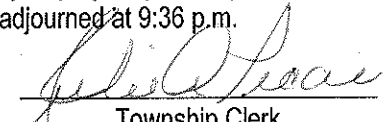
Council returned to Open Session at approximately 9:35 p.m.

Adjournment

There being no further business to address, motion to adjourn moved by Deputy Mayor Perry, seconded by Councilmember Conrad. Motion to adjourn was unanimous. Meeting adjourned at 9:36 p.m.



Mayor



Township Clerk

Approved:  March 7, 2022

Hereford Inlet to Cape May Inlet, New Jersey

Coastal Storm Risk Management Project

Wildwoods Beachfill

(Diamond Beach - Lower Township)

William Dixon

Asst. Director - NJDEP

Office of Coastal Engineering

William.Dixon@dep.nj.gov

Erik Rourke

Project Manager - USACE

Philadelphia District

Erik.J.Rourke@usace.army.mil

Chris Constantino

Environmental Specialist 3/Project Manager

Office of Coastal Engineering

Christopher.Constantino@dep.nj.gov

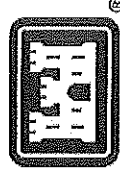
Stephen Rochette

Public Affairs Officer – USACE

Philadelphia District

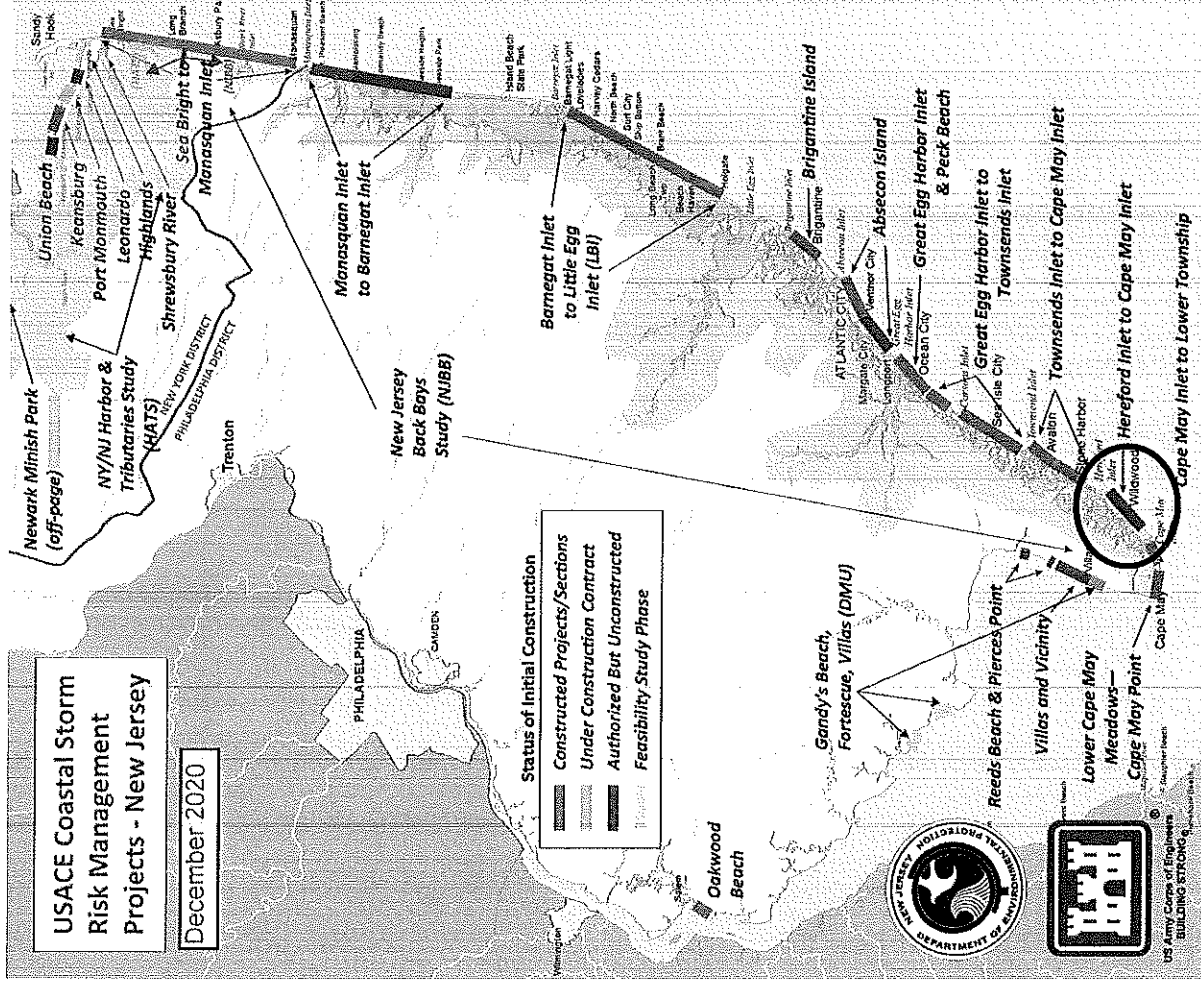
Stephen.Rochette@usace.army.mil

Presentation Updated: February 22, 2022



Shore Protection

- New Jersey's beaches not only provide recreation for beachgoers and fishermen and support a multi-billion-dollar tourism industry but play a much more critical role when faced with a coastal storm. Healthy beach and dune systems provide mitigation from these natural disasters by acting as a buffer between the pounding surf and the homes, businesses and infrastructure along the coast.

