

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, July 13, 2022**

This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 7:56pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Kevin L. Gonzalez,
Councilmembers Mark Regan, Jr., Maria Escalante, Danielle M. Jones, David Gindi, Everett D. Lucas
ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin
The Flag Salute was held during workshop.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting

Councilmember Jones comments that there are a couple typos on the Regular Meeting minutes and will send over what needs to be corrected to the Borough Clerk, Julie Martin.

Motion to approve the minutes by C/Gonzalez; seconded by C/Regan

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

3. COMMUNICATIONS

- A. Neptune City, Resolution 22-80 – Urging Passage of S-330
- B. Neptune City, Resolution 22-84 – Opposing A-1294/S-2103
- C. Monmouth County Commissioners, Resolution 31 – Increasing Property Tax Deduction for Veterans
- D. NJ Transit Corporation – Fiscal Year 2022 Federal Program
- E. Farmingdale Resolution 57-2022 – Supporting Assembly Resolution 31 Increasing Property Tax Deductions for Vets
- F. Farmingdale Resolution 59-2022 – Urging Passage of S-330

Motion to accept communications A-F by C/Jones; seconded by C/Regan

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported on June 30th he attended the Monmouth Medical Center annual Mayor's Meeting and Breakfast at the new medical building at the mall. After the meeting, he met at the lake on Fort Monmouth with the Monmouth Conservation Foundation to discuss ways to acquire the lake as a Borough Park, which he is looking for creative financing. Hosted three Monmouth Mall discussion meetings. On July 7th, toured the new Eat.Clean Bro facility on Industrial Way. On July 11th had a call to discuss the \$300,000 grant that Eatontown won. On July 12th, attended the FMERA Real Estate meeting. Mayor Talerico suggested that the Governing Body consider an ordinance related to the requirement of nursing homes having an ambulance available. Mayor Talerico honors the acts of heroism from the fire that took place at Country Club.

5. REPORTS OF COMMITTEES

A. POLICE, PUBLIC LIGHTS & PARKING - Council President Gonzalez

Council President Gonzalez reported that the police department responded to 1,285 calls for service in June and issued 239 summons'. He reported there were 98 traffic accidents investigated by the police department and 87 of the accidents were reportable while 11 were non reportable and resulted in 22 injuries. There was also a total of 20 arrests.

B. EMERGENCY SERVICES - Councilmember Regan, Jr.

Councilmember Regan reserved his statistics. Councilmember Regan discussed the July 11th fire call at the Country Club Apartments. Councilmember Regan advised he will submit a detailed report to the Borough Clerk, Julie Martin. He thanks the emergency services department for their heroism.

C. PARKS & RECREATION - Councilmember Escalante

Councilmember Escalante reported on the Historical Museum, former resident Thelma Johnson, and Dr. Richard Veit programs. Councilmember Escalante congratulated the Eatontown Alliance and reported on Husky Brook Park, the Eatontown Family Olympics, and soccer registrations.

D. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones reserved her report. Councilmember Jones announced about several upcoming meetings. The Cannabis Regulatory Commission meeting will be held on July 28th, the Planning Board meeting on July 18th has been cancelled. No meetings scheduled in July and August for the Drug & Alcohol Alliance, Youth Committee, or the Community Center. The Traffic Advisory Committee is meeting on July 14th in the council chambers.

E. PUBLIC WORKS & INSURANCE - Councilmember Gindi

Councilmember Gindi reported about bulk and brush pick up.

F. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Lucas

Councilmember Lucas reported there was no meeting this month.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia had nothing to report.

7. OLD BUSINESS

A. ORDINANCE ADOPTION

1) **Ordinance 11-2022** – An Ordinance by the Borough Council Amending the Borough of Eatontown Code of Ordinances to Repeal Chapter 169 of the Ordinance – Flood Damage Prevention Ordinance; to Adopt a New Chapter 169 of the Ordinance - Flood Damage Prevention; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date - **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the ordinance by C/Jones; seconded by C/Gindi

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Councilmember Regan asked a question regarding funding for flood prevention. Attorney Bayer responded.

Motion to close the meeting to public comment on the ordinance by C/Jones; seconded by C/Gindi

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Attorney Bayer read the ordinance by title.

