

Minutes of the Regular Meeting of the Township Committee of the Township of Commercial, held on March 17, 2016 at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ.

Those present:

Ronald L. Sutton, Sr.	Mayor
Fletcher Jamison	Deputy Mayor
Thomas Seeley	Solicitor
Hannah E. Nichols	Township Clerk

Those Absent:

Edward Dennis	Engineer
Clint Miller	Public Works Supervisor

Mayor Sutton presided and called the meeting to order with the announcement that the meeting had been advertised, that it was being electronically recorded and being held in full compliance of the Open Public Meeting Act.

Mayor Sutton asked everyone to stand and join him in the Flag Salute and Lord's Prayer.

Mayor Sutton said we Lt. Horsey here this evening and asked for his report for the month.

Lt. Horsey said his report is for the month of February, one motor vehicle accident in February, 190 motor vehicle stops, 128 property checks, six thefts, credit card fraud, he said we really didn't have any property stolen in the month of February. It was a slow month and we were grateful. He said he still recommends that people keep their doors and windows locked, put any item that can be salvaged in your garage and locked up, and keep your vehicles locked at all times.

Mayor Sutton thanked Lt. Horsey and told them to keep up the good work.

Mayor Sutton said we have the following minutes for consideration.

Minutes Agenda Meeting February 15, 2016
Minutes Regular Meeting February 18, 2016

Committeeman Jamison made motion to approve the minutes and Mayor Sutton seconded. Roll call vote: Unanimous of the members present.

Mayor Sutton said we have a bill list for the month of March 2016.

Committeeman Jamison made motion and Mayor Sutton seconded with unanimous roll call vote of members present.

Mayor Sutton said we have two ordinances for second reading and public hearing. They were adopted on introduction of February 18th. Ordinances will be read by title only, they were advertised and posted on the bulletin board for the past month.

ORDINANCE 2016-573

TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK

Mayor Sutton said he would make a motion to open the meeting to the public for comment and being none asked for a motion to close the public portion and to adopt the ordinance.

Committeeman Jamison made motion to close public portion and to adopt ordinance, Mayor Sutton seconded with a unanimous roll call vote of members present.

ORDINANCE 2016-574

ESTABLISHING A FAIR AND OPEN PROCESS FOR THE AWARD OF
PROFESSIONAL SERVICE AGREEMENT

Mayor Sutton made motion to open meeting to public for input and being none asked for motion to close public portion and to adopt the ordinance.

Committeeman Jamison made motion to close public portion and to adopt ordinance and Mayor Sutton seconded same with a unanimous roll call vote.

Mayor Sutton said we have two new ordinances for first reading,

ORDINANCE 2016-575

STREET OPENINGS AND EXCAVATIONS

SECTION 1 – PERMIT REQUIRED.

It shall be unlawful to dig, excavate, open or in any manner interfere with or disturb within the right-of-way of any municipal street within the Township of Commercial for any purpose whatsoever without first securing a permit therefore as hereinafter provided.

SECTION 2 – PERMIT APPLICATION AND FEES.

- A. Application for permission to make any street opening shall be made to the Township Engineer. Such application shall be made on the required application form and shall be signed by the applicant.
- B. An application fee of \$100 shall be made payable to the Township of Commercial for each street opening.
- C. An additional fee of \$400 shall be made payable to the Township of Commercial for payment to the Township Engineer for inspection of all excavations of less than or equal to six square yards. If the area to be opened, disturbed or undermined exceeds six square yards, the additional yardage shall be classified as "excess yardage," and an additional fee shall be due and payable by the applicant for all yardage in excess of six square yards at a rate of \$10 per square yard.
- D. The area to be opened, disturbed or undermined by the applicant shall be measured and determined by the Township Engineer.

SECTION 3 – ISSUANCE OF PERMIT; TERMS OF PERMIT.

The Township Engineer upon receipt and examination of an acceptable application and the fee referred to herein above, shall issue a permit for the excavation. The permit shall be valid for a thirty-day period from the date of issuance. The applicant shall notify the Township Engineer at least 24 hours before the commencement of any work so that appropriate inspections can be made where required.

