

AGENDA
Hightstown Borough Council
February 21, 2023 | 6:30 p.m.
Hightstown Engine Company No. 1
140 North Main Street, Hightstown

PLEASE TURN OFF ALL CELL PHONES DURING YOUR ATTENDANCE AT THIS MEETING TO AVOID SOUNDS/RINGING OR CONVERSATIONS THAT MAY INTERFERE WITH THE RECORDING OR THE ABILITY OF ATTENDEES TO HEAR THE PROCEEDINGS. THANK YOU FOR YOUR COOPERATION.

Meeting called to order by Mayor Susan Bluth

STATEMENT: Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the Trenton Times and Windsor-Hights Herald as required by law and is posted on the Hightstown Borough website.

Roll Call

Flag Salute

Approval of Agenda

Approval of Minutes February 6, 2023 – Public Session
February 6, 2023 – Executive Session

Public Comment Any person wishing to address Council with his or her comments will have a maximum of three minutes to do so at this time.

Ordinances

2023-01 Final Reading and Public Hearing An Ordinance Establishing New Floodplain Management Regulations for the Borough of Hightstown, and Amending and Supplementing “The Revised General Ordinances of the Borough of Hightstown” in Order to Repeal the Existing Provisions of Chapter 24, Entitled “Flood Damage Prevention,” in their Entirety, and to Establish a New Chapter 24 Thereof Concerning “Flood Damage Prevention”

2023-02 Final Reading and Public Hearing Bond Ordinance Providing for Improvement to Maxwell Avenue in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$855,000 Therefor and Authorizing the Issuance of \$233,730 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

2023-03 Final Reading and Public Hearing Bond Ordinance Providing for Water-Sewer Improvements to Maxwell Avenue for the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,290,000 therefor and Authorizing the Issuance of \$1,290,000 Bonds or Notes of the Borough to Finance the Cost Thereof

2023-04 First Reading and Introduction An Ordinance Authorizing the Sale of Block 62, Lot 15 (105 Springcrest Drive), in the Borough of Hightstown, County of Mercer, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1, et seq.

Resolutions

2023-53 Authorizing Payment of Bills

Consent Agenda

2023-54 Authorizing the Borough Engineer to Prepare the Annual Stormwater Permit Certification and Update the Stormwater Pollution Prevention Plan

2023-55 Promoting Sergeant Benjamin Miller to the Rank of Police Lieutenant

2023-56 Resolution of the Borough of Hightstown, in the County of Mercer, New Jersey, Determining the Form and other Details of Its "Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank", to be Issued in the Principal Amount of up to \$1,170,820, and Providing for the Issuance and Sale of Such Note to the New Jersey Infrastructure Bank, and Authorizing the Execution and Delivery of Such Note by the Borough in Favor of the New Jersey Infrastructure Bank, All Pursuant to the New Jersey Infrastructure Bank Construction Financing Loan Program

2023-57 Authorizing Payment No. 6 – Allied Painting, Inc. (Water Tank Painting and Repair at First Avenue, Leshin Lane and Cranbury Station Road)

2023-58 Appointing Electrical Subcode Official and Electrical Inspector

2023-59 Authorizing Emergency Temporary Appropriations Prior to Adoption of the 2023 Budget

Discussion

Budget Meeting Dates

Subcommittee Reports

Mayor/Council/Administrative Updates

Executive Session **Resolution 2023-60** Authorizing a Meeting that Excludes the Public
Attorney Client Privilege

Adjournment

**Meeting Minutes
Hightstown Borough Council
February 6, 2023
6:30 p.m.**

The meeting was called to order by Mayor Bluth at 6:34 p.m. and he read the Open Public Meetings Act statement which stated, “Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted on the Borough website.”

The flag salute followed Roll Call.

	PRESENT	ABSENT
<i>Councilmember Joseph Cicalese</i>	✓	
<i>Councilmember Cristina Fowler</i>	✓	
<i>Councilmember Todd Frantz</i>	✓	
<i>Councilmember Jeet Gulati</i>	✓	
<i>Councilmember Joshua Jackson</i>	✓	
<i>Councilmember Frederick Montferrat</i>	✓	
<i>Mayor Susan Bluth</i>	✓	

Also in attendance: Margaret (Peggy) Riggio, Borough Clerk; Dimitri Musing, Borough Administrator; Fred Raffetto, Borough Attorney; George Lang, CFO; Ken Lewis, Superintendent of Public Works;

The Flag Salute followed roll call.

APPROVAL OF AGENDA

Moved by Councilmember Cicalese; Seconded by Councilmember Fowler.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Agenda approved 6-0.

APPROVAL OF MINUTES

January 3, 2023 – Reorganization

Moved by Jackson; Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Jackson and Montferrat voted yes; Councilmember Gulati abstained.

Minutes approved 5-0 with 1 abstention.

January 17, 2023 – Public Session

Moved by Fowler; Seconded by Councilmember Montferrat.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati and Montferrat voted yes; Councilmember Jackson abstained.

Minutes approved 5-0 with 1 abstention.

January 17, 2023 – Executive Session

Moved by Frantz; Seconded by Councilmember Gulati.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati and Montferrat voted yes; Councilmember Jackson abstained.

Minutes approved 5-0 with 1 abstention.

ENGINEERING ITEMS

Maxwell Avenue Roundabout

At the January 17, 2023, meeting, Council discussed the proposed Maxwell Avenue Roundabout. At that time, it was stated that further discussion was needed, and a decision would be made at this meeting. Discussion ensued. It was stated that although safety is a priority, a flat roundabout would cost approximately \$200,000. A 3-way stop can be added, and the road can be narrowed for traffic calming measures. This plan is financially responsible while keeping safety a priority. Ms. Bluth called for a straw vote. Councilmembers Fowler, Frantz, Gulati, Jackson, and Montferrat voted to move forward with a 3-way stop and narrowing of the road. Councilmember Cicalese voted to keep the roundabout as originally planned. With a 5-1 vote, Mr. Musing was instructed to inform the Borough Engineer to update the plans to eliminate the roundabout and provide for a 3-way stop and narrowing of the road.

PUBLIC COMMENT

Mayor Bluth opened the public comment period and the following individuals spoke:

Eugene Sarafin, 628 South Main Street – Stated that it is wonderful to see a new council. He believes it was a wise decision to eliminate the roundabout; it is too expensive. Spoke against the republican party.

There being further comments, Mayor Bluth closed the public comment period.

ORDINANCES

Ordinance 2023-01 First Reading and Introduction An Ordinance Establishing New Floodplain Management Regulations for the Borough of Hightstown, and Amending and Supplementing “The Revised General Ordinances of the Borough of Hightstown” in Order to Repeal the Existing Provisions of Chapter 24, Entitled “Flood Damage Prevention,” in their Entirety, and to Establish a New Chapter 24 Thereof Concerning “Flood Damage Prevention”

Moved for introduction by Councilmember Frantz; Seconded by Councilmember Jackson.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance introduced 6-0. Public Hearing Scheduled for February 21, 2023.

Ordinance 2023-01

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE ESTABLISHING NEW FLOODPLAIN MANAGEMENT REGULATIONS FOR THE BOROUGH OF HIGHTSTOWN, AND AMENDING AND SUPPLEMENTING “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” IN ORDER TO REPEAL THE EXISTING PROVISIONS OF CHAPTER 24, ENTITLED “FLOOD DAMAGE PREVENTION,” IN THEIR ENTIRETY, AND TO ESTABLISH A NEW CHAPTER 24 THEREOF CONCERNING “FLOOD DAMAGE PREVENTION.”

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 Hightstown (the “Borough”) 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 was accepted for participation in the National Flood Insurance Program on March 15, 1977 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 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 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 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, THEREFORE, BE IT ORDAINED, by the Mayor and Council of The Borough of Hightstown, in the County of Mercer and State of New Jersey, that the existing provisions contained within Chapter 24, entitled “Flood Damage Prevention,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”) are hereby repealed in their entirety.

BE IT FURTHER ORDAINED, that the Floodplain Management Regulations set forth in the within Ordinance are hereby adopted by the Borough of Hightstown, and that a new Chapter 24 of the Borough Code, to be entitled “Flood Damage Prevention,” is hereby established as set forth below, to read as follows:

Chapter 24. Flood Damage Prevention

Article 24-1. Scope and Administration

§ 24-1-1. 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 the Borough (hereinafter “these regulations”).

§ 24-1-2. 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 Article 24-2 of these regulations.

§ 24-1-3. 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.

§ 24-1-4. Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough administer and enforce the State building codes, the Mayor and Council of the Borough 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.

§ 24-1-5. 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 Article 24-3-14 of this ordinance.

§ 24-1-6. 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.

§ 24-1-7. Other Laws.

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

§ 24-1-8. Violations and Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a 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.

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.

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.

A. 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.

§ 24-1-9. 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.

Article 24-2. Applicability

§ 24-2-1. 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.

§ 24-2-2. Establishment of Flood Hazard Areas.

The Borough was accepted for participation in the National Flood Insurance Program on March 15, 1977.

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 the Borough Hall at 156 Bank Street, Hightstown, NJ in the Office of the Floodplain Administrator.

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, Mercer County, (All Jurisdictions) dated July 20, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 24-2-2(1) whose effective date is July 20, 2016. are hereby adopted by reference.

Table 24-2-2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34021C0168	07/20/2016	F			
34021C0169	07/20/2016	F			

B. Federal Best Available Information.

The Borough 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.

Table 24-2-2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

C. Other Best Available Data.

The Borough 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. 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 Article 24-2-2A and B, above. This information shall be used for floodplain regulation purposes only.

Table 24-2-2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

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 Article 24-9, 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. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 24-2-2(4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Rocky Brook	SUPPVIII32	1
Rocky Brook	H0000249	7
Rocky Brook	H0000248	6
Rocky Brook	H0000275p	05p
Millstone River	H0000056	3
Millstone river	H0000246	4

§ 24-2-3. Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Article 24-2-2, 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 Article 24-2-2, above plus two feet of freeboard; or

B. For any undelineated watercourse (where mapping or studies described in Article 24-2-2A 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 Article 24-5-2 and 24-5-3.

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.

Article 24-3. Duties and Powers of the Floodplain Administrator

§ 24-3-1. Floodplain Administrator Designation.

The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 24-3-2. 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 Article 24-7 of these regulations.

§ 24-3-3. Coordination.

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

§ 24-3-4. 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 Article 24-2 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 Article 24-3-14 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 Article 24-7 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 Article 24-6 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 Article 24-7 of these regulations.
- M. Cite violations in accordance with Article 24-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Article 24-2-2.

§ 24-3-5. 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.

§ 24-3-6. 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.

§ 24-3-7. 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 Articles 24-2-2 and 24-2-3 respectively. This information shall be provided to the Construction Official and documented according to Article 24-3-15.

§ 24-3-8. 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.

§ 24-3-9. 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.

§ 24-3-10. 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.

A. Floodway revisions.

- (1) 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.

§ 24-3-11. 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.

A. Engineering analysis.

- (1) 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.

§ 24-3-12. 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.

§ 24-3-13. 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.

§ 24-3-14. 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 Article 24-2-2, 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 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- 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.

§ 24-3-15. 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.

§ 24-3-16. 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.

Article 24-4. Permits

§ 24-4-1. 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.

§ 24-4-2. 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 Article 24-5 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.

§ 24-4-3. 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.

§ 24-4-4. 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.

§ 24-4-5. 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.

Article 24-5. Site Plans and Construction Documents

§ 24-5-1. 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 Article 24-5-2.
- 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 Article 24-5-2(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.

§ 24-5-2. 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.

§ 24-5-3. 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 Article 24-5-4 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 Article 24-5-4 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).

§ 24-5-4. 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.

Article 24-6. Inspections

§ 24-6-1. 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.

106.2§ 24-6-2. 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.

106.3§ 24-6-3. 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 Article 24-15-2 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 Article 24-15-2 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 Article 24-15-2.

D. Final inspection.

Prior to the final inspection, certification of the elevation required in Article 24-15-2 shall be submitted to the Construction Official on an Elevation Certificate.

§ 24-6-4. 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.

Article 24-7. Variances

§ 24-7-1. General.

The 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 Article 24-7-5, the conditions of issuance set forth in Article 24-7-6, 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.

§ 24-7-2. 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.

§ 24-7-3. 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.

§ 24-7-4. 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 Article 24-5-3(A) of these regulations.

§ 24-7-5. 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.

§ 24-7-6. 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.

Article 24-8. Violations

§ 24-8-1. 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.

§ 24-8-2. 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.

§ 24-8-3. 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.

§ 24-8-1. 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 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.

Article 24-9. Definitions

§ 24-9-1. 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.

§ 24-9-2. 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 usually 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 Article 24-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The 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, which meets all Federal, State, and local laws, and 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.

REPETITIVE LOSS

Any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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 percent 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 10 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 that is permanent subsequent to 2022. This term also includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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.

Article 24-10. Subdivisions and Other Developments

§ 24-10-1. 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.

§ 24-10-2. 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.

Article 24-11. Site Improvement

§ 24-11-1. Encroachment in Floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Article 24-5-3(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 Article 24-5-3(A) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Article 24-15-2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

- A. Prohibited in floodways.

The following are prohibited activities:

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

§ 24-11-2. 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.

§ 24-11-3. 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.

§ 24-11-4. Storm Drainage.

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

§ 24-11-5. Streets and Sidewalks.

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

§ 24-11-6. 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.

§ 24-11-7. Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

Article 24-12. Manufactured Homes

§ 24-12-1. 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).

§ 24-12-2. 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 Article 24-15-2.

§ 24-12-3. Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-

resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

§ 24-12-4. 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.

§ 24-12-5. Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Article 24-15-2.

§ 24-12-6. 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 Article 24-15-2 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 the effects of buoyancy, during the occurrence of flooding up to the elevation required by Article 24-15-2, 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).

Article 24-13. Recreational Vehicles

§ 24-13-1. Placement Prohibited.

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

§ 24-13-2. 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.

§ 24-13-3. 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 Article 24-15-2 for habitable buildings and Article 24-12-3.

Article 24-14. Tanks

§ 24-14-1. 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.

Article 24-15. Other Development and Building Work

§ 24-15-1. 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 Article 24-5-3(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 Article 24-2-3;
- 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 Article 24-2-3 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.

§ 24-15-2. 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 Article 24-9) 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 Article 24-2-3, 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 Article 24-2-3, 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 Article 24-15-2A(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;
- (6) For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

§ 24-15-3. Garages and Accessory Storage Structures.

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

§ 24-15-4. 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 Article 24-5-3(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 Article 24-7 of this ordinance.

§ 24-15-5. Retaining Walls, Widewalks, and Driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Article 24-5-3(A) of these regulations and N.J.A.C. 7:13.

§ 24-15-6. 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 Article 24-5-3(A) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 24-15-7. 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 Article 24-5-3(A) of these regulations.

Article 24-16. Temporary Structures and Temporary Storage

§ 24-16-1. 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.

§ 24-16-2. 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.

§ 24-16-3. Floodway Encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Article 24-5-3(A) of these regulations.

Article 24-17. Utility and Miscellaneous Group U

§ 24-17-1. 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.

§ 24-17-2. 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 Article 24-2-3.

§ 24-17-3. 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 Article 24-2-3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 24-17-4. Enclosures Below Base Flood Elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with Article 24-15-2 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.

§ 24-17-5. Flood-Damage Resistant Materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Article 24-2-3.

§ 24-17-6. 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 Article 24-2-3.

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 this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency(ies).

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Ordinance 2023-02 First Reading and Introduction Bond Ordinance Providing for Improvement to Maxwell Avenue in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$855,000 Therefor and Authorizing the Issuance of

\$233,730 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Moved for introduction by Councilmember Fowler; Seconded by Councilmember Cicalese

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance introduced 6-0. Public Hearing Scheduled for February 21, 2023.

