

**TOWNSHIP OF GREENWICH  
MINUTES OF REGULAR MEETING  
APRIL 12, 2016  
7:30 P.M.**

Mayor Reinhart called the meeting to order stating, “Adequate notice of this meeting was provided in compliance with the Open Public Meeting Act by notifying the South Jersey Times on January 20, 2016”.

Those present were Mayor Reinhart, Deputy Mayor Orr and Committeeman Werley. Also present were: Kim Fleetwood, Treasurer; John Carr, Township Solicitor; and Lisa Garrison Township Clerk.

Flag Salute – Mayor Reinhart

Treasurer’s Report/Payment of Bills – After review and discussion of the bill list, on motion of Deputy Mayor Orr, seconded by Committeeman Werley to approve the Treasurer’s report and the bills for payment in the amount of \$163,074.37, unanimously carried.

Approval of Minutes - On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve the minutes of March 8, 2016, unanimously carried. On motion of Committeeman Werley, seconded by Deputy Mayor Orr to approve the minutes of March 22, 2016, unanimously carried.

Mayor Reinhart called for the introduction of the following proposed ordinances:

**PROPOSED ORDINANCE 26-2016**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF GREENWICH TO  
UPDATE THE MAXIMUM PENALTIES FOR VIOLATIONS OF MUNICIPAL  
ORDINANCES**

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**BE IT ORDAINED** by the Township Committee of the Township of Greenwich, County of Cumberland and State of New Jersey as follows:

**WHEREAS**, the Township of Greenwich has historically set various maximum fines and penalties for violations of Municipal Ordinances as they have been adopted over the years and as such were allowable at the time of the respective enactments of the provisions of the various Greenwich Township Ordinances; and,

**WHEREAS**, the Greenwich Township Committee has determined to codify its Ordinances for purposes of promoting organization of the Ordinances and facilitating the understanding of the Ordinances of the Township of Greenwich; and,

**WHEREAS**, the current maximum fine allowable under law for a violation of Municipal Ordinance is \$2,000.00 as of the time of the enactment of this Ordinance; and,

**WHEREAS**, the Greenwich Township Committee seeks uniformity as to enforcement of violations of Municipal Ordinances; and,

**WHEREAS**, the Greenwich Township Committee is desirous of raising the maximum penalty allowable under law for any violation of a Greenwich Township Ordinance to \$2,000.00;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Greenwich as follows:

Section 1. The Greenwich Township Code is hereby updated and amended to delete, repeal and rescind any existing text not consonant with the terms hereof and to amend and replace same with the following:

The maximum penalty for the violation of any Greenwich Township Code where upon conviction shall be a fine not exceeding \$2,000.00 or imprisonment for a period not exceeding ninety (90) days or both. Nothing herein shall prohibit the Municipal Court or Township enforcement officials from providing an opportunity to cure or abate violations where appropriate and nothing herein shall mandate that the maximum available fine be assessed.

**Section One. Repealer.** All former Ordinances of the Township of Greenwich which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**Section Two. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section Three.** This Ordinance shall take effect after final approval and publication as required by law.

On motion of Deputy Mayor Orr, seconded by Committeeman Werley to approve the introduction of the foregoing proposed ordinance and to schedule the public hearing for May 10, 2016, unanimously carried upon roll call vote. Ayes: Orr, Reinhart, Werley Nays: None Abstain: None Absent: None

On motion of Committeeman Werley, seconded by Mayor Reinhart to approve the introduction of the following proposed ordinance and to schedule the public hearing for May 10, 2016, unanimously carried upon roll call vote. Ayes: Orr, Reinhart, Werley Nays: None Abstain: None Absent: None

## **PROPOSED ORDINANCE NO. 27-2016**

### **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 Township Committee of the Township of Greenwich of Cumberland County, New Jersey does ordain as follows:

### **1.2 FINDINGS OF FACT**

- a) The flood hazard areas of the Township of Greenwich 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 Flood Map Official'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.

**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 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 Greenwich, 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 Greenwich, Community No. (comm ID 340169), 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) 34011C0116E, 34011C0117E, 34011C0118E, 34011C0119E, 34011C0136E, 34011C0137E, 34011C0138E, 34011C0139E, 34011C0141E, 34011C0257E, 34011C0276E, 34011C0278E, 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 1000 Ye Greate Street, Greenwich, 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 \$2,000.00 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 Greenwich 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 Greenwich, 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 Flood Map Official 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 Township Flood Map Official 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 Township Flood Map Official 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 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.
- d) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.3-2 d).