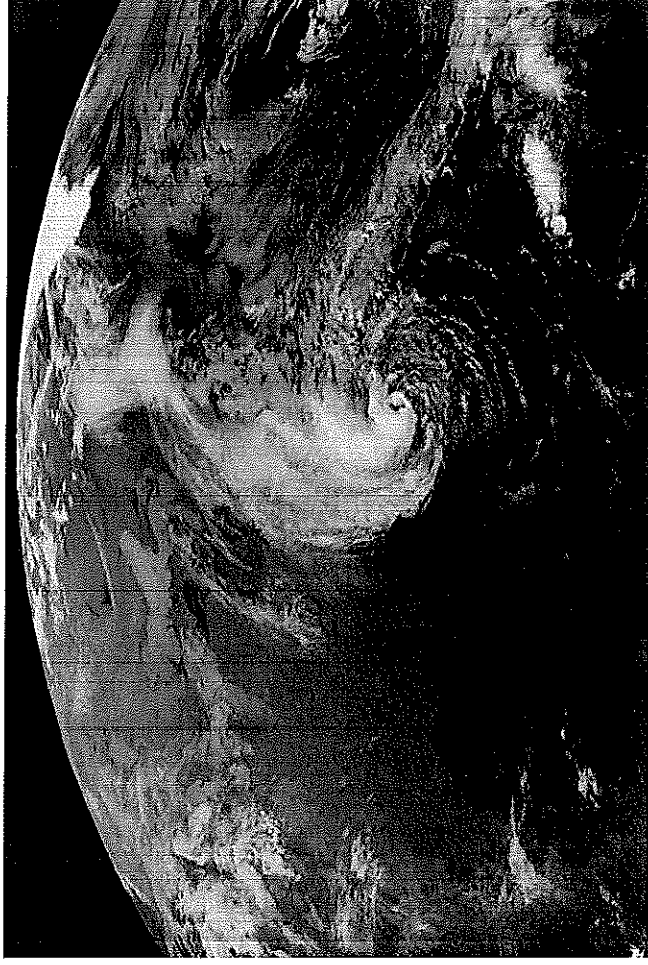


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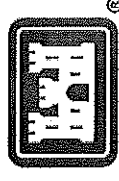
Project Purpose

To provide for hurricane and storm damage reduction for coastal communities located between Hereford Inlet and Cape May Inlet, Cape May County, New Jersey

- *Feasibility Study:* “an examination of the specific water resource and shore protection needs for North Wildwood, Wildwood, Wildwood Crest and Lower Township, NJ with a goal to reduce storm damage, maintain existing coastal recreation and provide information to planners, engineers, and scientists.



