

**TOWNSHIP OF GREENWICH  
MINUTES OF REGULAR MEETING  
MAY 10, 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 April 14, 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.

Committeeman Werley stated Gary Moore, School Business Administrator, had passed away. He had been the Business Administrator, through a shared services agreement, for the past twelve (12) years. He indicated it was a true loss to the Township and requested a moment of silence.

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 \$371,470.85, unanimously carried.

Mayor Reinhart called for a public hearing on the following ordinances:

**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.

Mr. Carr indicated it was determined the misdemeanor penalties were all over the place. A solution adopted by some towns is to update to the state maximum which is what is being considered. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to open the public hearing, unanimously carried. Ms. Dodge questioned the update of the penalties. Mayor Reinhart indicated the Township was making them uniform and allowing the judge to make the decision on the fine. Mr. Hannigan questioned what type of penalties they are. It was advised they are for misdemeanor penalties. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to close the public hearing, unanimously carried. On motion of Deputy Mayor Orr, seconded by Mayor Reinhart to approve and adopt the foregoing resolution, unanimously carried upon roll call vote: Ayes: Orr, Werley, Reinhart None Abstain: None Absent: None

Mr. Carr indicated he and Committeeman Port attended a meeting and once the mapping was to be finished the ordinance was presented to the Committee for adoption. It is a necessary item in order for the residents to access NFIP. The deadline is June 12, 2016. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to open the public comment, unanimously carried. Mr. Dodge questioned if this mandates insurance purchase by residents. Mr. Carr indicated it was

optional. The footprint has been expanded with the remapping and made it a different program. The goal is for the program to become self sustaining. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to close the public hearing, unanimously carried. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve and adopt the following ordinance, upon roll call vote. Ayes: Orr, Reinhart, Werley Nays: None Abstain: None Absent: None

## **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 ( $BFE = SWEL + \text{wave effect}$ ) 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\_\_\_\_\_

**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 Mayor Reinhart, seconded by Deputy Mayor Orr to open the public hearing unanimously carried. Ms. Dodge questioned if the salaries remained the same as 2015. Mayor Reinhart indicated there was a 2% increase with the exception of the Committee members whose salaries remained the same. On motion of Deputy Mayor Orr, seconded by Mayor Reinhart to close the public hearing, unanimously carried. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to approve and adopt the foregoing ordinance, 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 open the public hearing, unanimously carried. Ms. Arnold questioned what are the lands being discussed. Mayor Reinhart indicated the lands are listed on the website with the map and also the map is at the OEM building. They are small parcels of lands. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to close the public hearing, unanimously carried. On motion of Committeeman Werley, seconded by Deputy Mayor Orr to approve and adopt the following ordinance, unanimously carried upon roll call vote. Ayes: Orr, Reinhart, Werley Nay: None Abstain: None Absent: None

## **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. 5-29-2016**

**APPROVING THE PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER  
OF PLenary RETAIL CONSUMPTION LICENSE NO. 0606-33-001-011  
FROM SILVER DOLPHIN LLC TO SEA LEVEL AT HANCOCK HARBOR, LLC**

**WHEREAS**, Sea Level at Hancock Harbor, LLC has made application to the Township Committee, the issuing authority of the Township of Greenwich for a person-to-person transfer of Plenary Retail Consumption License No. 0606-33-001-011 heretofore issued to Silver Dolphin LLC for premises situated on 1 Pier Road; and

**WHEREAS**, Sea Level at Hancock Harbor, LLC has also made application for a place-to-place transfer of Plenary Retail Consumption License No. 0606-33-001-011 to expand to include outdoor area adjacent to the existing premises as designated by the attached map which is hereby attached and made part of this resolution; and

**WHEREAS**, the licensed premises are known and described as Block 139 Lot 1 on the current Official Tax Map of the Township of Greenwich; and

