

BOROUGH OF ROOSEVELT
33 N. Rochdale Ave, Roosevelt Borough, NJ 08555

DRAFT
COUNCIL MEETING AGENDA
JUNE 20, 2022 @ 7:00 P.M.

DUE TO THE CORONAVIRUS AND THE NEED FOR SOCIAL DISTANCING, THIS MEETING WILL ALSO BE HELD REMOTELY AND AVAILABLE TO THE PUBLIC IN A LIVE FEED. TO ACCESS THE MEETING PLEASE FOLLOW THE INSTRUCTIONS BELOW:

Join Zoom Meeting

<https://us02web.zoom.us/j/3251865085?pwd=L1RWNlhPYTZZZdUZ5R3piTONZWWhuUT09>

Meeting ID: 325 186 5085; Passcode: 968068

One tap mobile

+16465588656,,3251865085#,,,,*968068# US (New York)

+13017158592,,3251865085#,,,,*968068# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York); +1 301 715 8592 US (Washington DC)

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+1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston)

Standard protocols for Remote Meetings set forth in Resolution 20-108 adopted November 23, 2020:

- 1) Members of the public wishing to make a comment during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.
- 2) Members of the public may also submit written comments to the Council, through the Borough Clerk, by either e-mail to clerk@rooseveltnj.us or written letter to Borough Clerk, Borough of Roosevelt, 33 North Rochdale Ave, P.O. Box 128, Roosevelt, NJ 08555. Written comments must be received at least 24 hours prior to the noticed start of the remote meeting in order to be included in the meeting.
- 3) Public comments shall be received and/or read into the record during times designated during the meeting for public participation.
- 4) The Council reserves the right to pass over duplicative written comments; however, each duplicative comment shall be noted for the record with the content summarized.
- 5) A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.
- 6) Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If such a member of the public becomes disruptive during the meeting, the individual chairing the meeting shall mute, or direct the muting of, the disruptive member and warn that any continued disruption may result in the member being prevented from speaking during the meeting or be removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behaviors such as shouting, interruption, and the use of profanity.
- 7) Any member who continues to be disruptive after receiving a warning may be muted while other members of the public are allowed to proceed with their comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public are provided an opportunity to comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote meeting or removed from the meeting.

TIME IN _____

Adequate notice of this meeting, as required by Chapter 231, P.L. 1975, has been provided by a public notice on January 12, 2022 which was posted on the Bulletin Board at the Roosevelt Post Office and in the Borough Hall. The notice was published in The Times and Asbury Park Press.

ROLL CALL

Councilmember Robert Atwood
Councilmember Louis Esakoff
Councilmember Michael Hamilton
Councilmember Constance Herrstrom
Councilmember Steven Macher
Councilmember Joseph Trammell
Mayor Peggy Malkin

MAYOR'S REPORT

PUBLIC COMMENT (Agenda items only)

APPROVAL OF MINUTES:

1. Regular Meeting Minutes – May 16, 2022
2. Closed Meeting Minutes – February 7, 2022
3. Closed Meeting Minutes – March 7, 2022

CORRESPONDENCE:

1. Letter from Roberts Engineering, Dated June 3, 2022 regarding NJDOT Transportation Alternatives Set-Aside Program

ORDINANCE:

FIRST READING

ORDINANCE 22-06 An Ordinance Replacing Chapter 14: "Flood Damage Prevention" of the Borough's Revised General Ordinances to Adopt Flood Hazard Maps and to Create the Position of Floodplain Administrator and to Provide for Severability and an Effective Date

Public Hearing to be held on July 5, 2022 at 7:00 p.m. at the Borough of Roosevelt, 33 N. Rochdale Avenue, Roosevelt, NJ 08555.

CONSENT AGENDA RESOLUTIONS:

- Resolution 22-65 Payment of Bills for June 6, 2022
- Resolution 22-66 Resolution Authorizing the Borough Engineer to Make a Grant Application to the New Jersey Department of Transportation for Improvements to North Valley Road Between Homestead Lane and Approximately 500 Feet South of Farm Lane
- Resolution 22-67 Resolution Authorizing the Award of a Non-Fair and Open Contract for Professional Cemetery Management Services to Sutphen Memorial, Inc., 53 Somerset Street, Hopewell, NJ 08525
- Resolution 22-68 Authorizing A Shared Services Agreement with the Millstone Township Board of Education for Electric, HVAC and Mechanic Services

Resolution 22-69 Payment of Bills for June 20, 2022
Resolution 22-70 Authorizing Temporary Emergency Appropriations #4

REPORTS OF COMMITTEE CHAIRS:

Councilmember Atwood	Envi, Health & Safety
Councilmember Esakoff	Administration
Councilmember Hamilton	Finance
Councilmember Herrstrom	Community Dev/Code
Councilmember Macher	Public Works
Councilmember Trammell	Utilities

REPORTS OF BOROUGH OFFICIALS:

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Liquor License Fees
2. 2023 Transportation Set-Aside Program Project Scope – Curb and Sidewalk Improvements at Rochdale Avenue

PUBLIC COMMENT: (Any item)

M/Malkin opens the public comment at _____

M/Malkin closes the public comment at _____

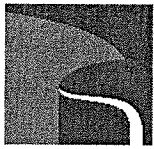
CLOSED SESSION:

Resolution 22-xx Providing for a Private Executive Meeting that Excludes the Public

Time In: _____ Time Out: _____

ADJOURNMENT

TIME OUT _____



Roberts
ENGINEERING GROUP LLC
Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

June 3, 2022

Mayor and Council
Borough of Roosevelt
33 North Rochdale Avenue
Roosevelt, NJ 08555

Re: NJDOT Transportation Alternatives Set-Aside Program
Borough of Roosevelt, Monmouth County, New Jersey
Our File No.: R4610

Dear Mayor and Council:

Enclosed with this letter, please find the following:

1. Grant Solicitation Letter from NJDOT dated May 24, 2022

The New Jersey Department of Transportation has announced that it will be accepting applications for the Transportation Alternatives Set-Aside (TA Set-Aside) grant program. Applications must be submitted on or before November 3, 2022 through the NJDOT SAGE website.

The TA Set-Aside program provides federal funds for community based "non-traditional" surface transportation projects designed to strengthen the cultural, aesthetic, and environmental aspects. Examples of awarded projects are bikeways, streetscapes, pedestrian bridges, etc. Eligible projects must fall into one of the following categories:

1. Design and construction of on-road and off-road trail facilities for nonmotorized forms of transportation.
2. Conversion and use of abandoned railroad corridors for nonmotorized forms of transportation.
3. Construction of scenic turnouts, overlooks, and viewing areas.
4. Historic preservation and rehabilitation of historic transportation facilities such as buildings, structures, and canals.
5. Community improvement activities such as streetscaping and corridor landscaping.
6. Environmental mitigation to address stormwater management, control, and water pollution prevention related to highway construction or runoff.
7. Reduce vehicle-caused wildlife mortality.

Please note that based on prior experience with this grant there will typically be a number of years between grant award and advertisement of the construction contract. The NJDOT has strict requirements during the design phase that must be met prior to advertisement for construction. In addition, should the Borough be awarded funding through this program, multiple engineering firms will be required as the program does not allow the design engineer to conduct the construction administration and inspection.

We recommend the following project scope based on past reviews with Borough representatives:

1. Curb and Sidewalk Improvements at Rochdale Avenue

This application proposes the construction of new curb and sidewalk on the west side of Rochdale Avenue between Pine Drive and Tamara Drive and the replacement of curb and sidewalk on the east side of Rochdale Avenue from Homestead Avenue and Borough Hall. In addition, the project will replace curb ramps, curb, and sidewalk that do not meet ADA requirements and upgrade existing storm drains to meet NJDOT Bicycle Safe Standards and NJDEP Stormwater Regulations. This application can also include traffic calming measures such as flashing beacons which we can review with the Monmouth County Engineer. This office will work in consultation with the County Engineer for the grant application to ensure all County requirements will be met.

This office is prepared to move forward with preparation of the application. Our fee to prepare and submit the application will not exceed \$7,500.00.

I request you review and provide direction for an application at your next available Council meeting.

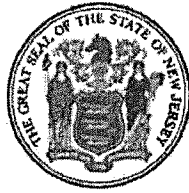
Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E.
Borough Engineer

cc: Kathleen Hart, RMC, CMR, Borough Clerk
Ana Debevec, Borough Treasurer
George Lang, Borough CFO
Cameron Corini, PE, CME, Roberts Engineering Group, LLC
Kelly Pham, EIT, Roberts Engineering Group, LLC



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

May 24, 2022

DIANE G. ACCETTI
Commissioner

RECEIVED
MAY 25 2022

Roberts Engineering Group, LLC

Re: Transportation Alternatives Set-Aside Program Request for Applications

Dear Prospective Applicant:

On behalf of Governor Phil Murphy, I am pleased to announce that applications are now being accepted for the 2023 Transportation Alternatives Set-Aside (TA Set-Aside) Program. This solicitation is administered by the New Jersey Department of Transportation (NJDOT), in partnership with the North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO).