Hurricane Sandy Approaches the East Coast 2012

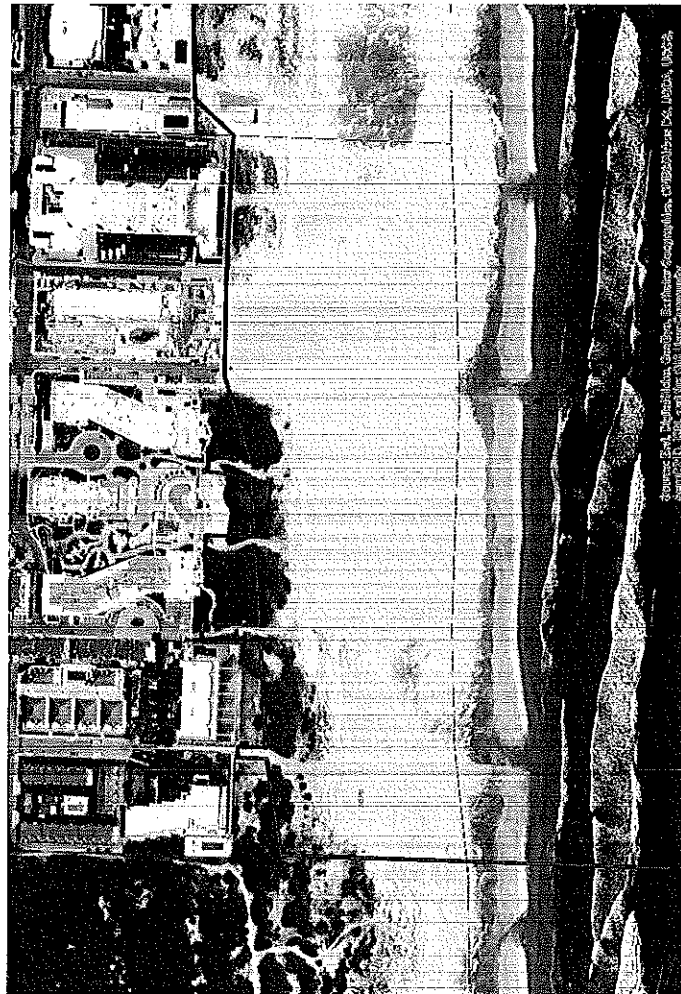


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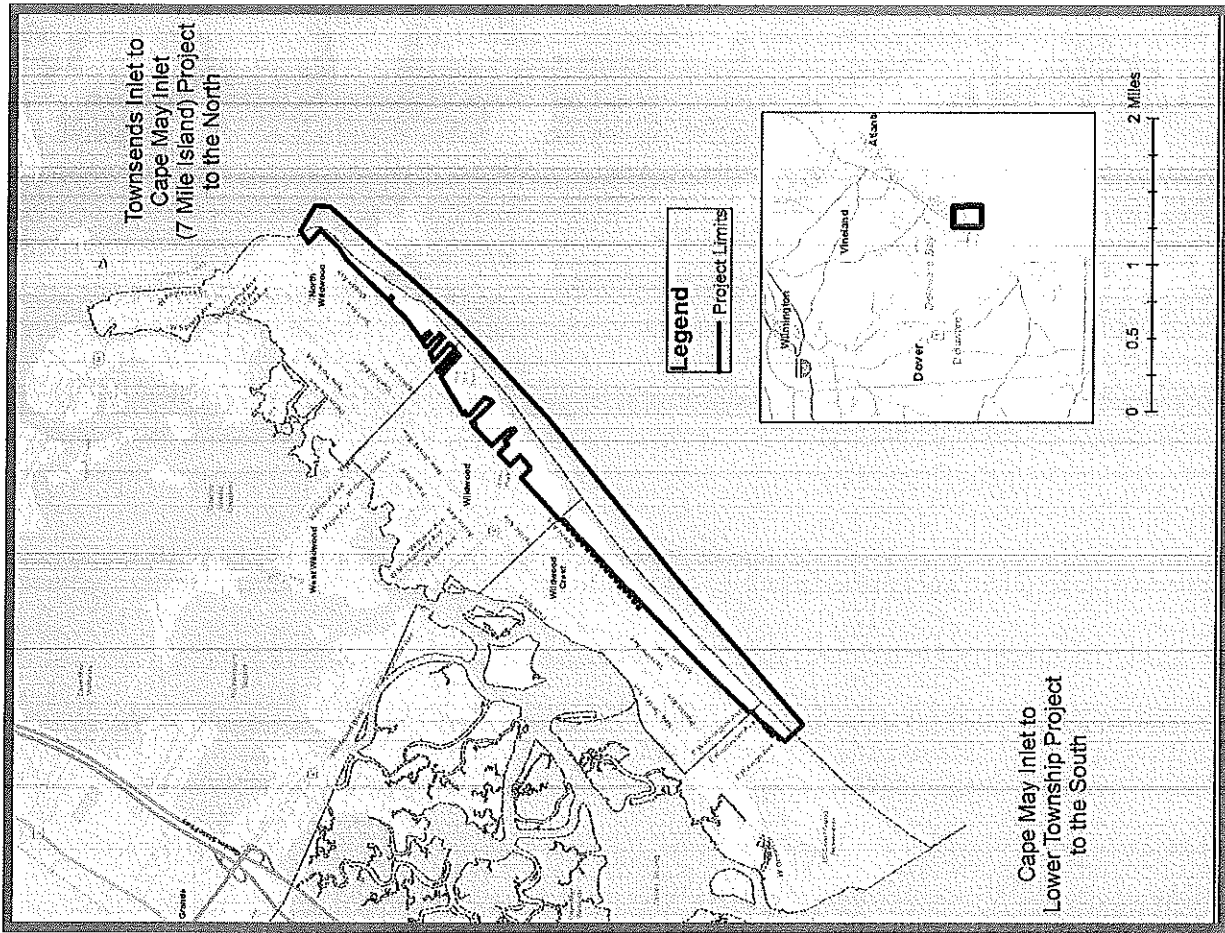
Project Area

Atlantic Ocean coastline along:

- North Wildwood
- Wildwood
- Wildwood Crest
- Lower Township



Source: EPA, Department of Environmental Protection, Jersey Shore, 1995. Digitized by the City of Wildwood.



