

**MINUTES OF A MEETING OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK HELD APRIL 19, 2016**

A Meeting of the Lower Alloways Creek Township Committee was held on April 19, 2016 with Mayor Ellen B. Pompper calling the meeting to order at 7:30 p.m.

STATEMENT OF NOTICE GIVEN

The Township Clerk read the following statement.

This is a Regular Meeting of the Township Committee of the Township of Lower Alloways Creek being held in compliance with the "Open Public Meetings Act" N.J.S.A. 10:4-6. To insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which any business affecting them is discussed or acted upon. Advance written notice of this meeting was given by way of an Annual Notice, which was filed with the Lower Alloways Creek Township Clerk, forwarded to the South Jersey Times, posted on the Township's Website and the Bulletin Board in the lobby of the Lower Alloways Creek Township Municipal Building in compliance with said Act.

FLAG SALUTE Mayor Pompper led in the Flag Salute.

ROLL CALL OF COMMITTEE

Present: Mr. Bradway, Mr. Breslin, Mr. Palombo, Mr. Venable, and Mayor Pompper **Absent:** None

OTHERS IN ATTENDANCE:

Also in attendance were -7- (seven) members of the Public including Jack Lynch, Superintendent of Public Works; Lewis Fogg, Public Works Foreman; David Sowers, Director of Public Safety; Jean S. Chetney, Solicitor and the Township Clerk Ronald L Campbell Sr.

APPROVAL OF AUDITED VOUCHERS

Motion (Bradway, Venable) that all properly audited vouchers be paid.

The motion to pay properly audited vouchers passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper

Nays: none Abstain: Bradway # 18700, Venable # 18766 & Pompper # 18744 Absent: none

MONTHLY REPORTS TO THE COMMITTEE

The Mayor requested that the minutes reflect that the March 2016 Monthly Reports to the Township Committee have been received from the following Departments and are on file with the Clerk: Police Department, Municipal Court, Tax Collector, Sewer Collector, Construction Office, Engineer, Animal Control and Finance.

MINUTES

Motion (Venable, Bradway) to approve the Minutes of the Regular Monthly Meeting held March 15, 2016.

The motion to approve the Minutes of the Regular Monthly Meeting held March 15, 2016 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

RESOLUTIONS

Motion (Bradway, Venable) for Resolution 2016-51, A Resolution to amend the Employment & Personnel Manual of the Township.

RESOLUTION 2016-51

A RESOLUTION ADOPTING AMENDMENTS TO THE EMPLOYMENT & PERSONNEL MANUAL OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend the Employment & Personnel Manual of the Township, and;

WHEREAS, the Township Committee finds such amendments to the Employment & Personnel Manual necessary from time to time to keep current with Federal and State Statutes, and;

WHEREAS, the Township Committee has revised and amended the Employment & Personnel Manual to comply with such statutes, and;

WHEREAS, the Township Committee has produced to the best of its ability a complete and comprehensive manual and shall update it in the future as necessary, at any time.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby adopt the amended Township Employment and Personnel Manual and it shall be hereto fore be made part of this resolution by reference and; attached.

BE IT FURTHER RESOLVED that the Clerk shall distribute the applicable amended sections of the Employment & Personnel Manual as necessary with most practical diligence.

The motion for Resolution 2016-51, A Resolution to amend the Employment & Personnel Manual of the Township passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2016-52, A Resolution awarding the bid and a contract to Franc Environmental for Sludge and Waste Water Removal Services.

RESOLUTION 2016- 52

A RESOLUTION AWARDDING THE BID AND A CONTRACT TO FRANC ENVIRONMENTAL OF NEW JERSEY, INC. FOR SLUDGE AND WASTE WATER REMOVAL SERVICES FROM APRIL 1, 2016 THROUGH MARCH 31, 2018

WHEREAS, the Township Committee of the Township of Lower Alloways Creek has need of services for sludge and waste water removal at its Sewer Treatment Plants, and;

WHEREAS, the Township Committee had previously authorized the Township Purchasing Agent to solicit bids for sludge and waste water removal services for the Township's Sewer Treatment Plants, and;

WHEREAS, bids were received and reviewed by the Township Purchasing Agent, and;