**WHEREAS**, notice of this person-to-person and place-to-place transfer was duly advertised as required by law, said advertisements having occurred in The South Jersey Times, a newspaper of general circulation within the Township of Greenwich, on February 28, 2016 and March 6, 2016 as appears from the Proof of Publication duly filed with the Municipal Clerk of the Township of Greenwich; and

**WHEREAS**, there have been no objections to this transfer filed with the Municipal Clerk of the Township of Greenwich;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Greenwich, and the issuing authority thereof, in the County of Cumberland and State of New Jersey, as follows:

1. The Township Committee makes the following findings of fact:

1. The application for the person-to-person and place-to-place transfer is complete in all respects. All required fees have been paid to the Township of Greenwich and the State of New Jersey. Notice of the transfer application has been duly advertised as required by law and by the rules and regulations of the New Jersey Division of Alcoholic Beverage Control. No objections, written or otherwise, have been filed with the Municipal Clerk of the Township of Greenwich.

2. The applicant, Sea Level at Hancock Harbor, LLC and its officers, directors and stockholders, Scott A. Gifford, have previously submitted fingerprint cards to the New Jersey Division of Alcoholic Beverage Control for a criminal records check. Said investigation did not disclose any reason that would disqualify the applicant, its officers, directors or stockholders from holding a Plenary Retail Consumption License under the laws of the State of New Jersey.

3. All conditions precedent to the transfer of said license appear to have been complied with.

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

1. The statements of the preamble are incorporated herein by this reference.

2. The Township Committee does hereby approve the person-to-person and place-to-place transfer to Sea Level at Hancock Harbor, LLC of said Plenary Retail Consumption License and the Municipal Clerk be and she is hereby authorized to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to transferred to Sea Level at Hancock Harbor, LLC, effective May 10, 2016".

Mr. Carr indicated it has been in the works for a time. The background check and the newspaper advertisement had been completed. There were no comments. 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. 5-30-2016**

### **A RESOLUTON ADOPTING THE ANNUAL AUDIT REPORT FOR THE YEAR 2015**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

**WHEREAS**, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the governing body; and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports to the local fiscal affairs, as per R.S. 52:27BB-34; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled, :

**General Comments  
Recommendations**

and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

**General Comments  
Recommendations**

as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEEAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52-27BB-52, to wit:

R.S. 52-27BB-52: A local officer or member of a local governing body who after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Greenwich,, hereby states that it has complied with N.J.A.C. 5.30-6.5 and does



hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Unfinished Business:

Planning/Zoning Board Resolution No. 2-2016 (Sheppards Mill Pond) – Ms. Garrison indicated the Board has forwarded a resolution in support of the purchase of Sheppards Mill Pond.

New Business: Mayor Reinhart indicated there is no long distance service in the OEM building. Ms. Fleetwood will reach out to Verizon.

Solicitor Report: Mr. Carr distributed written copies of his report and reviewed the following:

- Emailed a report in regards to stipulations for tax appeals.
- Checklist copy from the Cumberland County Board of Health
- Hopewell Township cannot engage in a shared service for roadside mowing. An RFQ needs to be put out for said service
- Summary of Sheppards Mill Pond

Committee Comments – Committeeman Werley indicated the Mill Creek Dike is basically complete. It is now not allowing salt water in from the Cohansey. The level is now lower. The project is complete and the County should be removing their equipment. There will be a community workshop on June 6, 2016 at 7:00 at the Morris Goodwin School. Mayor Reinhart updated the public on the OEM building oil spill. An engineer has presented a proposal on how to support the building while they are digging for more. Welcomed everyone to attend the Senior Center. For the month of April there were five (5) fire calls; four (4) EMS calls; one (1) downed tree which brings the year to date total to thirty-nine (39).