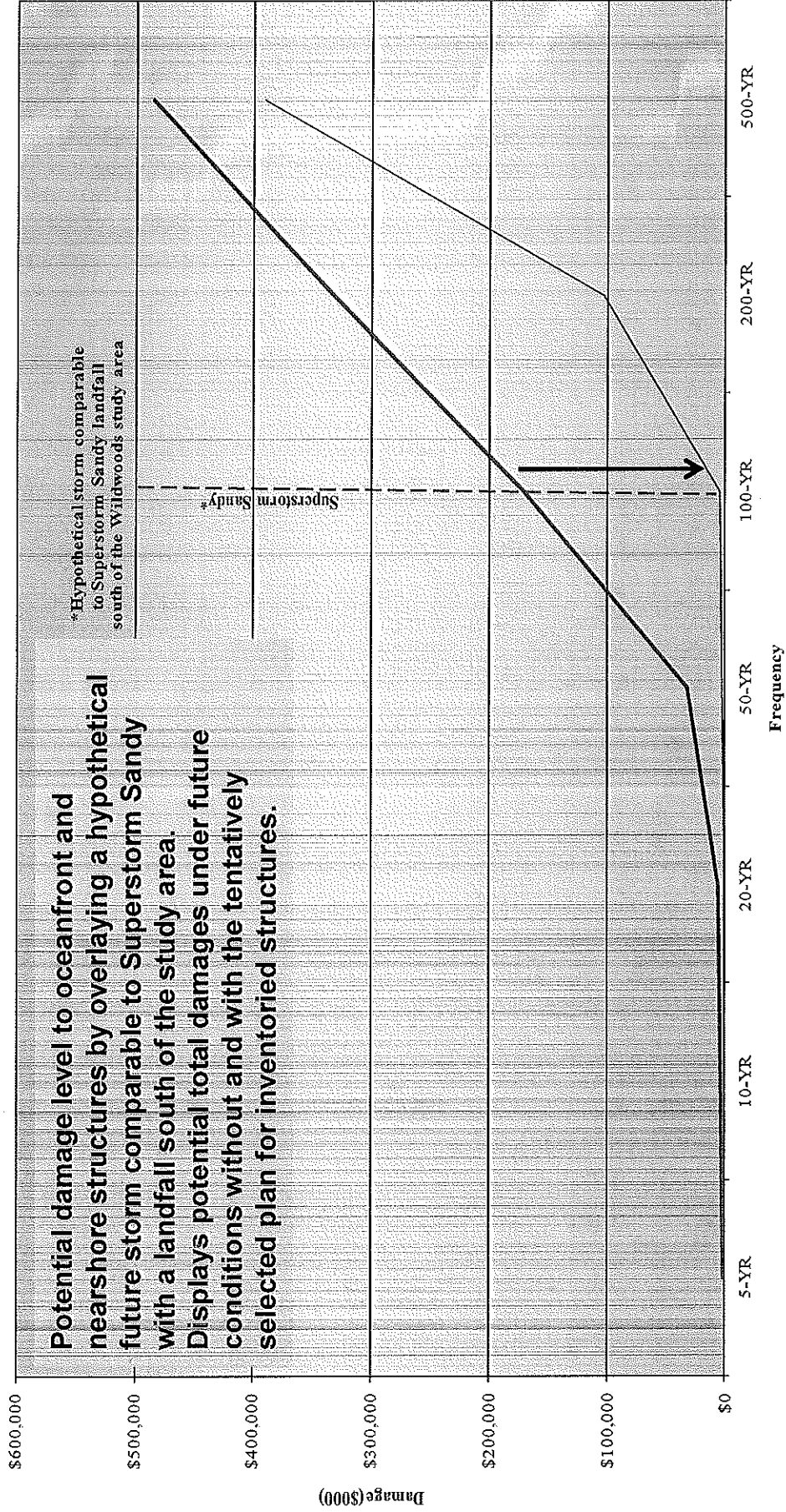
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Risk Reduction for a Hypothetical 100 Year Storm

The Wildwoods
Total Damage By Frequency

Potential damage level to oceanfront and nearshore structures by overlaying a hypothetical future storm comparable to Superstorm Sandy with a landfall south of the study area. Displays potential total damages under future conditions without and with the tentatively selected plan for inventoried structures.

*Hypothetical storm comparable to Superstorm Sandy landfall south of the Wildwoods study area



— WOP Total Damage — TSP Total Damage

Project Milestones

- DRAA 2013 – Jan. 23, 2013
- Amended Feasibility Cost Share Agreement – Oct. 28, 2013
- Civil Works Review Board – Aug. 21, 2014
- Chief's Report – Jan. 23, 2015
- 30% Plan Review – Nov. 30, 2016
 - ▶ Comments from Borough Dec. 14, 2016 & Feb. 7, 2017
- Project Partnership Agreement (PPA) – Jan. 17, 2017
- PPA Amendment – Jan, 16, 2018
- 60% Plan Review – July 12, 2018
 - ▶ Comments from Borough Oct. 23, 2018



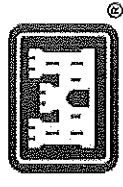
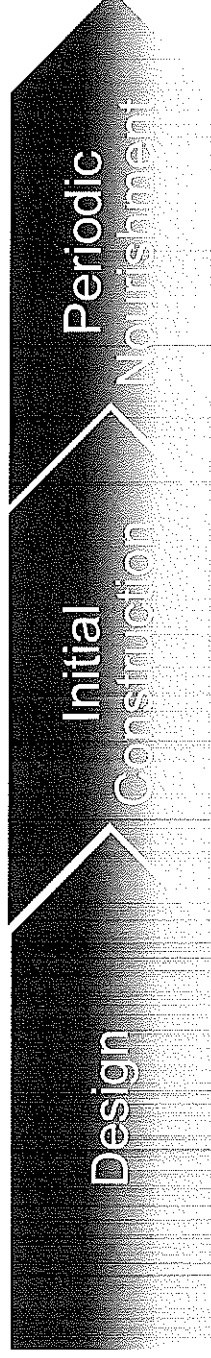
Project Milestones

- Notice to Proceed w/ Real Estate – Jan. 8, 2019
- DCE/USACE/Borough Stakeholder Meeting – Feb. 14, 2019
- State Aid Agreement
 - ▶ Drafts – Feb. 3, 2022, Oct. 19, 2021, Sept. 23, 2021 & Oct. 16, 2020
 - ▶ Final - awaiting Township's confirmation that last draft is ready for execution
- Anticipated Construction – Fall 2023
- \$4,725,966 spent to date
 - ▶ \$3,682,310 – Feasibility
 - ▶ \$1,043,656 – PED



Project Implementation

- Execution of State Aid Agreements
- Real Estate Acquisition
- Finalize Plans and Specifications
- Contract Award
- Initial Construction
- Operations & Maintenance
- Periodic Nourishment (4-year cycle)