ORDINANCE 2023-02

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MAXWELL AVENUE
IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER,
NEW JERSEY, APPROPRIATING \$855,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$233,730 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART
OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of
all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$855,000, including a \$621,270 grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$233,730 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Maxwell Avenue, including the replacement of curbs, sidewalks and curb ramps as necessary, new sidewalks where none currently exist, upgrades to storm drains, milling and paving with base repairs as necessary, signage, striping and the construction of a roundabout at the intersection with East Ward Street, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond

anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$233,730, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$105,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received, other than those referred to in Section 1 hereto, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Ordinance 2023-03 First Reading and Introduction Bond Ordinance Providing for Water-Sewer Improvements to Maxwell Avenue for the Water-Sewer Utility in and by the Borough of Hightstown, in the County of Mercer, New Jersey, Appropriating \$1,290,000 therefor and Authorizing the Issuance of \$1,290,000 Bonds or Notes of the Borough to Finance the Cost Thereof

Moved for introduction by Councilmember Montferrat; Seconded by Councilmember Fowler.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Ordinance introduced 6-0. Public Hearing Scheduled for February 21, 2023.

ORDINANCE 2023-3

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR WATER-SEWER IMPROVEMENTS TO
MAXWELL AVENUE FOR THE WATER-SEWER UTILITY IN AND BY THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,290,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,290,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of
all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,290,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is expected to be funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,290,000 pursuant to the Local Bond

Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water-sewer improvements to Maxwell Avenue for the Water-Sewer Utility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to

report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been

filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,290,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$190,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document

on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

RESOLUTIONS

Resolution 2023-41 Authorizing Payment of Bills

Moved by Councilmember Frantz; Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Resolution adopted 6-0.

Resolution 2023-41

*BOROUGH OF HIGHTSTOWN
 COUNTY OF MERCER
 STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$2,166,456.89 from the following accounts:

Current		\$1,850,922.86	
W/S Operating		239,002.58	
General Capital		62,950.95	
Water/Sewer Capital		7,532.00	
Grant		0.00	
Trust		0.00	
Unemployment Trust		0.00	
Animal Control		0.00	
Law Enforcement Trust		0.00	
Tax Lien Trust		0.00	
Public Defender Trust		0.00	
Housing Trust		0.00	
Escrow		<u>6,048.50</u>	
Total		<u>\$2,166,456.89</u>	

CONSENT AGENDA

Councilmember Cicalese moved Resolutions 2023-42; 2023-43; 2023-44; 2023-45; 2023-46; 2023-47; 2023-48; 2023-49; 2023-50; 2023-51 as a Consent Agenda; Councilmember Jackson seconded.

Resolution 2023-42

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Council of the Borough of Hightstown, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

Resolution 2023-43

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

RESOLUTION MAKING AND CONFIRMING APPOINTMENT FOR THE BOARD OF HEALTH

BE IT RESOLVED that the following appointments are hereby made and confirmed by the Mayor and Council of the Borough of Hightstown:

Board of Health

Brenda Seals (Alt. #1)

2 yrs.

December 31, 2024

Resolution 2023-44

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AUTHORIZING MEMBERSHIP DRIVE BANNERS FOR HIGHTSTOWN ENGINE COMPANY NO. 1 BE PLACED AT APPROVED LOCATIONS THROUGHOUT THE BOROUGH

WHEREAS, Hightstown Engine Company No. 1 has requested the ability to place membership drive signs throughout the Borough; and

WHEREAS, Borough Council fully support the efforts of Hightstown Engine Company No. 1 and all of its volunteers; and

WHEREAS, the following conditions apply to the placement of the membership banners:

1. Hightstown Engine Company No. 1 must receive approval of the location of the banners from the Borough Administrator and the Borough Construction Official.
2. Hightstown Engine Company No. 1 must receive approval from the Borough Construction Official to ensure the safety and installation of the banners.
3. The banners cannot remain in one location for longer than 60 days.
4. No more than 4 banners placed at any given time.
5. All banners must be removed within 6 months.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that the placement of membership drive banners for Hightstown Engine Company No. 1 is approved as detailed herein.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to:

1. Donald Derr, Chief Hightstown Engine Company No. 1
2. Dimitri Musing, Borough Administrator
3. George Chin, Construction Official

Resolution 2023-45

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

**REAPPOINTING FRANK GENDRON AS POLICE CHIEF AND
AUTHORIZING THE EXECUTION OF THE ASSOCIATED
AGREEMENT**

WHEREAS, Section 2-19.4 of the Revised General Ordinances of the Borough of Hightstown, provides for the appointment of a Police Chief to serve at the pleasure of the Mayor and Council; and

WHEREAS, Frank Gendron was appointed as Police Chief pursuant to resolution 2016-99 on May 2, 2016 with said agreement being effective April 18, 2016 through December 31, 2019; and

WHEREAS, Frank Gendron was reappointed as Police Chief pursuant to resolution 2020-55 on February 18, 2022 for a period of four years from January 1, 2020 to December 31, 2023; and

WHEREAS, it is the desire of Mayor and Council to reappoint Frank Gendron as Police Chief for a period of three years from January 1, 2024 – December 31, 2026; and

WHEREAS, specific terms and conditions of employment for the Police Chief have been set forth in the attached proposed written Employment Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council reappoint Frank Gendron to continue to serve as the Police Chief for the Borough of Hightstown, subject to the provisions specified in the attached employment agreement.

**EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF
HIGHTSTOWN AND FRANK GENDRON TO SERVE AS CHIEF OF POLICE**

THIS AGREEMENT, entered into on this 6th day of February, 2023 , effective January 1, 2024, by and between the Borough of Hightstown, in the County of Mercer, New Jersey (hereinafter referred to as the Borough), and Frank Gendron, (hereinafter referred to as the Chief of Police), hereby establishes the following terms and conditions of employment for the position of Chief of Police. This agreement represents certain terms and conditions of employment for the Chief of Police. The Chief is also subject to the Borough’s personnel manual in effect at the time of the execution of this Agreement (“Personnel Manual”) to the extent that the provisions contained therein are not modified by this Agreement.

ARTICLE I

RESPONSIBILITIES OF THE CHIEF OF POLICE

Pursuant to state law, the Ordinances of the Borough and the regulations and policies established by the appropriate authority, the responsibilities of the appointed Chief of Police shall include the responsibility to:

- a) Conduct and manage the day-to-day operations of the Police Department:
- b) Administer and enforce rules, regulations and special emergency directives regarding the disposition and discipline of the police force, its officers, and personnel:
- c) Have, exercise, and discharge the functions, powers and duties of the police force:
- d) Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision:
- e) Prescribe the duties and assignments of all subordinates and other police department personnel: and
- f) Report at least monthly at a regular meeting of the Borough, or by any such other forms as the Borough shall require, as to the operation of the police force during the preceding month.

ARTICLE II
WORK WEEK AND HOLIDAYS

1. The Chief of Police shall spend sufficient time at his job to ensure the smooth and responsible operation of the Police Department over which he has supervisory control. The Chief of Police shall work at least forty (40) hours per week and shall not be eligible for overtime.
2. The Chief of Police shall attend, at a minimum, four (4) Borough Council meetings per year, at which he will give the Governing Body an update regarding the Police Department and its activities.
3. The Chief of Police shall be entitled to utilize four (4) personal days per calendar year as provided in the Personnel Manual.
4. The Chief shall receive twelve (12) holidays off per calendar year as spelled out in the Personnel Manual.

ARTICLE III
SICK LEAVE

1. Sick leave is hereby defined to mean an absence by the Chief of Police due to illness, accident, injury, disability, or exposure to contagious disease, or the necessity to attend to and care for a seriously ill member of his immediate family.
2. In the event the Chief of Police requires sick leave due to any of the above-stated reasons, he shall provide written notice to the Borough Administrator regarding the use of such leave.
3. The term immediate family for the purpose of this Article shall include the following:
 - a) spouse; b) parent; c) step-parent; d) child; e) foster child; and f) any other relative residing in the Chief of Police's household.

4. Sick leave shall accrue for the Chief of Police at the rate of eight (8) hours per month of service, and shall accumulate from year to year, with a maximum accumulation of one thousand (1000) hours, to be used as set forth herein.
5. The Chief of Police, at his option, may be paid for a maximum of one hundred 100 hours from his sick leave bank each year at the equivalent of his base salary hourly rate. Payment shall be made no later than January 30th of the succeeding year.
6. Upon retirement, the Chief of Police may exchange sick days for a cash payment at his then-prevailing base salary rate up to a total value of \$15,000. The Borough shall make such payment no later than thirty (30) days following the Chief of Police' official retirement date. The Chief of Police will notify the Borough 6 months in advance of any retirement date which would occur prior to December 31, 2026.

ARTICLE IV

INJURY LEAVE

1. In the event the Chief of Police becomes disabled by reason of work-related injury or illness and is unable to perform his duties, the Chief of Police shall be entitled to full pay for a period of one year commencing with the date of such work-related injury or illness, or until such time as he has been accepted for retirement by the Policemen's Pension System. If the Chief of Police exercises this right, he shall surrender to and deliver any workman's compensation salary payments to the Borough Treasurer in order to receive his entire salary payment. If illness continues beyond one year, the Chief of Police shall be paid on the basis of his accumulated sick leave.

ARTICLE V

FUNERAL LEAVE

1. In the event of death in the Chief of Police's immediate family (herein defined as either a spouse, parent, stepparent, grandparent, sibling, child, foster child, stepchild, grandchild, parent-in-law, daughter-in-law or son-in-law) or any other relatives residing in the Chief of Police's home, the Chief of Police shall be granted time off, without loss of pay, commencing no later than the day of the funeral, but in no event to exceed three (3) consecutive calendar days.
2. The Chief of Police will be granted special funeral leave, without loss of pay, for a period of one (1) day due to the death of any other relative or individual not specified above.

ARTICLE VI

VACATIONS

The Chief of Police shall be entitled to thirty (30) days of vacation time per calendar year.

1. The Chief of Police shall be entitled to schedule his vacation time, provided that the Chief of Police shall not take vacation leave unless ranking officers are available to assume control of, and responsibility for, the operation of the Police Department. In addition, the Chief of Police shall not schedule his vacation time during any time period where planned events shall require the presence of the Chief of Police.
2. Up to 15 days of unused vacation time may be paid at that year's rate of pay in which the vacation is earned, paid at the equivalent of his regular hourly rate, and shall be paid no later than January 30th of the succeeding year. An additional 5 days may be carried over to the following year only. Any unused and accrued vacation time shall be compensated for by the Borough at the Base Salary hourly rate when the Chief of Police becomes voluntarily separated or retires from employment with the Borough. However, any unused and accrued vacation time will not be compensated for if the Chief of Police terminates his employment with the Borough without giving four weeks (4) week's prior notice to the Borough Administrator.

ARTICLE VII

INSURANCE, HEALTH, AND WELFARE

1. The Borough shall maintain medical insurance coverage for the benefit of the Chief of Police and his family (herein defined as a spouse or dependent). At no time shall the Chief of Police receive less medical insurance coverage than that which is received by any other members of the Police Department. The Chief shall contribute premium contributions toward his benefits in the amounts calculated in P.L. 2011, Chapter 78 even if or when Chapter 78 sunsets.
2. The Borough shall supply the Chief of Police with all necessary legal advice and counsel in the defense of any and all claims, charges and/or allegations filed against him in the performance of his duties in accordance with the laws of the State of New Jersey and of the United States. The Chief of Police, subject to the approval of the Borough, may make the selection of an attorney and the Borough shall not unreasonably withhold such approval. The Borough shall be responsible for indemnification of the Chief with respect to any such claims, charges and/or allegations, including compensatory damages, punitive damages, attorney's fees, costs, etc., so long as the Chief is found to have not participated or acted in any illegal manner. The Borough shall similarly be responsible for indemnification and counsel in connection with all claims, including compensatory, punitive damages, attorney's fees, costs, etc. for actions filed subsequent to the expiration of this agreement, so long as the Chief is not found to have participated or acted in any illegal manner.
3. Life Insurance in the amount of \$20,000.00 will also be provided by the Borough at no cost to the Chief of Police.

ARTICLE VIII

CLOTHING ALLOWANCE

1 The Borough shall replace any clothing or personal items damaged or destroyed in the line of duty or reimburse the Chief of Police for the cost of replacing such items, provided reasonable replacement costs are mutually agreed to between the Borough and the Chief of Police. The Borough Administrator will approve all such purchases and reimbursements.

2 It shall be left to the professional discretion of the Chief of Police as to when he should wear formal or informal uniform or plain clothes.

ARTICLE IX
CELL PHONE ALLOWANCE

The Chief of Police and the Borough agree that in lieu of a Borough-issued cell phone, a cell phone allowance shall be provided to the Chief of Police in the amount of \$270, no later than February 1st of each year.

ARTICLE X
CHIEF'S CAR

1. The Borough agrees to supply the Chief of Police with an unmarked automobile to be used for police work. However, it shall be a full-sized, four-door car and shall be equipped with all such equipment as is normally needed for police work, including but not limited to emergency lights, siren, police radio, etc. There shall be no limit on the use of the automobile for police work or anything associated with police work, such as attending meetings, school outings, trips, conferences, and any other traveling needed to carry out the duties of the Chief of Police.

2. The Borough shall pay all expenses for the operation and upkeep of the automobile, such as car insurance, tires, gas, oil changes, and any other necessary repairs.

3. The automobile shall not be used by anyone other than the Chief of Police, except that the Chief of Police may designate other members of the Police Department, as appropriate, to use the vehicle for a designated police purpose.

ARTICLE XI

SALARY

Commencing on January 1, 2024 Gendron's salary with the Borough shall be paid at an annual rate of \$162,898.54 less all applicable deductions, effective January 1, 2024. Effective January 1, 2025, Gendron's salary shall be paid at an annual rate of \$169,914.48, less all applicable deductions. Effective January 1, 2026, Gendron's salary with the Borough shall be paid at an annual rate of \$177,211.06, less all applicable deductions.

Salary shall be paid in accordance with the usual practice of the Borough.

ARTICLE XII

LONGEVITY

The Chief of Police shall be paid, an annual longevity in the amount of \$12,500 per year, which shall be paid as a component of the Chief's base salary, prorated on a bi-weekly basis, with appropriate deductions. When used in this agreement, the term "base salary" shall include the annual salary listed in Article X as well as Longevity identified in Article XI.

ARTICLE XIII

EDUCATIONAL PROGRAMS/LAW ENFORCEMENT CONFERENCES

1. The Chief of Police shall be permitted to attend and be compensated for, at his Base Salary hourly rate, any school, seminar or retraining session conducted or sponsored by the International Association of Chiefs of Police, New Jersey State Association of Chiefs of Police, New Jersey State Police, Federal Bureau of Investigation, or any other educational program of a management or supervisory nature. Mutually agreed upon expenses, such as travel, room, food, tuition, special clothing, books, or any other charges connected with the educational program shall be borne by the Borough. In addition, the Borough agrees to grant the Chief of Police two (2) educational/instructional days off per year. In no event shall the Borough be required to pay or reimburse the Chief of Police for expenses of any class, course, school, or educational program

unrelated to police activities.

2. Borough agrees to grant time off, including travel time, and pay all associated and reasonable expenses for the Chief of Police to attend the annual New Jersey State Association of Chiefs of Police Conference, the annual International Association of Chiefs of Police Conference, and the annual FBI National Academy Associates Conference subject to the availability of funding in the municipal budget. If the Chief of Police attends a conference at Borough expense, the Chief of Police shall provide the Borough with proof of expenses for attending such conference, by way of receipts or vouchers.

3. Borough also agrees to pay for the Chief of Police's dues for membership in the Mercer County Chiefs of Police Association, the New Jersey State Association of Chiefs of Police, the International Association of Chiefs of Police, and the FBI National Academy Associates.