The TA Set-Aside program provides federal funds for community based non-traditional surface transportation related projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation's surface transportation intermodal system. The TA Set-Aside program is funded through a set-aside of the Federal-aid Highway Program. This has been maintained and increased under the new Bipartisan Infrastructure Law (BIL).

For this solicitation, eligible projects must fall into one the following 7 categories:

- Design and construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, and other nonmotorized transportation users
- Construction of scenic turnouts, overlooks, and viewing areas
- Historic preservation and rehabilitation of historic transportation facilities both land and water such as buildings, structures and canals
- Community improvement activities, specifically: Streetscaping and corridor landscaping
- Environmental mitigation to address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff
- Reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats

Applicants may apply for Design, Right-of-Way (ROW) and construction funds. The eligible entities to receive TA Set-Aside funds are: local governments (municipalities and counties); regional transportation authorities; transit agencies; natural resource or public land agencies; and tribal governments. Nonprofit entities are eligible to partner with any eligible entity on an eligible project, if State or local requirements permit. The NJDOT has final authority to make a determination on the eligibility of an applicant.

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Applications should provide benefits to underserved communities, including low-income residents, minorities, those with limited English proficiency, persons with disabilities, children and older adults. Census data for these categories will be used to determine if a project meets the equity criteria. Information regarding equity is available through NJDOT's Local Aid Resource Center web site at:

<https://www.njdotlocalaidrc.com/equity>

Participation in a one-on-one pre-application meeting is required. Your local public agency should schedule this meeting as soon as possible through the NJDOT Local Aid Resource Center website:

<https://njdotlocalaidrc.com/transportation-alternatives-set-aside-application-resources.php>

As with all federally funded programs, funds will be disbursed on a reimbursement basis. The award of TA Set-Aside grants will be contingent upon the recipient's ability to comply with all applicable federal financial management, project implementation and oversight regulations. Before applying, applicants should assess their capability to comply with state and federal requirements for the administration of federal-aid highway grants set forth in Title 23 – Highways and OMB requirements related to administrative rules (2 CFR Part 200) and cost principals (2 CFR Part 1201) requirements.

Public rights-of-way and facilities are required to be accessible for all users through the statutes regardless of funding source. Recipients of federal and state grants will be required to comply with the provisions of Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

Applications for the TA Set-Aside Program are due on or before **November 3, 2022**. Applications must be submitted online through SAGE at: <https://njsage.intelligrants.com/>

Information on the TA Set-Aside Program is available at:

<https://www.njdotlocalaidrc.com/federally-funded-programs/transportation-alternatives>

Please consult with your Local Aid District Office and your corresponding Metropolitan Planning Organization for assistance in preparing applications for this program. Contact information is included.

The Division of Local Aid and Economic Development offers a TA Set-Aside Design Assistance Program which provides consultant engineering services to assist Local Public Agencies (LPAs) with the development of plans, specifications, and estimates for their TA Set-Aside projects. Recipients of the 2023 TA Set-Aside grant solicitation will be eligible to participate in the program. Consultant costs are paid by NJDOT and are not part of the grant amount if your LPA chooses to participate.

Please take advantage of this opportunity to improve safety and enhance New Jersey's communities. Good luck with your application.

Sincerely,



Diane Gutierrez-Scaccetti
Commissioner

Enclosure

cc: Municipal/County Clerk
Municipal/County Engineer

New Jersey's Metropolitan Planning Organizations (MPOs)

North Jersey Transportation Planning Authority (NJTPA)

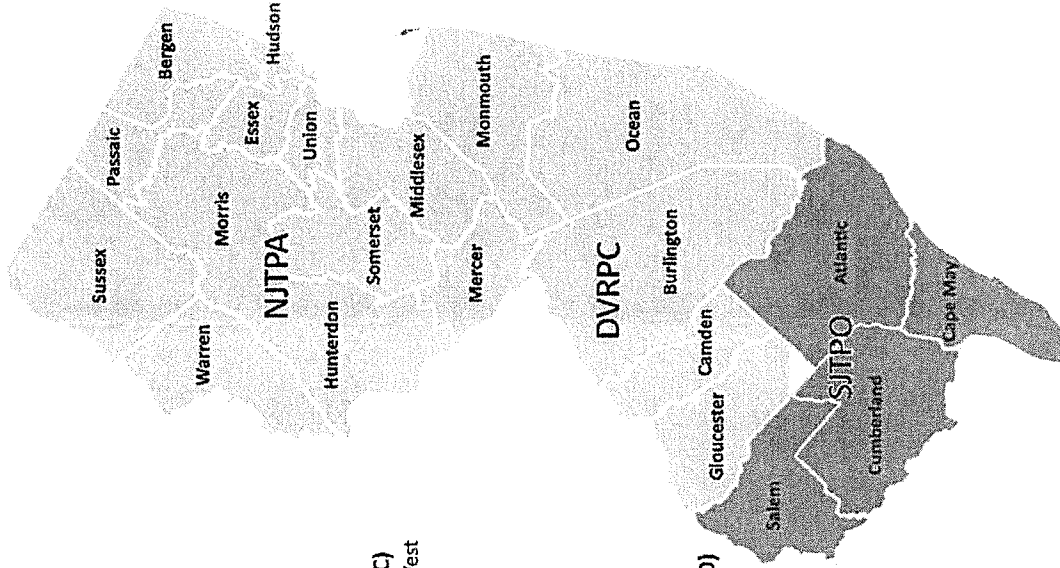
One Newark Center
17th Floor
Newark, NJ 07012
Phone: (973) 639-8400
Fax: (973) 639-1953
SRTS Contact: Eve Chamberlain
Email: echamberlain@njtpa.org

Delaware Valley Regional Planning Commission (DVRPC)

190 North Independence Mall West
8th Floor
Philadelphia, PA 19106
Phone: (215) 592-1800
Fax: (215) 592-9125
SRTS Contact: John Coscia Jr.
Email: jcosciajr@dvrpc.org

South Jersey Transportation Planning Organization (SJTPO)

782 South Brewster Road
Unit B6
Vineland, NJ 08360
Phone: (856) 794-1941
Fax: (856) 794-2549
SRTS Contact: Alan Huff
Email: ahuff@sjtpo.org



New Jersey Department of Transportation Local Aid and Economic Development

Main Office

1035 Parkway Avenue, PO Box 600
Trenton, NJ 08625-0600
Phone: 609.963.2021
Fax: 609.530.8044
Manager: David Bruccoleri

District 1, Mount Arlington

Roxbury Corporate Center
200 Steril Court
Mount Arlington, NJ 07856
Phone: 973.810.9120
Fax: 973.601.6709
Manager: Adam Iervolino

District 2, Newark

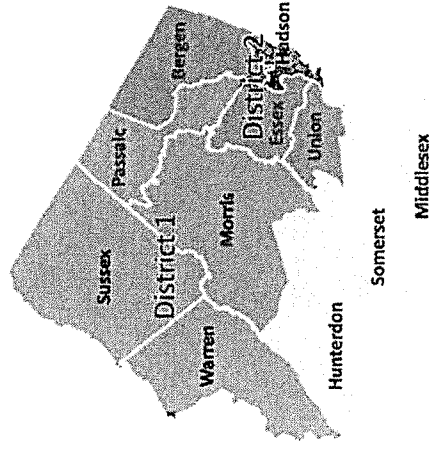
153 Halsey Street, 5th floor
Newark, NJ 07102
Phone: 862.350.5730
Fax: 973.648.4547
Manager: Vacant

District 3, Trenton

1035 Parkway Avenue PO Box 600
Trenton, NJ 08625-0600
Phone: 609.963.2020
Fax: 609.530.8044
Manager: Deval Desai

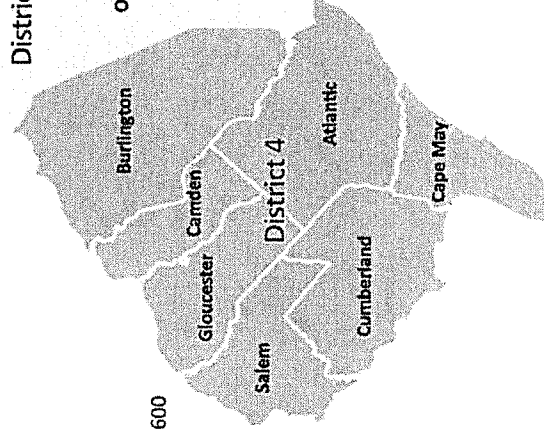
District 4, Cherry Hill

One Executive Campus
Route 70 West, 3rd Floor
Cherry Hill, NJ 08002
Phone: 856.414.8414
Fax: 856.486.6771
Manager: Thomas Berryman