WHEREAS, Franc Environmental of new Jersey, Inc. of Horsham, PA submitted the lowest responsible and responsive bid for sludge and waste water removal services, and;

WHEREAS, the Township Purchasing Agent has recommended awarding a contract to Franc Environmental, Inc. for sludge removal services from April 1, 2016 through March 31, 2018 in the amount of \$ 88.45 per 1000 gallons removed & Disposed and \$ 45.00 per 1000 gallons Transferred

WHEREAS, the Township Purchasing Agent has or will certify that funds are available for this purpose from line item 06-31-455-203 Sewer O&E in this budget year and will also in succeeding years.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does hereby award the bid and a contract to Franc Environmental of New Jersey, Inc. for sludge and waste water removal services from April 1, 2014 through March 31, 2016 in the amount of \$ 88.45 per 1000 gallons removed & Disposed and \$ 45.00 per 1000 gallons Transferred.

The motion for Resolution 2016-52, A Resolution awarding the bid and a contract to Franc Environmental for Sludge and Waste Water Removal Services passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) for Resolution 2016-53, A Resolution to read the 2016 Budget by Title Only at the time of the Public Hearing.

RESOLUTION 2016- 53

A RESOLUTION TO READ THE 2016 BUDGET BY TITLE ONLY AT THE TIME OF THE PUBLIC HEARING

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, those two conditions have been met;

NOW THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

The motion for Resolution 2016-53, a Resolution to read the 2016 Budget by Title Only at the time of the Public Hearing passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) for Resolution 2016-54, A Resolution to authorize the Mayor and Clerk to submit a Discretionary Aid Application with the New Jersey Department of Transportation for the resurfacing of a portion of Alloway Creek Neck Road.

RESOLUTION 2016-54

A Resolution to authorize the Mayor and Clerk to submit a Discretionary Aid Application with the New Jersey Department of Transportation for the resurfacing of a portion of Alloway Creek Neck Road.

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to submit an application with the Commissioner of Transportation, New Jersey Department of Transportation for Discretionary Aid for the resurfacing of a portion of Alloways Creek Neck Road, and

NOW THEREFORE, BE IT RESOLVED on this 19th Day of April by the Township Committee of the Township of Lower Alloways Creek that the Mayor and Clerk are hereby authorized to submit a Discretionary Aid Application with the New Jersey Department of Transportation for the resurfacing of a portion of Alloway Creek Neck Road on behalf of the Township of Lower Alloways Creek and file same with the New Jersey Department of Transportation.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the New Jersey Department of Transportation Discretionary Aid Application on behalf of the Township of Lower Alloways Creek and that their signature constitutes acceptance of the terms and conditions of the application.

The motion for Resolution 2016-54, A Resolution to authorize the Mayor and Clerk to submit a Discretionary Aid Application with the New Jersey Department of Transportation for the resurfacing of a portion of Alloway Creek Neck Road passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palumbo and Pompper
Nays: none Abstain: none Absent: none

ORDINANCE (INTRODUCTION)

Mayor Pompper invited Mr. Palumbo, Construction Code Official to speak with the Committee about his salary requests for the different Code Officials and Inspectors. Mr. Palumbo stated that when he became the Township’s Construction Code Official, soon after there was a turnover of other sub-code and inspectors, at the time he asked what those positions were paid in salary and got who he could for those amounts. Because the rates were lower than what those persons were making in other towns, he made them a deal that he would take them the paperwork to review, this has been working out for the last year. Mr. Palumbo stated that there are not many certified people in this area and that it may not be easy or in some cases possible to find qualified, willing people to fill the Code positions for what LAC is currently paying. Mr. Palumbo stated that he was new when he came to LAC and has learned the position, he has also looked back to how many permits were issued in previous years and permits were up last year due to the economy getting better, revenues actually exceeded expenditures maybe for the first time. Mr. Palumbo stated much of that is due to solar installations. Mr. Palumbo stated that he is only asking for increases that fall within the revenues received this last year.

The Township Committee discussed and agreed to increase certain non-union employee salaries as follows:

Motion (Bradway, Breslin,) to introduce Ordinance 2016-06, an Ordinance Fixing the Compensation to be Paid to the Appointed Officers and Employees of the Township of Lower Alloways Creek.