Motion to adopt the ordinance by C/Gonzalez; seconded by C/Gindi

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 11-2022 - An Ordinance by the Borough Council Amending the Borough of Eatontown Code of Ordinances to Repeal Chapter 169 of the Ordinance – Flood Damage Prevention Ordinance; to Adopt a New Chapter 169 of the Ordinance - Flood Damage Prevention; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date

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 Eatontown** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **Borough of Eatontown** was accepted for participation in the National Flood Insurance Program on **September 16, 1981** and the **Borough Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

WHEREAS, the **Borough of Eatontown** 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 **Borough Council** of the **Borough of Eatontown** that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 169 of the Ordinance – Flood Damage Prevention

SECTION 101 SCOPE AND ADMINISTRATION

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

101.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

101.3 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:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.

- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Borough of Eatontown** administer and enforce the State building codes, the **Borough Council of the Borough of Eatontown** 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.

101.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

101.6 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.

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, relocated 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 \$1250, 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 \$1250 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.

101.8.1 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 \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

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

SECTION 102 APPLICABILITY

102.1 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.

102.2 Establishment of Flood Hazard Areas. The Borough of Eatontown was accepted for participation in the National Flood Insurance Program on **September 16, 1981**.

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 **office of the Construction Code Official, 47 Broad Street, Eatontown NJ 07724**.

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

- 1) Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions) dated September 25, 2009 and revised June 20, 2018 and June 15, 2022 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are September 25, 2009 and June 20, 2018 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34025C0183	June 20, 2018	G	34025C0192	Sept. 25, 2009	F
34025C0187	Sept. 25, 2009	F	34025C0193	Sept. 25, 2009	F
34025C0189	Sept. 25, 2009	F	34025C0194	Sept. 25, 2009	F

34025C0191	Sept. 25, 2009	F			
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- 2) **Federal Best Available Information.** The Borough of Eatontown shall utilize Federal flood information as listed in the table below 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 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34025C0183H	January 30, 2015		
34025C0191G	January 30, 2015		
34025C0192G	January 31, 2014		

- 3) **Other Best Available Data.** The Borough of Eatontown shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Eatontown. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.1(1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, 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 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Whale Pond Brook	O0000050	W-2A
Whale Pond Brook	O0000051	W-2B
Whale Pond Brook	O0000052	W-3A
Whale Pond Brook	O0000053	W-3B
Cranbury Brook & Whale Pond Brook	O0000054	4 of 8
Whale Pond Brook	O0000057	Sheet 87
N Branch Parkers Creek	O0000062	Sheet 53
Parkers Creek	O0000063	Sheet 54
Wampum Brook & Parker's Creek	O0000064	Sheet 59
Wampum Brook	O0000065	Sheet 60
Wampum Brook	O0000066	Sheet 67
Turtle Mill Brook	SUPPIX35	32

Whale Pond Brook	O0000068p	01p
Parkers Creek	O0000070p	03p
Wampum Brook	O0000071p	04p
Whale Pond Brook	O0000072p	03p
Parkers Creek	O0000074p	02p
Parkers Creek	O0000075p	03p
Parkers Creek	O0000104p	08p

102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, 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:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) 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:
 - a. 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
 - b. 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 Section 105.2-3.
- 3) 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.
- 4) 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.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

103.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these

regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) 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.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) 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.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) 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.
- (10) 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).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the **Borough of Eatontown** have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

103.5 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.

103.6 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.

103.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) 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 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

103.8 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.

103.9 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.

103.10 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.

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

103.11 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.

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

103.12 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.

103.13 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.

103.14 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:

- (1) 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.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, 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.
- (3) 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.

- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) 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 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.

103.15 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.

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

SECTION 104 PERMITS

104.1 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.

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

- (1) Identify and describe the development to be covered by the permit.
- (2) 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.
- (3) Indicate the use and occupancy for which the proposed development is intended.

- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

104.3 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.

104.4 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.

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 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:

- (1) 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.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) 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.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) 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.
- (7) Extent of any proposed alteration of sand dunes.

- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) 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.

105.2 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:

- (1) 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.
- (2) 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.
- (3) 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.

105.3 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:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) 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.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 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.