District 3

Ocean



Local Aid and Economic Development

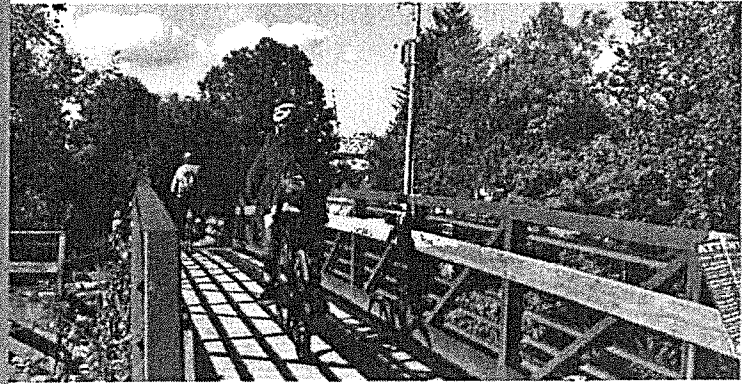


www.njdotlocalaidrc.com | (609) 649-9395 | DOT-LocalAID.ResourceCenter@dot.nj.gov

SCHEDULE TODAY!

NJDOT opens Pre-Application Meetings for Transportation Alternatives Set Aside (TA Set-Aside)

All applicants must schedule a meeting



What are Pre-Application Meetings?

In conjunction with DVRPC, SJTPO, and NJTPA, the Division of Local Aid and Economic Development is requiring Pre-Application meetings for the upcoming TA (Transportation Alternatives) Set-Aside Solicitation. The prospective applicants can discuss their project concept and get guidance on whether the proposed project is a good fit for the program. The team will be able to help identify any potential risks and discuss essential program requirements. Participation does not guarantee a grant but helps the department ensure that the projects submitted for funding are more likely to succeed.

1

Meeting Format

Pre-Application Meetings will be held virtually with the Local Aid Resource Center staff, Local Aid Division and/or District staff and MPO representatives. These meetings are expected to last for 60 minutes. Municipal or county representation is required for all meetings.

2

Meeting Prerequisite

1. Submit a project map (If you don't have one, make one with the map maker tool <https://njdotlocalaidrc.com/mapmaker/>, a brief description of the project and a cost estimate in advance of the scheduled meeting.
2. Review the NJDOT TA pre-application questionnaire.

3

How Do I Sign Up?

A representative of the project team can schedule the meeting. Begin by selecting your MPO: DVRPC, NJTPA, SJTPO. This will bring you to a calendar. Follow the prompts to select a day and time that suits your team. Once the meeting has been scheduled, an automatic invitation will be sent to the scheduler and can then be forwarded to the other team members/ invitees as needed.

DVRPC: <https://bit.ly/3LK4SVa>

NJTPA: <https://bit.ly/3uTGdqp>

SJTPO: <https://bit.ly/3rreTz9>

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**ORDINANCE NO.: 2022-06
INTRODUCTION DATE: 06-20-2022
PUBLIC HEARING DATE: 07-05-2022**

AN ORDINANCE REPLACING CHAPTER 14: “FLOOD DAMAGE PREVENTION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO ADOPT FLOOD HAZARD MAPS AND TO CREATE THE POSITION OF FLOODPLAIN ADMINISTRATOR AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

C/ _____ offered the following Ordinance and moved its introduction, which was seconded by C/ _____.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48, *et seq.* and N.J.S.A. 40:55D *et seq.*, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Roosevelt, New Jersey and such areas may be subject to periodic inundation which may result 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, and

WHEREAS, the Borough of Roosevelt was accepted for participation in the National Flood Insurance Program on or about May 25, 1978 and the Mayor and Council desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

WHEREAS, the Borough of Roosevelt is required, pursuant to N.J.A.C. 5:23 *et seq.*, to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough of Roosevelt is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough of Roosevelt is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (“NJDEP”),

NOW, BE IT ORDAINED by the Mayor and Council of the Borough of Roosevelt that Chapter 14 entitled “Flood Damage Prevention” of the Borough’s Revised General Ordinances is deleted and replaced with new Chapter 14 entitled “Flood Damage Prevention” as follows:

CHAPTER 14: “FLOOD DAMAGE PREVENTION”

SECTION 14-1 SCOPE AND ADMINISTRATION

14-1.1 Title.

These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of Borough of Roosevelt (hereinafter “these regulations”).

14-1.2 Scope.

These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 14-2 of these regulations.

14-1.3 Purposes and objectives.

The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- a. Protect human life and health.
- b. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- c. Manage the alteration of natural floodplains, stream channels and shorelines;
- d. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- e. Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- f. Contribute to improved construction techniques in the floodplain.
- g. Minimize damage to public and private facilities and utilities.
- h. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- i. Minimize the need for rescue and relief efforts associated with flooding.
- j. Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- k. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- l. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

14-1.4 Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Roosevelt administer and enforce the State building codes, the Mayor and Council of Borough of Roosevelt does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

14-1.5 Ordinary Building Maintenance and Minor Work.

Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 14-3.14 of this ordinance.

14-1.6 Warning.

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

14-1.7 Other laws.

The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

14-1.8 Violations and Penalties for Noncompliance.

- a. 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 violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1,250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.
- b. Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

- c. Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.
- d. Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

14-1.9 Abrogation and greater restrictions.

These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 14-2: APPLICABILITY

14-2.1 General.

These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

14-2.2 Establishment of Flood Hazard Areas.

The Borough of Roosevelt was accepted for participation in the National Flood Insurance Program on or about May 25, 1978.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at Borough Hall, 33 N. Rochdale Avenue, Roosevelt, NJ.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- a. *Effective Flood Insurance Study.* Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions) dated September 25, 2009 and revised June 20, 2018 and June 15, 2022, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 14-2.2A whose effective date is September 25, 2009 are hereby adopted by reference.

Table 14-2.2A

Map Panel #	Effective Date	Revision Letter
34025C0255	Sept. 25, 2009	F

- b. *Federal Best Available Information.* The Borough of Roosevelt shall utilize Federal flood information that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.
- c. *Other Best Available Data.* The Borough of Roosevelt shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Roosevelt. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 14-2.2 (a) and (b), above. This information shall be used for floodplain regulation purposes only.
- d. *State Regulated Flood Hazard Areas.* For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 14-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA.

14-2.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 14-2.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- a. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 14-2.2, above plus two feet of freeboard; or
- b. For any undelineated watercourse (where mapping or studies described in 14-2.2 (a) and (b) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 1. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 2. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Sections 14-5.2 and 14-5.3.
- c. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- d. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- e. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 14-3: DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

14-3.1 Floodplain Administrator Designation.

The Borough's Zoning Officer is designated as the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees. The Construction Official is hereby authorized to assist in implementing this chapter as it relates to structures and UCC compliance and investigations.

14-3.2 General.

The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 14-7 of these regulations.

14-3.3 Coordination.

The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

14-3.4 Duties.

The duties of the Floodplain Administrator shall include but are not limited to:

- a. Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 14-2 of these regulations.
- b. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- c. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- d. Determine whether additional flood hazard data shall be obtained or developed.
- e. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- f. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 14-3.14 of these regulations.
- g. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- h. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 14-7 of these regulations.

- i. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- j. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- k. Inspect development in accordance with Section 14-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- l. Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 14-7 of these regulations.
- m. Cite violations in accordance with Section 14-8 of these regulations.
- n. Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Roosevelt have been modified.
- o. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 14-2.2.

14-3.5 Use of changed technical data.

The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

14-3.6 Other permits.

It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

14-3.7 Determination of Local Design Flood Elevations.

If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- a. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- b. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The

accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 14-2.2 and 14-2.3 respectively. This information shall be provided to the Construction Official and documented according to Section 14-3.15.

14-3.8 Requirement to submit new technical data.

Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

14-3.9 Activities in riverine flood hazard areas.

In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

14-3.10 Floodway encroachment.

Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

14-3.10.1 Floodway revisions.

A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

14-3.11 Watercourse alteration.

Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

14-3.11.1 Engineering analysis.

The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

14-3.12 Alterations in coastal areas.

The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

14-3.13 Development in riparian zones.

All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

14-3.14 Substantial improvement and substantial damage determinations.

When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- a. Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- b. Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 14-2.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

- c. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- d. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 5 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.
- e. Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

14-3.15 Department records.

In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

14-3.16 Liability.

The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 14-4: PERMITS

14-4.1 Permits Required.

Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

14-4.2 Application for permit.