ORDINANCE 2016-06

AN ORDINANCE AMENDING PREVIOUS ORDINANCES FIXING THE COMPENSATION TO BE PAID TO THE APPOINTED OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

BE IT ORDAINED by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and the State of New Jersey, that an Ordinance Fixing the Compensation to be Paid to the Appointed Officers and Employees of the Township of Lower Alloways Creek is hereby amended to provide rates of Salary and Wage compensation as follows:

Chief Financial Officer	\$37,780.05
Clerk	\$68,041.12
Construction Code Official	
Building Sub Code Official	Combined Total of:
Building Code Inspector	\$11,000.00
Electric Sub Code Official	Combined Total of:
Electric Code Inspector	\$6,700.00
Fire Sub Code Official	

Fire Code Inspector	Combined Total of:
Plumbing Code Inspector	\$3,500.00
Plumbing Sub code Official	\$1,000.00
Purchasing Agent	\$37,780.05
Tax Assessor	\$21,860.88
Tax Collector	\$20,197.29

SECTION 1. Other provisions that may increase any one individual's compensation include, but are not limited to: overtime, extended shifts, night shift differential, holidays, longevity and other provisions in agreements with the Township of Lower Alloways Creek or stated in the Municipal Employees Policy Manual.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith to the extent of such inconsistencies be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect upon its final passage and publication as required by law. The provisions of this Ordinance shall remain in full force and effect until amended or repealed.

Public Hearing on this Ordinance shall be on Monday, May 16, 2016 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock's Bridge, New Jersey.

This Ordinance which was introduced for First Reading on April 19, 2016 shall be published by Title in the South Jersey Times and placed on the Township's Bulletin Board giving notice of said Public Hearing as required by Law.

The motion to introduce for first reading Ordinance 2016-06, an Ordinance Fixing the Compensation to be paid to the Appointed Officers and Employees of the Township of Lower Alloways Creek passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Breslin, Palombo, Venable and Pompper,
 Nays: none Abstain: none Absent: none

ORDINANCE (PUBLIC HEARING)

Ordinance 2016-02 An ordinance amending Chapter 93 known as "Flood Damage Prevention" in its entirety.

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2016-02, an ordinance amending Chapter 93 known as "Flood Damage Prevention".

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on Ord 2016-02, an ordinance amending Chapter 93 known as "Flood Damage Prevention".

Motion (Bradway, Venable) for final adoption of Ordinance 2016-02, an ordinance amending Chapter 93 known as "Flood Damage Prevention" in its entirety.

ORDINANCE 2016-02

AN ORDINANCE AMENDING CHAPTER 93 KNOWN AS "FLOOD DAMAGE PREVENTION" OF THE CODE OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to amend Chapter 93 known as “Flood Damage Prevention” in its entirety.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Lower Alloways Creek that:

Section 1. Chapter 93 of the Code of the Township of Lower Alloways Creek is hereby amended as follows:

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

93-1 STATUTORY AUTHORIZATION

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

93-2 FINDINGS OF FACT

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

93-3 STATEMENT OF PURPOSE

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

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

93-4 METHODS OF REDUCING FLOOD LOSSES

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

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

ARTICLE II

DEFINITIONS

93-5 DEFINITIONS

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

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Appeal — A request for a review of the Local Administrator's interpretation of any provision of this ordinance or a request for a variance.

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

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

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

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

Coastal A Zone — The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

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

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard Area or Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the gradual wearing away of land masses.

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

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

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

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

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

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

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

Limit of Moderate Wave Action (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is

not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

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

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

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

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

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

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

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

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

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

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

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

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

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

ARTICLE III

GENERAL PROVISIONS

93-6 GENERAL PROVISIONS

93-7 LANDS TO WHICH THIS ORDINANCE APPLIES

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

93-8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Lower Alloways Creek Community No. 340416 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Salem County, New Jersey (All Jurisdictions)" dated June 16, 2016
- b) "Flood Insurance Rate Map for Salem County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34033C0144C, 34033C0161C, 34033C0162C, 34033C0163C, 34033C0164C, 34033C0166C, 34033C0168C, 34033C0169C, 34033C0256C, 34033C0257C, 34033C0258C, 34033C0259C, 34033C0276C, 34033C0277C, 34033C0278C, 34033C0279C, 34033C0281C, 34033C0282C, 34033C0283C, 34033C0284C, 34033C0290C, 34033C0295C, 34033C0301C, 34033C0303C, whose effective date is June 16, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 501 Locust Island Road, Hancocks Bridge, New Jersey.