SECTION 4 – RESTORATION OF EXCAVATED AREA.

The applicant to whom such permit is issued shall, within a reasonable time period, replace the earth and pavement in the excavated area as specified by the Township Engineer. All construction shall be performed in accordance with the applicable provisions of the current New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction.

SECTION 5 – NEWLY PAVED STREETS.

No permit shall be issued for any street opening which would disturb the pavement of any road having been constructed, reconstructed or overlaid until a period of five years after the completion of said construction, reconstruction or overlay, except in the event of an emergency or hardship as described below. The five-year period as articulated herein shall be calculated from December 31 of the year in which the road was constructed, reconstructed or overlaid and run five years thereafter.

- A. **Emergency opening:** In the event that an entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the Township Engineer. If the Township Engineer determines that no such emergency existed, then the entity so opening the street and/or roadway shall be subject to the penalties prescribed in Section 10 of this ordinance.
- B. **Hardship condition:** In the event in which an entity has a hardship condition which requires a street opening permit to be issued contrary to this section, the Township Committee may grant relief. Requests for relief must be submitted in writing to the Township Clerk detailing the hardship and necessity of opening the street in lieu of waiting the prescribed period of time.
- C. **Roadway restoration:** In the event that an emergency or hardship requires the opening of a roadway that has been resurfaced by the Township during the previous five years, the Township Engineer may require enhanced roadway restoration beyond the limits of the area to be opened, disturbed or undermined.

SECTION 6 – PERFORMANCE SURETY.

- A. The Township Engineer may require an applicant to post a performance surety prior to issuance of a permit. The performance surety shall be in the form of either a corporate guarantee bond or a surety guarantee bond issued by a company authorized to do business in the State of New Jersey, in the penal sum of one hundred (100%) percent of the full amount of the total estimated construction costs. A check drawn in favor of the Township of Commercial for the same amount may be substituted for the performance surety. The estimated costs of the proposed work shall be determined by the Township Engineer based upon documented construction costs for public improvements which prevail in the vicinity of the municipality.
- B. In lieu of the above-mentioned performance surety, public utility companies or authorities may post an annual performance surety for \$10,000 or for an increased amount determined by the Township Engineer. The form of surety shall be approved by the Township Solicitor.

SECTION 7 – INSURANCE.

All applicants and their agents and employees are required to be covered by a policy or policies of liability insurance acceptable to the Township Solicitor.

SECTION 8 – PROTECTION OF TRAFFIC.

Protection of traffic must be in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, and as directed by the New Jersey State Police.

SECTION 9 – RESPONSIBILITY AND LIABILITY OF THE TOWNSHIP.

- A. The Township shall not be responsible for any injury or damage to persons or property resulting from the negligence of the applicant or his servants, agents or

employees in making, grading or filling any excavation permitted under the terms of this ordinance.

- B. This ordinance shall not be construed as imposing upon the Township or any official or employee any liability or responsibility for damages to any person injured in the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Township or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

Mayor Sutton asked for a motion to adopt on first reading and Committeeman Jamison made motion, Mayor Sutton seconded with a unanimous roll call vote. Mayor stated second reading and public hearing will be held on April 21, 2016 regular meeting.

SECTION 10 –VIOLATIONS AND PENALTIES.

Any person, firm or corporation violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$500 or to imprisonment for a period not exceeding to 90 days, or both.

SECTION 11 –EXEMPTIONS.

Street openings and excavations performed by the Township of Commercial or agents of the Township of Commercial are exempt from the provisions of this ordinance.

Mayor Sutton made a motion to adopt ordinance on first reading and Committeeman Jamison second same with a unanimous roll call vote. Mayor said second reading and public hearing will be held on April 21, 2016 regular meeting.

COMMERCIAL TOWNSHIP ORDINANCE NO. 2016-576

AN ORDINANCE ENTITLED FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 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 Committee of the Township of Commercial of Cumberland County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Commercial 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.

1.3 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.

1.4 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.

SECTION 2.0 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 Township'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.