- (4) 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.
- (5) 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).

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

SECTION 106 INSPECTIONS

106.1 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 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 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.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

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

SECTION 107 VARIANCES

107.1 General. The **Borough Zoning Board of Adjustment** shall hear and decide requests for variances. The **Borough Zoning Board of Adjustment** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The **Borough Zoning Board of Adjustment** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

107.2 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.

107.3 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.

107.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) 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.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) 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.
- (10) 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.

107.6 Conditions for issuance. Variances shall only be issued upon:

- (1) 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.

- (2) 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.
- (3) 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.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 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.

108.2 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.

108.3 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.

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

SECTION 201 DEFINITIONS

201.1 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.

201.2 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 aerial 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 Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The **Borough Zoning Board of Adjustment** 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 a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

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

community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

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

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

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

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

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

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

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

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

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

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition,

placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 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, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

301.1 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:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) 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.

301.2 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:

- (1) 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.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

401.1 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 Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

401.1.1 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.

401.2 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.

401.3 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.

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

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

401.6 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.

401.7 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.

SECTION 501 MANUFACTURED HOMES

501.1 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).

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

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

501.4 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.

501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

501.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 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 Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 RECREATIONAL VEHICLES

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

601.2 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.

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings.

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

801.1 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:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 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:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. 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.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section

201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate.

- d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. 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.
- e. 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:
 - i. 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;
 - ii. 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 801.2.1(d)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - iv. Have openings documented on an Elevation Certificate; and
 - v. 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;

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

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as

stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

801.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

801.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

801.7 Roads and watercourse crossings.

- (1) 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.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

901.1 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.

901.2 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.

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

1001.1 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.

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

1001.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 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.

1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

1001.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

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).

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect upon its passage and publication as required by law.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

No public comment was made.

The meeting was closed to public comment on agenda items.

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

Motion to approve the bills, claims and bi-weekly payroll by C/Regan; seconded by C/Jones

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

10. NEW BUSINESS

A. ORDINANCE INTRODUCTION

1) Ordinance 14-2022 – Bond Ordinance Providing for Various 2022 General Capital Improvements, by and in the Borough of Eatontown, in the County of Monmouth, State of New Jersey; Appropriating \$2,747,100 Therefor (Including Three Grants in the Aggregate Amount of \$680,100) and Authorizing the Issuance of \$1,963,650 Bonds or Notes to Finance Part of the Cost Thereof - *First Reading/Introduction (Public Hearing 07/27/22)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 07/27/22.