93-9 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 90 (ninety) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Lower Alloways Creek from taking such other lawful action as is necessary to prevent or remedy any violation.

93-10 ABROGATION AND GREATER RESTRICTIONS

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

93-11 INTERPRETATION

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

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

93-12 WARNING AND DISCLAIMER OF LIABILITY

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

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

ARTICLE IV

ADMINISTRATION

93-13 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 93-7. Application for a Development Permit shall be made on forms furnished by the local administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 93-33; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

93-14 DESIGNATION OF THE LOCAL ADMINISTRATOR

The local administrator in Lower Alloways Creek Township is the Construction Code Official and he/she is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

93-15 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

93-16 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 93-35 a) are met.
- d) Review all development permits in the Coastal High Hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters the terrain or sand dunes so as to increase potential flood damage.
- e) Review plans for walls to be used to enclose space below the base flood level in accordance with section 93-38 d).

93-17 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 93-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 93-32, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 93-33, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

93-18 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 93-13 c).
- c) In Coastal High Hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 93-38 a) and 93-38 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

93-19 ALTERATION OF WATERCOURSES

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

93-20 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 93-32, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 93-33, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

93-21 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 93-22.

93-22 VARIANCE PROCEDURE

93-23 APPEAL BOARD

- a) The Planning / Zoning Board as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning / Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning / Zoning Board or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by New Jersey statute.
- d) In passing upon such applications, the Planning / Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i.the danger that materials may be swept onto other lands to the injury of others;
 - ii.the danger to life and property due to flooding or erosion damage;
 - iii.the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv.the importance of the services provided by the proposed facility to the community;
 - v.the necessity to the facility of a waterfront location, where applicable;
 - vi.the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii.the compatibility of the proposed use with existing and anticipated development;
 - viii.the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix.the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x.the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

- xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 93-23 d) and the purposes of this ordinance, the Planning / Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

93-24 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 93-23 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 93-23 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

93.25 GENERAL STANDARDS

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

93-26 ANCHORING

- a) All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

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

93-27 CONSTRUCTION MATERIALS AND METHODS

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

93-28 UTILITIES

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

93-29 SUBDIVISION PROPOSALS

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

93-30 ENCLOSURE OPENINGS

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

93-31 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 93-8, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 93-17, USE OF OTHER BASE FLOOD DATA, the following standards are required:

93-32 RESIDENTIAL CONSTRUCTION

- a) For Coastal A Zone construction see section 93-36 COASTAL A ZONE.
- b) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive
- c) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

93-33 NONRESIDENTIAL CONSTRUCTION

- a) In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 93-36 COASTAL A ZONE). shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
either
 - a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and
 - b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;or
 - c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive the structure is watertight with walls substantially impermeable to the passage of water;
 - d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 93-18 b) ii.

93-34 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 93-26 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

93-35 FLOODWAYS

Located within areas of special flood hazard established in section 93-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 93-35 a) is satisfied, all new construction and substantial improvements must comply with Article V PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

93-36 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE

Coastal High Hazard Areas and Coastal A Zones are located within the areas of special flood hazard established in section 93-8. These areas may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces; therefore, the following provisions shall apply:

93-37 LOCATION OF STRUCTURES

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.
- c) Prohibit the use of fill for structural support of buildings within (VE and V Zones) Coastal A Zones on the community's FIRM.

93-38 CONSTRUCTION METHODS

a) ELEVATION

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

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot. or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, and,
- ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 93-38 d).

b) STRUCTURAL SUPPORT

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. There shall be no fill used for structural support.

c) CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of

construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 93-38 a) and 93-38 b) i. and ii.

d) SPACE BELOW THE LOWEST FLOOR

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
 - (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

93-39 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones (V and VE Zones) on the community's DFIRM which would increase potential flood damage.