New Business -

Public Comment – Sheppards Mill Pond - Mayor Reinhart requested individuals must state their name. Mr. Flaherty requested the Committee and attorney to explain at the last meeting the legal information for the purchase of Sheppards Mill Pond would be on the website and he was unable to find it. He was later advised the State had forced the Township to remove it from the website. He questioned who from the State ordered it removed. Mr. Carr indicated it went up on the website on the 18<sup>th</sup> and then was removed. Ms. Jones, Green Acres, discussed the election for the removal. Mr. Flaherty indicated he had looked into costs to implement the development of Sheppards Mill Pond swim area. The DOH is responsible for the rules and regulations for swimming. He sent the rules to the Committee and attorney. He then distributed a checklist. This checklist must be distributed once a year. A trained pool officer must be hired and must be certified. He reviewed the results of a survey in regards to their salary. Life guards and other personnel must be hired which duties would include water testing. They must be current in algae management, state certified with basic life support and first aid from American Red Cross. An EMT or paramedic must be present when swimming and they must be certified with a PAL certification. The water must be tested every week at a cost of \$45 – \$100. There are three (3)

State certified labs in Cumberland County. A sanitary survey must be completed by the Cumberland County DOH along with the trained pool officer. There must be log books. A physical hazard inspection must be completed. He indicated equipment must be purchased. A trailer would be required for equipment storage. The major issue is bathrooms. They must be cleaned and stocked. Each sex must have their own facility. The hot and cold water must be provided. To meet the sanitary system requires is difficult. The cost of purchasing a facility is \$48,360 per a quote he had received from a contractor. This is not the total cost as a generator must be purchased to provide electric. Water must be hauled in and waste hauled out. Ms. Jones, DEP in the Green Acres, indicated the property proposed to be purchased goes back many years. Mr. Heron, Southern Regional Superintendent for Fish & Game indicated the acquisition project is the purchase of the Girls Scout property. There are many partners involved to assist with the purchase. Tract A (400 acres) will be purchased by the State and Natural Lands Trust. The other tract is the Township's proposal of four (4) acres to have a swimming beach if so desired with a right of access easement on existing driveway for town residents to use. A 150'x150' pond area easement for swimming. The contract with the Girl Scouts is in two parts (State and Township). The reason why the contract was removed from the website is because it is not signed and it is a confidential document. As the Girl Scouts have not signed it, it cannot be out there for public view. There is a concern of someone coming in and buying it out from under the State. The Township would work with Fish and Wildlife for an easement for the pond. The property is not specifically to be used just for swimming use it will be a Township park. Other activities such as volley ball could occur. If the Township does not initially go into closing it does not need to be immediately opened up. If the town decides they do not want to do this anymore the State of New Jersey would buy it back with the cost put into it and the easements would extinguish. The access easements are not assignable. If building is decided it must be in support of outdoor recreation and conservation purposes. Mr. Dodge indicated in reviewing the document there is no guarantee that the property would be purchased back by the State. He issued his concern that the contract could not be reviewed by the public prior to purchase as it is a confidential agreement. Ms. Jones indicated the State wrote the agreement and the Township would have the right to change the agreement. She indicted under OPMA it is a closed meeting issue. Mr. Carr indicated there is a right of confidentiality and the Township chose not to use it. Mr. Dodge indicated the agreement is very specific about what is limited. The State is very clear on its authority and the Township's liabilities. It is his perception there is an imbalance. Ms. Jones indicated the town became involved as they were concerned they would lose their historic swimming beach. If the State closed on the property there would not be the ability to negotiate with the town over the four (4) acres. At the closing the town purchases the four (4) acres from the Girl Scouts. The Township is not being told the four (4) acres must be used for swimming. He questioned why the state is being involved in dictating to the town. The State was trying to make it happen all at one time. The State is only setting the terms for the right of way access and the pond. They are not setting the terms for the four (4) acres. Ms. Jones indicated she is willing to work with Mr. Carr and the Committee. Mr. Dodge indicated there are many rules to comply with to mitigate the Township's liability. The agreement is in conflict with the State regulations to have a public swimming area. Ms. Jones indicated there are to be no structures on the right-of-way. Mr. Dodge indicated if that is the case that would nullify some of the concern if there is no swimming. He indicated the agreement should make that more clear. Ms. Hanson thanked the Girl Scouts, State, Natural Lands Trust and everyone who has helped to preserve the whole property. She was appreciative of the focused discussion. She referenced five (5) or six (6)