Motion to introduce the ordinance by C/Escalante; seconded by C/Jones

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

ORDINANCE 14-2022 - BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF

NEW JERSEY; APPROPRIATING \$2,747,100 THEREFOR (INCLUDING THREE GRANTS IN THE AGGREGATE AMOUNT OF \$680,100) AND AUTHORIZING THE ISSUANCE OF \$1,963,650 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Eatontown, in the County of Monmouth, State of New Jersey (the "Borough") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,747,100, which is inclusive of a grant from the New Jersey Department of Transportation, associated with the Downtown Greenway Improvements, Phase II, in the amount of \$300,000, a grant from the County of Monmouth Open Space Program associated with the Nicodemus Park Splash Pad in the amount of \$48,000, a grant from the New Jersey Department of Transportation associated with the Industrial Way West Improvements, Phase III, in the amount of \$332,100 (collectively, the "Grants"), and \$103,350 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,747,100 appropriation not provided for by application hereunder of said down payments or the Grants, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,963,650 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,963,650 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Roadways and Drainage Improvements</u> - Improvements To Roadways In And Throughout The Borough Which Roadways Include, But Shall Not Be Limited To, Holly Glenn Way, Downtown Eatontown Greenway and Industrial Way West, and Drainage Improvements In And Throughout The Borough Which Drainage Improvements Include, But Shall Not Be Limited To, the Municipal Parking Lot, Wolcott Park and Husky Brook Park, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated Repairing And/Or Installation Of Curbs, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Improvements, Roadway Painting, And Aesthetic Improvements;	\$1,466,100 (Includes the Grants for Downtown Eatontown Greenway Improvements, Phase II and Industrial Way West Improvements, Phase III)	\$792,300	\$41,700	20 years
(ii) <u>Machinery and Equipment</u> - Acquisition And Installation, And/Or Improvements To, As Applicable, Machinery And Equipment For Various Divisions Of The Public Works Department Including, But Not Limited To, A Hook Lift Truck With Dump Body, Plow And Spreader, Street Sweeper, Mini Excavator, 30 Yard Open Top Dumpsters, Refurbishment of	\$779,100	\$740,145	\$38,955	14.59 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Truck 59 And Improvements to Fuel Management System;				
(iii) Public Buildings and Facilities - General Capital Improvements To Exteriors And Interiors of Various Public Buildings And Facilities, And/Or Acquisition And Installation Of Equipment And Non-Passenger Vehicles, As Applicable, In And Throughout The Borough Including, But Not Limited To, Installation Of New Key System for Borough Hall, Renovations and/or Repairs to Maintenance Shop and Historical Museum, Replacement Of Carpets And Installation of Fire Doors and Walls At Municipal Building, Construction of An Out Door Shed For Community Center And Pre-School, Replacement of Tables and Chairs at Senior Center, Acquisition of a Scanner for Tax Assessor And Chair for Tax Collector, Replacement of Recreational Equipment at Various Parks and Improvements to Nicodemus Park Splash Pad, and	\$240,200 (Includes the Grant for Nicodemus Park Splash Pad)	\$182,590	\$9,610	9.18 years
(iv) Vehicles and Equipment – Acquisition and Installation, As Applicable, Of Non-Passenger Vehicles And Equipment For Various Departments Throughout The Borough Including, But Not Limited To, Office Furniture and Various Computer Hardware And Software, Mobile Video Recorders, Various Non-Passenger Vehicles And Less Lethal Weapons For The Police Department; Self-Contained Breathing Apparatus, Thermal Imaging Cameras, a New Fire Hose, Turn Out Gear And a Sport Utility Vehicle For The Fire Department; And Road Barricades, Communication Board With Radar And Warning Lights And Traffic Control Devices For The Office Of Emergency Management.	\$261,700	\$248,615	\$13,085	5.00 years
Totals	<u>\$2,747,100</u>	<u>\$1,963,650</u>	<u>\$103,350</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto. All or any portion of the appropriations, authorizations and downpayments set forth in each of the subsections in Section 3(a)(i) through (v) herein may be moved among and added or decreased to and from each of the subsections in Section 3(a)(i) through (v).

(c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,963,650.

(d) The aggregate estimated cost of said improvements or purposes is \$2,747,100, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grants in the amount of \$680,100 and the downpayments available for said purposes in the aggregate amount of \$103,350.

SECTION 4. Except for the Grants, in the event the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2

hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity. Except for the Grants, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date. The 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 of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.05 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$1,963,650 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$550,000.00 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 purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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. Unless paid from other sources, 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 property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer 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 Borough 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 11. The Borough is hereby authorized to acquire the Property and to negotiate an agreement of sale or any other document for the aforesaid acquisition of the Property. The Mayor, Business Administrator, Chief Financial Officer, Borough Attorney and the Borough Clerk are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said agreement of sale and any and all documents necessary to acquire the Property.

SECTION 12. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 13. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