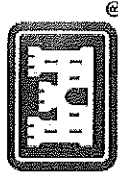


State Aid Agreement

- Agreements between NJDEP and the local community
 - ▶ USACE is not part of the agreement
- Outline responsibilities for participation in the project including:
 - ▶ Financial obligations –
 - No cost to municipality for initial construction
 - ▶ Real Estate requirements –
 - NJDEP will working with property owners to obtain proper right of entry
 - ▶ Beach Management Plans (if applicable and in compliance with applicable Endangered Species requirements)
 - ▶ Operations & Maintenance after initial construction and between nourishment cycles
 - In accordance w/ New Jersey CZM rules and applicable Beach and Dune Maintenance Permits from the NJDEP's Division of Land Resource Protection
 - Can be delegated to property owners by the Township
 - ▶ Municipality is not required to independently perform Project renourishment



New agreements are executed prior to each Periodic Nourishment



New Jersey Shore Protection Fund

- “To protect existing development and infrastructure from storm surges, sea-level rise and shoreline migration through dune creation and maintenance, beach nourishment projects, and construction and repair of shore protection structures.”
 - \$25 million dedicated annually
 - *Realty Transfer Tax (N.J.S.A. C.13:19-16.1)*



Cost Sharing Responsibilities

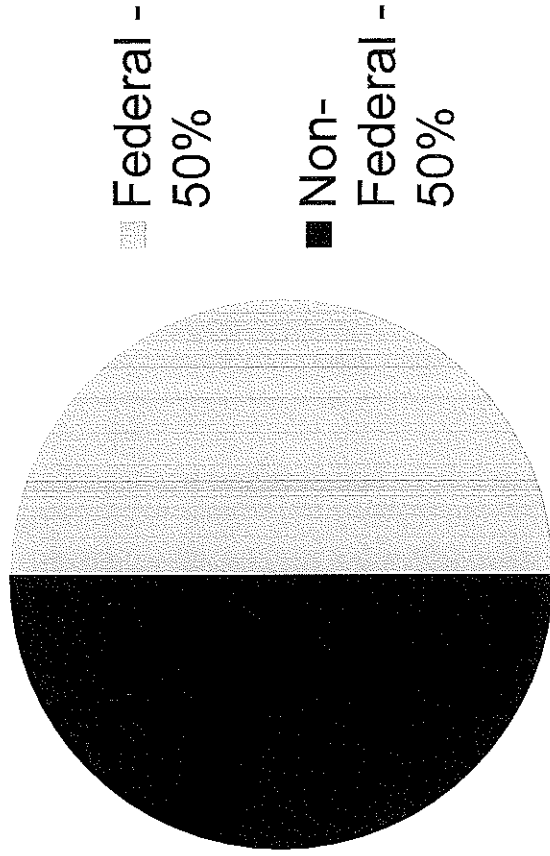
Initial Construction Split between USACE and NJDEP only

**Total Initial
Construction Cost -
\$21,605,000**



Federal - 65%
Non-Federal (NJ) - 35%

**Periodic Nourishment
Costs - \$82,428,000**
(total over remaining life project – 12 cycles)



Federal - 50%
Non-Federal - 50%

The 35% Non-Federal match for initial construction is covered 100% by the State for this project.

The 50% Non-Federal requirement for periodic nourishment is anticipated to be split 75% State and 25% local municipality (see next slide)



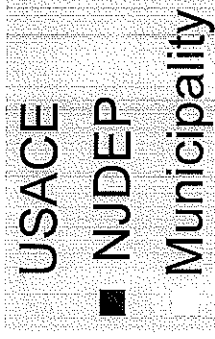
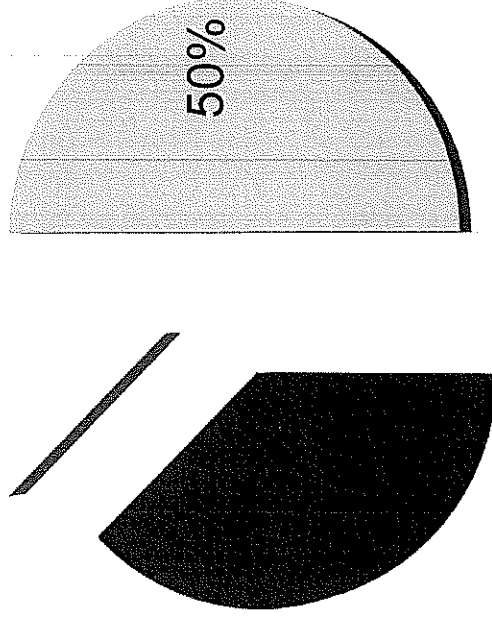
Cost Sharing Responsibilities

Periodic Nourishment

Financing

USACE pays 50% of periodic nourishment project costs. The NJDEP and Municipality anticipates to cost share the remaining 50% cost share at 75% NJDEP and 25% Municipality.

12.5%



This equates to less than 13 cents on a dollar for the municipality.

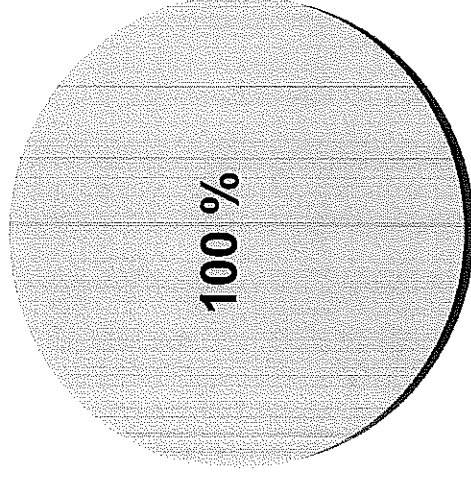


Cost Sharing Responsibilities

Damages from Extraordinary Coastal Storms

Financing

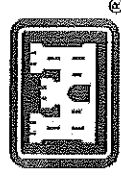
PL 84-99: USACE can potentially pay 100% of the costs to repairs damages related to eligible extraordinary coastal storms through the FCCCE program (Flood Control and Coastal Emergency).