4. Borough agrees to grant time off and pay all mutually agreed upon expenses incurred by the Chief of Police attending any meeting of the above-named associations, as long as such meetings are held within the State of New Jersey. In the event any such meeting occurs outside of New Jersey, the Chief of Police shall first obtain permission to attend such meeting from the Borough Administrator.

ARTICLE XIV

BOROUGH ISSUED FIREARM

In recognition of his service to the Borough of Hightstown, the Borough agrees to allow the Chief to keep his Borough issued firearm upon his retirement, at a trade in value set by a Borough authorized firearms vendor, so long as he signs the appropriate paperwork and satisfies any other requirements required by law to transfer ownership of the firearm from the Borough to him.

ARTICLE XV

SEPARABILITY AND SAVINGS

If any provision of this agreement, or any application of this agreement, is held to be invalid by operation of law or by a court or other tribunal of competent jurisdiction, such provision shall be inoperative, but all other provisions shall not be affected thereby and shall continue in full force and effect.

ARTICLE XVI
EVALUATION

The parties agree that the Chief of Police shall be evaluated in accordance with the Personnel Manual.

ARTICLE XVII
MODIFICATION

This Agreement represents the full agreement of the parties, and no modifications shall be made hereto unless such modification is made in writing and mutually accepted by all parties as evidenced by their signature.

ARTICLE XVIII
TERM AND RENEWAL

THIS AGREEMENT shall be in full force and effect as of January 1st, 2024 and shall remain in effect to, and including, December 31, 2026.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date specified below:

CHIEF FRANK GENDRON

BOROUGH OF HIGHTSTOWN

Frank Gendron

Susan Bluth, Mayor

Resolution 2023-46

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

RESOLUTION AUTHORIZING THE PURCHASE OF A LABRIE AUTOMIZER RH 33YD MOUNTED TO MACK LR CAB OVER CHASSISS FOR THE HIGHTSTOWN BOROUGH DEPARTMENT OF PUBLIC WORKS FROM SANITATION EQUIPMENT CORP. AN AUTHORIZED DEALER OF LABRIE ENVIROQUIP

WHEREAS, the Borough of Hightstown as a contracting unit, may without advertising for bids, purchase any materials, supplies or equipment entered into on behalf Sourcewell (Formerly NJPA), 202 12th Street, Staples, MN, 56479 pursuant to the provision of P.L.2011, c.139 which permits contracting units to use contracts awarded by national or regional cooperative or other states that were competitively bid. The law supplements existing law on the use of such contracts and is intended to provide additional flexibility to local government in the area of procurement; and

WHEREAS, Labrie Enviroquip of Quebec Canada has been awarded the contract for this truck under Sourcewells Category: Mobile Refuse Collection Vehicles Contract #091219-LEG (expiration 11/15/2023); and

WHEREAS, the Purchasing Agent and Superintendent of Public Works recommend the utilization of this contract; and

WHEREAS, under Sourcewell Contract No. #091219-LEG, Sanitation Equipment Corp, 80 Furler Street, Totowa NJ 07512 an authorized dealer of Labrie Enviroquip, can provide a Labrie Automizer RH 33YD Mounted to Mack LR Cab Over Chassiss as per their quote #548/3 dated November 11, 2022 in the amount of \$388,939.07 to the Hightstown Borough.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hightstown that Sanitation Equipment Corp, 80 Furler Street, Totowa NJ 07512 an authorized dealer of Labrie Enviroquip, under Sourcewell Contract No. #091219-LEG be utilized to provide a Labrie Automizer RH 33YD Mounted to Mack LR Cab Over Chassiss at the cost of \$388,939.07.

Resolution 2023-47

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT ON BEHALF OF PARTICIPANTS IN THE
BOROUGH OF HIGHTSTOWN LENGTH OF SERVICE AWARD**

PROGRAM (LOSAP)

WHEREAS, the Borough of Hightstown instituted a Length of Service Award Program (LOSAP) with the adoption of Ordinance 1999-20 on August 2, 1999 and its subsequent approval by referendum at the November 1999 general election; and

WHEREAS, said LOSAP became effective January 1, 2000; and

WHEREAS, in accordance with *N.J.S.A. 40A:14-191*, the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 have submitted certified listings of all volunteer members who qualified for credit under the LOSAP program for the year 2021; and

WHEREAS, certain volunteers are also eligible to redeem amounts “banked” during prior years of qualified service; and

WHEREAS, the listing of all employees who qualified for credit under the LOSAP program during 2021 and/or are eligible to redeem amounts banked during prior years of qualified service is attached hereto as Schedule “A”; and

WHEREAS, *N.J.A.C. 5:30-14.10* requires that these listings be approved by Resolution of the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the certified listings set forth on the attached Schedule A of volunteer members of the Hightstown First Aid Squad and Hightstown Engine Co. No. 1 who qualified for credit under the LOSAP program for the year 2021 are hereby approved, and the Borough Administrator is directed to take all steps necessary to provide payment on their behalf to Lincoln Financial Group in accordance with the provisions and requirements of *N.J.S.A. 40A:14-191* and *N.J.A.C. 5:30-14.1 et seq*; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to the Hightstown First Aid Squad and Hightstown Engine Co. No. 1; and

BE IT FURTHER RESOLVED that, in accordance with *N.J.S.A. 40A:14-192*, copies of the approved listings shall be posted for a period of not less than 30 days in the Borough Clerk’s office, at the Hightstown Firehouse and at the Hightstown First Aid Squad building.

Schedule “A” – Page 1 of 1

The following volunteers qualified by points earned during the year 2021 for credit in the Borough of Hightstown Length of Service Awards Program (LOSAP), AND/OR are eligible to redeem amounts “banked” during prior years of qualified service. Points were earned in accordance with the point system established in Ordinance 1999-20 and certified by the Fire Chief and First Aid Squad President. Total allowable contribution for each year of qualified

service is \$750.00. Total allowable payment into fund on behalf of any one volunteer in any one year, including current year contribution, buyback of prior year service and/or redemption of amounts banked during prior years of qualified service, is \$1,150.00.

Hightstown Engine Co. No. 1

Bennett, Ryan

Brink, Kevin

Derr, Donald

Derr, Stephanie

Evers, Gary

Frank, Austin

Gerber, Robin

Glackin, Neal

Jenkins, Scott

Krakowski, Scott

Madonia, Mark

Mastiano, Rich

McClenahan, Cynthia

Miller, Emily

Reed, Chad

Seip, Joseph

Sugg, C

Weinberg, Alexandria

Weisel, A

Yanez, Eduardo

Zajdel, Jakub

Hightstown First Aid Squad

Boguszewski, Stephen

Curran, Jessica

Stackhouse, Keith

Sukhadia, Sneah

Resolution 2023-48

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT NO. 5 – ALLIED PAINTING, INC. (WATER TANK PAINTING AND REPAIR AT FIRST AVENUE, LESHIN LANE AND CRANBURY STATION ROAD)

WHEREAS, on May 16, 2022, the Borough Council awarded a contract for the Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road to Allied Painting Inc., of Cherry Hill, New Jersey at the price of \$427,300.00; and

WHEREAS, the contractor has submitted a request for payment No. 5 in the amount of \$24,304.00, for partial payment through January 23, 2023; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 4 to the contractor in the amount of \$24,304.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 5 to Allied Painting, Inc., of Cherry Hill New Jersey for \$24,304.00, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2023-49

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT #4 FINAL AND CHANGE ORDER #3 FINAL – EARLE ASPHALT COMPANY – IMPROVEMENTS TO SPRINGCREST DRIVE, TAYLOR AVENUE, SPRUCE COURT, GLEN DRIVE & SCHUYLER AVENUE

WHEREAS, on March 15, 2021, the Borough Council awarded a contract for the Improvements to Springcrest Drive, Taylor Avenue, Spruce Court, Glen Drive & Schuyler Avenue to Earle Asphalt Company of Wall, New Jersey at the price of \$1,370,813.13; and

WHEREAS, the contractor has submitted a request for payment No. 4 Final in the amount of \$53,372.13; and

WHEREAS, the contractor has submitted Change Order No. 3 what adjusts the contract to as built quantities; and

WHEREAS, Change Order No. 3 reduces the contract by \$187,964.51 (-10.43%) to a final contract amount of \$1,227,850.80; and

WHEREAS, the Borough Engineer has recommended approval of Change Order No. 3; and

WHEREAS, the Borough Engineer has recommended the contract be accepted, closed out and final payment be made to Earle Asphalt Company in the amount of \$53,372.13.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of

Hightstown that Change Order No. 3 Final and Payment Request No. 4 Final to Earle Asphalt Company of Wall, New Jersey for \$53,372.13, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.

Resolution 2023-50

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING HIGHTSTOWN ENGINE COMPANY NO. 1 TO APPLY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR FY2022

WHEREAS, the Assistance to Firefighters Grant Program (AFG) provides fire safety grants to fund critically needed resources to equip and train emergency personnel, enhance efficiencies and support community resilience; and

WHEREAS, the deadline to apply for funds for FY2022 is February 10, 2023; and

WHEREAS, Hightstown Engine Company No. 1 has expressed interest in applying for funds and requires Hightstown Borough's DUNS and UEI numbers for the application process; and

WHEREAS, Borough Council support the fire company's application provided that:

1. Hightstown Engine Company No. 1 is responsible for writing the grant and any and all administration of the grant during the application and approval process.
2. Hightstown Engine Company No. 1 is responsible for any and all administration of the grant should the grant be awarded.
3. Hightstown Engine Company No. 1 is responsible to maintain and update all records as required by AFG including any administration and follow up once funds are awarded.
4. Hightstown Engine Company No. 1 is responsible for any financial obligations including but not limited to matching grant funds.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Hightstown Engine Company No. 1 is authorized to apply for the FY2022 Assistance to Firefighters Grant Program as detailed herein and the Borough Administrator is directed to provide Hightstown Borough's DUNS and UEI numbers.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to:

1. Donald Derr, Chief Hightstown Engine Company
2. Dimitri Musing, Borough Administrator

Resolution 2023-51

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING REFUND OF WATER/SEWER OVERPAYMENT

WHEREAS, a water/sewer overpayment was made for Block 3.01; Lot 53.05, 6 Maple Avenue, in the amount of \$639.00; and

WHEREAS, the owner, Deval Patel, 6 Maple Avenue, Hightstown, New Jersey 08520, has requested that a refund be issued for the overpayment in the amount of \$639.00; and

WHEREAS, the Collector has requested that said overpayment be refunded in the amount of \$639.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Collector and Deputy CFO are hereby authorized to issue a refund in the amount of \$639.00 to Deval Patel, 6 Maple Avenue, Hightstown, New Jersey 08520 , representing the water/sewer overpayment as set forth herein.

DISCUSSION

Sale of Springcrest Pumpstation Property

During the work on the Springcrest Drive Improvements, the pumpstation located there was deactivated. The lot that remains is undersized and no longer needed by the Borough. A resident has contacted the Borough showing interest in purchasing the lot. The Borough Tax Assessor has valued the property at \$3,900. Mr. Musing recommends selling the lot. Mr. Raffetto explained that by State statute, sale of the property would take place through a closed bid process. Bidding would start at \$3,900. The three contiguous lot owners will be notified about bid. Highest bidder would be entitled to the property. This property has an easement, and an easement contract would be drawn up after the sale of the property. Mr. Lewis stated that this property is not needed by the Borough and presents issues to maintain the property. Discussion ensued. Council agreed to move forward with the sale of this property. An ordinance declaring the property surplus will need to be adopted before the bidding process can begin. This ordinance will be introduced at the February 21, 2023, meeting.

SUBCOMMITTEE REPORTS

Complete streets

Councilmember Cicalese stated that the new Chair to Complete Streets is Steve Misiura, Henry Wang will serve as Vice-Chair and Beverly Asselstine will serve as Secretary.

MAYOR/COUNCIL/ADMINISTRATIVE REPORTS

Councilmember Gulati

- Housing Authority
 - Mickie Eufemia, appointed by the DCA remains Chair and Brent Rivenburgh will serve as Vice-Chair.

Councilmember Montferrat

- Work continues on the plans for the municipal building.
- Work continues with the PRC Group on the Rug Mill.
- Working with Construction on property maintenance.

Councilmember Fowler

- Memorial Day Parade will take place May 29th
- The Harvest Fair will take place October 7th

Councilmember Cicalese

- He is satisfied with the decision about the roundabout on Maxwell Avenue. He asks that we remain sensitive to traffic and maintain a walkable town.

Council President Jackson

- HPC Will meeting next week via Zoom.
- Welcomed Councilmember Gulati to Council.

Councilmember Frantz

- Environmental Commission will once again sponsor the Youth Environmental Leadership Program. They are looking to sponsor 10 students this year.

George Lang, CFO

- Finishing end of year work
- Budget worksheets will be forwarded to Department Heads next week.

Peggy Riggio, Borough Clerk

- Finishing up on 2023 taxi licenses, food licenses and animal licenses.

- Working on a records destruction. Has not had a destruction since early 2020, pre-covid.
- Working to update the website.

Dimitri Musing, Borough Administrator

- Closing out the last FEMA funded project at the Water Plant.

Mayor Bluth

- Hurricane Irene
 - Received an additional \$51,200 for rent reimbursement for the Police Station. Mr. Musing is working on closing out the insurance claim.
- Improvements to Springcrest was approved for final payment and closeout this evening. Happy to report that the project closed at 10.43% (\$188,000) less than originally estimated. Thanked our great staff, engineer and professionals for their diligent work.
- Cultural Arts Commission – Ann Marie Miller will continue to serve as Chair and Adam Welch will continue to serve as Vice Chair.

EXECUTIVE SESSION

Resolution 2023-52 Authorizing a Meeting that Excludes the Public

Moved by Councilmember Montferrat; Seconded by Councilmember Cicalese.

Roll Call Vote: Councilmembers Cicalese, Fowler, Frantz, Gulati, Jackson and Montferrat voted yes.

Resolution adopted 6-0.

Resolution 2023-52

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on February 6, 2023, at the Hightstown Fire House located at 140 North Main Street, Hightstown, that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Personnel – Police Personnel

Litigation – Schloss V. Hightstown

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public May 6, 2023, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

ADJOURNMENT TO EXECUTIVE SESSION AT 7:16 p.m.

Moved by Councilmember Jackson; Seconded by Councilmember Cicalese. All ayes.

Council returned to public session 7:43 p.m.

ADJOURNMENT at 7:44 p.m.

Moved by Councilmember Montferrat; Seconded by Councilmember Fowler. All ayes.

Respectfully Submitted,

Margaret Riggio, RMC
Borough Clerk

Approved by Hightstown Borough Council: _____

Ordinance 2023-01

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE ESTABLISHING NEW FLOODPLAIN MANAGEMENT REGULATIONS FOR THE BOROUGH OF HIGHTSTOWN, AND AMENDING AND SUPPLEMENTING “THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN” IN ORDER TO REPEAL THE EXISTING PROVISIONS OF CHAPTER 24, ENTITLED “FLOOD DAMAGE PREVENTION,” IN THEIR ENTIRETY, AND TO ESTABLISH A NEW CHAPTER 24 THEREOF CONCERNING “FLOOD DAMAGE PREVENTION.”

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 Hightstown (the “Borough”) 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 was accepted for participation in the National Flood Insurance Program on **March 15, 1977** 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 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 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 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, THEREFORE, BE IT ORDAINED, by the Mayor and Council of The Borough of Hightstown, in the County of Mercer and State of New Jersey, that the existing provisions contained within Chapter 24, entitled “Flood Damage Prevention,” of the “Revised General Ordinances of the

Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”) are hereby repealed in their entirety.

BE IT FURTHER ORDAINED, that the Floodplain Management Regulations set forth in the within Ordinance are hereby adopted by the Borough of Hightstown, and that a new Chapter 24 of the Borough Code, to be entitled “Flood Damage Prevention,” is hereby established as set forth below, to read as follows:

Chapter 24. Flood Damage Prevention

Article 24-1. Scope and Administration

§ 24-1-1. 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 the Borough (hereinafter “these regulations”).