years of different efforts. In January 2015 at the Township meeting a resolution was passed to pursue the purchase of Sheppards Mill Pond. Said resolution is in the minutes of the January 2015 meeting and is available on the website. She read the end of the resolution and in her opinion this meant the Township would work out the details of the agreement. It was her understanding the Township was working towards the purchase of the land for whatever purpose the Township decided. She felt there are still unresolved details and questioned if the Township Committee is prepared to work with the State in regards to the agreement. At this point she wants to know what is happening right now and what are the next steps to bring it to a conclusion. She thanked everyone. Mayor Reinhart indicated the word negotiate means it takes two (2) people to negotiate and until two (2) weeks ago there was nothing to review. The document was not received until two (2) weeks ago. Mr. Thompson expressed his concerns in who will guard the property. He indicated he could take his children/grandchildren to the beach or Sunset Lake. He does not want to worry all night long if the State Troopers are coming out to save someone as they are out there partying. He worries about his children and grandchildren every night. He loves the fact of purchasing and keeping everyone out but personally does not think it will work because everyone will also worry if someone will be there during the night and do something stupid. He feels it will be a setup for failure. He lives down the road and sees everyone racing and feels if you want to take your kids swimming take them to a pool or the coast. Mr. DeMarco questioned if everyone was tossing and turning over other properties that are liabilities. He questioned the insurance liability and what the additional cost of insurance would be. He indicated a year and a half ago the answer was it would not cost much. Mayor Reinhart answered \$1,550 for additional coverage. Ms. Arnold indicated her feeling was the property should not be purchased. Her concern was taxes and liability. There will be children going in there at all times of the night drinking. She indicated children had broke the tower at BaySide. Mr. Elwell questioned the cost after the purchase. He wants to know the annual cost as the taxes are not getting any cheaper. Ms. Dodge indicated she is totally opposed to the purchase and questioned what would the Township residents be able to do if they own it versus the State. She indicated eutrophic means dead, dying and cannot come back. Water could not be used to swim in if it is eutrophic as it will cause illness. She questioned if the ambient lake monitoring report had been seen. The report was dated 2007. She indicated the lake is dying. The more traffic in a eutrophic lake the more the process speeds up. The State will not be giving out homestead rebates. There is nothing that can be done other than swim if we own it. If they own it we do not swim in the pond. Historically the Township swam in the pond many years ago. The other issue is taxes. Greenwich Township has the highest tax rate in Cumberland County. She has no children in school but we all still pay for the school. She is not prepared to pay for a piece of property that she is not going to swim in as there is no guarantee it can be swam in every year and the Township will accept all of the liability. Ms. Flaherty, a nurse practitioner, indicated the Township is taking on a lot as the water is not safe. She has seen people sick in unsafe water. This is a very expensive undertaking. The Township could be sued if people get sick or if there are any drownings. She questioned if the Township is willing to take on the responsibility. Taxes will go up and she does not want her taxes to go up. It is a wonderful community but 4 acres and what is proposed to happen is not safe. Al Zambone stated his comments are not personal and indicated in dealing with the State, they are not our friend. Employees of the State get a pension and this pension is the most poorly funded. The Township gets a tax structure based on property tax rebates. They may be a thing of the past. Out of 3,143 counties in the United States, Cumberland County is number 44. The residents pay