USACE

NJDEP

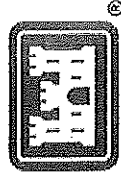
Municipality



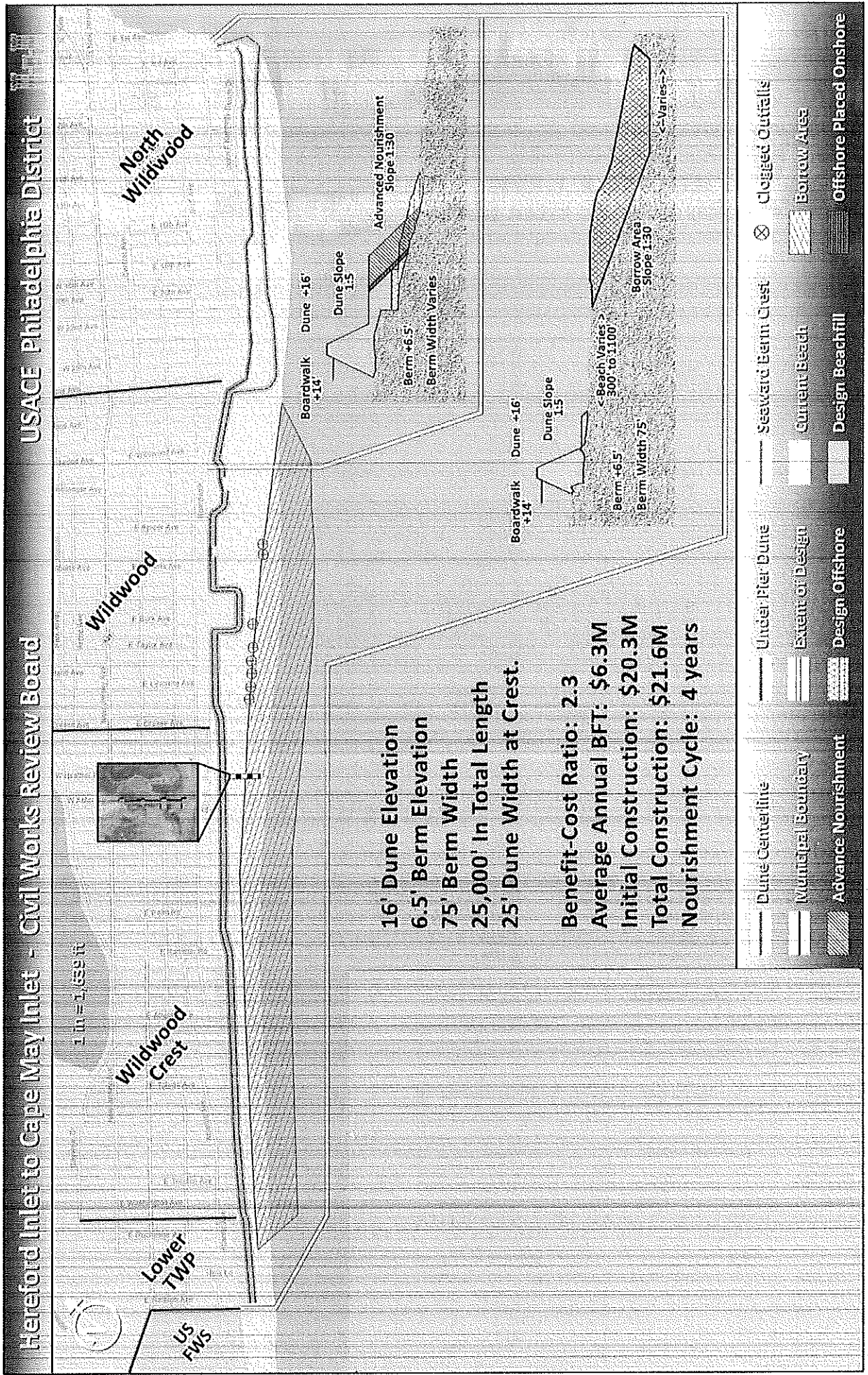
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Project Basics