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 and 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 its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

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

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

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

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

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

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

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Commercial, Community No. 340166, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Cumberland County, New Jersey (All Jurisdictions)" dated June 16, 2016.
- b) "Flood Insurance Rate Map for Cumberland County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34011C0330E, 34011C0331E, 34011C0333E, 34011C0334E, 34011C0337E, 34011C0339E, 34011C0341E, 34011C0342E, 34011C0343E, 34011C0344E, 34011C0353E, 34011C0361E, 34011C0363E, 34011C0426E, 34011C0427E, 34011C0428E, 34011C0429E, 34011C0431E, 34011C0432E, 34011C0433E, 34011C0434E, 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 the Commercial Township Municipal Building, 1768 Main Street, Port Norris, New Jersey.

3.3 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 or imprisoned for not more than 90 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 Commercial from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 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.

3.5 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.

3.6 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 Commercial, 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.

SECTION 4.0 ADMINISTRATION

4.1 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 3.2. Application for a Development Permit shall be made on forms furnished by the Township 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 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Officer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Zoning Officer shall include, but not be limited to:

4.3-1 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 5.3 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 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 5.4-2 d).

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township 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 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 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 4.1 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 5.4-2 a) and 5.4-2 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 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.

4.3-5 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 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-6 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 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Land Use Board as established by the Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Zoning Officer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Land Use Board, or any taxpayer, may appeal such decision to a court of competent jurisdiction, as provided under law.
- d) In passing upon such applications, the Land Use 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 4.4-1 d) and the purposes of this ordinance, the Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Township shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 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 4.4-1 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 4.4- 1 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.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 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:

5.1-1 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.

5.1-2 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.

5.1-3 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.

5.1-4 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).

5.1-5 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.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) For Coastal A Zone construction see section 5.4 COASTAL HIGH HAZARD AREA AND 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.

5.2-2 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 5.4 COASTAL HIGH HAZARD AREA AND 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 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 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.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 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 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 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.

5.4 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.4-1 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.

5.4-2 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 5.4-2 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. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, V, and Coastal A on the community's FIRM.

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 5.4-2 a) and 5.4-2 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.

5.4-3 SAND DUNES

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

SECTION 6.0 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.

SECTION 7.0 ENACTMENT

7.01 ADOPTION

This Ordinance shall be effective upon adoption and shall remain in force until modified, amended or rescinded by the Township of Commercial, Cumberland County, New Jersey.

Mayor Sutton asked for motion to adopt on first reading and Committeeman Jamison made motion to adopt, Mayor Sutton seconded with a unanimous roll call vote. Mayor said second reading and public hearing will be held on April 21, 2016, regular meeting.

Mayor Sutton said we have several resolutions for consideration and they will be read by title only under Consent Resolution 2016-1.

RESOLUTION 2016-38
Resolution to Introduce The 2016 Municipal Budget

BE IT RESOLVED that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the year 2016;

BE IT FURTHER RESOLVED, that the said budget be published in the South Jersey Times edition of April 1, 2016 as follows:

A hearing on the budget will be held at the Municipal Building on the 21st day of April, 2016 at 6:00 o'clock p.m., at which time and place objections to said budget and tax resolution of the Township of Commercial for the year 2016 may be presented by taxpayers or other interested persons.

Summary of General Section of Budget	
<u>Current Fund</u>	
Municipal Purposes within "CAPS"	\$2,400,463.48
Municipal Purposes excluded from "CAPS"	379,899.58
Reserve for Uncollected Taxes	<u>499,773.34</u>
Total General Appropriations	\$3,280,136.40
Less Anticipated Revenues	<u>1,668,685.14</u>
Local Tax for Municipal Purposes	
Amount To Be Raised By Taxation	<u>\$1,611,451.26</u>

RESOLUTION 2016-39
Authorizing A Five Year Sandmining Permitting License
To US Silica For Block 196, Lot 3, Block 197, Lot 1