§ 24-1-2. 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 Article 24-2 of these regulations.

§ 24-1-3. 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.

§ 24-1-4. Coordination with Building Codes.

Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough administer and enforce the State building codes, the Mayor and Council of the Borough 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.

§ 24-1-5. 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 Article 24-3-14 of this ordinance.

§ 24-1-6. 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.

§ 24-1-7. Other Laws.

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

Federal law.

§ 24-1-8. Violations and Penalties for Noncompliance.

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a 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.

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.

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.

A. 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.

§ 24-1-9. 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.

Article 24-2. Applicability

§ 24-2-1. 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.

§ 24-2-2. Establishment of Flood Hazard Areas.

The Borough was accepted for participation in the National Flood Insurance Program on March 15, 1977.

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 the Borough Hall at 156 Bank Street, Hightstown, NJ in the Office of the Floodplain Administrator.

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, Mercer County, (All Jurisdictions) dated July 20, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 24-2-2(1) whose effective date is July 20, 2016. are hereby adopted by reference.

Table 24-2-2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34021C0168	07/20/2016	F			
34021C0169	07/20/2016	F			

B. Federal Best Available Information.

The Borough 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.

Table 24-2-2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

C. Other Best Available Data.

The Borough 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. 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 Article 24-2-2A and B, above. This information shall be used for floodplain regulation purposes only.

Table 24-2-2(3)

Map Description	Ordinance Number	Date Effective	Date Withdrawn and Ordinance Number

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 Article 24-9, 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. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 24-2-2(4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Rocky Brook	SUPPVIII32	1
Rocky Brook	H0000249	7
Rocky Brook	H0000248	6
Rocky Brook	H0000275p	05p
Millstone River	H0000056	3
Millstone river	H0000246	4

§ 24-2-3. Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Article 24-2-2, 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 Article 24-2-2, above plus two feet of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in Article 24-2-2A 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 Article 24-5-2 and 24-5-3.

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.

Article 24-3. Duties and Powers of the Floodplain Administrator

§ 24-3-1. Floodplain Administrator Designation.

The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 24-3-2. 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 Article 24-7 of these regulations.

§ 24-3-3. Coordination.

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

§ 24-3-4. 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 Article 24-2 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 Article 24-3-14 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 Article 24-7 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 Article 24-6 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 Article 24-7 of these regulations.
- M. Cite violations in accordance with Article 24-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Article 24-2-2.

§ 24-3-5. 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.

§ 24-3-6. 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.

§ 24-3-7. 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 Articles 24-2-2 and 24-2-3 respectively. This information shall be provided to the Construction Official and documented according to Article 24-3-15.

§ 24-3-8. 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.

§ 24-3-9. 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.

§ 24-3-10. 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.

A. Floodway revisions.

- (1) 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.

§ 24-3-11. 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.

A. Engineering analysis.

- (1) 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.

§ 24-3-12. 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.

§ 24-3-13. 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.

§ 24-3-14. 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 Article 24-2-2, 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 10 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.

- 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.

§ 24-3-15. 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.

§ 24-3-16. 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.

Article 24-4. Permits

§ 24-4-1. 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.

§ 24-4-2. 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 Article 24-5 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.

§ 24-4-3. 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.

§ 24-4-4. 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.

§ 24-4-5. 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.

Article 24-5. Site Plans and Construction Documents

§ 24-5-1. 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 Article 24-5-2.
- 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 Article 24-5-2(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.

§ 24-5-2. 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.

§ 24-5-3. 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 Article 24-5-4 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 Article 24-5-4 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).

§ 24-5-4. 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.

Article 24-6. Inspections

§ 24-6-1. 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.

106.2§ 24-6-2. 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.

106.3§ 24-6-3. 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 Article 24-15-2 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 Article 24-15-2 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 Article 24-15-2.

D. Final inspection.

Prior to the final inspection, certification of the elevation required in Article 24-15-2 shall be submitted to the Construction Official on an Elevation Certificate.

§ 24-6-4. 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.

Article 24-7. Variances

§ 24-7-1. General.

The 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

Article 24-7-5, the conditions of issuance set forth in Article 24-7-6, 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.

§ 24-7-2. 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.

§ 24-7-3. 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.

§ 24-7-4. 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 Article 24-5-3(A) of these regulations.

§ 24-7-5. 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.

§ 24-7-6. 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.

Article 24-8. Violations

§ 24-8-1. 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.

§ 24-8-2. 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.

§ 24-8-3. 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.

§ 24-8-1. 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 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.

Article 24-9. Definitions

§ 24-9-1. 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.

§ 24-9-2. 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 usually 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 Article 24-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The 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, which meets all Federal, State, and local laws, and 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.

REPETITIVE LOSS

Any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

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 percent 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 10 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 that is permanent subsequent to 2022. This term also includes structures which have incurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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.

Article 24-10. Subdivisions and Other Developments

§ 24-10-1. 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.

§ 24-10-2. 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.

Article 24-11. Site Improvement

§ 24-11-1. Encroachment in Floodways.

Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Article 24-5-3(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 Article 24-5-3(A) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Article 24-15-2 of this ordinance and the floodway

requirements of N.J.A.C. 7:13.

A. Prohibited in floodways.

The following are prohibited activities:

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

§ 24-11-2. 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.

§ 24-11-3. 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.

§ 24-11-4. Storm Drainage.

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

§ 24-11-5. Streets and Sidewalks.

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

§ 24-11-6. 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.

§ 24-11-7. Hazardous Materials.

The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

Article 24-12. Manufactured Homes

§ 24-12-1. 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).

§ 24-12-2. 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 Article 24-15-2.

§ 24-12-3. Foundations.

All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

§ 24-12-4. 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.

§ 24-12-5. Enclosures.

Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Article 24-15-2.

§ 24-12-6. 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 Article 24-15-2 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 the effects of buoyancy, during the occurrence of flooding up to the elevation required by Article 24-15-2, 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).

Article 24-13. Recreational Vehicles

§ 24-13-1. Placement Prohibited.

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

§ 24-13-2. 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.

§ 24-13-3. 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 Article 24-15-2 for habitable buildings and Article 24-12-3.

Article 24-14. Tanks

§ 24-14-1. 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.

Article 24-15. Other Development and Building Work

§ 24-15-1. 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 Article 24-5-3(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 Article 24-2-3;
- 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 Article 24-2-3 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.

§ 24-15-2. 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 Article 24-9) 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 Article 24-2-3, 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 Article 24-2-3, 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 Article 24-15-2A(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;
- (6) For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

§ 24-15-3. Garages and Accessory Storage Structures.

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

§ 24-15-4. 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 Article 24-5-3(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 Article 24-7 of this ordinance.

§ 24-15-5. Retaining Walls, Widewalks, and Driveways.

Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Article 24-5-3(A) of these regulations and N.J.A.C. 7:13.

§ 24-15-6. 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 Article 24-5-3(A) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 24-15-7. 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 Article 24-5-3(A) of these regulations.

Article 24-16. Temporary Structures and Temporary Storage

§ 24-16-1. 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.

§ 24-16-2. 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.

§ 24-16-3. Floodway Encroachment.

Temporary structures and temporary storage in floodways shall meet the requirements of Article 24-5-3(A) of these regulations.

Article 24-17. Utility and Miscellaneous Group U

§ 24-17-1. 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.

§ 24-17-2. 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 Article 24-2-3.

§ 24-17-3. 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 Article 24-2-3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 24-17-4. Enclosures Below Base Flood Elevation.

Fully enclosed areas below the design flood elevation shall be constructed in accordance with Article 24-15-2 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.

§ 24-17-5. Flood-Damage Resistant Materials.

Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Article 24-2-3.

§ 24-17-6. 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 Article 24-2-3.

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 this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency(ies).

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the

Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Introduction:

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

ORDINANCE 2023-02

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO MAXWELL AVENUE
IN AND BY THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER,
NEW JERSEY, APPROPRIATING \$855,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$233,730 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART
OF THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$855,000, including a \$621,270 grant expected to be received from the State of New Jersey Department of Transportation (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the project since the project is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$233,730 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Maxwell Avenue, including the

replacement of curbs, sidewalks and curb ramps as necessary, new sidewalks where none currently exist, upgrades to storm drains, milling and paving with base repairs as necessary, signage, striping and the construction of a roundabout at the intersection with East Ward Street, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the

amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$233,730, and the obligations authorized herein will be within

all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$105,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received, other than those referred to in Section 1 hereto, shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the

Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: February 6, 2023

Adoption:

ATTEST:

MARGARET RIGGIO
BOROUGH CLERK

SUSAN BLUTH
MAYOR

ORDINANCE 2023-3

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**BOND ORDINANCE PROVIDING FOR WATER-SEWER IMPROVEMENTS TO
MAXWELL AVENUE FOR THE WATER-SEWER UTILITY IN AND BY THE
BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY,
APPROPRIATING \$1,290,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,290,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE THE COST THEREOF.**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Borough of Hightstown, in the County of Mercer, New Jersey (the "Borough"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,290,000. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is expected to be funded through the New Jersey Infrastructure Bank.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,290,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is water-sewer improvements to Maxwell Avenue for the Water-Sewer Utility, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is

hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,290,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$190,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the

purpose or improvement.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual

payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduction: February 6, 2023

Adoption:

ATTEST:

MARGARET RIGGIO
BOROUGH CLERK

SUSAN BLUTH
MAYOR

Ordinance 2023-04

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AUTHORIZING THE SALE OF BLOCK 62, LOT 15 (105 SPRINGCREST DRIVE), IN THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1, *et seq.*

WHEREAS, the Borough of Hightstown (also referenced as the “Borough”) is the record owner of certain real property known and designated as Block 62, Lot 15 on the Official Tax Map of the Borough, which property has a physical address of 105 Springcrest Drive (the “Property”), in the Borough of Hightstown, County of Mercer, State of New Jersey; and

WHEREAS, the Property is an undersized lot in the R-1 Zone and comprises approximately 3,850 square feet of land area; and

WHEREAS, the Property was previously improved with a sewer pumping station which was known colloquially as the “Springcrest Drive Pumping Station”; and

WHEREAS, the sewer pumping station is no longer necessary for the public purposes of the Borough, and has been decommissioned and removed; and

WHEREAS, given these facts, the Borough Council of the Borough of Hightstown has determined that the Property is no longer needed for any public purposes of the Borough and that it constitutes excess surplus lands; and

WHEREAS, a sale of the Property will return it to the tax rolls of the Borough and create revenues for the municipality; and

WHEREAS, the Borough Council has therefore determined that it is in the best interests of the Borough to offer the Property for sale, in accordance with the requirements of the New Jersey “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1, *et seq.* (the “Act”); and

WHEREAS, N.J.S.A. 40A:12-13(b) authorizes the Borough to sell municipally owned real property at a private sale to an owner of real property that is located contiguous thereto where the Borough-owned parcel is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, those circumstances are present in the within situation; and

WHEREAS, N.J.S.A. 40A:12-13(b)(5) further provides that where there is more than one (1) owner of property contiguous to the parcel being offered for sale, the municipal parcel shall be sold to the highest bidder from among all such contiguous property owners, and that the sale shall be made for not less than the fair market value of the said real property; and

WHEREAS, in the current situation, there are three (3) parcels contiguous to the Property being offered for sale; and

WHEREAS, the Borough Council has determined that any sale of the Property shall be conditioned upon the Borough retaining a perpetual easement (also referenced as the “sewer easement”) over, under and across the Property, which shall allow the Borough and its agents to access and maintain the existing sewer pipe(s) that is/are located beneath the Property in perpetuity; and

WHEREAS, a legal description and corresponding plan depicting the area of the proposed sewer easement has been prepared by the Borough Engineer’s office and these documents are on file for public inspection and review in the Office of the Municipal Clerk; and

WHEREAS, the Borough’s Tax Assessor has provided an estimation of the fair market value of the Property; and

WHEREAS, the Tax Assessor’s estimate has factored in the proposed sewer easement as an encumbrance on the title to the Property; and

WHEREAS, the Tax Assessor’s estimate of the Property’s fair market value, as encumbered by the proposed sewer easement, is Three Thousand Nine Hundred and 00/100 dollars (\$3,900.00); and

WHEREAS, the Borough Council now wishes to authorize the sale of the Property, with said sale being conditioned upon the retention of the above-referenced perpetual sewer easement in favor of the Borough, in accordance with the Act and the terms and conditions set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

1. That the Borough hereby declares the Property to be surplus land that is no longer needed for any public purposes of the municipality.
2. That the Borough hereby authorizes a sale of the Property to the highest bidder from among all of the three (3) owners of properties located contiguous thereto, in accordance with the requirements set forth in the Act and herein.
3. That the following conditions for the sale of the Property shall apply:
 - (a) The minimum bid for the Property shall be \$3,900.00.
 - (b) Bids will only be accepted from contiguous landowners, as the Property to be sold is undersized for development under the Borough’s Ordinances in the R-1 Zone and there are no capital improvements located thereon. Contiguous landowners for the purpose of this purchase shall be limited to the legal owner(s) of record as of the date of sale. Contract purchasers and tax lien owners are not deemed contiguous for the purpose of this sale. The successful bidder shall consolidate the Property with its existing contiguous

parcel, and this requirement shall be incorporated into the Deed as a deed restriction.

- (c) The sale shall be conducted through a sealed bid process in which the Borough shall solicit proposals from all contiguous landowners (only). Following the enactment of this Ordinance, the Borough Administrator shall send a letter (via certified mail, return receipt requested and regular mail) to all contiguous landowners, at the addresses listed of record with the Borough's tax offices, within five (5) days of the adoption of this Ordinance alerting them to the potential sale of the Property and of their right to submit a sealed bid to purchase the Property, if they are interested. Any owner of contiguous property that is interested in submitting a proposal to purchase the Property must submit their sealed bid to the attention of the Borough Clerk no later than 10 o'clock a.m. (EST) on April 4, 2023. The Borough Clerk shall open all bids received at 10 o'clock a.m. (EST) on April 4, 2023.
- (d) Following the adoption of the within Ordinance, a notice regarding the proposed sale, including the minimum bid and all other conditions, shall be posted on the bulletin board at both the temporary Borough Hall (156 Bank Street) and at the firehouse property given that the Borough Council conducts its regular meetings within the firehouse. Advertisement shall also be made in a newspaper circulating in the municipality within five (5) days following adoption of the within Ordinance. Offers for the Property may then be made for a period of at least twenty (20) days following the newspaper advertisement.
- (e) In addition to their proposal, each bidder shall be required to provide ten percent (10%) of their bid price along with the sealed bid. If the bidder is successful, the 10% deposit shall be considered a non-refundable deposit and the balance of the purchase price shall be paid at the time of closing via certified funds or bank check. The ten percent (10%) deposit shall be returned to all unsuccessful bidders.
- (f) Following the opening of the sealed bids, the Borough Council shall confirm the sale to the successful (high) bidder via Resolution to be adopted at a Council meeting held within thirty (30) days of the opening of the bids.
- (g) The successful bidder shall be required to pay any and all expenses incurred by the Borough in connection with the sale and transfer of title to the Property (up to a maximum amount of \$1,500.00), including but not limited to the payment by the purchaser of the Borough's legal, survey, title and environmental fees, if any, recording fees, advertisement costs, realty transfer fees and all other reasonable fees and costs incurred as part of the consideration. Said costs shall be itemized as part of the Settlement Statement to be prepared in anticipation of the closing and shall be paid to the Borough on the date of closing, along with the balance of the purchase price.