B. CONSENT AGENDA RESOLUTIONS

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

- 1) **Resolution 152-2022** – Approving Chapter 159 for State of New Jersey Clean Communities Grant
- 2) **Resolution 153-2022** – Authorizing Tax Sale Redemption (302/15.01 and 2501/39)
- 3) **Resolution 154-2022** – Granting Real Estate Tax Exemption to Disabled Veteran or Surviving Spouse (2104/16)
- 4) **Resolution 155-2022** - Auth. Release of Escrow, RREF 246 Industrial, LLC (3502/8)
- 5) **Resolution 156-2022** - Auth. Release of Escrow, Merchants Retail Partner Management LLC (1304/4-13, 32-37)
- 6) **Resolution 157-2022** - Approving Amendment No. 19 to the Fort Monmouth Economic Revitalization Reuse and Redevelopment Plan
- 7) **Resolution 158-2022** - Auth. Access Agreement with White Oak Funding, Inc. for Access onto Borough Property Located at Block 401, Lots 41,42,43 and 58 (15 Lewis Street)
- 8) **Resolution 159-2022** - Auth. Release of Escrow, ISP Holdings (1401/20, 21)
- 9) **Resolution 160-2022** - Auth. Discharge of Mortgage for Property 511 Mill Pond Way
- 10) **Resolution 161-2022** - Approve Extinguishment and Release of a Portion of Easement at 80 Corbett Way
- 11) **Resolution 162-2022** - Approving Amendment No. 7 DPW Facility, Fort Monmouth
- 12) **Resolution 163-2022** - Approving Developer's Agreement with Eatontown Monmouth Mall, LLC for the Demolition of the Parking Garage and to Construct Surface Parking on the Monmouth Mall Property
- 13) **Resolution 164-2022** - Auth. Conveyance of Police Vehicles to Union Beach and the Acceptance of Freightliner Trucks from the Borough of Union Beach
- 14) **Resolution 165-2022** - Auth. Amendment of Eatontown Capital Budget
- 15) **Resolution 166-2022** - Auth. 2nd Amend. to Shared Service Agreement with Ocean Twp, Emergency Dispatch Services

Item number 12, Resolution 163-2022 was held for separate consideration.

Motion to approve Consent Items 1-11 & 13-15 (Resolutions 152-162 & 164-166) as a group by C/Gonzalez; seconded by C/Escalante

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

RESOLUTION 152-2022 - Approving Chapter 159 for State of New Jersey Clean Communities Grant

WHEREAS, NJSA 40A 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount, and

WHEREAS, the Borough of Eatontown has received notice of an award of \$28,718.37 from State of New Jersey and wishes to amend its 2022 Budget to include this amount as revenue.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown hereby requests the Director of the Division of Local Government Services to approve the amendment of an additional item of revenue in the budget of the year 2022 in the sum of \$28,718.37 to be received from grants as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with
Prior Written Consent of the Director of Local Government Services:
Public and Private Revenues off-set with Appropriations:
Clean Communities Grant \$28,718.37

BE IT FURTHER RESOLVED that a like sum of \$28,718.37 be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations-Excluded from "CAPS"
Public and Private Programs Offset by Revenues:
Clean Communities Grant

BE IT FURTHER RESOLVED, that the Borough Clerk of the Borough of Eatontown forward two copies of this resolution to the Director of Local Government Services.

RESOLUTION 153-2022 – Authorizing Tax Sale Certificate Redemption

WHEREAS, The Tax Collector has forwarded to the Borough of Eatontown a list of Tax Sale Certificate Outside Liens for Redemption and has recommended that the same be refunded.

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Eatontown that the below listed Tax Sale Certificates be cancelled and endorsed as fully satisfied

BLOCK	LOT	Qual.	NAME	AMOUNT CERTIFICATE	AMOUNT PREMIUM
302	15.01		FIG CUST FIGNJ19LLC & SEC PTY	\$1112.43	\$1700.00
2501	39		US BANK CUST/ACTLINE HOLDING	\$1636.24	\$100.00

RESOLUTION 154-2022 - Granting Real Estate Property Tax Exemption to Disabled Veteran or Surviving Spouse of Disabled Veteran

WHEREAS, NJSA 54:3-3.30 et seq. provides that a disabled veteran or surviving spouse of a disabled veteran is exempt from residential property taxes; and

WHEREAS, Rosana B. Landis of 221 Wyckoff Road in the Borough of Eatontown is the surviving spouse of disabled veteran Michael Landis and has applied for relief under the aforementioned statute.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Eatontown that the requested exemption from real estate property taxes in the Borough of Eatontown is hereby granted as follows:

On property known as 221 Wyckoff Road, Block 2104, Lot 16 on the tax map of the Borough of Eatontown belonging to Rosana B. Landis, be and the same is hereby exempt from residential property taxes commencing on June 22, 2022; and

BE IT FURTHER RESOLVED that said exemption shall continue for as long as Mrs. Landis owns her premises.