ARTICLE VI

SEVERABILITY

93-40 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

ARTICLE VII

ENACTMENT

93-41 ADOPTION

This Ordinance shall be effective on May 1, 2016 and shall remain in force until modified, amended or rescinded by the Township Committee of the Township of Lower Alloways Creek of Salem County, New Jersey.

ENACTED AND ADOPTED by the Township Committee of the Township of Lower Alloways Creek this 19th day of April 2016

Section 2. Repealer, Severability and Effective Date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

This Ordinance which was introduced for First Reading on March 15, 2016 shall be published by Title in the South Jersey Times and placed on the Township’s Bulletin Board giving notice of said Public Hearing as required by Law.

Public Hearing on this Ordinance shall be on April 19, 2016 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

Introduction: March 15, 2016

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. BRESLIN			Y			
MR. PALOMBO			Y			
MR. VENABLE	M		Y			
MAYOR POMPPER			Y			

Final: April 19, 2016

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY	M		Y			
MR. BRESLIN			Y			
MR. PALOMBO			Y			
MR. VENABLE		S	Y			
MAYOR POMPPER			Y			

Ordinance 2016-03 An ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing an increase of additional Capital appropriations in the amount of \$75,000.00 for the purpose of Public Safety and Public Works Equipment and improvements to Municipal Buildings and Grounds.

Mayor Pompper opened the meeting to a Public Hearing on Ordinance 2016-03, an ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing an increase of additional Capital appropriations in the amount of \$75,000.00 for the purpose of Public Safety and Public Works Equipment and improvements to Municipal Buildings and Grounds

No one from the Public had any comments.

Mayor Pompper closed the Public Hearing on Ord 2016-03, an ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing an increase of additional Capital appropriations in the amount of \$75,000.00 for the purpose of Public Safety and Public Works Equipment and improvements to Municipal Buildings and Grounds

Motion (Bradway, Venable) for final adoption of Ordinance 2016-03, an ordinance amending the Capital Budget of the Township of Lower Alloways Creek and authorizing an increase of additional Capital appropriations in the amount of \$75,000.00 for the purpose of Public Safety and Public Works Equipment and improvements to Municipal Buildings and Grounds.

ORDINANCE 2016-03

AN ORDINANCE AMENDING THE CAPITAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK AND AUTHORIZING AN INCREASE OF ADDITIONAL CAPITAL APPROPRIATIONS IN THE AMOUNT OF \$75,000.00 FOR THE PURPOSE OF PUBLIC SAFETY AND PUBLIC WORKS EQUIPMENT AND IMPROVEMENTS TO MUNICIPAL BUILDINGS AND GROUNDS.

BE IT ORDAINED BY THE, Township Committee of the Township of Lower Alloways Creek (not less than two-thirds of all the members thereof affirmatively concurring) as follows:

Section 1. That an additional **\$75,000.00** is hereby appropriated from the Capital Improvement General Fund to increase previous funds appropriated for the purpose of Public Safety and Public Works Equipment and Improvements to Municipal Buildings and Grounds (C-04-55-172-000).

Section 2. The Capital budget of the Township of Lower Alloways Creek is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistencies herewith. Detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services shall be on file with the Clerk and available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

Public Hearing on this Ordinance shall be on Tuesday April 19, 2016 at 7:30 p.m., at the Municipal Building, 501 Locust Island Road, Hancock’s Bridge, New Jersey.

This Ordinance which was introduced for First Reading on March 15, 2016 shall be published by Title in the South Jersey Times and placed on the Township’s Bulletin Board and official website giving notice of said Public Hearing as required by Law.

Introduction: MARCH 15, 2016

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY		S	Y			
MR. BRESLIN III			Y			
MR. PALOMBO			Y			
MR. VENABLE	M		Y			
MAYOR POMPPER			Y			

Final: APRIL 19, 2016

COMMITTEE MEMBER	MOVE	SECOND	YES	NO	ABSTAIN	ABSENT
MR. BRADWAY	M		Y			
MR. BRESLIN III			Y			
MR. PALOMBO			Y			
MR. VENABLE		S	Y			
MAYOR POMPPER			Y			

2016 Budget Hearing

Mayor Pompper opened the Meeting to a Public Hearing on the 2016 Municipal Budget

No one from the Public indicated that they wished to make any comments.