- (h) As a condition of the sale, a sewer easement shall be reserved in favor of the Borough in perpetuity over, under and across the Property which shall allow the Borough and its agents to access and maintain the existing sewer pipe(s) that is/are located beneath the Property. A legal description and corresponding plan depicting the area of the proposed easement has been prepared by the Borough Engineer's office and is on file for public inspection and review in the Office of the Municipal Clerk. The easement shall be prepared by the Borough Attorney and shall be executed at or prior to the closing by the buyer(s). Following execution, the sewer easement shall be recorded with the Mercer County Clerk's Office by the Borough Attorney.
 - (i) The Property is being sold in "as is" condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense. The Property is being sold subject to any and all conditions, including but not limited to title issues, environmental issues, existing encumbrances, liens, easements (including the sewer easement referenced above), zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, and any present or future assessments for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder, at its discretion, as part of its due diligence.
 - (j) At the closing, the Borough shall provide a Quit Claim Deed in connection therewith. An Affidavit of Title will not be provided.
 - (k) No real estate commission(s) shall be paid in connection with the proposed sale of the Property.
 - (l) The Deed must be recorded within thirty (30) days of closing or title to the Property shall automatically revert back to the Borough of Hightstown without the necessity of entry or re-entry.
 - (m) The Borough reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price, or to reject all bids and not to award to the highest bidder. The Borough reserves the right to waive any and all defects and informalities in any proposal, and to accept or reject the highest responsible and responsive bid deemed to be in the best interests of the Borough.
 - (n) In the event it is determined that the Borough cannot convey marketable title to the Property, the Borough's sole liability shall be to return without interest the successful bidder's deposit funds. This obligation shall not survive the closing of title. It is suggested and recommended that potential bidders perform a title search and any other due diligence they deem appropriate if they are interested in submitting a bid for the Property.
4. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

5. That all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency(ies).
6. That the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

Introduced:

Adopted:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

February 17, 2023

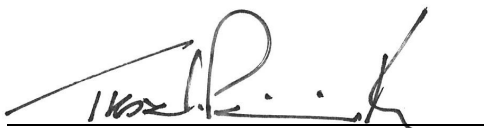
Legal Description of a Proposed 25.00 Foot Wide Utility Easement located on Lot-15, Block-62, in the Borough of Hightstown, Mercer County, New Jersey.

Beginning at a point on the southerly right of way line of Spring Crest Drive (50.00 foot ROW), said point being a distance of 329.54 feet, more or less, in a westerly direction, along the said right of way line, from the intersection with the westerly right of way line of South Main Street (50.00 foot ROW), and running; thence

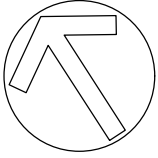
1. South 33°05'08" West, through Lot-15, a distance of 58.24 feet, more or less, to a point on the northerly line of Lot-31, Block-62; thence
2. North 55°38'45" West, along the northerly line of said Lot-31, a distance of 25.01 feet, more or less, to a point in the southeast corner of Lot-16, Block-62; thence
3. North 33°05'08" East, along the easterly line of said Lot-16, 25.00 feet westerly parallel to the first course, a distance of 61.67 feet, more or less, to a point on the aforementioned line of Spring Crest Drive; thence
4. In a southeasterly direction, along the said line of Spring Crest Drive, along an arc bearing to the left having a radius of 250.00 feet, an arc distance of 25.33 feet, more or less, to the point and place of **Beginning**.

Containing 1,482 square feet, or 0.0340 acres of land.

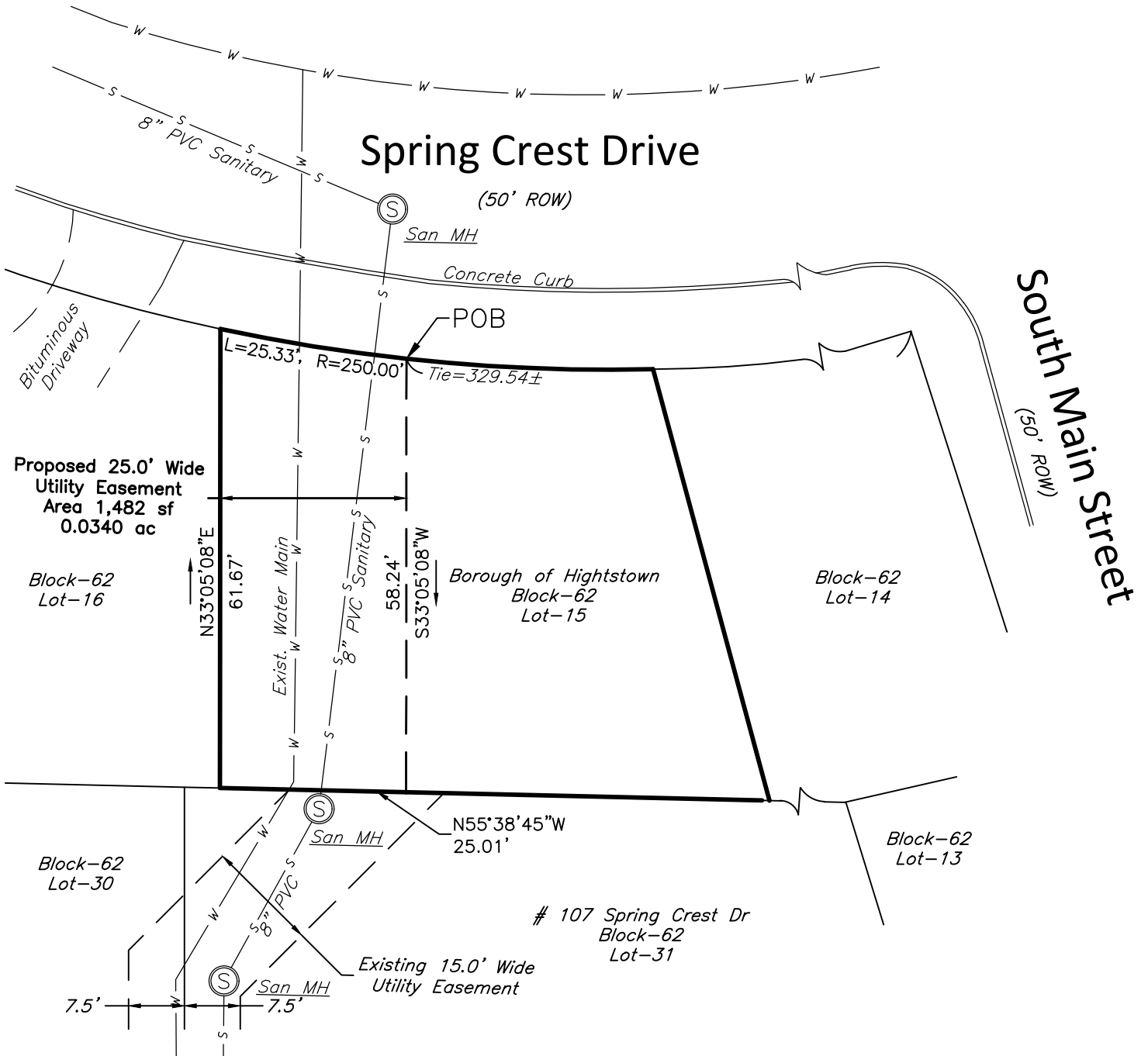
As shown on a plan entitled "Proposed Utility Easement Plan, of Lot-15, Block-62 for the Borough of Hightstown, Hightstown Borough, Mercer County, New Jersey" dated February 17, 2023, and prepared by Roberts Engineering Group LLC, Ted W. Pivovarnick, NJPLS#35868



Ted W. Pivovarnick, NJPLS#35868



Deed North



Scale: 1" = 20'
Date: 2/17/2023

Roberts
ENGINEERING GROUP LLC
Professional Engineers and Surveyors
CERTIFICATE OF AUTHORIZATION -
24GA28159100
1670 Whitehorse-Hamilton Square Rd
Hamilton, New Jersey 08600
609 586 1141 Fax 609 586 1143

Ted W. Pivovarnick
Ted W. Pivovarnick
N.J.P.L.S. Licence #35868
Date: 2/17/23

Proposed Utility Easement Plan
of Lot-15, Block-62 for
Borough of Hightstown
Located in
Borough of Hightstown, Mercer County, New Jersey

Resolution 2023-53

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING PAYMENT OF BILLS

WHEREAS, certain bills are due and payable as per itemized claims listed on the following schedules, which are made a part of the minutes of this meeting as a supplemental record;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the bills be paid on audit and approval of the Borough Administrator, the appropriate Department Head and the Treasurer in the amount of \$1,248,576.10 from the following accounts:

Current		\$1,134,837.48	
W/S Operating		59,727.24	
General Capital		0.00	
Water/Sewer Capital		24,304.00	
Grant		26,538.00	
Trust		128.38	
Unemployment Trust		0.00	
Animal Control		0.00	
Law Enforcement Trust		0.00	
Tax Lien Trust		0.00	
Public Defender Trust		0.00	
Housing Trust		0.00	
Escrow		<u>3,041.00</u>	
Total		<u>\$1,248,576.10</u>	

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

**Hightstown Borough Council
February 21, 2023 Meeting**

Date: February 21, 2023

To: Mayor and Council

From: Finance Office

Re: Manual Bill List for 2/21/23

<u>CURRENT ACCOUNT</u>	<u>DATE ISSUED</u>	<u>PO #</u>	<u>CHECK #</u>	<u>Amount</u>
JANINE M. KRUPA	2/2/2023	23-00114	35015	\$ 4,729.64
EAST WINDSOR TOWNSHIP	2/6/2023	23-00136	35016	\$ 198,596.00
BANK OF AMERICA	2/13/2023	23-00178	035093	\$ 6,470.59
EAST WINDSOR TOWNSHIP	2/15/2023	23-00116	1567	\$ 786,164.00
STATE OF N.J.-DEPT OF TREASURY	2/15/2023	23-00117	1568	\$ 46,459.01
				TOTAL
				<u><u>\$ 1,042,419.24</u></u>
<u>WATER AND SEWER OPERATING</u>				
STATE OF N.J.-DEPT OF TREASURY	2/15/2023	23-00117	1392	\$ 25,322.87
				TOTAL
				<u><u>\$ 25,322.87</u></u>
<u>ESCROW</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>GRANT</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>TRUST- OTHER</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>ANIMAL CONTROL TRUST</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>LAW ENFORCEMENT TRUST</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>UNEMPLOYMENT TRUST</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>PUBLIC DEFENDER TRUST</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>TAX LIEN TRUST</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>GENERAL CAPITAL</u>				
				TOTAL
				<u><u>\$ -</u></u>
<u>WATER AND SEWER CAPITAL</u>				
ALLIED PAINTING	2/13/2023	22-01266-05	35092	\$ 24,304.00
				TOTAL
				<u><u>\$ 24,304.00</u></u>
MANUAL TOTAL				<u><u>\$ 1,092,046.11</u></u>

P.O. Type: All
Range: First
Format: Detail without Line Item Notes
Vendors: All
Rcvd Batch Id Range: First to Last

Include Project Line Items: Yes
to Last
Include Non-Budgeted: Y

Open: N
Rcvd: Y
Bid: Y

Paid: N
Held: Y
State: Y

Void: N
Aprv: N
Other: Y
Exempt: Y

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
ACCES005 ACCESS COMPLIANCE, LLC												
	22-01131	09/20/22	FIREFIGHTER PHYSICAL EXAMS		B							
	3		FIREFIGHTER PHYSICAL EXAMS	170.00	2-01-25-252-002-093	B Medical Expenses/Hepatitis B	R	09/20/22	02/15/23		11/1/22	N
	Vendor Total:			170.00								
ACTIO010 ACTION UNIFORM CO, LLC												
	22-01165	09/27/22	CLOTHING ALLOWANCE - NEW HIRE									
	1		CLOTHING ALLOWANCE - NEW HIRE	1,188.95	2-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	09/27/22	02/15/23		47010	N
	2		CLOTHING ALLOWANCE - NEW HIRE	2,262.97	2-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	12/19/22	02/15/23		47107	N
	3		CLOTHING ALLOWANCE - NEW HIRE	314.00	2-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	12/19/22	02/15/23		47721	N
				3,765.92								
	22-01369	11/01/22	CLOTHING ALLOWANCE - LARSEN									
	1		CLOTHING ALLOWANCE - LARSEN	698.00	2-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	11/01/22	02/15/23		48957	N
	22-01418	11/09/22	CLOTHING ALLOWANCE - MORENO									
	1		CLOTHING ALLOWANCE - MORENO	842.98	2-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	11/09/22	02/15/23		48709	N
	23-00164	02/09/23	CLOTHING ALLOWANCE - JIMENEZ									
	1		CLOTHING ALLOWANCE - JIMENEZ	166.00	3-01-25-240-001-043	B Uniform Allowance/Leather Gds.	R	02/09/23	02/15/23		47674	N
	Vendor Total:			5,472.90								
A0164 ALLIED BOILER REPAIR CORP.												
	23-00194	02/13/23	CLEANING AND SERVICE CALL 2022									
	1		CLEANING AUG. 17 2022 LABOR	840.00	2-09-55-501-002-503	B Sewer Plant Maintenance	R	02/13/23	02/15/23		18804	N
	2		CLEANING AUG. 17 2022 MATERIAL	30.00	2-09-55-501-002-503	B Sewer Plant Maintenance	R	02/13/23	02/15/23		18804	N
	3		SERVICE CALL AUG. 30, 2022	800.00	2-09-55-501-002-503	B Sewer Plant Maintenance	R	02/13/23	02/15/23		18829	N

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge	PO Type Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
COMCA005 COMCAST BUSINESS														
23-00146	02/08/23	8499 05 243 0036659	OFC 1											
1	8499 05 243 0036659	OFC 1		306.17	3-01-20-140-001-060	B Internet Services and Web Services	R	02/08/23	02/15/23				849905243003665	N
Vendor Total:				306.17										
C0931 Creston Hydraulics, Inc.														
23-00099	01/31/23	HOSE ASSEMBLY												
1	INV 00216767	- HOSE ASSEMBLY		49.63	3-01-26-305-001-034	B Motor Vehicle Parts & Access.	R	01/31/23	02/15/23				00216767	N
Vendor Total:				49.63										
C0087 CUSTOM BANDAG, INC														
23-00168	02/09/23	TIRE REPAIR - LEAF VAC												
1	TIRE REPAIR - LEAF VAC			18.89	3-01-26-315-001-132	B Vehicle Maint. - Public Works	R	02/09/23	02/15/23				80214403	N
23-00179	02/13/23	TWO TIRES FOR 4111 AMBULANCE												
1	TWO TIRES FOR 4111 AMBULANCE			325.12	3-01-25-260-001-034	B Vehicle Repair	R	02/13/23	02/15/23				80215870	N
Vendor Total:				344.01										
C0088 CUSTOM ENVIRONMENTAL TECH, INC														
23-00079	01/31/23	ZETA LYTE 1A RES 2022-205				B								
2	INV 8151 1/18/23	ZETA LYTE 1A		2,178.00	3-09-55-501-002-554	B ZETA LYTE 1A POLYMER	R	01/31/23	02/15/23				8151	N
Vendor Total:				2,178.00										
DIMIT005 DIMITRI MUSING														
23-00205	02/14/23	MILEAGE REIMBURSEMENT												
1	MILEAGE REIMBURSEMENT			53.13	2-01-20-100-001-045	B Mileage/Travel	R	02/14/23	02/15/23				11/2022	N
2	MILEAGE REIMBURSEMENT			53.13	2-01-20-100-001-045	B Mileage/Travel	R	02/14/23	02/15/23				11/2022	N
				106.26										
Vendor Total:				106.26										
E0576 EAST WINDSOR REGIONAL SCHOOL														
23-00170	02/09/23	JAN 2023 FUEL USE												
1	JAN 2023 FUEL USE - FIRE			374.07	3-01-31-460-001-166	B Motor Fuel - Fire Dept.	R	02/09/23	02/15/23				JUN 2023	N