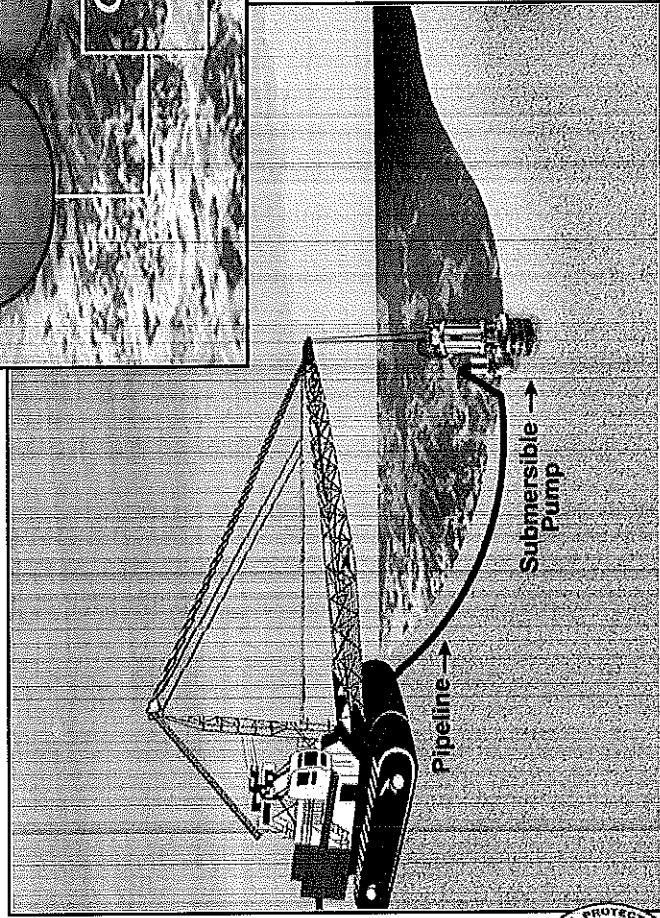
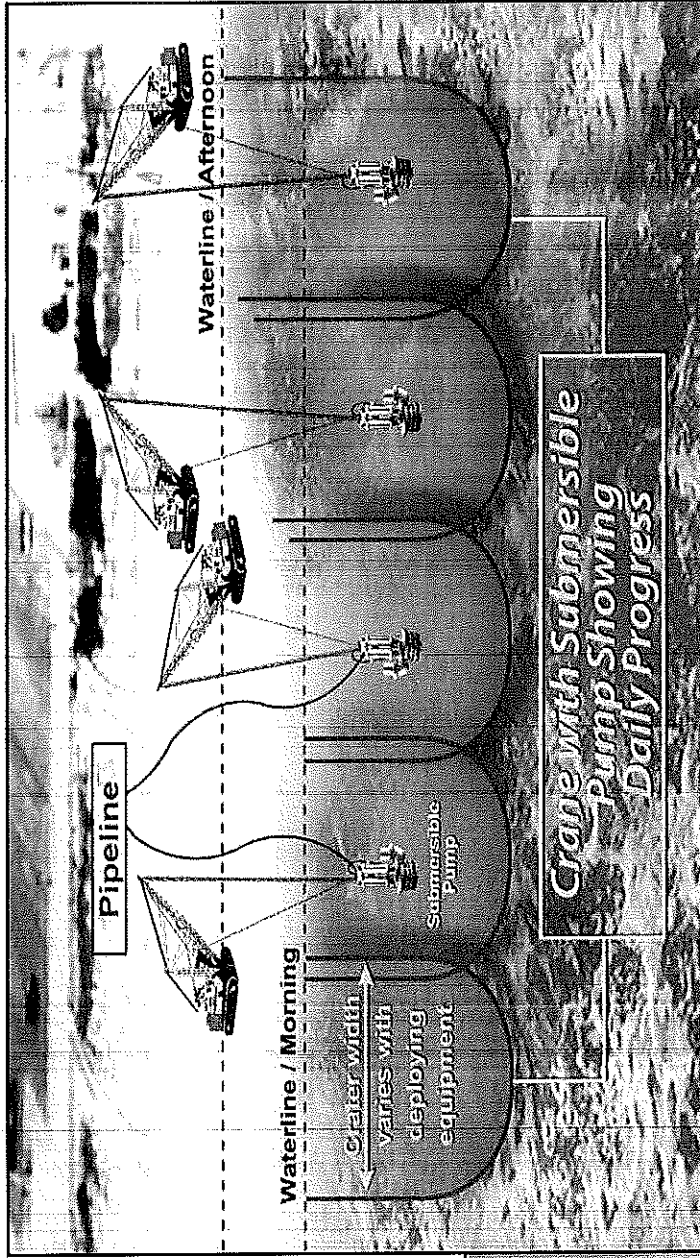
- Construction of berm and dune from Hereford Inlet to Cape May Inlet, via Hydraulic Back-Passing System
 - ▶ Berm Description
 - Elevation - +6.5 NAVD 88
 - Width – 75 feet
 - Slope 1V:30H
 - ▶ Dune Description
 - Elevation - +16 NAVD 88
 - Width at Crest – 25 feet
 - Slope 1V:5H