Motion (Venable, Bradway) to adopt the 2016 Township Municipal Budget in the Amount of \$ 9,040,077.00.

2016 BUDGET RESOLUTION

MUNICIPAL BUDGET OF THE TOWNSHIP OF LOWER ALLOWAYS CREEK, COUNTY OF SALEM, FOR
THE FISCAL YEAR 2016.

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2016;

THE GOVERNING BODY of the Township of Lower Alloways Creek does hereby approve the following as the Budget for the Year 2016.

Totals of Revenues and Appropriations being \$ 9,040,077.00
Nine million forty thousand seventy-seven dollars and zero cents

The motion to adopt the 2016 Township Municipal Budget in the Amount of \$ 9,040,077.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

OLD BUSINESS: Mayor Pompper reminded those individuals on the Township Committee who volunteered to review the Leisure Arms Lease Agreement to bring their suggested changes soon, as several new tenants will be moving in this year.

NEW BUSINESS:

Motion (Venable, Bradway) to approve the purchase of three (3) Body Armor Vests from Action Uniform Co. at a cost of \$ 2,685.00.

The motion to approve the purchase of three (3) Body Armor Vests from Action Uniform Co. at a cost of \$ 2,685.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Bradway) to approve the purchase of various rounds of ammunition from Atlantic Tactical at a cost of \$2,623.70

The motion approve the purchase of various rounds of ammunition from Atlantic Tactical at a cost of \$2,623.70 passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Bradway, Breslin, Palombo and Pompper

Nays: none Abstain: none Absent: none

Motion (Venable, Pompper) to approve the removal of the current Utility Building, (8 x 10) owned by the Stetsers (A-5) at the leisure Arms Complex and placement by the Stetsers of a new (12 x 14) building.

Mr. Venable did not feel the Committee should approve this, because it would be directly against the Committees rules for the size of storage buildings at Leisure Arms.

The motion to approve the removal of the current Utility Building, (8 x 10) owned by the Stetsers (A-5) at the leisure Arms Complex and placement by the Stetsers of a new (12 x 14) building passed a vote of the Township Committee as follows: 4-1

Ayes: Pompper, Breslin, Palombo and Bradway

Nays: Venable Abstain: none Absent: none

Motion (Bradway, Pompper) to purchase a Coats GTS70 Tire Changer with Wheel Lift at a cost of \$8038.00

The motion purchase a Coats GTS70 Tire Changer with Wheel Lift at a cost of \$8038.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Pompper, Breslin, Palombo and Venable
Nays: none Abstain: none Absent: none

Motion (Breslin, Bradway) to approve the replacement of damaged guardrail on Alloways Creek Neck Road by Road Safety Systems at a cost of \$ 7,995.00. (Funds are coming from the JIF Insurance Fund, who will be pursuing the driver who damaged the Guardrail for the replacement costs)

The motion to approve the replacement of damaged guardrail on Alloways Creek Neck Road by Road Safety Systems at a cost of \$7,995.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Breslin, Bradway, Palombo, Venable and Pompper,
Nays: none Abstain: none Absent: none

Motion (Bradway, Pompper) to purchase a new Hustler 935007US 60” Z 25HP Diesel Zero Turn Mower from Saul’s Lawnmower Center at a cost of \$ 11,700.00.

The motion to purchase a new Hustler 935007US 60” Z 25HP Diesel Zero Turn Mower from Saul’s Lawnmower Center at a cost of \$ 11,700.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Pompper, Breslin, Palombo and Venable
Nays: none Abstain: none Absent: none

Motion (Venable, Breslin) to approve a Lease agreement with Christine Peterson for Unit C-16 at the Leisure Arms Complex.

The motion to approve a Lease agreement with Christine Peterson for Unit C-16 at the Leisure Arms Complex passed a vote of the Township Committee as follows: 5-0

Ayes: Venable, Breslin, Bradway, Palombo and Pompper
Nays: none Abstain: none Absent: none

Motion (Bradway, Pompper) to approve the purchase and installation of a Trane XR14 HVAC system at Leisure Arms Unit D-23 by Autocon, Inc. at a cost of \$4,450.00.