WHEREAS, US Silica Company, 9035 Noble Street, Mauricetown, NJ 08329, has applied to the Commercial Township Land Use Board for renewal of a permit for resource extraction as a conditional use, respecting premises located on the north and south sides of Port Norris-Mauricetown Road, described as Block 196, Lot 3, and Block 197, Lot 1, as shown on the tax map of Commercial Township which premises are located entirely within the RR Zone; and

WHEREAS, the Commercial Township Land Use Board has heard their case and approved US Silica's renewal application by adopting Resolution 2016-8 with a recommendation that the governing body issue a five year sandmining permitting license.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Commercial that a five year sandmining permitting license be issued to US Silica for Block 196, Lot 3, and Block 197, Lot 1, contingent on all stipulations and regulations as stated in the Land Use Board's Resolution 2016-8 be adhered to for the length of said license being, March 1, 2016 through March 1, 2021.

RESOLUTION 2016-40

Resolution Designating The Month Of June As
Gun Safety And Violence Awareness Month

WHEREAS, gun violence is a continually growing problem on the national, state, county and municipal levels; and

WHEREAS, it is recognized that the bordering State of New York, after a grassroots campaign that began at the local level, became the first state to officially recognize June as Gun Violence Awareness Month; and

WHEREAS, it is acknowledged that gun violence and gun-related incidents have an overall impact on the health, welfare and safety of New Jersey residents;

WHEREAS, Cumberland County has an opportunity to collectively pledge a unified devotion, in all of its municipalities, to ending gun violence and gun related incidents;

WHEREAS, Cumberland County municipalities have a particular need for the implementation of gun safety and violence awareness programs because:

Cumberland County has a large recreational hunting population.

Cumberland County holds the 6th highest percentage of the total Firearm License Holders in New Jersey

Cumberland County was the 4th highest Youth Firearm License Holder county in New Jersey in 2011;

Cumberland County has experienced an increase of fatal shootings and juvenile firearm possession between 2012 and 2014;

WHEREAS, Cumberland County should unite in promoting a positive program, in which its gun owners are educated on safe practice;

WHEREAS, it is recognized that preventing gun violence in Cumberland County is equally important as promoting gun safety.

WHEREAS, Cumberland County and the municipalities therein recognize the power and necessity of a unified and coordinated campaign against gun violence in tandem with safe and responsible gun ownership.

WHEREAS, recognition of the month of June as Gun Safety and Violence Awareness Month will provide an ongoing opportunity to educate residents on gun safety, foster meaningful dialogue amongst the community about gun violence, and identify much-needed solutions to gun-related crimes and incidents in Cumberland County;

WHEREAS, Cumberland County's designation could provide an impetus for the designation of June as Gun Safety and Violence Awareness month across the State of New Jersey;

NOW, BE IT THEREFORE RESOLVED, that the Township Of Commercial declares the month of June as Gun Safety and Violence Awareness Month.

RESOLUTION 2016-41
Endorsement Of Fireworks Display For Bay Day Celebration
June 4, 2016

WHEREAS, June 4, 2016 will be the Annual Bay Day Celebration in Commercial Township; and

WHEREAS, the Township Committee feels that this celebration has been enjoyed in the past by thousands of people ;who are interested in the natural resources of our community;

THEREFORE, BE IT RESOLVED, that the Commercial Township Committee endorses the fireworks display for the closing of the "Bay Day festivities with a spectacular fireworks display for the entertainment of the people who want to attend on Saturday June 4th, 2016 rain date Sunday, June 5, 2016.

RESOLUTION 2016-42
Awarding Fireworks Contract To Schaefer Fireworks
For Bay Day Celebration June 4, 2016

BE IT RESOLVED by the Township Committee of the Township of Commercial and Bayshore Chamber of Commerce that a fireworks contract be awarded to the Schaefer Fireworks, 376 Hartman Bridge Road, Ronks, PA 17572 in the amount of \$3,000 for the Annual Bay Day Celebration to be held on Saturday, June 4, 2016 with rain date Sunday, June 5, 2016.