#### **4.3-2 USE OF OTHER BASE FLOOD DATA**

When base flood elevation data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township Flood Map Official shall obtain, review, and reasonably utilize any base flood elevation 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 5.3-2 a) and 5.3-2 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 Planning and Zoning Board as established by the Township of Greenwich shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning and Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Flood Map Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in N.J.S.A. 40:55D-1 et seq.
- d) In passing upon such applications, the Planning and 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 4.4-1 d) and the purposes of this ordinance, the Planning and Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Township Flood Map Official 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 only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) 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.

- e) 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 5.3 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 5.3 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 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:

#### **5.3-1 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.

#### **5.3-2 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 5.3-2 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 5.3-2 a) and 5.3-2 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.

### **5.3-3 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 on \_\_\_\_\_, 20\_\_\_\_ and shall remain in force until modified, amended or rescinded by the Township of Greenwich, Cumberland County, New Jersey.

ENACTED AND ADOPTED by the Township Committee this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

**PROPOSED ORDINANCE NO. 28-2016**

**AN ORDINANCE OF THE TOWNSHIP OF GREENWICH SETTING FOR THE 2016 SALARIES**

Be it ordained by the Township Committee of Greenwich, County of Cumberland and the State of New Jersey, that the salaries of the Township Officials for the year 2016 be as follows:

<b>TITLE, MUNICIPAL OFFICER</b>	<b>AMOUNT OF SALARY</b>
Township Committee Member	\$ 2,180
Township Committee Chairman	\$ 2,540
Township Clerk	\$ 8,193
Chief Financial Officer	\$ 4,820
Treasurer	\$ 5,890
Tax Assessor	\$ 4,907
Tax Collector	\$ 7,171
Housing/Zoning	\$ 3,548
Emergency Management Coordinator	\$ 2,844
Dog Registrar	\$ 500
Planning Board Secretary	\$ 2,678

On motion of Committeeman Werley, seconded by Deputy Mayor Orr to approve the introduction of the foregoing proposed ordinance and to schedule the public hearing for May 10,

2016, unanimously carried upon roll call vote. Ayes: Orr, Reinhart, Werley Nays: None  
Abstain: None Absent: None

On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve the introduction of the following proposed ordinance and to schedule the public hearing for May 10, 2016, unanimously carried upon roll call vote. Ayes: Orr, Reinhart, Werley Nay: None  
Abstain: None Absent: None

### **PROPOSED ORDINANCE NO. 29-2016**

#### **AN ORDINANCE DECLARING CERTAIN PARCELS OF REAL PROPERTY OWNED BY THE TOWNSHIP OF GREENWICH SITUATE IN THE COUNTY OF CUMBERLAND NO LONGER NEEDED FOR PUBLIC USE AND AUTHORIZING THE PUBLIC SALE OF SAME PURSUANT TO N.J.S.A. 40A: 12-13 ET SEQ.**

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**BE IT ORDAINED** by the Township Committee of the Township of Greenwich, County of Cumberland and State of New Jersey, that the attached parcels of real property set forth in the annexed Exhibit A (attached hereto and hereby incorporated herein by reference) are no longer needed for public use and that the same shall be placed for sale to the highest bidder;

**BE IT FURTHER ORDAINED** that such sale shall be subject to reasonable conditions set forth by the Greenwich Township Committee including a minimum bid of no less than the current assessed value, sale to be subject to confirmation at the next succeeding Greenwich Township Committee Action Meeting following the sale, sales shall be “as is and where is” and bidders shall be instructed and strongly recommended to by way of illustration and not limitation, “undertake due diligence with regard to the subject properties including confirmation of the suitability of the subject properties for a Buyer’s particular use, zoning, survey and title issues”. The Greenwich Township Committee shall reserve the right to reject all bids if the highest bid is not accepted;

**BE IT FURTHER ORDAINED** that no representation is made by the Township as to the potential use of any property or as to the condition of any property to include any and all environmental constraints and/or title. A successful bidder shall be required to deposit 10% of the purchase price in either cash or certified funds on the date of sale and the balance of the purchase shall be paid in cash or certified funds within 30 days of the Township Committee’s acceptance of the bid.