The motion to approve the purchase and installation of a Trane XR14 HVAC system at Leisure Arms Unit D-23 by Autocon, Inc. at a cost of \$4,450.00 passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Pompper, Breslin, Palombo and Venable
Nays: none Abstain: none Absent: none

CORRESPONDENCE

REPORTS TO THE COMMITTEE & COMMITTEE REPORTS

Public Works: Mr. Lynch commented that he had spoken with someone at the NJDEP and that the NJDEP will be relaxing some rules and regulations that will begin allowing ditch cleaning of sediment buildup without additional permitting, but anything other than sediment buildup removal would still require permitting. Mr. Bradway asked Mr. Lynch to get the Committee the details of this for clarification.

Public Safety: Mr. Sowers informed the Committee that the regulations for Body Cameras and Tasers have not been finalized by the State Attorney General. Mr. Sowers is concerned because licensing fees, maintenance fees, software and additional computers will have to be purchased to comply with the regulations for Body Cameras. Mr. Sowers stated that he does not have these funds in his budget and additional money will be needed if we proceed with using these items. In Addition, new tactical vests will

also need to be purchased to hold all the equipment an officer would have to have with them when they are on duty.

Mr. Breslin stated that he had an informational item, he is working with contractors who during outages have travel trailers and stay down at Traae's place. They told him they were informed by the owner, by a text, that this would be their last outage at the facility.

Mr. Bradway stated that he had reached out to Lisa Duffield and Mrs. Munyon about the MAPSA summer counselors information in the packet. Mr. Bradway stated that he has not heard anything back yet.

No one else from the Committee had any further comments.

PUBLIC COMMENT: No one indicated that they wished to make any comments.

Mayor Pompper stated that there was no reason to do the Seasonal Workers in Closed Session because they are we know what we need to about them and two have been used in previous years.

Motion (Bradway, Venable) for Resolution 2016-57, A Resolution to hire Seasonal Workers.

RESOLUTION 2016-56

A RESOLUTION TO OFFER EMPLOYMENT TO, JUAN F COLLAZO, EDWARD STETSER AND BRENT WIDGER AS TEMPORARY SEASONAL EMPLOYEE(S) FOR THE PUBLIC WORKS DEPARTMENT OF LOWER ALLOWAYS CREEK

WHEREAS, the Public Works Department of the Township of Lower Alloways Creek Township has asked that Temporary Summer Worker(s) be hired to fill a need for seasonal help, and;

WHEREAS, the Superintendent of Public Works and or the Public Works Foreman have recommended an applicant(s) for said position and presented a recommendation to the Township Committee as to their desire, who be hired as Temporary Summer Worker(s).

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lower Alloways Creek that the following person(s) be offered employment as Temporary Summer Worker for the Public Works Department at the rate of \$11.22 / hr:

JUAN F COLLAZO, EDWARD STETSER AND BRENT WIDGER

BE IT FURTHER RESOLVED that the above person(s), be hired under the following conditions:

1. Term of Hire is from April 25, 2016 through September 30, 2016
2. The applicants are aware that this is a part-time as needed position and that, hours per day or week will vary and no set time or schedule is guaranteed.
3. The applicant must pass a physical exam by the Township Physician or Inspira Health Network physician.
4. The applicant must pass a drug test administered at a Township approved facility.
5. The applicant will acquire approved work shoes before employment at the Township's expense.
6. The employee will report when and where the Superintendent of Public Works and or his/her designee does so instruct each work day.
7. If the employee leaves the employment of the Township before September 30, 2016 they will have the cost of shoes purchased for them by the Township deducted from their last check, unless the applicant leaves for enrollment in an educational facility.
8. All potential Seasonal Workers will be subject to reference and back round checks prior to employment.

The motion for Resolution 2016-56, A Resolution to hire Seasonal Workers passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper,
Nays: none Abstain: none Absent: none

CLOSED SESSION

Motion (Palombo, Venable) to convene into a Closed Session of Business 8:35 pm

RESOLUTION 2016- 57
A RESOLUTION FOR A CLOSED SESSION

BE IT RESOLVED, by the Township Committee of the Township of Lower Alloways Creek that a portion of the meeting of the Township Committee be closed to the public to enable the Township Committee to discuss, and where appropriate, take action concerning the following matter(s) as permitted by N.J.S.A. 10:4-12:

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

____ 4. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____ 7. Any pending or anticipated litigation or contract negotiation other than in (4) above in which the public body is, or may become a party. Any matter falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

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

More specifically, the matter to be discussed involves the following:

- A. Litigation – Verizon, FOP Retro – Dumpster - Woolbert
- B. Contracts - PSEG MOU,
- C. Personnel - PT Officer

BE IT FURTHER RESOLVED, that the matters discussed will be available for public inspection

- A. At such time the matter is concluded
- B. At such time the matter is concluded
- C. At such time the matter is concluded

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that this Closed Session is expected to continue for fifteen (15) minutes and that further business by the Committee will not take place at its conclusion.