RESOLUTION 155-2022 – Authorizing the Release of Escrow Funds

WHEREAS, the Zoning Officer has requested release of escrow funds held for RREF 246 Industrial LLC (Block 3502, Lot 8) for work completed at 246 Industrial Way West; and

WHEREAS, the Borough Engineer and the Planning and Zoning Department have recommended the release funds held in escrow for RREF 246 Industrial LLC in emails of May 17, 2022 and July 5, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the Escrow funds as follows:

Escrow Acct No. 1426 (Inspection)

\$317.29 (plus any additional interest accrued)

RREF 246 Industrial LLC at
Block 3502, Lot 8

246 Industrial Way West, Eatontown, New Jersey 07724; and

Escrow Acct No. 1385 (Site Plan)

\$ 158.03 (plus any additional interest accrued)

RREF 246 Industrial LLC at
Block 3502, Lot 8
246 Industrial Way West, Eatontown, New Jersey 07724; and

Escrow Acct No. 1312 (Site Plan)**\$ 0.70 (plus any additional interest accrued)**

RREF 246 Industrial LLC at
Block 3502, Lot 8
246 Industrial Way West, Eatontown, New Jersey 07724

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Planning/Zoning and the Finance Department.

RESOLUTION 156-2022 – Authorizing the Release of Escrow Funds

WHEREAS, the Zoning Officer has requested release of escrow funds held for Merchants Retail Partners Management LLC (Block 1304, Lots 4-13, 32-37) for work completed at 97 Highway 35; and

WHEREAS, the Borough Engineer and the Planning and Zoning Department have recommended the release funds held in escrow for Merchants Retail Partners Management LLC in emails of June 21, 2022 and July 5, 2022; and

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Eatontown do hereby authorize the release and return of the Escrow funds as follows:

Escrow Acct No. 1475 (Performance Guarantee)**\$10,644.26 (plus any additional interest accrued)**

Merchants Retail Partner Management LLC at
Block 1304, Lots 4-13, 32-37
97 Highway 35, Eatontown, New Jersey 07724; and

Acct No. T17 (ST Open)**\$ 1,182.60 (plus any additional interest accrued)**

Merchants Retail Partner Management LLC at
Block 1304, Lots 4-13, 32-37
97 Highway 35, Eatontown, New Jersey 07724; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Planning/Zoning and the Finance Department.

RESOLUTION 157-2022 – Resolution Approving Amendment NO. 19 to the Fort Monmouth Economic Revitalization Reuse and Redevelopment Plan

WHEREAS, the Fort Monmouth Economic Revitalization Authority ("FMERA") is considering amending the Fort Monmouth Reuse and Redevelopment Plan ("Reuse Plan") a nineteenth time in connection with the property known as the Howard Commons Parcel order to allow for the construction of 275 housing units with a twenty percent set aside for affordable housing units in addition to a commercial development up to 40,000 square feet for such uses as a gas station, restaurant, office convenience and grocery stores fronting on Hope Road and/or Pinebrook Road with the resultant demolition of all the buildings in the Howard Commons area; and

WHEREAS, Amendment No. 19 was submitted to and reviewed by the Borough Planning Board at its June 20, 2022 meeting and the Borough Planning Board had no comment to the Amendment; and

WHEREAS, the Borough Engineer/Planning Board Engineer authored a letter to the Planning Board dated June 20, 2022 which noted in part that the goal of the Plan Amendment is to promote sustainable economic development for the Fort Monmouth Area; recommends new Green Standards encouraging Electric Vehicle Charging Stations, low impact development measures and renewable energy systems; it is compatible with surrounding land uses and requires 5-foot wide sidewalks along Pinebrook Road to encourage walkability around the area; and it is consistent with the County's goals for open space in the Eatontown Reuse area.

WHEREAS, the Borough Engineer specifically noted that stormwater management will be important for this area which has significant flooding challenges and any site plans for this project will need to incorporate specific improvements to help mitigate flooding challenges and improve infrastructure accordingly.

WHEREAS, the Borough Council reviewed the Amendment No. 19 and believes that is in the best interest of the Borough to support the Amendment because it will result in the redevelopment and reuse of the Howard Commons Parcel, assist the Borough in meeting its Third Round affordable housing obligation and create another recreational property for the Borough; and

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough of Eatontown does hereby recommend and approve Amendment No. 19 to the Fort Monmouth Reuse and Redevelopment Plan subject to the recommendations of the Borough Engineer as set forth in his letter to the Planning Board dated June 20, 2022 and the Borough Clerk is hereby directed to include a copy of the Borough Engineer's letter with this Resolution.