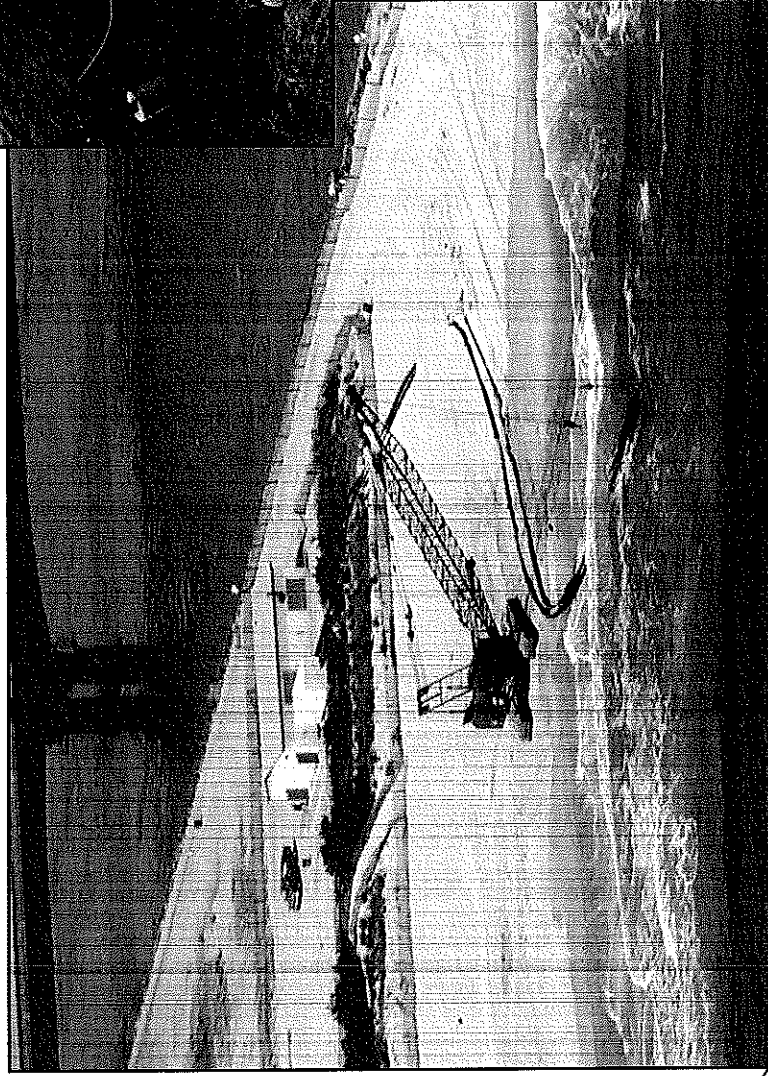
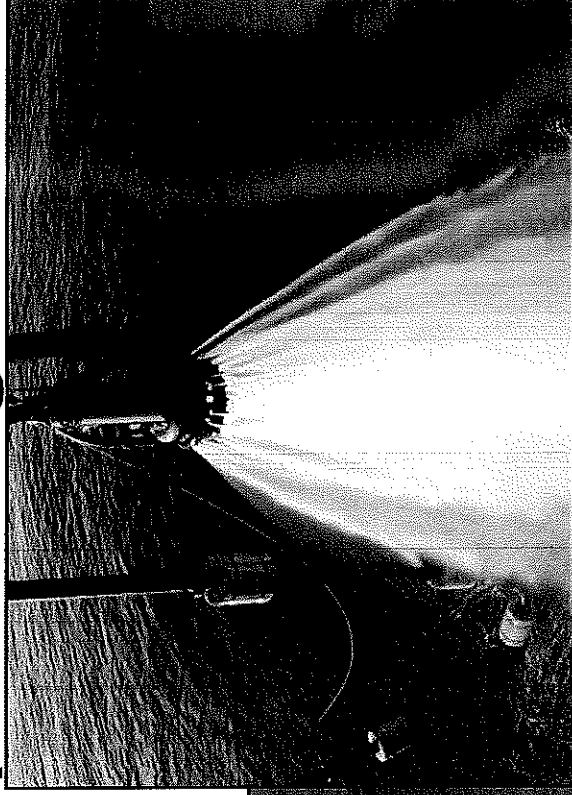
Project Basics



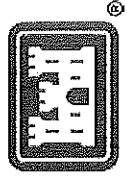
Sand Backpassing



Sand Backpassing



* = Forms of mechanical sand backpassing may also be utilized



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Additional Project Features

- The project includes the installation of:
 - ▶ Dune grass
 - ▶ Sand fence
 - ▶ Pedestrian crossovers
 - ▶ ADA compliant crossovers
 - ▶ Vehicular crossovers



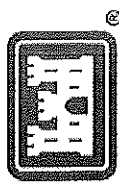
Environmental Assessment

- Short term impacts to water quality from increased turbidity.
- Minimal impacts to terrestrial habitats.
- Short term impacts to amphipods and worms.
- Buffer zones & construction windows around nesting endangered species (Plover/Red Knot) and other plant and bird species.
- No fisheries impacts anticipated to: Atlantic Sturgeon, Right Whales or Turtles due to the location of the borrow area.
- Compliance with EO 12989 – Environmental Justice in Minority/Low Income Populations.
- Clean Air Act compliant.



What to Expect When Construction Commences

- Beachfill construction: 24 hours/day and 7 days/week including Holidays. Weather delays and equipment issues are unpredictable.
 - ▶ Intent is construction between Labor Day and Memorial Day
- Beach Closures: Typically, do not to exceed 1,000 feet for each active work area.
 - ▶ Possible for multiple work areas at once to expedite project



What to Expect When Construction Commences

- **Equipment:** Pipelines, heavy “Yellow” equipment, cranes, pumps, etc.
 - ▶ Pipe on the beach during construction from borrow area to fill point
 - ▶ Ramps over the pipeline at all open street ends and crossover access points to allow public access at open beaches.
- **Safety Equipment:** Back-up alarms and work lights at night.
- **Communication:** Weekly progress meetings during construction and monthly partnering meetings for senior community officials.



Working with the Township and Property Owners

- Crossover type/location
 - Working to ensure at the best locations

- Engineered Dune Alignment
 - Considering existing dune alignment and local beach use & maintenance activities as best as possible

- Advanced meetings and correspondences with several property owners

- Acquisition of Easements
 - Only obtain easements for portions of parcel needed to construct and maintain the project design parameters.



Questions

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