more per house than in Hunterdon County. The numbers aspect in perspective in regards to increased costs cannot be done. If the Township continues the taxes will double in 15 years. If there is 2% inflation they will triple in 20 years. That is the tax background. The issue is complex. It cannot be said what agencies are all involved. It has to be adjudicated by the Township. He suggested great caution in proceeding with anything regarding money. The area that has been discussed, 45 years ago was a pristine jewel. That an ecological microcosm can be open to a large number of people is absurd. It cannot be done. There may be ways to greatly limit, 10-12 people at a time. It makes it open to everyone in very small numbers. Caution is needed and the Township needs to move slowly and with great transparency. Ms. Watson indicated many people have thought very hard about what has been said but believes everything is being blown out of proportion. The problems are solvable. In 1974 when the Historical Society moved the Swedish granary to the Gibbons property the Planning/Zoning Board made them build a parking lot for 100 cars because it was thought it would be overrun with tourists. In January 2015, she had randomly petitioned residents, 108 people were petitioned, 105 people signed the petition in favor of purchasing the property. The representation tonight does not reflect the number of people who are in favor of the purchase but either were not aware of the meeting or not motivated. Ms. Watson read and presented the petition to the Committee. Mr. Burlingame indicated a sample size of 100 out of 800 is small especially if picking which ones to be questioned. Ms. Watson indicated her goal was 100 due to time. Mr. Burlingame indicated the Township is strapped and can barely pay for schools, trash pick-up and suggested those who want to swim should join a pool. Mr. Price indicated everything is a money issue as County tax, municipal tax and school tax increases. There has been much talk regarding taxes. He is aware of a resident paying \$24,000 and the only thing you get is the dump. Everything is a money issue and can the Township afford it. Mr. Showers questioned the Green Acres representative if in further negotiations can there be a clarification on the buy back and if there are any other parcels being used for fish and wildlife that have an adjacent property with a swimming lease. Ms. Jones indicated there was a buy back in the agreement and she was unsure if there was any other parcel managed by Fish & Wildlife. The Wildlife Management rules do not allow swimming. He further questioned if a previous insurance quote of \$1,550 was for swimming. Mayor Reinhart indicated it was not clear. Mr. Showers indicated at a previous Township meeting it was indicated there would be no increase if there was not swimming. He questioned if the Township could negotiate instead of tax money being utilized could the area be operated like a swim club and memberships pay for the costs. Ms. Jones indicated the State is not involved in this aspect. Mr. Showers indicated a Recreation Committee could be formed to run it and, part-time lifeguards and water testing could be reviewed. There is only one opportunity to purchase the property and use the time without swimming to set up a committee to manage cost. If the decision is not made it is an opportunity lost forever. Mr. Murray thanked everyone for the research but it all sounds like Nancy Pelosi- you have to pass it to find out what it is. It was his suggestion to forget the whole thing. Mr. Flaherty stated for \$17,000 we could put in a pool which would have clean clear water. He questioned the State buy back. Ms. Jones indicated there is a right of first refusal but cannot obligate funds in the future. They would work with the town to make it whole. He indicated the Township may easily put in \$100,000 in four (4) years. Instead of these expenditures just get a pool, it is healthier. The access easement is the main entrance and would require a lot of fencing. This aggravation is not needed. Ms. Weigand thanked everyone for their research. She indicated putting the practicalities aside and speaking emotionally she has seen a big change in Greenwich. She could count seven (7) houses on the