The motion for the Closed Session of Business passed a vote of the Committee as follows: 5-0

Ayes: Palombo, Venable, Bradway, Breslin, and Pompper
Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) to come out of the Closed Session of business. 8:50 pm

The motion to come out of the Closed Session of Business passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper,
Nays: none Abstain: none Absent: none

BUSINESS AFTER CLOSED SESSION

Motion (Palombo, Venable) for Resolution 2016-58, A Resolution to offer employment to Jake Liddle as a Part-Time Officer.

RESOLUTION 2016-58

A RESOLUTION TO OFFER EMPLOYMENT TO JAKE HOWARD LIDDLE AS A PART-TIME POLICE OFFICER

WHEREAS, the Township of Lower Alloways Creek is in need of a Part-Time Police Officer; and,

WHEREAS, the Director of Public Safety has made a recommendation that Jake Howard Liddle be hired as a Part-Time Police Officer.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does offer employment to Jake Howard Liddle for the position of Part-Time Police Officer at the rate of \$21.00/hr.

BE IT FURTHER RESOLVED that Jake Howard Liddle first paid day of employment on the job, be considered his hired date, if he so accepts the Township Committee's offer of employment as a Part-Time Police Officer.

BE IT FURTHER RESOLVED that Jake Howard Liddle's employment be contingent on passing a pre-employment physical, drug testing as set forth by the Lower Alloways Creek Personnel Policies and completion of any conditions set forth by Police Department Regulations and the Public Safety Director.

The motion for resolution 2016-58 a Resolution to offer employment to Jake Liddle as a Part-Time Officer passed a vote of the Township Committee as follows: 5-0

Ayes: Palombo, Venable, Bradway, Breslin and Pompper
Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) for a Resolution 2016-59, A Resolution to approving the MOU with PSEG Nuclear, LLC.

RESOLUTION 2016-59

A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING WITH PSEG NUCLEAR, LLC

WHEREAS, the Township Committee of the Township of Lower Alloways Creek desires to put to writing an understanding between its self and PSEG Nuclear, LLC, and;

WHEREAS, a Memorandum of Understanding (MOU) has been written and agreed to by the Township Committee and PSEG Nuclear, LLC and,

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Lower Alloways Creek does approve the MOU between the Township of Lower Alloways Creek and PSEG Nuclear, LLC and further authorizes the Mayor and Clerk to sign the MOU between the Township of Lower Alloways Creek and PSEG Nuclear, LLC

BE IT FURTHER RESOLVED that copies of the MOU be distributed by the Municipal Clerk to all departments and agencies named or involved by the MOU

The motion for Resolution 2016-59, a resolution to approve the MOU with PSEG Nuclear, LLC passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable, Breslin, Palombo and Pompper,
Nays: none Abstain: none Absent: none

Motion (Bradway, Venable) to have three dumpsters repaired by C+H Disposal at a cost of \$1675.00 each.

Mr. Fogg stated that they are rusting near the bottom weld seams and need replacement of portions of the bottom 14 - 16 inches of each of them.

The motion passed a vote of the Township Committee as follows: 5-0

Ayes: Bradway, Venable Breslin, Palombo and Pompper
Nays: none Abstain: none Absent: none

ADJOURNMENT

Motion (Palombo, Breslin) to adjourn the meeting at 8:55 p.m.

The motion to adjourn the meeting passed unanimously.

Minutes of the April 19, 2016 Meeting were approved at a meeting held May 16, 2016

ATTEST:

LOWER ALLOWAYS CREEK TOWNSHIP

Ronald L Campbell Sr. Clerk

By: _____
Mayor, Ellen B. Pompper