**Section One. Repealer.** All former Ordinances of the Township of Greenwich which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**Section Two. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section Three.** This Ordinance shall take effect after final approval and publication as required by law.

Resolutions:

**RESOLUTION NO. 4-24-2016**

**TRANSFER OF PROPERTY TAXES FOR 2015**

**WHEREAS**, the Tax Collector of the Township of Greenwich has reviewed the overpayment and delinquent tax list for the year 2015; and

**WHEREAS**, an overpayment has been created on the below listed; and

**WHEREAS**, the Tax Collector of the Township of Greenwich has determined that said overpayments should be transferred appropriately which will create a zero balance on the account for the year 2015.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Greenwich, in the County of Cumberland and State of New Jersey, that the following amounts be transferred accordingly.

<u>BLOCK</u>	<u>LOT</u>	<u>NAME</u>	<u>AMOUNT</u>
5	12.02	Mangiafico, Salvatore & Brecht, D	\$1,892.52
5	32	Brown, Ora Mae	\$ 21.07
19	18	Newton, Douglas & Dianne	\$ 263.69

On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve and adopt the foregoing resolution, unanimously carried.

On motion of Committeeman Werley, seconded by Deputy Mayor Orr to approve and adopt the following resolution, unanimously carried.

**RESOLUTION NO. 4-25-2016**

**TONNAGE GRANT APPLICATION FOR 2015**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, 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**, 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 to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the Recycling regulation 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 such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Greenwich 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 complete and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Greenwich endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates David Haaf, Recycling Coordinator, 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 purposes of recycling.

#### **RESOLUTION NO. 26-2016**

### **RESOLUTION APPROVING SECOND AMENDMENT TO SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF HOPEWELL, TOWNSHIP OF GREENWICH AND THE COUNTY OF CUMBERLAND IMPROVEMENT AUTHORITY**

**WHEREAS**, the Township Committee of the Township of Greenwich is engaged in a Shared Services Agreement with Hopewell Township and the Cumberland County Improvement Authority for purposes of maintenance and operation of the Convenience Center for Township residents; and,

**WHEREAS**, Greenwich Township has been presented with an updated Second Amendment to the Shared Services Agreement in a form as is annexed (A); and,

**WHEREAS**, the Township Committee having reviewed the terms of the Second Amendment to the Shared Services Agreement addressing E-waste and several other updates and finds them acceptable;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Greenwich, County of Cumberland and State of New Jersey that the Second Amendment to the Shared Services Agreement between the Township of Hopewell and the Township of Greenwich and the Cumberland County Improvement Authority dated the 1<sup>st</sup> day of March 2016 in a form as is annexed, is hereby approved by the Township Committee;

**AND BE IT FURTHER RESOLVED** that the Registered Municipal Clerk, Lisa Garrison, is hereby authorized to sign any and all documentation reasonably required in order to effectuate the terms and intent of this Resolution.

On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve and adopt the foregoing resolution, unanimously carried.

Unfinished Business:

Sheppards Mill Pond Proposal - Mayor Reinhart indicated what has been proposed is a public comment time for the Sheppards Mill Pond subject. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to open public comment for the Sheppards Mill Pond subject matter, unanimously carried. Mr. Elwell questioned the amount of acres and the price. Mayor Reinhart indicated it was four (4) acres at \$17,000. Also questioned were additional costs incurred after purchase. Committeeman Werley indicated in the past lifeguard were paid \$7.00/hr and the County would do the water sampling at a minimal charge. Since that time no inquiries have been made. Mr. Carr indicated the contract before the Committee for swimming indicates it will be on a year to year application. Mr. Elwell questioned the cost to the local purpose tax in future years and would it be open only to Greenwich residents. Mayor Reinhart read from the contract which indicated the easement area shall be open to the general public at all times. Mr. Dodge questioned who would be managing all the issues and it seems as the liability is open-ended as it is an attractive hazard. Mr. Price questioned if there are any changes in what was originally proposed and also what is permissible at the lake. Mayor Reinhart read from the contract indicating a non-exclusive, non-assignable right to use a portion of Sheppards Mill Pond to be used for recreational swimming purposes between June 1<sup>st</sup> and August 31<sup>st</sup> during day light hours in accordance with a special use permit to be issued annually, at its sole discretion, by the DEP. In regards to the other question neither the grantor nor the DEP shall have no obligation to maintain the easement areas. Mr. Price questioned if a gate would be installed and freely accessed, policing of the area, public restroom areas. He felt there were many questions the public needs to know and it should be placed on the ballot in November. Mr. Dodge questioned what is being purchased, except liability, as no structure can be built and swimming may not be able to occur as the lake is scheduled, by the DEP, to be eutropic. He questioned what is Greenwich buying that they could do if they did not buy it. Mr. Murray issued his concerns in regards to liability and additional costs such as lifeguards, phones and restrooms. He indicated it was a lot of money for a dangerous situation. Mr. Flaherty questioned the Township's interest in it if the State will open it to the public anyway. Mr. Showers indicated his understanding was if Greenwich did not purchase the property swimming would never be allowed. If purchased by Greenwich and gained the swimming easement the