RESOLUTION 2016-43

2015 COMMERCIAL TOWNSHIP TONNAGE GRANT APPLICATION RESOLUTION

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L. 1987, c has established a recycling fund from which tonnage grant may be to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,** A resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorize the commitment of this municipality to recycle and to indicate the asset of the Committee of the Township of Commercial to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,** Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Committee of the Township of Commercial that Commercial Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Louann Karrer, CRP of Maurice River Township by virtue of a Shared Service Agreement to ensure that the application is properly filed; and

BE IT

FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling

RESOLUTION 2016-44

**A RESOLUTION CERTIFYING SUBMISSION OF EXPENDITURES FOR
RECYCLING ENHANCEMENT ACT**

WHEREAS, The Recycling Enhancement act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycle program.

NOW THEREFORE BE IT RESOLVED by the Committee of the Township of Commercial that Commercial Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2015 in the amount of \$5,444.70. Documentation supporting this submission is available at 1768 Main Street, Port Norris N.J. 08349 and shall be maintained for no less than five years from this date.

RESOLUTION 2016-45

The Sustainable Jersey Recertification

WHEREAS, the Commercial Township Committee endorses Commercial Township's membership into the Sustainable Jersey Program; and

WHEREAS, the Township Committee has been a proud member of this organization for the past five years;

THEREFORE BE IT RESOLVED, that the Township of Commercial makes every effort to use green products in all of their municipal buildings and does everything we can to encourage the residents of Commercial Township to participate in using all products that are environmentally friendly in saving our township and the county for generations to come.

RESOLUTION 2016-46

**A Resolution Acknowledging Receipt of Payment In Full On Behalf Of
Philoemina Galiyano, Of The Bayshore Housing Program Mortgage Held By
The Township and Authorizing The Execution Of A Discharge Of Mortgage
Regarding Same**

WHEREAS, Philoemina Galiyano previously qualified for participation in the Small Cities Grant known as the Bayshore Housing Program for the rehabilitation of housing units and received the sum of \$19,050.00 on February 5, 2004 and a Mortgage lien evidencing such indebtedness was recorded with the Clerk of Cumberland County July 16, 2004 in Book 3387, of Mortgages, Page 73 Instrument #163779; and

WHEREAS, said Mortgage has been paid in full or otherwise satisfied and is to be discharged of record.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Commercial Township that the Mortgage as held by the Township of Commercial should be discharged of record; and

BE IT FURTHER RESOLVED THAT THE Township hereby authorizes the Township Mayor and Municipal Clerk to execute and deliver a Discharge of Mortgage to accomplish the same.

RESOLUTION 2016-47
Approving Website With Joyce Media

BE IT RESOLVED by the Township Committee that Commercial Township has approved the designed website for Commercial Township through Joyce Media, Bridgeton, NJ; and

BE IT FURTHER RESOLVED that the Township Committee of the Township of Commercial authorizes the website as an informative tool to enable the public to be aware of what is taking place in Commercial Township.

RESOLUTION 2016-48
In Rem

BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland, and State of New Jersey, that it is hereby determined that the Township of Commercial, foreclose, by summary proceedings In Rem, as provided in the In Rem Tax Foreclosure Act, (1948), the Tax Sale Certificates held by it, as listed on the attached Tax Foreclosure List.

RESOLUTION 2016-49
Waiving Municipal Fees For The Laurel Lake
Family Success Center

BE IT RESOLVED by the Township Committee of the Township of Commercial that any municipal fees associated with the renovations, reconstruction of the Laurel Lake Family Success Center be waived for property located at 2009 Spring Garden Road, Millville, NJ