The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- a. Identify and describe the development to be covered by the permit.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan and construction documents as specified in Section 14-5 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- e. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- f. Be signed by the applicant or the applicant's authorized agent.

14-4.3 Validity of permit.

The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

14-4.4 Expiration.

A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

14-4.5 Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 14-5: SITE PLANS AND CONSTRUCTION DOCUMENTS

14-5.1 Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- a. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 14-5.2.
- c. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 14-5.2(c) of these regulations.
- d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- g. Extent of any proposed alteration of sand dunes.
- h. Existing and proposed alignment of any proposed alteration of a watercourse.
- i. Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

14-5.2 Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- a. Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- b. Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- c. Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

14-5.3 Analyses and certifications by a Licensed Professional Engineer.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- a. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 14-5.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- b. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- c. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 14-5.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- d. For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

- e. For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

14-5.4 Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 14-6: INSPECTIONS

14-6.1 General.

Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

14-6.2 Inspections of development.

The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

14-6.3 Buildings and structures.

The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- a. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 14-15.2 shall be submitted to the Construction Official on an Elevation Certificate.
- b. **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 14-15.2 shall be submitted to the Construction Official on an Elevation Certificate.
- c. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 14-15.2.
- d. **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 14-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

14-6.4 Manufactured homes.

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 14-7: VARIANCES

14-7.1 General.

The Borough's Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 14-7.5, the conditions of issuance set forth in Section 14-7.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

14-7.2 Historic structures.

A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

14-7.3 Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

14-7.4 Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 14-5.3(a) of these regulations.

14-7.5 Considerations.

In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- a. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

- d. The importance of the services provided by the proposed development to the community.
- e. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- f. The compatibility of the proposed development with existing and anticipated development.
- g. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- h. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- i. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- j. 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, streets, and bridges.

14-7.6 Conditions for issuance.

Variances shall only be issued upon:

- a. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- b. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- d. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 14-8: VIOLATIONS

14-8.1 Violations.

Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

14-8.2 Authority.

The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

14-8.3 Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

14-8.4 Review Period to Correct Violations.

A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 14-9: DEFINITIONS

14-9.1 General.

The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

14-9.2 Definitions.

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– 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.

AO ZONES – 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.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual 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** – see **SPECIAL FLOOD HAZARD AREA**

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – 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, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

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

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency 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 Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

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.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

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

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

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 14-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Borough Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, meeting all Federal, State, and local laws, which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on an Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable 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 as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The Start of Construction is as follows:

- a. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, 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 building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, 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.

- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, 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 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, 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. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

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.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

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 before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation includes the first improvement or repair of each structure is permanent subsequent to 2017. 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 official 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."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

SECTION 14-10: SUBDIVISIONS AND OTHER DEVELOPMENTS

14-10.1 General.

Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- a. All such proposals are consistent with the need to minimize flood damage.
- b. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

14-10.2 Subdivision requirements.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- a. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

- b. Residential building lots shall be provided with adequate buildable area outside the floodway.
- c. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 14-11: SITE IMPROVEMENT

14-11.1 Encroachment in floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless demonstrated through hydrologic and hydraulic analyses required under Section 14-5.3(a) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 14-5.3(a) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 14-15.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

14-11.1.1 Prohibited in floodways.

The following are prohibited activities:

- a. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- b. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

14-11.2 Sewer facilities.

All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

14-11.3 Water facilities.

All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

14-11.4 Storm drainage.

Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

14-11.5 Streets and sidewalks.

Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

14-11.6 Limitations on placement of fill.

Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC

(N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

14-11.7 Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless permitted by N.J.A.C. 7:13.

SECTION 14-12: MANUFACTURED HOMES

14-12.1 General.

All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

14-12.2 Elevation.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 14-15.2.

14-12.3 Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

14-12.4 Anchoring.

All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

14-12.5 Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with Section 14-15.2.

14-12.6 Protection of mechanical equipment and outside appliances.

Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 14-15.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including buoyancy, during flooding up to the elevation required by Section 14-15.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 14-13: RECREATIONAL VEHICLES

14-13.1 Placement prohibited.

The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

14-13.2 Temporary placement.

Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

14-13.3 Permanent placement.

Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 14-15.2 for habitable buildings.

SECTION 14-14: TANKS

14-14.1 Tanks.

Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 14-15: OTHER DEVELOPMENT AND BUILDING WORK

14-15.1 General requirements for other development and building work.

All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- a. Be located and constructed to minimize flood damage;
- b. Meet the limitations of Section 14-5.3(a) of this ordinance when located in a regulated floodway;
- c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 14-2.3;
- d. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- e. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 14-2.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 1. Specifically allowed below the Local Design Flood Elevation; and
 2. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.

- f. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- g. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

14-15.2 Requirements for Habitable Buildings and Structures.

- a. Construction and Elevation in A Zones not including Coastal A Zones.
 - 1. No portion of a building is located within a V Zone.
 - 2. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - 3. All new construction and substantial improvement of any habitable building (as defined in Section 14-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 14-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - 4. All new construction and substantial improvements of non-residential structures shall:
 - (A) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 14-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (B) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - (1) Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - (2) Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - 5. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- (A) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - (B) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 14-15.2(a)(4)(B) are met;
 - (C) Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - (D) Have openings documented on an Elevation Certificate; and
 - (E) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - (1) The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - (2) The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - (3) The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- b.
6. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

14-15.3 Garages and accessory storage structures.

Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

14-15.4 Fences.

Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 14-5.3(a) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with

the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 14-7 of this ordinance.

14-15.5 Retaining walls, sidewalks, and driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 14-5.3(a) of these regulations and N.J.A.C. 7:13.

14-15.6 Swimming pools.

Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 14-5.3(a) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

14-15.7 Roads and watercourse crossings.

- a. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- b. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 14-5.3(a) of these regulations.

SECTION 14-16: TEMPORARY STRUCTURES AND TEMPORARY STORAGE

14-16.1 Temporary structures.

Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

14-16.2 Temporary storage.

Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

14-16.3 Floodway encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Section 14-5.3(a) of these regulations.

SECTION 14-17: UTILITY AND MISCELLANEOUS GROUP U

14-17.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory

to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

14-17.2 Flood loads.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 14-2.3.

14-17.3 Elevation.

Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 14-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

14-17.4 Enclosures below base flood elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 14-15.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

14-17.5 Flood-damage resistant materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 14-2.3.

14-17.6 Protection of mechanical, plumbing, and electrical systems.

Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 14-2.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that, following its introduction, this Ordinance shall be forwarded to the Borough Engineer and the New Jersey Department of Environmental Protection for approval prior to adoption.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the _____ day of _____ 2022, at a meeting of the Mayor and Council of the Borough of Roosevelt and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Council of the Borough of Roosevelt to be held on the _____ day of _____ 2022 at the Municipal Building at 33 N. Rochdale Avenue, Roosevelt, New Jersey.

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 22-65
MEETING DATE: 06-20-2022**

PAYMENT OF BILLS FOR JUNE 06, 2022

C/ _____ offered the following resolution and moved its adoption, which was second by C/ _____.

WHEREAS, the attached list of bills have been submitted to the Council for payment approval; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the payment of bills.

NOW, THEREFORE, BE IT RESOLVED that the bills on the attached bill list be paid.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

Kathleen Hart
Borough Clerk

June 2, 2022
02:33 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

Page No: 1

6-6-22 BILL LIST

P.O. Type: All
Range: First
Format: Condensed

to Last

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BILYK005	BILYK, JOHN	22-00293	05/24/22	2/Q/2022 ANIMAL CONTROL SERV	Open	200.00	0.00		
BOARD005	BOARD OF FIRE COMMISSIONERS OF	22-00278	05/16/22	2022 FIRE/BLS SERVICES:2/Q/22	Open	24,668.25	0.00		
BOROU005	BOROUGH OF HIGHTSTOWN	22-00304	06/02/22	REIMB:SUPPL FOR ROBOCAN REPAIR	Open	290.00	0.00		
BRIMA005	BRIMAR INDUSTRIES, INC.	22-00091	02/15/22	TREE SIGNS (8) + POSTS/BOLTS	Open	1,357.57	0.00		
COMPL010	COMPLETE CARE MAINTENANCE, LLC	22-00306	06/02/22	MAY 2022 SERVICES	Open	400.00	0.00		
CROSS005	CROSS OVER NETWORKS, LLC	22-00108	02/24/22	2022 TEAMVIEWER ANTI-VIRUS	Open	35.00	0.00		B
		22-00109	02/24/22	2022 EMAIL ARCHIVING	Open	115.00	0.00		B
		22-00110	02/24/22	2022 CLOUD BACKUP	Open	66.00	0.00		B
		22-00111	02/24/22	2022 IT SERVICES	Open	103.00	0.00		B
						319.00			
DONAT005	DONATO, ESQ., MICHELE	22-00298	06/01/22	T-MOBILE-PB RW 2/21-2/28/22	Open	410.25	0.00		
GANNL005	GANN LAW BOOKS	22-00097	02/17/22	2022 EDITION NJ TITLES 40&40A	Open	214.00	0.00		
GROEN005	GROENDYKE, EARL	22-00274	05/13/22	REBUILD CORNERS @ AMPHITHEATER	Open	750.00	0.00		
JCPL0005	JCP & L	22-00290	05/23/22	APR 2022 ELECTRIC SERVICE	Open	1,004.47	0.00		
KYOCE005	KYOCERA DOCUMENT SOLUTIONS AME	22-00302	06/01/22	KYOCERA COPIER PYMT 44 OF 60	Open	194.71	0.00		
LENEG005	LENEGAN PLUMBING & HEATING, LLC	22-00101	02/23/22	INSTALL CURB BOX-49 LAKE DR	Open	1,950.00	0.00		
MARMO005	MARMORA, LILY	22-00300	06/01/22	2022 MAYOR'S AWARD	Open	50.00	0.00		
NJSTA005	NJ STATE LEAGUE/MUNICIPALITIES	22-00288	05/23/22	2022-23 MAGAZINE SUBSCRIPTION	Open	125.00	0.00		
ONSOL005	ONSOLVE, LLC	22-00272	05/13/22	2022 CodeRED	Open	2,700.00	0.00		