main street that are for sale, vacant and/or abandoned. When she had first moved here she loved the pond, it was an oasis and does not remember any problems. She wants to see Greenwich as a happy place and this would be something special that other places do not have. She agrees with the taxes but this is a chance for the Township not to lose it. Ms. Barndt indicated people are confusing the purchase of the four (4) acres with the swimming rights. The four (4) acres can be purchased without a decision on the pond. If the pond easement is restrictive it does not affect the four (4) acre tract that is in discussion for purchase. Mr. Ivanick spoke in favor of the purchase as there are no recreational areas. It is something that the Township has one chance to get a hold of. The swimming is a red herring. If the \$17,000 is amortized it is not much and if there is no swimming there would be no insurance increase. This asset should be grasped for the town. The liability can be managed. It is a jewel. He cannot imagine Greenwich without the pond. The Township should take the long view and do the right thing for the future. Buy this as an asset for the town and an attraction for those to move into Greenwich. Ms. Arnold questioned if the quotes for insurance were with or without swimming. Mayor Reinhart indicated the only thing he has is \$1,550 but is unclear if it was for swimming. She indicated until you return it if the Township did not have the swim area would there still be a liability for swimming. It was also questioned if it should be placed on the ballot. Mayor Reinhart stated Mr. Eisenhower had indicated there would not be time. Ms. Jones indicated once the town knows this may not work the State will go ahead and purchase the entire thing and the land would only be for Fish & Wildlife purposes. She does not want to drag out the Girl Scout Sale. Ms. Arnold indicated there are many people who are not aware of what is going on. Ms. Dodge returned with the Eutrophic report for Committeeman Werley's review and further indicated the report was not from 2007 but 2011. She made the suggestion that those individuals determined to purchase and indicated it would not affect taxes could purchase it with their own money. Mr. Henry indicated the Township has had before them on three (3) different occasions recommendations from the Planning Board recommending purchase of the property. The job of the Board is to look into the future and see what the Township needs, to look into it professionally and not politically. There is no recreational area in the Township. Tax concerns have been expressed. He indicated he is also concerned and sensitive to taxes but he takes a long view as to the future of the Township. As a group the Board made these recommendations for purchase. He indicated Greenwich Township is an aging community and the consequences of this trend are there will be a continuation of a loss of houses and population. The taxes will be shared by the older group and the trend must be reversed. To reverse the trend, fiber optics has been brought into town, a cell tower has been brought into town and the next step is to provide amenities to get young people along with children to populate the school. Young people are needed to populate the fire department. People are needed in the town, not to grow but to maintain the number of households to share the tax burden. Any of us who think in the long term that there is a possibility to buy a parcel of land to set aside for our children or grandchildren, all of us would jump at the chance. The money is in the budget and we can proceed to figure out what to do with the property. Either be stuck in the mud or look to the future and make the right decision. Ms. Jones thanked everyone and the Committee for allowing them to come to disseminate information. She understands serious issues need to be discussed and hopes the town can make a decision soon. Mayor Reinhart questioned the limits on the easement rights and was advised it would only pertain to right of way access. The sentence is not clear and needs to be reviewed. Mayor Reinhart questioned if the Township's four (4) acres would not be open to the general public and was advised no. Gates were discussed in the past

and during hunting season the property would be open. There would be more detail in the special use permit. During non hunting season the gate would be closed. The town would need to work out keeping out people from their four (4) acres. Mr. Murray questioned if the people would vote on it. Mr. Carr indicated they are being told there is no time for it to be on the ballot. A public meeting is being held tonight to debate the agreement. Ms. Jones indicated if the Girl Scouts need to wait that long the sale may be jeopardized. On motion of Mayor Reinhart, seconded by Committeeman Werley to close the public comment, unanimously carried. Mr. Carr indicated the Committee were presented with options but felt it would be irresponsible to sign this evening as there are things that need to be tightened up. Ms. Jones indicated she would adjust contract language and return to Mr. Carr and a time will be set for a meeting.

Public Comment- Mr. Costa indicated he could not hear very well. On motion of Mayor Reinhart, seconded by Deputy Mayor Orr to open the public comment, unanimously carried. Mr. Hannigan questioned if the Zoning Officer is proactive or reactive. He indicated discussion has been held in regards to tax dollars and he has seen building going on and is questioning if the Zoning Officer is being proactive or reactive. Mayor Reinhart indicated there has been over \$1,700 in fees. He also questioned how many dog licenses have been sold. Ms. Garrison indicated she has sold seven (7) and she is not enforcement. Ms. Hedlund indicated she cannot sell her home and questions the status of the McClean property next to her. Mr. Carr updated her on the status. On motion of Mayor Reinhart, seconded by Committeeman Werley to close the public comment, unanimously carried.

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

Respectfully submitted,

Lisa Garrison  
Township Clerk