SCHD NO.	CERT. NO.	NAME OF OWNER AS IT APPEARS ON LAST TAX DUPLICATE	DESCRIPTION OF LAND AS IT APPEARS ON TAX DUPL. & CERTIFICATE OF TAX SALE		DATE OF SALE	AMT. OF SALE	AMOUNT OF TAX LIENS ACCRUING TO TAX SALE INCLUDING INT., PENALTIES AND COSTS SINCE TAX SALE	AMOUNT TO REDEM TO JULY 31, 2016	DATE OF RECORDING	MORT. BOOK & PAGE NO. IN CUMBERLAND COUNTY CLERK'S OFFICE	
			BLOCK	LOT (S)						BOOK	PAGE
1	14-00006	Carsello, F Et Bl c/o A. Fascenda	17	4038 E/K/a 4038, 4039, 4040, 4041, & 4042	1/28/14	\$139.98	\$1,475.84	\$1,615.82	3/5/14	4114	8204
2	14-00007	Marotte, Peter R. Jr	18	3847 E/K/a 3847, 3848, 3849, 3850, & 3851	1/28/14	\$203.52	\$1,523.57	\$1,727.09	3/5/14	4114	8207
3	15-00156	Rook, Gregory	22	4872 E/K/a 4872, 4873, 4874, 4875, 4876, & 4877	1/23/15	\$171.32	\$1,293.57	\$1,464.89	3/26/15	4126	8097
4	15-00159	Rjabanedeha, Mike Jr	23	4701 E/K/a 4701, 4702, 4703, 4704, 4705, 4706, & 4707	1/23/15	\$188.87	\$1,390.47	\$1,579.28	3/26/15	4126	8103
5	12-00012	Terry, Laura	26	4245 E/K/a 4245 & 4246	1/26/15	\$53.15	\$1,164.13	\$1,217.28	3/21/12	4090	6517
6	09-00010	Norman, Omar	26	4247 E/K/a 4247, 4248, 4249, 4250, & 4251	3/25/09	\$316.40	\$3,557.89	\$3,874.29	5/28/09	4058	1052
7	08-00007	Kupets, Mildred R. c/o C. Shinn	26	4252 E/K/a 4252 & 4253	7/10/08	\$82.09	\$1,646.06	\$1,728.15	8/27/08	4048	535
8	15-00168	Rjabanedeha, Michael Jr	44	8220 E/K/a 8220, 8221, 8222, 8223, 8224, 8225, 8226, & 8227	1/23/15	\$431.27	\$1,520.42	\$1,951.69	3/26/15	4126	8115
9	14-00030	Wright, John & Kate	44	8228 E/K/a 8228 & 8229	1/28/14	\$88.37	\$980.14	\$1,068.51	3/5/14	4114	8236

10	13-00041	Twilley, Patrick & Mary Fitzsimons	55	7331 flka 7331, 7332, 7333, 7334, 7335, & 7336	3/19/13	\$168.25	\$2,150.89	\$2,319.14	4/16/13	4103	3634
11	15-00180	King, William F. & Dawn	58	519 flka 519, 520, 521, & 522	1/23/15	\$204.67	\$1,132.52	\$1,337.19	3/26/15	4126	8136
12	15-00181	King, Dawn	58	523 flka 523, 524, 525, 526, & 527	1/23/15	\$268.71	\$1,188.44	\$1,457.15	3/26/15	4126	8139
13	10-00038	Pineiro, Bryan R. & Tiffany A.	60	606 flka 606, 607, & 608	4/26/10	\$121.74	\$1,878.07	\$1,999.81	5/27/10	4070	6935
14	11-00049	Gravenor, Richard	60	611 flka 611, 612, 613, 614, & 615	1/19/11	\$260.78	\$2,667.40	\$2,928.18	3/22/11	4080	2382
15	13-00045	Pummer, James A. c/o Betty Sue Baxter	60	616 flka 616, 617, 618, 671, 672, & 673	3/19/13	\$169.43	\$2,081.20	\$2,250.63	4/16/13	4103	3640
16	15-00196	ECN Properties, LLC	88	8715 flka 8715, 8716, 8717, 8718, & 8719	1/23/15	\$268.71	\$1,243.44	\$1,512.15	3/26/15	4126	8156
17	15-00197	ECN Properties, LLC	88	8725 flka 8725, 8726, 8727, 8728, 8729, & 8730	1/23/15	\$909.62	\$2,487.54	\$3,397.16	3/26/15	4126	8161
18	14-00069	Hewitt, Evans W.	100	8745 flka 8745, 8746, & 8747	1/28/14	\$574.70	\$3,268.70	\$3,843.40	3/5/14	4114	8285
19	09-00047	Norman, Omar	101	10972.02 flka 10972.02 & 10973	3/25/09	\$286.25	\$3,155.18	\$3,441.43	5/28/09	4058	1131
20	10-00058	Nastasi, Fred F. c/o Vaughn, Patricia	101	10976 flka 10976 & 10979	4/26/10	\$250.35	\$4,140.09	\$4,390.44	5/27/10	4070	6979
21	09-00048	Capaccio, Dolores D. & Shari A.	101	10977	3/25/09	\$136.12	\$2,349.80	\$2,485.92	5/28/09	4058	1134