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PETTY005	PETTY CASH								
		22-00295	05/25/22	REIMBURSE PETTY CASH	Open	23.32	0.00		
		22-00297	06/01/22	REIMBURSE PETTY CASH	Open	93.93	0.00		
		22-00299	06/01/22	REIMBURSE PETTY CASH	Open	75.40	0.00		
		22-00305	06/02/22	REIMBURSE PETTY CASH	Open	<u>15.98</u>	0.00		
						208.63			
PSEGC005	PSE & G CO.								
		22-00276	05/13/22	APR 2022 GAS SERVICE	Open	424.12	0.00		
ROBER005	ROBERTS ENGINEERING GROUP, LLC								
		20-00463	07/30/20	ROAD IMPROV:FARM & SCHOOL	Open	7,676.75	0.00		B
		20-00464	07/30/20	WATER MAIN REPL-FARM & SCHOOL	Open	1,376.50	0.00		B
		21-00061	01/27/21	TRICKLING FILTERS/PHOSPHATE	Open	1,506.50	0.00		B
		22-00273	05/13/22	ROAD IMPROVEMENTS:PINE DRIVE	Open	15,640.00	0.00		B
		22-00303	06/01/22	MISC ENGINEERING 4/20-5/4/22	Open	1,787.00	0.00		
		22-00307	06/02/22	MISC ENGINEERING 4/20-5/9/22	Open	982.50	0.00		
		22-00308	06/02/22	MISC ENGINEERING 4/21-5/4/22	Open	832.50	0.00		
		22-00309	06/02/22	FEMA FLOOD PREVENTION ORD	Open	<u>97.50</u>	0.00		
						29,899.25			
ROOSE005	ROOSEVELT BOARD OF EDUCATION								
		22-00291	05/24/22	JUN 2022 SCHOOL TAXES	Open	146,015.00	0.00		
SOBEL005	SOBEL HAN & CANNON, LLP								
		22-00284	05/23/22	LEGAL SERVICES-MAR 2022	Open	2,500.00	0.00		
		22-00285	05/23/22	MAR 2022-GREEN ACRES VIOLATION	Open	45.00	0.00		
		22-00286	05/23/22	MAR 2022-TAX APPEALS	Open	450.00	0.00		
		22-00287	05/23/22	MAR 2022-ELLENTUCK OPRA	Open	<u>120.00</u>	0.00		
						3,115.00			
TEICH005	TEICH, DAVID								
		22-00282	05/19/22	REIMB:ITEMS FOR TRAILHEAD SIGN	Open	259.61	0.00		
THEH0010	THE HOME DEPOT								
		22-00310	06/02/22	SUPPL FOR PAINTING SPEED HUMPS	Open	57.22	0.00		
THOMA005	THOMAS PLANNING ASSOCIATES,LLC								
		21-00694	12/22/21	HOUSING PLAN ELEMENT	Open	387.50	0.00		B
HUNTE005	TRU STOR, LLC dba								
		22-00296	05/26/22	SERVICE CALL ON 5/6/22	Open	175.00	0.00		
VERIZ015	VERIZON								
		22-00289	05/23/22	PHONE/INTERNET-MAY 2022	Open	858.46	0.00		
VORTE005	VORTEX SERVICES, LLC								
		22-00194	04/05/22	JETTING/TELEVISING-MAIN LINE	Open	3,950.00	0.00		
WBMA005	W.B. MASON CO., INC.								
		22-00292	05/24/22	DELIVERY ON 5/17/22	Open	44.97	0.00		

June 2, 2022
02:33 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

Page No: 3

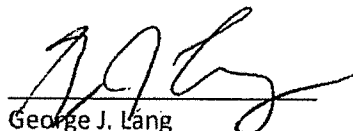
Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
WRNEU005	W.R. NEUMANN COMPANY, INC.								
		22-00003	01/19/22	WATER-2022 SODIUM HYPOCHLORITE	Open	215.40	0.00		B
		22-00294	05/24/22	SEWER-2022 SODIUM HYPOCHLORITE	Open	<u>1,858.89</u>	0.00		B
						2,074.29			
WEBHA005	WEB HAULING & DISTRIBUTION, INC								
		22-00237	04/25/22	PUMP BORO HALL PUMP PIT 4/5/22	Open	249.45	0.00		
		22-00261	05/06/22	PUMP LAKE DR PUMP PIT 4/28/22	Open	<u>249.45</u>	0.00		
						498.90			
WEBOU005	WEB OUTBACK								
		22-00279	05/16/22	RESTROOM RENTAL-MAR & APR 2022	Open	270.00	0.00		
Total Purchase Orders:		48	Total P.O. Line Items:		0	Total List Amount:	222,871.20	Total Void Amount:	0.00

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
	1-01	387.50	0.00	387.50	0.00	0.00	387.50
	2-01	184,654.57	0.00	184,654.57	0.00	0.00	184,654.57
	2-09	<u>10,959.52</u>	<u>0.00</u>	<u>10,959.52</u>	<u>0.00</u>	<u>0.00</u>	<u>10,959.52</u>
Year Total:		195,614.09	0.00	195,614.09	0.00	0.00	195,614.09
	C-04	23,316.75	0.00	23,316.75	0.00	0.00	23,316.75
	C-08	<u>2,883.00</u>	<u>0.00</u>	<u>2,883.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,883.00</u>
Year Total:		26,199.75	0.00	26,199.75	0.00	0.00	26,199.75
	G-02	259.61	0.00	259.61	0.00	0.00	259.61
	T-12	410.25	0.00	410.25	0.00	0.00	410.25
Total of All Funds:		<u>222,871.20</u>	<u>0.00</u>	<u>222,871.20</u>	<u>0.00</u>	<u>0.00</u>	<u>222,871.20</u>

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following bill list to be paid:

<u>Vendor</u>	<u>Budget Account</u>	<u>Total Award</u>
6/6/22 Bill List	various	\$222,871.20


George J. Lang
Chief Financial Officer

Dated: 6/6/22

*BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY*

**RESOLUTION NO. 22-66
MEETING DATE: 06-20-2022**

RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO MAKE A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO NORTH VALLEY ROAD BETWEEN HOMESTEAD LANE AND APPROXIMATELY 500 FEET SOUTH OF FARM LANE

C/ _____ offered the following resolution and moved its adoption, which was seconded by C/ _____.