State would permit limited access if it was run like a swim club with fees. These fees would pay for the expense. It would be a great recreational facility if fees were permitted to be charged. Mr. Henry questioned the status of the agreement and if a decision must be made tonight. Mr. Carr indicated there is a proposed agreement of sale and this would protect the availability of swimming. The updated agreement is on the agenda to be discussed. It does not need to be acted upon but this is the only way the Committee can assemble as a group and discuss the contract. Mr. Henry indicated the questions raised now have been raised in the past. It is incumbent upon the Committee to provide a fact sheet and the agreement in order to have an informed public comment. He feels there will not be an informed public opinion and to vote on it without an informed public opinion is a mistake. There is a petition which has been waiting for this to come up but the person was unaware this was to come up. It needs a fair hearing of the facts and it is the Committee's job to present the facts which would include the costs. Mr. Carr indicated no one person can elect to place the contract on the website to get the informed opinion of the public as the Committee acts as a whole and this is the public session to gain those ideas. Mr. Dodge agrees with Mr. Henry. He questioned the resistance to placing the facts out there. Mr. Showers indicated if Greenwich purchased the property then decided in the future the costs and liabilities were too great the State would purchase the property back. Mr. Carr indicated the State has the right of first refusal. Mr. DeMarco questioned if it could be sold to someone else with Mr. Carr indicated the easement is non-transferrable. Mr. DeMarco questioned the additional cost of insurance and the cost of swimming. Mayor Reinhart indicated he has no quote on the cost of swimming. Mr. DeMarco indicated answers are required. Mr. Murray stated individuals will be back there building bon fires and drinking. Mr. Showers indicated it was said at one point the State would be installing a boat ramp and this would limit the Township's liability. Mayor Reinhart indicated there was nothing mentioned in this contract in regards to the State doing anything to their land. Mr Eisenhauer, Natural Lands Trust, indicated they are part of the funding for the purchase. He indicated the State was hopeful of a decision. He indicated clarification of a repurchase should be sought. To wait until November would be a long time and he is understanding of the concerns. Mr. DeMarco indicated the property is being purchased by Green Acres and will be turned over to Fish & Game. It will be open to sport fishing, bow hunting, deer hunting and water fowl hunting. It will be open to the general public for biking and hiking. It is the intention to install two (2) gates and a parking area. There will be a joint access and when the gate is open the public will have access. There is a right to purchase swimming permits. In his experience on the Recreation Committee there was a minimal amount of non-residents due to the location. The largest problem was local people on quads. Occasionally there are bonfire and alcohol which is done everywhere. Fish & Game will be patrolling regularly and the game warden does not live far. The residents living on the lake also watch it closely. Greenwich will never have an opportunity like this again. People will still have access to the lake with the difference being if you are going to have a piece of the lake it will be closed off and maintain and it will be Greenwich's for picnics and weddings. It will be Greenwich land and it does not have land of its own. He understands the liability but liability is a part of life. It could cost money but there are other things around that are also costing money. Access will be for all it is a question of heritage and something to have for future generations. Mr. Elwell questioned where the money for the purchase comes from and was advised it was the taxpayers. He issued his concerns in regards to the costs and that Greenwich Township has the largest taxes in the county. Mr. Murray indicated if the State is going to have total control why waste money and as the Township's piece if surround by the State's anyone can go in whenever