22	12-00092	Farrell, James J. & Helen V.	118	8079 f/k/a 8079 & 8080	1/26/12	\$53.15	\$994.13	\$1,047.28	3/21/12	4090	6586
23	11-00103	Pakstis, John	118	8081 f/k/a 8081, 8082, & 8083	1/19/11	\$61.85	\$1,635.68	\$1,697.53	3/22/11	4080	2470
24	15-00212	Deklenk, Joyce	119	9632 f/k/a 9632 & 9633	1/23/15	\$88.90	\$882.14	\$971.04	3/26/15	4126	8200
25	09-00071	Higg, Ernest R.	134	6977 f/k/a 6977 & 6978	3/25/09	\$85.30	\$1,520.54	\$1,605.84	5/28/09	4058	1201
26	09-00072	Norman, Omar	134	6979 f/k/a 6979, 6980, 6981, & 6982	3/25/09	\$256.12	\$2,817.98	\$3,074.10	5/28/09	4058	1204
27	15-00227	Vallette, Charles	138	7675 f/k/a 7675, 7676, 7677, 7678, 7679, & 7716	1/23/15	\$173.49	\$1,377.01	\$1,550.50	3/26/15	4126	8230
28	15-00228	Scala, Gabriel & Joan	139	7927 f/k/a 7927, 7928, 7929, & 7930	1/23/15	\$89.39	\$1,066.90	\$1,156.29	3/26/15	4126	8233
29	10-00089	Tamaccio, Marie	139	7931 f/k/a 7931 & 7932	4/26/10	\$55.38	\$1,352.35	\$1,387.75	5/27/10	4070	7047
30	15-00247	4-U Corporation	162	488 f/k/a 488 & 489	1/23/15	\$75.59	\$947.07	\$1,022.66	3/26/15	4126	8242
31	15-00248	4-U Corporation	162	490 f/k/a 490, 491, & 492	1/23/15	\$122.84	\$1,103.20	\$1,226.04	3/26/15	4126	8245
32	15-00277	Acute Angles Contracting, LLC	241	11	1/23/15	\$1,940.26	\$7,479.35	\$9,419.61	3/26/15	4126	8269
33	13-00040	Twilley, Patrick & Mary Eitzsimons	55	7315-f/k/a 7315, 7316 & 7317	7/31/15	\$74.39	\$595.29	\$669.68	4/16/13	4103	3631

Note: The amount to redeem changes daily. Please contact the Tax Collector's Office at 856-785-3100 ext. 312 if you want the exact amount to redeem.

RESOLUTION 2016-50
Executive Session

BE IT RESOLVED by the Township Committee of the Township of Commercial that an executive session beheld immediately following the regular meeting of March 17, 2016 to discuss personnel.

Mayor Sutton asked for a motion and Committeeman Jamison stated he'll make a motion to adopt Resolutions 2016-38 thru Resolution 2016-50. Mayor Sutton seconded the motion with a unanimous roll call vote to adopt by the members present.

Mayor Sutton asked for committee reports.

Committeeman Jamison said he had a meeting with court administrators and the windows in the meeting room were discussed. Our municipal judge said he felt the windows were fine but court system representatives said they felt if someone climbed a ladder they would have a clear shot at the court personnel sitting up here, so this is up in the air at present. They discussed the bulletproof window for the court office, this is still in the works because we don't know where the money is coming from.

Mayor Sutton said couldn't we put blinds up there for now.