WHEREAS, the New Jersey Department of Transportation (“NJDOT”) recently announced that it is currently accepting applications for the NJDOT’s Municipal Aid, Transit Village, Bikeway, and Safe Streets to Transit grant programs; and

WHEREAS, the Borough of Roosevelt (the “Borough”) has previously benefitted from NJDOT grant programs, and in the past several years, has applied for and received grant awards exceeding \$900,000 to fund various road improvements throughout the Borough; and

WHEREAS, under the process for the current NJDOT’s Municipal Aid, Transit Village, Bikeway, and Safe Streets to Transit grant programs, the Borough would be required to submit a grant application, prepared by a professional engineer, on or before July 1, 2022; and

WHEREAS, after inspection of the Borough’s roadways and consideration of interfacing with other ongoing projects, the Borough Engineer recommended that the Borough make a grant application to the NJDOT for improvements to either: (1) North Valley Road between Homestead Lane and approximately 500 feet south of Farm Lane; or (2) Pine Drive from Maple Court to the end of Pine Drive by the Wastewater Treatment Plant; and

WHEREAS, after public announcement, consideration, and opportunity for public comment at the Borough Council meeting on May 16, 2022, the Mayor and Council determined the Borough will make an application to the NJDOT for a grant to fund improvements to North Valley Road between Homestead Lane and approximately 500 feet south of Farm Lane; and

WHEREAS, the Borough Engineer provided the Borough with a cost proposal not to exceed \$4,000.00 to prepare and file a grant application with the NJDOT on behalf of the Borough to seek funding for improvements to North Valley Road between Homestead Lane and approximately 500 feet south of Farm Lane; and

WHEREAS, the Borough’s Chief Financial Officer has certified the availability of funds in the amount not to exceed \$4,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey that Roberts Engineering Group, LLC is hereby authorized to prepare and file a grant application with the NJDOT on behalf of the Borough

to seek funding for improvements to North Valley Road between Homestead Lane and approximately 500 feet south of Farm Lane, in a total amount not to exceed \$4,000.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Chief Financial Officer, Purchasing Agent, and Roberts Engineering Group, LLC.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

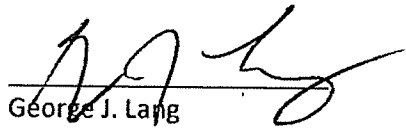
Kathleen Hart
Borough Clerk

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following contract to be awarded:

<u>Vendor</u>	<u>Budget Account</u>	<u>Total Award</u>
Roberts Engineering Group (FY2023 NJDOT Grant Applic)	Engineering-O/E	4,000.00

Only amounts in the temporary budget are certified as available. Amounts past the temporary budget are subject to sufficient funds being available in the adopted budget.


George J. Lang
Chief Financial Officer

Dated: 6/6/22

**RESOLUTION NO. 22-67
MEETING DATE: 06-20-2022**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL CEMETERY MANAGEMENT SERVICES
TO SUTPHEN MEMORIAL, INC., 53 SOMERSET STREET, HOPEWELL, NJ 08525**

C/_____ offered the following resolution and moved its adoption, which was seconded by
C/_____.

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the "Borough") has a need to retain the professional services of a cemetery management company as a non-fair and open contract pursuant to the provisions of N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Borough has determined that the value of the services will not exceed the bid threshold of \$17,500.00; and

WHEREAS, Sutphen Memorial, Inc. has previously provided cemetery management services to the Borough for many years, and for this contractual term, has agreed to renew at the same rate from prior contract.

NOW THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roosevelt authorizes the Borough to enter into the Cemetery Management Agreement with Sutphen Memorial, Inc. in the form attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED that this Resolution is subject to the availability of funds for the Contract and payment for services described therein and/or any subsequent approvals granted by the Governing Body from time-to-time under the terms of the Contract; and

BE IT FURTHER RESOLVED that a notice in accordance with this resolution and the Local Public Contracts Law shall be published one time in Asbury Park Press; and

BE IT FURTHER RESOLVED that an executed copy of the Contract and a copy of this resolution shall be filed in the office of the Borough Clerk and be available there for public inspection in accordance with the law.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

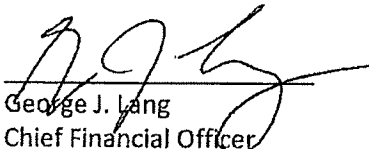
Kathleen Hart
Borough Clerk

BOROUGH OF ROOSEVELT

I, George J. Lang, Chief Financial Officer of the Borough of Roosevelt, do hereby certify that funds are available for the following contract to be awarded:

<u>Vendor</u>	<u>Budget Account</u>	<u>Total Award</u>
Sutphen Memorial, Inc. (7/1/22-12/31/22)	B&G-Cemetery	\$4,650.00

Only amounts in the temporary budget are certified as available. Amounts past the temporary budget are subject to sufficient funds being available in the adopted budget.


George J. Lang
Chief Financial Officer

Dated: 6/6/22

CEMETERY MANAGEMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2022,

BETWEEN: SUTPHEN MEMORIAL, INC., having its principal offices located at 53 Somerset Street, Hopewell, New Jersey, 08525, hereinafter referred to as the "Contractor";

AND THE BOROUGH OF ROOSEVELT, a Municipal Corporation of the State of New Jersey, located at 33 North Rochdale Avenue, Borough of Roosevelt, County of Monmouth and State of New Jersey, hereinafter referred to as the "Borough";

WITNESSETH

For and in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. Services to be Provided. The Contractor shall provide to the Borough the following:

- monthly report on general lot care and upkeep in a form directed by the Governing Body;
- individual lot and cemetery upkeep excluding lawn mowing and snow Plowing;
- enforce cemetery rules and regulations;
- lot preparation (marking out) before interment services (no later than 24 hours from time of call for same);
- manage phone calls and family needs/complaints/serving as main contact for families;
- assisting with Ground Penetrating Radar survey;
- maintaining monuments and repairing sinking monuments;

- maintaining cemetery burial records and cemetery map;
- other services incidental, necessary or customary to above services.

2. Term of Agreement. The Agreement shall commence on July 1, 2022 and shall terminate on June 30, 2025 unless terminated sooner pursuant to Section 6. [Note: up to 15-years per N.J.S.A. 40A:11-15 (33).]

3. Payments to Contractor. The Contractor shall be paid annually the sum of \$9,300.00 per year, paid in monthly installments of \$775.00.

4. Insurance Certificate. The Contractor furnishes herewith a Certificate of Insurance evidencing the fact that the Contractor maintains general comprehensive insurance coverage with single limit coverage in the amount of one million (\$1,000,000.00), including both personal injury and property damage, together with statutory workers compensation insurance, property damage and automobile liability insurance pertaining to all vehicles owned or used by the Contractor in the performance of this contract in the minimum amount of \$500,000.00. The Borough of Roosevelt shall be named as an additional insured on such policies of insurance, and the Certificate of Insurance furnished by the Contractor shall so indicate.

5. Indemnification. The Contractor agrees to hold harmless the Borough of Roosevelt from any and all claims for damages arising from all causes in connection with its furnishing of the services specified herein and further agrees that the Contractor will, at its own cost and expense, defend any law suit which may be brought against the

Borough of Roosevelt in connection with or arising out of the services to be furnished under this Agreement.

6. Termination. The Borough of Roosevelt reserves the right to terminate this contract upon the failure of the Contractor to perform in a manner satisfactory to the Borough Council of the Borough of Roosevelt. Without limiting the foregoing, the Contract is renewable each year, and, the Borough may fail to renew for the following year by providing the Contractor with such notice by November 30th of each year.

7. Standards of Service. Contractor shall maintain the Cemetery, including detailed and accurate burial records and the cemetery map, in a first class manner consistent with comparable cemeteries in the area. From the effective date of this Agreement, Contractor will assume care and control of the Cemetery to the extent provided for herein. Any deviation from current Cemetery policies including those regarding burial practices, and monument and grave placement, shall be subject to Borough approval.

8. Books and Records Management. The Contractor shall maintain such books and records of Contractor's operation of the Cemetery that would customarily be expected of a cemetery and as required by law.

9. Relationship of Parties. The relationship of Contractor to the Borough in the performance of the services hereunder is that of an independent contractor and no liabilities or benefits whatsoever that arise from a contract for hire or from any employer/employee relationship shall accrue to either the Contractor or the Borough as

a result of this Agreement. Employees of the Contractor shall not be deemed to be employees of the Borough, nor entitled to receive the benefits of Borough employees.

10. Affirmative Action. The contractor shall execute the Affirmative Action Agreement, Exhibit A attached hereto, which shall be incorporated herein by reference.

11. Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and the Agreement shall be construed in all respects as though such invalid or unenforceable provisions were omitted.

12. Waiver. The failure of either party to insist in any one or more instances upon strict performance of any of the terms or conditions of this Agreement shall not be construed as a waiver or relinquishment of any right granted hereunder or of the future performance of any such term, covenant, or condition.

13. Entire Agreement. This Agreement shall supersede any and all prior, oral and/or written, agreement(s) and constitutes the entire Agreement between the parties and there are no representations, warranties or agreements, whether express or implied, except as set forth herein. This Agreement may not be canceled, changed, modified, or amended orally, and no cancellation, change, modification or amendment hereof shall be effective or binding unless in a written instrument signed by the parties and authorized by the Borough Governing Body. A provision of this Agreement may be waived only by a written instrument signed by the party against whom or which enforcement of such waiver is sought.

14. Assignment. This Agreement shall not be assignable without written consent of the Governing Body of the Borough.

15. Controlling Law. All of the terms, conditions and other provisions of this Agreement shall be interpreted and governed by reference to the substantive laws of the State of New Jersey, without giving effect to principles of conflicts of law.