they want so why have the liability as people can paddle over to the beach and it cannot be stopped. He indicated it would not be utilized by many seniors and questioned why the seniors should contribute toward it. Mr. Dodge indicated most people's concerns are taxes and it will be perceived as an unnecessary cost and liability. Ms. Ward indicated she is a retired senior citizen and the taxes are killing her. The purchase of the lake is a wonderful idea band as a senior citizen she is about dollars and cents. There are too many questions in regards to the final costs, liability and taxes are going to be through the roof. She favored State purchase as the residents will still have access. If taxes continue to rise she would be forced to leave Greenwich and that is her heritage. Mr. Pisarski reiterated Mr. Eisenhauers comments. This acquisition has multiple funders and this has been going on a long time. There are some funders giving drop dead dates. The decision must be made in a timely manner by the governing body. He encouraged the Township to take into consideration everything and the decision must be made sooner than later. Mayor Reinhart questioned if placing it on the ballot in November would be too late and was advised it would be too late. Mr. Henry indicated it does not need to be placed on the ballot but place the facts out to the public. Mr. Price indicated it should be placed on the ballot as there are more individuals voting than attending meetings. Mr. Price indicated the actual deadline is and funding runs out. Mr. Pisarski indicated there is one (1) funder that needs to know by June. Mr. Elwell indicated here are areas in the Township that are not being maintained and presented this stating the Township is not currently maintaining what it has now. Mayor Reinhart indicated Mr. Elwell submitted a listing of the areas not being maintained. Mr. Eisenhauer indicated there is no concrete answer on Mr. Price's comment as the closing date has been changed numerous times. The problem is once purchased the State could not go back and sell the property to Greenwich. Mr. Carr indicated the contract was not received until February 9, 2016. Mr. Eisenhauer indicated maybe there could be an option for one (1) year and have it placed on the ballot. Mr. Showers questioned if there was no swimming would the property be covered under no insurance. Mayor Reinhart indicated he was not sure that there would be no cause. Mr. Murray indicated his property is waterfront and the cost is up there. On motion of Deputy Mayor Orr, seconded by Mayor Reinhart to close the public comment, unanimously carried.

## New Business

Municipal Tax Map – The Committee concurred to authorize the Tax Assessor to forward the map to the State for review for the revaluation.

## Solicitor Report:

Mr. Carr reviewed his written report.

Committee Comments – Committeeman Werley stated there was no Dike Committee meeting due to his schedule. He reported on April 21, 2016 there will be a Resiliency meeting and on June 6, 2016 there will be a Sea Grant Community Workshop at the Morris Goodwin School. Mayor Reinhart reported the air conditioning units at the fire hall have been installed. He thanked everyone for their support of the Historic Greenwich Education Foundation Auction and Talent Show which raised close to \$6,000. For the month of March there were six (6) fire calls, three (3) ems calls with a year to date total of twenty-nine (29), which did not include clearing

one tree. Maps of the properties for sale are mounted on the wall and also on the website. He indicated there were resident concerns regarding the Mill Creek/Watson Dike water level and the fact there will be no water control device. He advised the public this was a County project. He pointed out a pen and ink drawing on the wall that was a gift to the Township from a former resident. On April 19, 2016 there will be a budget hearing held at 7:30 p.m. The master plan reexamination time has been statutorily changed and the Township has more time to complete the plan.

Public Comment- On motion of Committeeman Werley, seconded by Mayor Reinhart to open the public comment, unanimously carried Mr. Henry questioned the status of the MOU in regards to the cell tower. Mr. Carr indicated the FCC is doing final edits and the Township will have something to review before adoption. Mr. Showers questioned if check valves are to placed at Mill Creek/Watson Dike. Mayor Reinhart indicated there will be a duck bill valve placed there. Mayor Reinhart indicated it is out of the Township's hand. Mr. Elwell questioned if there would be any expense to the Township and was advised there would not be. Mr. Price questioned if it would still be maintained by the County and was advised yes. Mr. Showers questioned if the meeting in regards to the Sheppards Mill Pond should be changed to the Morris Goodwin School. The Clerk will advertise the meeting change. On motion of Deputy Mayor Orr, seconded by Mayor Reinhart to close the public comment, unanimously carried.

Adjournment – On motion of Committeeman Werley, seconded by Deputy Mayor Orr to adjourn, unanimously carried.

Respectfully submitted,

Lisa Garrison  
Township Clerk