Committeeman Jamison said the Judge is fine with the windows the way they are. He said court officials are going to meet and because of the height of the windows we may not have to do anything. Committeeman Jamison said as far as the state police facility goes with the ballistic proof windows, that is being bid out by the state, they will award the contract and pay the bill, township won't have anything to do with that, which is a good thing.

Mr. Clint Miller, Public Works Manager said we need to get a shed at the senior center, they have stuff stored in the mechanical, heater room and I'm always getting written up by the fire inspector. I have to agree the stuff they put in there is a danger of catching fire, etc., He said he would like a 12X15 something in that size. Something similar to the ones at the baseball field.

Mayor Sutton said how much were they.

Mr. Miller said \$1500, \$1200, he didn't remember. He said sometimes they put cardboard in there against the heaters, so we need to do something. He said I have one other thing I would like to suggest and that is that we have a lease agreement with Inspira and the Family Success Center. They are putting in a lot of equipment, making offices, and they should be the ones that decide who, other than themselves, should be able to use the facility. Get them a lease and let them insure their equipment so if something get's stolen they will be covered under something like a renter carries on his apartment. Let them be responsible for the electric, heat, Comcast, computer equipment, stoves, refrigerators etc.,

Mr. Seeley said can you get me the lease agreement language.

Mr. Miller said I would assume it would be similar to the agreement we have with Inspira at the senior center for the Family Success Center there. Talk to Leahe.

Mayor Sutton said let Tom look over the current agreement and see what he can come up with, he can also talk with Leahe about who will be Lease holder. He said the guys are finishing up on the ballfields, we've brought in crushed stone and we also tore do a house on Strawberry Avenue and the guys did a really good job on that. We took the house to our convenience center and dismantled it.

Mayor Sutton said a job well done and we'll be doing another shortly. He said regarding renting of the Family Success Center for other outside organizations, that decision should be up to her, not up to the township.

Mr. Miller said they will have a lot going on up there and I'm not sure if they are going to be able to rent it out. They are spending a lot of money up there, and they have all kinds of programs for the kids and I think they will be busier then they will imagine.

Mayor Sutton said can I have a motion that Clint can buy a shed.

Committeeman Jamison said I'll make that motion, Mayor Sutton said I'll second it and roll call vote unanimous.

Mayor asked for motion to open meeting to the public.

Committeeman Jamison made motion, Mayor seconded.,

Mrs. Carol Hickman said thank you for the sign.

Mayor Sutton asked for additional comments and being none made a motion to close the public portion.

Committeeman Jamison second to close public portion and to go into executive session.

Mayor Sutton made motion to reconvene the regular meeting for summation of the executive session.

Mr. Seeley said we had the opportunity at the executive session to discuss personnel issues which is approved by executive session also, we discussed potential litigation and finally the element in the room that there's an empty seat up here and I think the public may or may not be interested in knowing what the committee plans to do about that empty seat. Having researched this and having discussed this in executive session, there are two ways to look at this and I have been in contacted with the chair of the democratic party and because the primary is coming up in June and it's only democrats on the primary list so it's not going to be a contested election in November. Discussing it with the committee, also the county chair we've agreed that there is case law that says that you can relax the rules in the fairness of efficiency. In other words that just came from the minds of our committee would not be as fair of a process as it would to allow the voters in the primary election and that person that is chosen the in the primary election will immediately take the seat as opposed to waiting until January 1. It was discussed at length with the party chairman and he had wrote the township a letter immediately upon hearing about Mr. Moore's resignation. If anybody has any questions about that, I'm happy to answer them, I hope that I described it in a way that is understandable. Certainly this stuff becomes confusing obviously there's always something new to set some type of precedent, it's not a perfect world for the committee to appoint somebody just for a short period then have them sit and then someone else fills the seat, it doesn't seem to make a reasonable, national sense. That was the biggest issue that needed to be addressed and now it has been done.

Mayor Sutton said with can I have a motion for adjournment.

Committeeman Jamison made motion to adjourn. Mayor Sutton seconded the motion and it was so moved.

Hannah E. Nichols, Township Clerk