16. Venue. The parties agree that any suit, action or proceeding based on, arising out of or relating to this Agreement, shall be brought in the Superior Court of New Jersey, Monmouth County, and not in or before any other court, agency or other tribunal. Each party hereby irrevocably consents to the exercise of personal jurisdiction over such party by the respective foregoing forum court, agrees that venue shall be proper in such forum court, and irrevocably waives and releases any and all defenses based on lack of personal jurisdiction, improper venue and/or forum non conveniens.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day in here first above written.

ATTESTED BY:

THE BOROUGH OF ROOSEVELT

Kathleen Hart
Borough Clerk

Peggy Malkin, Mayor

Witnessed:

AS TO THE CONTRACTOR:

, Secretary

RESOLUTION NO. 22-68
MEETING DATE: 06-20-2022

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE MILLSTONE TOWNSHIP
BOARD OF EDUCATION FOR ELECTRIC, HVAC AND MECHANIC SERVICES**

C/_____ offered the following resolution and moved its adoption, which was second by
C/_____.

WHEREAS, the Millstone Township Board of Education (the “Board”) and the Borough of Roosevelt (the “Borough”) (hereinafter collectively referred to as the “Parties”) wish to encourage inter-agency cooperation and planning with regard to their common need for the Electric, HVAC and Mechanic services for their public buildings and grounds; and

WHEREAS, the “Uniform Shared Services and Consolidation Act”, N.J.S.A. 40A:65-1, et seq. authorizes the Borough to contract with any public or private entity for the provision of any service which the Borough itself could provide directly; and

WHEREAS, the Parties have each duly authorized their proper officials to enter into and execute this Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Roosevelt, in the County of Monmouth and State of New Jersey, as follows:

1. That the Borough is hereby authorized to enter into a Shared Services Agreement attached hereto as Exhibit A with the Board, pursuant to the “Uniform Shared Services and Consolidation Act”, N.J.S.A. 40A:65-1, et seq., to provide services referenced above.
2. That the Mayor is authorized to execute and the Municipal Clerk to attest to the Agreement.
3. That the Agreement shall be effective July 1, 2022 through June 30, 2023.
4. That a certified copy of this resolution shall be provided to the Millstone Township Board of Education and the Division of Local Government Services.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

Kathleen Hart
Borough Clerk

EXHIBIT A

**INTERLOCAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF
ROOSEVELT AND THE MILLSTONE TOWNSHIP BOARD OF EDUCATION
REGARDING MAINTENANCE SERVICES FOR HVAC, ELECTRICAL
MECHANIC SERVICES**

This Agreement entered into this 1st day of July 1, 2022, between
BOROUGH OF ROOSEVELT a municipal corporation of the State of
New Jersey, with offices located at 33 N. Rochdale Avenue, P.O. Box 128, Roosevelt,
New Jersey 08555.

Hereinafter referred to as "Borough";

And

MILLSTONE TOWNSHIP BOARD OF EDUCATION, a body corporate and
politic of the State of New Jersey, with offices located at 5 Dawson Court, Millstone
Township, New Jersey 08535,

Hereinafter referred to as "Board."

WHEREAS, the Borough has need for maintenance services inclusive of HVAC,
Electrical and Mechanic to be provided to various facilities owned by the Borough of
Roosevelt as delineated herein below; and

WHEREAS, the Board wishes to assist and cooperate with the Borough in the
provision of maintenance services for particular Township facilities;

NOW, THEREFORE, in consideration of the terms and conditions of this
Interlocal Services Agreement entered into by the parties pursuant to N.J.S.A. 40A:65-1,
et seq., it is understood and agreed upon as follows:

FACILITIES AND SUPERVISION

1. The following Borough facilities are to be provided with maintenance
services as needed provided by employees of the Board on behalf of the
Township:
 - Municipal Building at 33 N. Rochdale Avenue, PO Box 128,
Roosevelt, NJ 08555

2. The hours for such services will be determined and directed by the Buildings and Grounds Supervisor of the Millstone Township Board of Education in consultation with the Buildings and Grounds Supervisor of the Borough. Supervision of the maintenance services entailed will be provided by the Board's Supervisor of Buildings and Grounds.

INTERIOR BUILDING MAINTENANCE SERVICES

3. The types of services and responsibilities to be provided by maintenance personnel of the Board to the Borough at the above-referenced facilities are to include but not be limited to the following:
 - Minor wall patching
 - Painting
 - Minor plumbing repairs such as the correction of clogged sinks or toilets and the repair of sink fixtures, etc.
 - Electrical repairs
 - HVAC repairs, and
 - Minor carpentry
 - Mechanical repairs of Borough vehicles
4. Requests for maintenance jobs will be made by the placement of a work order addressed to the Buildings and Grounds Office of the Board to Nancy Oliva, who can be accessed by telephone at (732) 786-0950, extension 5120 and reached by telefax at (732) 786-0951. Upon receipt of a request for maintenance services from the Township, Ms. Oliva will enter the work order into the computer system of the Board and print it out for the information of the Board's Building and Grounds Supervisor, Patrick. Sullivan. Assignments for maintenance services will be made by Mr. Sullivan to the Board maintenance staff. All materials needed for maintenance jobs will be provided by the Borough.

5. The cost for maintenance services to be provided to the Borough during the 2022-2023 fiscal year of the Borough is estimated to be \$ 65.00 per hour. Emergency services calls conducted outside of the normal work hours of 8:00 am to 2:00 pm will be billed at time and a half, or, \$90.00 per hour.

ADMINISTRATION

6. The parties both recognize the amount of time and work involved in administering and overseeing the custodial and maintenance projects for the township and agrees to the following administration fees.
 - 10% for all purchases made on behalf of the Borough while performing maintenance, HVAC, Mechanical or Electrical Service.

GENERAL CONDITIONS

7. The Board will maintain workers' compensation insurance coverage on all maintenance personnel providing services to the Township.
8. The Borough will maintain liability insurance coverage and will hold the Board harmless from any tort claims that may be filed based on allegations of negligence relating to the maintenance and upkeep of the Borough-owned facilities for which the Board is providing maintenance and custodial services.
9. This Interlocal Services Agreement may be terminated by the Borough or by the Board on the provision of 60 days' written notice of one party to the other. In the event of termination of this agreement, all costs for services provided shall be apportioned between the parties based on the actual hours of work performed by employees of the Board on behalf of the Borough.
10. Work performed by Board employees servicing Borough facilities shall be performed by paying Board employees' straight-time hourly wages whenever possible. In cases where services must be performed by Board

employees working on an overtime basis, agents of the Board will apprise the Borough supervisor of Buildings and Grounds of the reason for such overtime charges and the charges shall be passed along to the Borough for payment.

TERM

11. This agreement shall run from the date that it is affected by the adoption of a resolution by the Borough and the Board and shall continue through the date of June 30, 2023, unless it is terminated as otherwise set forth in this agreement.

WHEREFORE, the officials of the Borough of Roosevelt and the Board of Education of the Township of Millstone have signed and sealed this agreement as duly authorized by action of the Borough Committee of the Borough of Roosevelt and by the Board of Education of the Township of Millstone.

Borough of Roosevelt:

By: _____
Ana Debevec, Treasurer

Peggy Malkin, Mayor

Dated:

Dated:

Board of Education of the
Township of Millstone...

By: _____
Cynthia Bailey, President

Bernard Biesiada, Board Secretary

Dated:

Dated:

RESOLUTION NO. 22-69
MEETING DATE: 06-20-2022

PAYMENT OF BILLS FOR JUNE 20, 2022

C/_____ offered the following resolution and moved its adoption, which was second by C/_____.

WHEREAS, the attached list of bills have been submitted to the Council for payment approval; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the payment of bills.

NOW, THEREFORE, BE IT RESOLVED that the bills on the attached bill list be paid.