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
E0576 EAST WINDSOR REGIONAL SCHOOL														
Continued														
23-00170 02/09/23 JAN 2023 FUEL USE Continued														
	2 JAN 2023			FUEL USE - POLICE	1,843.58		3-01-31-460-001-145	B Motor Fuel - Police	R	02/09/23	02/15/23		JAN 2023	N
	3 JAN 2023			FUEL USE - 1ST AID	430.53		3-01-31-460-001-148	B Motor Fuel - Emergency Medical	R	02/09/23	02/15/23		JAN 2023	N
	4 JAN 2023			FUEL USE - GARBAGE	1,483.49		3-01-31-460-001-147	B Motor Fuel - Public Works	R	02/09/23	02/15/23		JAN 2023	N
	5 JAN 2023			FUEL USE - STREETS	1,136.27		3-01-31-460-001-147	B Motor Fuel - Public Works	R	02/09/23	02/15/23		JAN 2023	N
	6 JAN 2023			FUEL USE - WATER	173.35		3-09-55-501-001-512	B Motor Fuel	R	02/09/23	02/15/23		JAN 2023	N
	7 JAN 2023			FUEL USE - SEWER	110.49		3-09-55-501-002-512	B Motor Fuel	R	02/09/23	02/15/23		JAN 2023	N
	8 JAN 2023			FUEL USE - CONSTRUC.	10.50		3-01-31-460-001-151	B MOTOR FUEL-CONSTRUCTION DEPARTMENT	R	02/09/23	02/15/23		JAN 2023	N
	9 JAN 2023			FUEL FACILITY FEE	120.00		3-01-31-460-001-144	B Upgrades to Fueling Facility	R	02/09/23	02/15/23		JAN 2023	N
					5,682.28									
	Vendor Total:				5,682.28									
E0201 EDMUNDSGOVTECH, INC.														
23-00131 02/03/23 INV 22-IN6141 SOFTWARE 2023														
	1 EDMUNDS SOFTWARE 2023				3,801.47		3-01-20-145-001-027	B Edmunds Software Support	R	02/03/23	02/15/23		22-IN6141	N
	2 EDMUNDS SOFTWARE 2023				6,272.71		3-01-20-130-001-027	B Edmunds Software Support	R	02/03/23	02/15/23		22-IN6141	N
	3 EDMUNDS SOFTWARE 2023				780.57		3-09-55-501-001-517	B Maint. Contracts - Office	R	02/03/23	02/15/23		22-IN6141	N
	4 EDMUNDS SOFTWARE 2023				4,199.74		3-09-55-501-002-517	B Maint. Contracts - Office	R	02/03/23	02/15/23		22-IN6141	N
	5 EDMUNDS SOFTWARE 2023				1,054.46		3-01-21-180-001-053	B COMPUTER/EQUIPMENT/SOFTWARE	R	02/03/23	02/15/23		22-IN6141	N
	6 EDMUNDS SOFTWARE 2023				587.25		3-01-21-180-001-053	B COMPUTER/EQUIPMENT/SOFTWARE	R	02/03/23	02/15/23		22-IN6141	N
					16,696.20									
	Vendor Total:				16,696.20									
B0966 ERB'S GARAGE INC														
23-00171 02/09/23 REPAIR TO RECYC DUMPSTER TRUCK														
	1 REPAIR TO RECYC DUMPSTER TRUCK				1,385.00		G-02-41-730-015-399	B Recycling Tonnage Grant 2015-	R	02/09/23	02/15/23		16721	N
	Vendor Total:				1,385.00									
Q0176 EUROFINS QC, LLC														
23-00125 02/03/23 WATER ANALYSIS														
	1 INV 6300036840			WATER ANALYSIS	247.50		3-09-55-501-001-532	B Outside Testing/Labs	R	02/03/23	02/15/23		630003684	N
23-00154 02/09/23 WATER ANALYSIS														
	1 INV 6300036985			WATER ANALYSIS	44.50		3-09-55-501-001-532	B Outside Testing/Labs	R	02/09/23	02/15/23		6300036985	N

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
G1077 GEORGE S. COYNE CO., INC.													
		22-00004	01/18/22	RES 2020-234 HYDROFLUOSILIC		B							
		13 INV	398516	DATED 12/22/22	950.92	2-09-55-501-001-528	B Fluorosilic Acid-	R	09/28/22	02/15/23		398516	N
		Vendor Total:			950.92								
G0001 GPANJ													
		23-00181	02/13/23	2023 MEMBERSHIP DUES									
		1		2023 MEMBERSHIP DUES	100.00	3-01-20-100-001-044	B Professional Assoc. Dues	R	02/13/23	02/15/23		2033	N
		Vendor Total:			100.00								
G0050 GROVE SUPPLY INC													
		23-00081	01/31/23	1/2X21 FT GALVANIZED PIPE									
		1		1/2X21 FT GALVANIZED PIPE	154.98	3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/31/23	02/15/23		S5763251.001	N
		2		LESS CASH DISCOUNT	3.10	3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/31/23	02/15/23		S5763251.001	N
					151.88								
		Vendor Total:			151.88								
H0081 H. KENDALL WALTON													
		23-00122	02/03/23	K. WALTON WORK BOOT REIMBURSE									
		1		K. WALTON WORK BOOT REIMBURSE	74.98	2-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/03/23	02/15/23		WALMART RCPT	N
		Vendor Total:			74.98								
H0126 HIGHTS ELECTRIC MOTOR, INC.													
		23-00128	02/03/23	REPAIR & RECONDITION PUMP									
		1		GOULDS DEWATERING PUMP REPAIR	779.73	3-09-55-501-002-503	B Sewer Plant Maintenance	R	02/03/23	02/15/23		0957760	N
		Vendor Total:			779.73								
H0048 HIGHTS REALTY LLC													
		23-00110	02/01/23	FEBRUARY 2023 HPD RENT									
		1		FEBRUARY 2023 HPD RENT	4,953.03	3-01-26-310-001-025	B Building Rental	R	02/01/23	02/15/23		FEB 2023	N
		Vendor Total:			4,953.03								

Vendor # Name	PO #	PO Date	Description	Contract Amount	PO Type Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
HIGHW005 HIGHWAY EQUIPMENT CO OF NJ INC												
	23-00169	02/09/23	NUTS AND BOLTS FOR JOHN DEER									
	1		NUTS AND BOLTS FOR JOHN DEER	30.00	3-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	02/09/23	02/15/23		P20698	N
	23-00192	02/13/23	COMBINATION LAMP									
	1		INV P20840 - COMBINATION LAMP	121.39	3-01-26-290-001-034	B Motor Vehicle Parts & Access.	R	02/13/23	02/15/23		P20840	N
	Vendor Total:			151.39								
HILLW005 HILL-WALLACK, LLP												
	23-00144	02/07/23	LEGAL INVOICES DECEMBER 2022									
	1		GENERAL MATTERS	2,758.00	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701672	N
	2		COMCAST OF CENTRAL NJ, LLC	99.00	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701673	N
	3		ENGINEERING MATTERS	875.80	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701674	N
	4		OPRA MATTERS	82.50	2-01-20-155-001-031	B Labor,Personnel & Union Council	R	02/07/23	02/15/23		701676	N
	5		LABOR MATTERS	445.50	2-01-20-155-001-031	B Labor,Personnel & Union Council	R	02/07/23	02/15/23		701677	N
	6		RESOLUTIONS	148.50	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701678	N
	7		HIGHTSTOWN ADV. PRESBYTERIAN	231.00	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701680	N
	8		BORO ADV MARY B COLVELL	132.00	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701681	N
	9		LICENSE AGREEMENT-LESHIN LN	33.00	2-01-20-155-001-027	B General Matters	R	02/07/23	02/15/23		701683	N
	10		GENERAL LITIGATION MATTERS	396.00	2-01-20-155-001-033	B Litigation	R	02/08/23	02/15/23		701684	N
	11		SHARED SERVICES AGREEMENT	33.00	2-01-20-155-001-027	B General Matters	R	02/08/23	02/15/23		701685	N
	12		BOROUGH OF HIGHTSTOWN ADV.	214.50	2-01-20-155-001-027	B General Matters	R	02/08/23	02/15/23		701687	N
	13		HIGHTSTOWN HOUSING AUTHORITY	132.00	2-01-20-155-001-027	B General Matters	R	02/13/23	02/15/23		701682	N
	14		ORDINANCES	796.80	2-01-20-155-001-027	B General Matters	R	02/13/23	02/15/23		701679	N
	Vendor Total:			6,377.60								
	23-00145	02/07/23	Services through 12/31/2022									
	1		#701675;Srvcs thru 12/31/22	203.00	2021-02	P Amended Site Plan	R	02/07/23	02/15/23		701675	N
	23-00151	02/08/23	Services through 12/31/2022									
	1		#701686;Srvcs thru 12/31/22	66.00	3PRCLLC	P Site Plan Application #2020-01	R	02/08/23	02/15/23		701686	N
	Vendor Total:			6,646.60								
H1100 HOME DEPOT CREDIT SERVICES												
	23-00174	02/09/23										
	1		IINV 5515321 - SHOVELS/RAKES	94.90	3-09-55-501-001-502	B Vehicle Maintenance	R	02/09/23	02/15/23		5515321	N

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account Acct Type Description	Stat/Chk	First Rcvd	Chk/Void	1099
	Item Description				Enc Date Date	Date Invoice	Excl
H1100 HOME DEPOT CREDIT SERVICES Continued							
	23-00174 02/09/23		Continued				
	2 INV 9520882 - WRENCHES/PAINT		33.56 3-01-26-290-001-127 B Street Repair & Maintenance	R	02/09/23 02/15/23	9520882	N
	3 INV 9510447 - KNIFE/HEAT GUN		29.36 3-01-26-290-001-127 B Street Repair & Maintenance	R	02/09/23 02/15/23	9510447	N
			<u>157.82</u>				
	Vendor Total:		157.82				
J0257 JCP&L							
	23-00141 02/07/23 VARIOUS ACCTS JAN 2023						
	1 100 012 445 936 FIRST AID		309.95 3-01-25-260-001-074 B Electric	R	02/07/23 02/15/23	95447393138	N
	2 100 068 401 122 114 ROGERS		34.59 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248708	N
	3 100 100 104 247 MONUMENT		17.66 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248711	N
	4 100 079 096 689 GRANT PARK		4.09 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248709	N
	5 100 051 508 677 MAIN ST		133.72 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248706	N
	6 100 051 508 750 STOCKTON ST		212.69 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248707	N
	7 100 029 000 310 156 BANK ST		605.70 3-01-31-430-001-071 B Electric-Borough Hall	R	02/07/23 02/15/23	95587248705	N
	8 100 059 701 167 WYCKOFF		145.83 3-09-55-501-001-504 B Electricity	R	02/08/23 02/15/23	95617219226	N
			<u>1,464.23</u>				
	23-00142 02/07/23 MASTER ACCT 200 000 055 315						
	1 100 008 482 778 MAXWELL		28.27 2-09-55-501-002-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	2 100 009 294 701 WESTERLEA		13.77 2-09-55-501-001-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	3 100 012 445 746 BANK ST		5,162.61 2-09-55-501-001-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	4 100 012 829 309 OAK LANE		6,010.57 2-09-55-501-002-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	5 100 012 829 309 OAK LANE		6,010.57 2-09-55-501-002-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	6 100 012 829 309 OAK LANE		7,493.89 2-09-55-501-002-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
	7 100 012 829 309 OAK LANE		7,892.76 2-09-55-501-002-504 B Electricity	R	02/07/23 02/15/23	95009994821	N
			<u>16,826.92</u>				
	Vendor Total:		18,291.15				
J0258 JCP&L (STREET LIGHTING)							
	23-00143 02/07/23 ACCT 041 2/21 & ACCT 240 2/21						
	1 100 086 395 041 STOCKTON		44.28 3-01-31-435-001-075 B Street Lighting	R	02/07/23 02/15/23	95447393136	N

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl	
J0258	JCP&L (STREET LIGHTING)			Continued									
		23-00143	02/07/23	ACCT 041 2/21 & ACCT 240 2/21	Continued								
		2 100 081 608 240		STREET LIGHTS	88.46	3-09-55-501-001-504	B	Electricity	R	02/07/23	02/15/23	95587248710	N
					132.74								
	Vendor Total:				132.74								
J0069	JERSEY ELEVATOR LLC												
		23-00089	01/31/23	JAN 2023 CONTRACTUAL SERVICE									
		1 JAN 2023		CONTRACTUAL SERVICE	198.01	3-01-26-310-001-029	B	Maintenance Contracts	R	01/31/23	02/15/23	408900	N
		23-00173	02/09/23	FEB 2023 MONTHLY SERVICE									
		1 FEB 2023		MONTHLY SERVICE	198.01	3-01-26-310-001-029	B	Maintenance Contracts	R	02/09/23	02/15/23	410852	N
	Vendor Total:				396.02								
L0205	LANGUAGE LINE SERVICES												
		23-00163	02/09/23	INV 10736169 1/31/23									
		1 INV 10736169		1/31/23	79.10	3-01-25-240-001-111	B	Interpreter	R	02/09/23	02/15/23	10736169	N
	Vendor Total:				79.10								
R0058	MARGARET M. RIGGIO												
		23-00180	02/13/23	MILEAGE REIMBURSEMENT									
		1 MILEAGE REIMBURSEMENT			245.50	2-01-20-120-001-045	B	CLERK'S OFFICE MILEAGE	R	02/13/23	02/15/23	JUL-DEC 2022	N
	Vendor Total:				245.50								
M0180	MCMASTER-CARR												
		23-00091	01/31/23	PARTS FOR GATE									
		1 INV 90855913		- FRONT GATE	74.54	3-01-26-310-001-024	B	Building Maintenance	R	01/31/23	02/15/23	90855913	N
	Vendor Total:				74.54								
M0256	MERCER CO IMPROVEMENT AUTH												
		23-00175	02/09/23	JAN 2023 BILLING									
		1 JAN 2023		TIPPING	15,276.45	3-01-32-465-001-165	B	Landfill Solid Waste Disposal-MCIA	R	02/09/23	02/15/23	JAN 2023	N

Vendor #	Name	PO #	PO Date	Description	Contract	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
M0256	MERCER CO IMPROVEMENT AUTH			Continued								
	23-00175	02/09/23	JAN 2023	BILLING	Continued							
	2	JAN 2023		RECYCLING TAX	428.31	3-01-43-496-001-174	R	02/09/23	02/15/23		JAN 2023	N
					15,704.76							
	Vendor Total:				15,704.76							
M0760	MILLER FORD SALES											
	23-00106	01/31/23	FRONT	BRAKES-AMBULANCE								
	1	FRONT		BRAKES-AMBULANCE	1,296.00	3-01-25-260-001-034	R	01/31/23	02/15/23		ACCT 17545	N
	Vendor Total:				1,296.00							
M1000	MITCHELL HUMPHREY											
	23-00166	02/09/23	ANNUAL	MAINTENANCE FEE								
	1	ANNUAL		MAINTENANCE FEE	2,415.00	3-01-33-195-001-097	R	02/09/23	02/15/23		19860000000020	N
	Vendor Total:				2,415.00							
M0127	MONMOUTH COUNTY											
	23-00176	02/09/23	JAN 2023	ROOSEVELT TIPPING								
	1	JAN 2023		ROOSEVELT TIPPING	1,955.95	3-01-43-513-001-171	R	02/09/23	02/15/23		JAN 2023	N
	Vendor Total:				1,955.95							
NJADV005	NJ Advance Media											
	23-00189	02/13/23	LEGAL ADS	DEC 2022 & JAN 2023								
	1	ORDINANCE	2022-21	INTRO	154.60	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524621	N
	2	ORD	2022-19	INTRO	28.35	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524924	N
	3	ORD	2022-20	INTRO	27.54	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524927	N
	4	ORD	2022-22	INTRO	34.02	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524929	N
	5	ORD	2022-23	INTRO	34.02	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524932	N
	6	ORD	2022-24	INTRO	34.02	2-01-20-120-001-021	R	02/13/23	02/15/23		0010524935	N
	7	ORD	2022-21	ADOPT	126.25	2-01-20-120-001-021	R	02/13/23	02/15/23		00105344215	N
	8	BILLED	INCORRECTLY		97.20	2-01-20-120-001-021	R	02/13/23	02/15/23		0010534269	N
	9	ORD	2022-24	ADOPT	30.78	2-01-20-120-001-021	R	02/13/23	02/15/23		0010534254	N
	10	ORD	2022-23	ADOPT	30.78	2-01-20-120-001-021	R	02/13/23	02/15/23		0010534260	N
	11	ORD	2022-22	ADOPT	30.78	2-01-20-120-001-021	R	02/13/23	02/15/23		0010534264	N