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

Kathleen Hart
Borough Clerk

June 16, 2022
01:29 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

6-20-22 BILL LIST

P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ALL00003	ALLEN'S LAWN & TREE SERV, INC.								
		22-00314	06/07/22	CURBSIDE BRANCH PICKUP MAY2022	Open	1,800.00	0.00		
BOROU005	BOROUGH OF HIGHTSTOWN								
		22-00346	06/15/22	LANDFILL TIPPING FEES:MAY 202	Open	2,279.53	0.00		
		22-00351	06/16/22	SOLID WASTE CONTRACT:JUN 2022	Open	<u>5,912.33</u>	0.00		
						8,191.86			
CENTR005	CENTRAL JERSEY WASTE &								
		22-00035	01/21/22	2022 RECYCLING CONTRACT	Open	3,150.83	0.00		B
DONAT005	DONATO, ESQ., MICHELE								
		22-00318	06/08/22	PB REVIEW-19 S. ROCHDALE	Open	321.75	0.00		
		22-00342	06/15/22	PB REVIEW-19 S. ROCHDALE	Open	46.30	0.00		
		22-00343	06/15/22	PLANNING BOARD 4/12 & 4/30/22	Open	<u>297.00</u>	0.00		
						665.05			
EARLE005	EARLE ASPHALT COMPANY								
		22-00313	06/07/22	EMERGENCY-VALVE REPLACEMENT	Open	11,262.15	0.00		
EDMUN005	EDMUNDS GOVTECH								
		22-00330	06/14/22	2021 ADDED ASSESSMENT BILLS	Open	270.00	0.00		
ENTER005	ENTERTAINERS PLUS, LLC								
		22-00321	06/09/22	ENTERTAINMENT-4TH OF JULY	Open	600.00	0.00		
GANNE005	GANNETT NJ NEWSPAPERS								
		22-00350	06/16/22	APR 2022 NOTICES	Open	147.84	0.00		
GEORG005	GEORGE S COYNE CHEMICAL CO INC								
		22-00045	01/26/22	SEWER-2022 SODIUM ALUMINATE	Open	4,309.87	0.00		B
		22-00157	03/11/22	SEWER-2022 CES PACL(DELTA FLOC	Open	<u>1,890.56</u>	0.00		B
						6,200.43			
GLUCK005	GLUCK WALRATH, LLP								
		22-00347	06/15/22	BOND COUNSEL SERVICES	Open	6,935.00	0.00		
		22-00348	06/16/22	PREPARE BOND ORD. 22-04	Open	570.00	0.00		
		22-00349	06/16/22	PREPARE BOND ORD. 22-05	Open	<u>570.00</u>	0.00		
						8,075.00			
HOLDE005	HOLDEN, JOHN B.								
		22-00069	02/03/22	2022 WATER PLANT MANAGEMENT	Open	5,228.39	0.00		B
		22-00340	06/15/22	ADDITIONAL SERVICES-MAY 2022	Open	<u>137.03</u>	0.00		
						5,365.42			
JCPL0005	JCP & L								
		22-00319	06/08/22	w/s-MAY 2022 ELECTRIC SERVICE	Open	4,161.08	0.00		

June 16, 2022
01:29 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
LYONS005	LYONS ENVIRONMENTAL SERV, LLC								
		22-00052	01/31/22	2022 SEWER PLANT MANAGEMENT	Open	9,075.00	0.00		B
		22-00344	06/15/22	ADDT'L SERVICES 5/9-5/23/22	Open	947.66	0.00		
		22-00345	06/15/22	WATER TESTING 5/3/22	Open	40.00	0.00		
						<u>10,062.66</u>			
MCMAS005	MCMAS-MASTER-CARR SUPPLY COMPANY								
		22-00301	06/01/22	PAINT FOR SPEED HUMPS	Open	218.90	0.00		
NEWJE005	NEW JERSEY PLANNING OFFICIALS								
		22-00311	06/06/22	P/L BOARD-6/12/22 TRAINING	Open	85.00	0.00		
		22-00316	06/08/22	P/L BOARD-2022 MEMBER DUES	Open	325.00	0.00		
						<u>410.00</u>			
NJADV005	NJ ADVANCE MEDIA								
		22-00332	06/14/22	LEGAL NOTICES-5/25/22	Open	42.93	0.00		
		22-00333	06/14/22	LEGAL NOTICES-5/27/22	Open	49.41	0.00		
		22-00334	06/14/22	LEGAL NOTICES-5/27/22	Open	51.03	0.00		
		22-00335	06/14/22	LEGAL NOTICES-5/27/22	Open	51.03	0.00		
						<u>194.40</u>			
PARTY010	PARTY PERFECT RENTALS, LLC								
		22-00323	06/13/22	RENTALS FOR 7/4/22	Open	900.00	0.00		
PASSA005	PASSAIC VALLEY SEWERAGE								
		22-00326	06/13/22	SLUDGE DISPOSAL-MAY 2022	Open	638.40	0.00		
PEGER005	PEGER, KYLE d/b/a								
		22-00198	04/06/22	PUBLIC LAND MAINTENANCE:2022	Open	1,672.00	0.00		B
PETTY005	PETTY CASH								
		22-00317	06/08/22	REIMBURSE PETTY CASH	Open	75.40	0.00		
		22-00328	06/13/22	REIMBURSE PETTY CASH	Open	26.63	0.00		
						<u>102.03</u>			
PSEGC005	PSE & G CO.								
		22-00331	06/14/22	MAY 2022 GAS SERVICE	Open	202.11	0.00		
RUSSE005	RUSSELL REID, INC.								
		22-00085	02/14/22	2022 SLUDGE REMOVAL	Open	780.71	0.00		B
SBROT005	S. BROTHERS, INC.								
		21-00528	10/04/21	IMPROV:FARM LANE & SCHOOL LANE	Open	563,696.98	0.00		B
STAPL005	STAPLES BUSINESS ADVANTAGE								
		22-00283	05/23/22	OFFICE & JANITORIAL SUPPLIES	Open	93.74	0.00		
SUTPH005	SUTPHEN MEMORIAL, INC.								
		22-00031	01/21/22	2022 CEMETERY MANAGEMENT	Open	775.00	0.00		B
TAXCO005	TAX COLLECTORS & TREASURERS								
		22-00324	06/13/22	TAX COLLECTOR-6/21/22 WEBINAR	Open	50.00	0.00		

June 16, 2022
01:29 PM

BOROUGH OF ROOSEVELT
Bill List By Vendor Name

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type			
THEH0010	THE HOME DEPOT											
		22-00315	06/07/22	BLOWER & POTTING SOIL	Open	169.97	0.00					
		22-00329	06/13/22	SPECTRACIDE (2)	Open	<u>9.94</u>	0.00					
						179.91						
HUNTE005	TRU STOR, LLC dba											
		22-00341	06/15/22	AVAYA SUPPORT & EQUIP CONTRACT	Open	1,350.00	0.00					
WRNEU005	W.R. NEUMANN COMPANY, INC.											
		22-00003	01/19/22	WATER-2022 SODIUM HYPOCHLORITE	Open	201.72	0.00		B			
WEBHA005	WEB HAULING & DISTRIBUTION, INC											
		22-00320	06/08/22	PUMP LAKE DR PUMP PIT 5/25/22	Open	249.45	0.00					
Total Purchase Orders:						45	Total P.O. Line Items:	0	Total List Amount:	631,667.67	Total Void Amount:	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	1-01	270.00	0.00	270.00	0.00	0.00	270.00
	2-01	25,231.58	0.00	25,231.58	0.00	0.00	25,231.58
	2-09	<u>38,986.59</u>	<u>0.00</u>	<u>38,986.59</u>	<u>0.00</u>	<u>0.00</u>	<u>38,986.59</u>
Year Total:		64,218.17	0.00	64,218.17	0.00	0.00	64,218.17
	C-04	67,313.22	0.00	67,313.22	0.00	0.00	67,313.22
	C-08	<u>497,671.60</u>	<u>0.00</u>	<u>497,671.60</u>	<u>0.00</u>	<u>0.00</u>	<u>497,671.60</u>
Year Total:		564,984.82	0.00	564,984.82	0.00	0.00	564,984.82
	G-02	1,826.63	0.00	1,826.63	0.00	0.00	1,826.63
	T-12	368.05	0.00	368.05	0.00	0.00	368.05
Total of All Funds:		<u>631,667.67</u>	<u>0.00</u>	<u>631,667.67</u>	<u>0.00</u>	<u>0.00</u>	<u>631,667.67</u>

RESOLUTION NO. 22-70
MEETING DATE: 06-20-2022

RESOLUTION AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS #4

C/ _____ offered the following resolution and moved its adoption, which was second by C/ _____.

WHEREAS, N.J.S.A. 40A:4-20 provides that in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the Governing Body may, by resolution adopted by 2/3 vote of the full membership thereof, make emergency temporary appropriations for any purposes for which the appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year; and

WHEREAS, the total emergency resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$334,767.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roosevelt, that in accordance with the provisions of N.J.S.A. 40A:4-20, the Chief Financial Officer be authorized to make the following emergency temporary budget appropriations in the 2022 Current Fund and Water Sewer Utility Operating temporary budgets and that said amount be included under the correct headings in the municipal budget as adopted:

CURRENT FUND:

General Administration-Other Expenses	3,500.00
Liability Insurance-Other Expenses	1,942.00
Celebration of Public Events-Other Expenses	2,000.00
Interest on Bonds	4,000.00

WATER-SEWER OPERATING FUND:

Other Expenses	30,000.00
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BE IT FURTHER RESOLVED, that one certified copy of this resolution be filed with the Director of Local Government Services and one certified copy with the Chief Financial Officer.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on June 20, 2022.

Kathleen Hart
Borough Clerk