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NJADV005 NJ Advance Media Continued														
23-00189	02/13/23	LEGAL ADS DEC 2022 & JAN 2023	Continued											
12	ORD 2022-19	ADOPT	15.12	2-01-20-120-001-021	B Advertisements	R	02/13/23	02/15/23		00010534272				N
13	PLANNING BOARD	REORG	8.10	2-01-21-180-001-021	B Advertisements	R	02/13/23	02/15/23		0010535771				N
14	ASSESSOR NOTICE	2023	7.02	3-01-20-120-001-021	B Advertisements	R	02/13/23	02/15/23		0010536285				N
15	BOROUGH COUNCIL	ANNUAL NOTICE	48.60	3-01-20-120-001-021	B Advertisements	R	02/13/23	02/15/23		0010562698				N
16	NOTICE TO BIDDERS		109.24	3-01-20-120-001-021	B Advertisements	R	02/13/23	02/15/23		0010562698				N
17	CREDIT MEMO	0010534269	97.20	2-01-20-120-001-021	B Advertisements	R	02/13/23	02/15/23		C320678				N
			719.22											
Vendor Total:			719.22											
N1127 NJ ASSOC OF PUBLIC HEALTH														
23-00129	02/03/23	2023 MEMBERSHIP APPLICATION												
1	2023	GEETANJALI JAIN	75.00	3-01-27-330-001-044	B Professional Assoc. Dues	R	02/03/23	02/15/23		2023 G. JAIN				N
Vendor Total:			75.00											
N0275 NJ LEAGUE OF MUNICIPALITIES														
23-00183	02/13/23	2023 MEMBERSHIP DUES												
1	2023	MEMBERSHIP DUES	642.00	3-01-20-110-001-044	B Professional Assoc. Dues	R	02/13/23	02/15/23		214MLK23				N
Vendor Total:			642.00											
N0652 NJ STATE POLICE CHIEF ASSN														
23-00135	02/03/23	111TH ANNUAL TRAINING CONFER												
1	111TH ANNUAL TRAINING CONFER		425.00	3-01-25-240-001-041	B Conferences & Meetings	R	02/03/23	02/15/23		IN-14733				N
23-00184	02/13/23	2023 MEMBERSHIP DUES												
1	2023	MEMBERSHIP DUES	275.00	3-01-25-240-001-044	B Professional Assoc. Dues	R	02/13/23	02/15/23		2023 DUES				N
Vendor Total:			700.00											
N0170 NORCIA CORP.														
23-00195	02/13/23	CLAW BLADES FOR JOHN DEER												
1	CLAW BLADES FOR JOHN DEER		1,132.56	3-01-26-311-001-034	B Equipment Parts & Accessories	R	02/13/23	02/15/23		82713				N
Vendor Total:			1,132.56											

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type Acct Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date Invoice	1099 Excl
E8035 PENN VALLEY PUMP												
		23-00058	01/26/23	2" DOUBLE DISC REBUILD KIT								
				1 2" DOUBLE DISC REBUILD KIT	825.00	3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/26/23	02/15/23	17590	N
				2 FREIGHT	14.40	3-09-55-501-002-503	B Sewer Plant Maintenance	R	02/08/23	02/15/23	17590	N
					<u>839.40</u>							
				Vendor Total:	839.40							
POLIC005 POLICE & SHERIFFS PRESS, INC												
		23-00162	02/09/23	TAXI DRIVER ID'S								
				1 TAXI DRIVER ID'S	15.00	3-01-20-125-001-023	B Printing & Stationary	R	02/09/23	02/15/23	173748	N
				2 TAXI DRIVER ID'S	2.60	3-01-20-125-001-023	B Printing & Stationary	R	02/09/23	02/15/23	173748	N
					<u>17.60</u>							
				Vendor Total:	17.60							
P1155 PRIOR NAMI BUSINESS SYSTEMS												
		23-00185	02/13/23	2023 MAINTENANCE CONTRACT								
				1 2023 MAINTENANCE CONTRACT	2,300.00	3-01-20-140-001-061	B Maint. Agreemt-Copier Equipmt	R	02/13/23	02/15/23	0000714757	N
				2 ADDITIOANL COLOR COPIES	111.15	3-01-20-140-001-061	B Maint. Agreemt-Copier Equipmt	R	02/13/23	02/15/23		N
					<u>2,411.15</u>							
				Vendor Total:	2,411.15							
P0044 PSE&G												
		23-00140	02/07/23	ACCT 65 503 262 06 FIRST AID								
				1 ACCT 65 503 262 06 FIRST AID	648.39	2-09-55-501-001-505	B Gas Service	R	02/07/23	02/15/23	604007216370	N
				Vendor Total:	648.39							
R0525 REGISTRARS ASSOC OF NJ												
		23-00182	02/13/23	2023 MEMBERSHIP DUES								
				1 2023 MEMBERSHIP DUES	25.00	3-01-27-330-001-044	B Professional Assoc. Dues	R	02/13/23	02/15/23	9473	N
				Vendor Total:	25.00							

Vendor #	Name	PO #	PO Date	Description	Amount	Contract Charge Account	PO Type	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
R0077 ROBERTS ENGINEERING GRP LLC														
23-00118	02/03/23	Services through 1/21/2023												
1	#6813; Attend PB Mtg 1/9/23	320.00	3-01-21-180-001-106	B Planning Board Engineer-General	R	02/03/23	02/15/23	6813						N
2	#6819;Inspect curbs & sidewalk	264.00	WINBLD-IF	P 419 North Main St	R	02/03/23	02/15/23	6819						N
3	#6820;Srvcs thru 1/21/23	1,185.00	3PRCLLC	P Site Plan Application #2020-01	R	02/03/23	02/15/23	6820						N
4	#6822;Srvcs thru 1/21/23	120.00	2022-05	P Use Variance - 2 Family Home	R	02/03/23	02/15/23	6822						N
		<u>1,889.00</u>												
	Vendor Total:	1,889.00												
S0061 SEA BOX														
23-00191	02/13/23	CONTAINER RENTAL												
1	INV SI170684 CONTAINER RENTAL	75.00	3-01-26-310-001-025	B Building Rental	R	02/13/23	02/15/23	SI170684						N
	Vendor Total:	75.00												
M0254 SF MOBILE-VISION														
22-01428	11/09/22	FOCUS BODY CAMER CLOUD BUNDLE												
1	NEXUS CLOUD & BWC HARDWARE	12,288.00	G-02-41-769-001-000	B NJ Body Worn Camera Grant	R	11/09/22	02/15/23	50600						N
2	FOCUS VEHICLE DOCK PACKAGE	3,325.00	G-02-41-769-001-000	B NJ Body Worn Camera Grant	R	11/09/22	02/15/23	50600						N
3	FOCUS BWC 6-BAY DOCKING	4,275.00	G-02-41-769-001-000	B NJ Body Worn Camera Grant	R	11/09/22	02/15/23	50600						N
4	PROFESSIONAL SERVICES	3,900.00	G-02-41-769-001-000	B NJ Body Worn Camera Grant	R	11/09/22	02/15/23	50600						N
5	INSTALLATION INTEGRATION DOCK	1,365.00	G-02-41-769-001-000	B NJ Body Worn Camera Grant	R	11/09/22	02/15/23	50600						N
		<u>25,153.00</u>												
	Vendor Total:	25,153.00												
S0256 STALKER RADAR														
22-01509	12/01/22	DSR 2 ANTENNA RADAR												
1	DSR 2 ANTENNA RADAR	2,813.00	2-01-44-902-001-162	B Purchase of Police Vehicle	R	12/01/22	02/15/23	414275						N
	Vendor Total:	2,813.00												
S1096 STAPLES BUSINESS ADVANTAGE														
23-00187	02/13/23	FINANCE PRINTER												
1	FINANCE PRINTER	360.00	2-01-20-130-001-053	B Office Equipment	R	02/13/23	02/15/23	3527046581						N

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type	Charge Account	Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
S1096	STAPLES BUSINESS ADVANTAGE	Continued													
23-00187	02/13/23	FINANCE PRINTER	Continued												
2	FINANCE PRINTER	495.85	2-01-20-120-001-053	B EQUIPMENT	R	02/13/23	02/15/23	3527046581	N						
		855.85													
	Vendor Total:	855.85													
STEVE015	STEVE WHITE														
23-00190	02/13/23	WORKS BOOTS REIMBURSEMENT													
1	2022 WORK BOOTS REIMBURSEMENT	100.00	3-09-55-501-002-507	B Uniforms & Safety Equipment	R	02/13/23	02/15/23	89437	N						
	Vendor Total:	100.00													
S0375	STEVENSON SUPPLY CO.														
23-00155	02/09/23	ORDER #355405													
1	20'LNTH 1 1/2" SCH 80 PIPE D/O	45.08	3-09-55-501-002-503	B Sewer Plant Maintenance	R	02/09/23	02/15/23	65882	N						
	Vendor Total:	45.08													
T0104	TCTANJ MEMBERSHIP SERVICES														
23-00098	01/31/23	Memebership renewal													
1	Memebership renewal	100.00	3-01-20-145-001-044	B Association Dues	R	01/31/23	02/15/23	2023 MEMBERSHIP	N						
	Vendor Total:	100.00													
T0061	TOWNSHIP OF ROBBINSVILLE DPW														
23-00134	02/03/23	HPD VEHICLE MAINTENANCE													
1	HPD VEHICLE MAINTENANCE	95.55	3-01-43-515-001-170	B Mechanic Services	R	02/03/23	02/15/23	5508	N						
2	HPD VEHICLE MAINTENANCE	104.31	3-01-43-515-001-170	B Mechanic Services	R	02/03/23	02/15/23	5510	N						
3	HPD VEHICLE MAINTENANCE	251.79	3-01-43-515-001-170	B Mechanic Services	R	02/03/23	02/15/23	5511	N						
4	HPD VEHICLE MAINTENANCE	123.37	3-01-43-515-001-170	B Mechanic Services	R	02/03/23	02/15/23	5512	N						
		575.02													
	Vendor Total:	575.02													

Vendor #	Name	PO #	PO Date	Description	Contract Amount	PO Type	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
T0211 TRAP ROCK INDUSTRIES LLC.														
		23-00127	02/03/23	ROCKITE (COLD PATCH)										
		1 INV	8146162	- ROCKITE	676.80		3-01-26-290-001-127	B Street Repair & Maintenance	R	02/03/23	02/15/23		81469162	N
		Vendor Total:			676.80									
U0144 UPS														
		23-00199	02/13/23	INV 0000161Y33063 HPD										
		1 INV	0000161Y33063	HPD	9.26		3-01-25-240-001-199	B Miscellaneous	R	02/13/23	02/15/23		0000161Y33063	N
		Vendor Total:			9.26									
U0013 USA BLUE BOOK														
		23-00030	01/20/23	REPLACEMENT WINDSOCK/HOSE										
		1	10"X36"	REPLACEMENT WINDSOCK	81.95		3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/20/23	02/15/23		246615	N
		2	REPLACEMENT HOSE	SP-10 HOSE	154.95		3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/20/23	02/15/23		246816	N
		3	FREIGHT		29.74		3-09-55-501-002-503	B Sewer Plant Maintenance	R	01/27/23	02/15/23		246816	N
					<u>266.64</u>									
		Vendor Total:			266.64									
W0073 WASTE MANAGEMENT OF NJ, INC.														
		23-00147	02/08/23	DUMPSTER RES2020-136 T07/31/23				B						
		2 INV	3110826-0502-4	2/1/23	1,455.73		3-01-26-305-001-029	B Contract-Dumpsters	R	02/08/23	02/15/23		3110826-0502-4	N
		3 INV	3110826-0502-4	2/1/23	597.40		3-01-26-305-001-029	B Contract-Dumpsters	R	02/08/23	02/15/23		3110826-0502-4	N
		4 INV	3110827-0502-2	2/1/23	272.65		3-01-26-305-001-029	B Contract-Dumpsters	R	02/08/23	02/15/23		3110827-0502-2	N
					<u>2,325.78</u>									
		Vendor Total:			2,325.78									
WATER020 WATERSHED INSTITUTE INC														
		23-00159	02/09/23	6TH ANNUAL WATERSHED CONF.										
		1	6TH ANNUAL WATERSHED CONF.		85.00		3-01-27-335-001-042	B Seminars/Workshops/Conventions	R	02/09/23	02/15/23		INV 2/6/23	N
		Vendor Total:			85.00									

Vendor # Name	PO # PO Date Description	Contract PO Type	Amount Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
W0005 WEB OUTBACK										
	22-01705 12/31/22 PORTABLE RESTROOMS PARKS & REC									
	1 PORTABLE RESTROOMS PARKS & REC		128.38	T-12-56-286-000-876	B	PARKS & RECREATION/ TRIATHLON	R	12/31/22 02/15/23	80659	N
	Vendor Total:		128.38							
W0286 WEST WINDSOR TOWNSHIP										
	23-00108 01/31/23 2023 HEALTH INTERLOCAL 1ST QTR									
	1 2023 HEALTH INTERLOCAL 1ST QTR		6,058.50	3-01-43-511-001-026	B	West Windsor Health Contract	R	01/31/23 02/15/23	1ST QTR HEALTH	N
	Vendor Total:		6,058.50							
WIREL005 WIRELESS ELECTRONICS, INC.										
	23-00096 01/31/23 SWAP MODEM OUT IN HPD CAR 6									
	1 SWAP MODEM OUT IN HPD CAR 6		350.00	3-01-25-240-001-029	B	Maint. Contracts - Other	R	01/31/23 02/15/23	C23Z0033	N
	Vendor Total:		350.00							
YPERS005 Y-PERS, INC										
	23-00084 01/31/23 NITRILE 6ML POWDER FREE GLOVES									
	1 SBHHD - NIGTRILE 6 ML POWDER		238.00	3-01-26-290-001-050	B	DPW Work Equipment	R	01/31/23 02/15/23	0185353-IN	N
	Vendor Total:		238.00							
ZOLLD005 ZOLL DATA SYSTEMS, INC										
	23-00132 02/03/23 EMS CHART JAN & FEB 2023									
	1 EMS GROUND BASE		135.96	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
	2 EMS CHARTS GROUND CAD IMPORT		20.60	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
	3 EMS CHARTS GROUND TABLET		54.59	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
	4 EMS GROUND BASE		135.96	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
	5 EMS CHARTS GROUND CAD IMPORT		20.60	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
	6 EMS CHARTS GROUND TABLET		54.59	3-01-25-260-001-054	B	Computer Exp/Equipmt Repairs	R	02/03/23 02/15/23	INV00133348	N
			422.30							
	Vendor Total:		422.30							

Vendor #	Name										
PO #	PO Date	Description	Contract	PO Type		First	Rcvd	Chk/Void		1099	
Item Description	Amount	Charge Account	Acct Type	Description	Stat/Chk	Enc Date	Date	Date	Invoice	Excl	

Totals by Year-Fund								
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total	Total
CURRENT FUND	2-01	23,917.70	0.00	23,917.70	0.00	0.00	0.00	23,917.70
	2-09	21,341.21	0.00	21,341.21	0.00	0.00	0.00	21,341.21
Year Total:		45,258.91	0.00	45,258.91	0.00	0.00	0.00	45,258.91
CURRENT FUND	3-01	68,500.54	0.00	68,500.54	0.00	0.00	0.00	68,500.54
	3-09	13,063.16	0.00	13,063.16	0.00	0.00	0.00	13,063.16
	3-21	0.00	0.00	0.00	0.00	0.00	3,041.00	3,041.00
Year Total:		81,563.70	0.00	81,563.70	0.00	0.00	3,041.00	84,604.70
	G-02	26,538.00	0.00	26,538.00	0.00	0.00	0.00	26,538.00
TRUST OTHER - FUND #12	T-12	128.38	0.00	128.38	0.00	0.00	0.00	128.38
Total of All Funds:		153,488.99	0.00	153,488.99	0.00	0.00	3,041.00	156,529.99

Project Description	Project No.	Rcvd Total	Held Total	Project Total
Amended Site Plan	2021-02	1,143.50	0.00	1,143.50
Use Variance - 2 Family Home	2022-05	120.00	0.00	120.00
Site Plan Application #2020-01	3PRCLLC	1,513.50	0.00	1,513.50
419 North Main St	WINBLD-IF	264.00	0.00	264.00
Total of All Projects:		<u>3,041.00</u>	<u>0.00</u>	<u>3,041.00</u>

Resolution 2023-54

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING THE BOROUGH ENGINEER TO PREPARE THE
ANNUAL STORMWATER PERMIT CERTIFICATION AND UPDATE
THE STORMWATER POLLUTION PREVENTION PLAN**

WHEREAS, the Borough of Hightstown is required to provide the NJDEP a yearly certification that it has met the requirements of its NJDPES Stormwater Permit; and

WHEREAS, Borough Council wishes to authorize Borough Engineer, Carmela Roberts of Roberts Engineering Group, to prepare the Annual Certification; and

WHEREAS, Borough Council also wishes to authorize Borough Engineer, Carmela Roberts of Roberts Engineering Group, to update the Stormwater Pollution Prevention Plan; and

WHEREAS, the cost to prepare the annual certification and update the Stormwater Pollution Prevention Plan will not exceed \$6,800.00; and

WHEREAS funds for this expenditure will be made available in the 2023 budget.

NOW, THEREFORE BE IT RESOLVED, that the Borough Engineer is hereby authorized to prepare the Annual Certification and provide to NJDEP and update the Stormwater Pollution Prevention Plan for the Borough of Hightstown at a cost not to exceed \$6,800.00 as detailed within.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

February 15, 2023

Dimitri Musing
Borough Administrator
Borough of Hightstown
156 Bank Street
Hightstown, New Jersey 08520

Re: Tier A NJPDES Stormwater Permit
Annual Certification and Stormwater Pollution Prevention Plan
Borough of Hightstown, Mercer County, New Jersey
Our File No.: H1533

Dear Dimitri:

As you know, the Borough is required by the NJDEP to provide a yearly certification that it has met the requirements of its NJDPES Stormwater Permit. In order to provide this information to the NJDEP, we prepare the Annual Certification and update the Stormwater Pollution Prevention Plan for the Borough each year. To prepare the Annual Certification and the Stormwater Pollution Prevention Plan, Roberts Engineering Group, LLC will undertake the research necessary and update both documents to reflect how the Borough has complied with the permit in 2022 at a cost not to exceed \$6,800.00.

The Annual Certification and the Stormwater Pollution Prevention Plan must be submitted no later than May 2, 2023. Please provide authorization to move forward with these two documents as soon as possible.

Should you have any questions, please feel free to call.

Very truly yours,



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

cc: Mayor and Council
Peggy Riggio, RMC, CMR, Borough Clerk
Mairead Thompson, Administrative Assistant, Finance
George Lang Borough CFO
Ken Lewis, Public Works Superintendent
Cameron Corini, P.E., C.M.E., Roberts Engineering Group, LLC
Kelly Pham, E.I.T., Roberts Engineering Group, LLC

Resolution 2023-55

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

PROMOTING SERGEANT BENJAMIN MILLER TO THE RANK OF POLICE LIEUTENANT

WHEREAS, Article 2-19.1 of the *Revised General Ordinances of the Borough of Hightstown* provides for the appointment of Lieutenants in the Hightstown Police Department; and

WHEREAS, after competitive written and oral examination, Sergeant Benjamin Miller has been found to possess the experience and qualifications necessary to fill this position; and

WHEREAS, it is the recommendation of the Chief of Police, and the desire of the Mayor and Council that Sergeant Benjamin Miller be promoted to the position of Police Lieutenant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Sergeant Benjamin Miller is hereby promoted to the rank of Lieutenant with the Hightstown Police Department effective this date, February 21, 2023.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-56

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

RESOLUTION OF THE BOROUGH OF HIGHTSTOWN, IN THE COUNTY OF MERCER, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS “NOTE RELATING TO THE CONSTRUCTION FINANCING LOAN PROGRAM OF THE NEW JERSEY INFRASTRUCTURE BANK”, TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$1,170,820, AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY INFRASTRUCTURE BANK, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE BOROUGH IN FAVOR OF THE NEW JERSEY INFRASTRUCTURE BANK, ALL PURSUANT TO THE NEW JERSEY INFRASTRUCTURE BANK CONSTRUCTION FINANCING LOAN PROGRAM.

WHEREAS, the Borough of Hightstown (the “Local Unit”), in the County of Mercer, New Jersey, is making improvements, including the application of paint and repairs to existing water tanks and related design costs, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto (the “Project”), and it is the desire of the Local Unit to obtain financing for such Project through participation in the environmental infrastructure financing program of the New Jersey Infrastructure Bank (the “I-Bank”);

WHEREAS, the Local Unit has determined to undertake a proposed temporary financing with the proceeds of a short-term loan to be made by the I-Bank (the “Construction Loan”) to the Local Unit, pursuant to the Construction Financing Loan Program of the I-Bank (the “Construction Financing Loan Program”);

WHEREAS, in order to (i) evidence and secure the repayment obligation of the Local Unit to the I-Bank with respect to the Construction Loan and (ii) satisfy the requirements of the Construction Financing Loan Program, it is the desire of the Local Unit to issue and sell to the I-Bank the “Note Relating to the Construction Financing Loan Program of the New Jersey Infrastructure Bank” in an aggregate principal amount of up to \$1,170,820 (the “Note”);

WHEREAS, it is the desire of the Local Unit to authorize, execute, attest and deliver the Note to the I-Bank pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the “Local Bond Law”), and other applicable law; and

WHEREAS, Section 28 of the Local Bond Law allows for the sale of the Note to the I-Bank, without any public offering, and N.J.S.A. 58:11B-9 allows for the sale of the Note to the I-Bank without any public offering, all under the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. In accordance with Section 28 of the Local Bond Law and N.J.S.A. 58:11B-9, the Local Unit hereby authorizes the issuance, sale and award the Note in accordance with the provisions hereof. The obligation represented by the Note has been appropriated and authorized by bond ordinance #2020-16, finally adopted December 7, 2020 (“Bond Ordinance #2020-16”) authorizing an aggregate amount of \$70,820 of bonds, and any notes issued in anticipation thereof, for the Project and #2022-07, finally adopted on April 18, 2022 (“Bond Ordinance #2022-07” and, together with Bond Ordinance #2020-16, the “Bond Ordinances”) authorizing an aggregate amount of \$1,100,000 of bonds, and any notes issued in anticipation thereof, for the Project. A quorum was present and acted throughout the Bond Ordinances, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions hereof, (i) the final principal amount of the Note (subject to the maximum limitation set forth in Section 4(a) hereof), and (ii) the dated date of the Note.

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Note by the parties authorized pursuant to Section 4(h) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Note shall be as follows:

- (a) the principal amount of the Note to be issued shall be an amount up to \$1,100,000;
- (b) the maturity of the Note shall be as determined by the I-Bank;
- (c) the interest rate of the Note shall be as determined by the I-Bank;
- (d) the purchase price for the Note shall be par;
- (e) the Note shall be subject to prepayment prior to its stated maturity in accordance with the terms and conditions of the Note;
- (f) the Note shall be issued in a single denomination and shall be numbered “CFP-2023-1”;
- (g) the Note shall be issued in fully registered form and shall be payable to the registered owner thereof as to both principal and interest in lawful money of the United States of America; and
- (h) the Note shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 5. The Note shall be substantially in the form provided by the I-Bank.

Section 6. The law firm of McManimon, Scotland and Baumann, LLC is hereby authorized to arrange for the printing of the Note, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank for the Construction Loan Financing Program, to arrange for same.

Section 7. The Mayor and the Chief Financial Officer (the “Authorized Officers”) of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Secretary of the Local Unit, as applicable, in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit and after further consultation with the I-Bank and its representatives, agents, counsel and advisors, to be executed in connection with the issuance and sale of the Note and the participation of the Local Unit in the Construction Financing Loan Program, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery of the Note and the participation of the Local Unit in the Construction Financing Loan Program and to prepay the Notes.

Section 8. This resolution shall take effect immediately.

Section 9. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, David Zimmer, Executive Director of the I-Bank, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

Resolution 2023-57

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**AUTHORIZING PAYMENT NO. 6 – ALLIED PAINTING, INC. (WATER TANK
PAINTING AND REPAIR AT FIRST AVENUE, LESHIN LANE AND CRANBURY
STATION ROAD)**

WHEREAS, on May 16, 2022, the Borough Council awarded a contract for the Water Tank Painting and Repairs at First Avenue, Leshin Lane and Cranbury Station Road to Allied Painting Inc., of Cherry Hill, New Jersey at the price of \$427,300.00; and

WHEREAS, the contractor has submitted a request for payment No. 6 in the amount of \$31,360.00, for partial payment through January 30, 2023; and

WHEREAS, the Borough Engineer has recommended approval of Payment Request No. 6 to the contractor in the amount of \$31,360.00; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that Payment Request No. 6 to Allied Painting, Inc., of Cherry Hill New Jersey for \$31,360.00, is hereby approved as detailed herein, and the Deputy CFO is authorized to issue same.


CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

MEMORANDUM

TO: Mayor and Council
Borough of Hightstown

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

DATE: February 6, 2023

RE: Water Tank Painting and Repairs at First Avenue,
Leshin Lane, and Cranbury Station Road
Payment No. 6
Our File No.: H1678

Attached please find the following in reference to Payment No. 6 which is a partial payment through January 30, 2023 for cathodic protection at the Leshin Lane Water Tank:

1. Payment No. 6
2. Invoice No. 6
3. Certified Payrolls
4. Monthly Project Workforce Reports

I recommend payment be made to Allied Painting, Inc. in the amount of \$31,360.00.

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

cc: Dimitri Musing, Borough Administrator
Peggy Riggio, RMC, CMR, Borough Clerk
George Lang, Borough CFO
James Cannon, Allied Painting, Inc.
Ana Jimenez, Allied Painting, Inc.
Christina White, Allied Painting, Inc.
Cameron Corini, PE, CME, Roberts Engineering Group, LLC
Kelly Pham, EIT, Roberts Engineering Group, LLC



PAYMENT No. 6
WATER TANK PAINTING AND REPAIRS AT FIRST AVENUE,
LESHIN LANE, AND CRANBURY STATION ROAD
Borough of Hightstown, Mercer County, New Jersey
February 1, 2023
File No.: H1678

Item No.	Description	Contract Quantity	Units	Total As-Built Quantity	As-Built This Period	Unit Price	Total Cost
1	Mobilization	LS	1.00	1.00	0.00	\$15,000.00	\$15,000.00
2	Project Video and Photographs	LS	1.00	1.00	0.00	\$3,500.00	\$3,500.00
3	Water Tank Improvements - First Avenue	LS	1.00	1.00	0.00	\$99,200.00	\$99,200.00
4	Water Tank Improvements - Leshin Lane	LS	1.00	1.00	0.00	\$187,600.00	\$187,600.00
5	Water Tank Improvements - Cranbury Station Road	LS	1.00	1.00	0.00	\$112,000.00	\$112,000.00
6	Cleaning and Restoration	LS	1.00	0.00	0.00	\$10,000.00	\$0.00
S-1	Power Washing Cranbury Station Road Water Tank	LS	1.00	1.00	0.00	\$7,800.00	\$7,800.00
S-2	Cranbury Station Road Paint Touchups and Rust Repair	LS	1.00	1.00	0.00	\$5,100.00	\$5,100.00
S-3	Leshin Lane Cathodic Protection	LS	1.00	0.80	0.80	\$40,000.00	\$32,000.00
S-4	Ladder Credit - First Avenue	UNIT	1.00	1.00	0.00	-\$500.00	-\$500.00
S-5	Ladder Credit - Leshin Lane	UNIT	2.00	2.00	0.00	-\$1,000.00	-\$2,000.00
TOTAL WORK COMPLETED							\$459,700.00
LESS: RETAINAGE		2%					\$9,194.00
SUBTOTAL							\$450,506.00
LESS: PREVIOUS PAYMENTS							\$419,146.00
TOTAL AMOUNT DUE							\$31,360.00
AMOUNT OF ORIGINAL CONTRACT							\$427,300.00
AMOUNT OF ORIGINAL CONTRACT ADJUSTED BY CHANGE ORDER NOS. 1 & 2 (11.8%)							\$477,700.00

Resolution 2023-58

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

APPOINTING ELECTRICAL SUBCODE OFFICIAL AND ELECTRICAL INSPECTOR

WHEREAS, due to the retirement, effective February 28, 2023, of Richard Such, as Electrical Subcode Official and Electrical Inspector, there will exist a vacancy in that position; and

WHEREAS, the Construction Official has recommended that Robert Davies be appointed to the position of Electrical Subcode Official and Electrical Inspector; and

WHEREAS, Mr. Davies is duly licensed by the New Jersey Department of Community Affairs to perform that function, holding State license #007062.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown as follows:

1. Robert Davies is hereby appointed as Electrical Subcode Official and Electrical Inspector for the Borough of Hightstown effective March 1, 2023.
2. A certified copy of this Resolution shall be submitted to the State of New Jersey Department of Community Affairs.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk

Hightstown Borough Council
February 21, 2023 Meeting
Resolution 2023-59

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS
PRIOR TO ADOPTION OF THE 2023 BUDGET**

WHEREAS, an emergent condition has arisen with respect to inadequate appropriation balances remaining in some line items of the 2023 temporary budget; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency appropriations for the purposes above mentioned; and

WHEREAS, it is the desire of the Mayor and Council to create emergency temporary appropriations as set forth on Schedule “A,” attached; and

WHEREAS, the total emergency temporary appropriations in resolutions adopted in the year 2023 pursuant to the provisions of N.J.S.A. 40A:4-20 (Chapter 96, P.L. 1951, as amended), including this resolution, total:

	<i>THIS RESOLUTION</i>	<i>PREVIOUS TOTAL</i>	<i>CUMULATIVE TOTAL</i>
Current	76,000.00	0.00	76,000.00
Capital Outlay – Current	0.00	0.00	0.00
Debt Service - Current	0.00	0.00	0.00
Water/Sewer	50,000.00	0.00	50,000.00
Capital Outlay – W/S	0.00	0.00	0.00
Debt Service - W/S	0.00	0.00	0.00
TOTAL	126,000.00	0.00	126,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hightstown (not less than two-thirds of all the members of thereof affirmatively concurring) that, in accordance with N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is hereby made for each item listed on the schedules that are attached hereto and made a part hereof;
2. Each emergency appropriation listed will be provided for in the 2023 budget under the same title as written herein;
3. One certified copy of this resolution will be filed with the Director of Local Government Services, and a copy provided to the Chief Finance 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 February 22, 2022.

Margaret Riggio
Borough Clerk

Resolution 2023-60

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on February 21, 2023, at the Hightstown Fire House located at 140 North Main Street, Hightstown, that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Attorney Client Privilege

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public May 21, 2023, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

CERTIFICATION

I hereby certify the foregoing to be a true copy of a resolution adopted by the Borough Council at a meeting held on February 21, 2023.

Margaret Riggio
Borough Clerk