BE IT FURTHER RESOLVED, a copy of this Resolution shall be provided to:

1. Kara Kopach, Executive Director, Fort Monmouth Economic Revitalization Authority
2. Robert Calabro, Regional Director of Land, U.S. Home Corporation, d/b/a Lennar

RESOLUTION 158-2022 – Resolution Authorizing Access Agreement with White Oak Funding, Inc. for Access onto Borough Property Located at Block 401, Lots 41, 42, 43 and 58.

WHEREAS, White Oak Funding, Inc. ("White Oak") is the owner of a certain real property located at 15 Lewis Street in the Borough of Eatontown (the "Borough") and identified on the Borough's official tax map as Block 401, Lot 64 (the "White Oak Property"); and

WHEREAS, White Oak is in the process of completing a delineation assessment of the White Oak Property, as it is required by the New Jersey Department of Environmental Protection due to a fuel oil contamination of the White Oak Property prior to White Oak's ownership; and

WHEREAS, in connection with said delineation assessment, White Oak has requested the Borough grant them access to a portion of Borough-owned property located adjacent to the White Oak Property, identified on the Borough's official tax map as Block 401, Lots 41, 42, 43, and 58 (the "Borough Property"); and

WHEREAS, as authorized by Resolution 161-2019, the Borough and White Oak previously entered into an Access Agreement on August 12, 2019, granting White Oak access to the Borough Property for a period of eighteen (18) months to install soil borings and/or monitor wells that are necessary to define and delineate the extent of any off-site contamination migration; and

WHEREAS, due to the COVID-19 pandemic, the delineation assessment was paused and the eighteen (18) month term of the 2019 Access Agreement has expired; and

WHEREAS, White Oak now wishes to resume and continue with the delineation assessment, and has requested that the Borough entered into a new Access Agreement in the form attached hereto as Exhibit A; and

WHEREAS, the Borough is willing to provide White Oak and/or White Oak's agents, contractors, servants and employees access to the Borough Property for the purposes stated herein and subject to the terms and conditions set forth in the Access Agreement attached hereto; and

WHEREAS, the Borough Council believes it is in the best interest of the Borough and its residents to enter into the Access Agreement with White Oak;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes the Mayor to execute the Access Agreement with White Oak on behalf of the Borough and any other documents necessary to implement the Access Agreement;

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Robert C. Epstein, Esq.
2. Edward Herrman, P.E., Borough Engineer

RESOLUTION 159-2022 – Resolution Authorizing Release of Escrow Funds and Performance Guarantee Release to IPS Holdings, LLC, for the Property Designated on the Tax Map as Block 1401 Lots 20 and 21.

WHEREAS, IPS Holdings, LLC ("IPS"), posted a performance bond and escrow funds with the Borough in connection to its approval to make improvements to the property designated on the Borough Tax Map as Block 1401, Lots 20 and 21 (the "Property"); and

WHEREAS, has made all required improvements to the Property and the Borough Engineer has recommended that IPS's performance guarantee be released by letter dated to the Borough Zoning Officer dated May 10, 2022; and
WHEREAS, there currently remains an escrow balance of \$41.55 in account #1347, \$1,241.28 in account #1382, and \$7261.00 in account #1383; and

WHEREAS, the Zoning Officer has recommended release of the escrow funds and the Borough Council believes it is in the best interest of its residents to comply with applicable law and the recommendations of the Borough Engineer and Zoning Office, and release the above-listed escrow funds and performance bond guarantee to IPS now that it has made and maintained all the required improvements to the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby authorizes the release of performance bond escrow funds being held in \$41.55 in account #1347, \$1,241.28 in account #1382, and \$7261.00 in account #1383 to IPS Holdings, LLC.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. IPS Holdings, LLC
2. Dena Amoda, Chief Financial Officer

RESOLUTION 160-2022 – Resolution Authorizing Discharge of Mortgage for Property Located at Block 3801, Lot 13.511 C087, Commonly Known as 511 Mill Pond Way in the Borough of Eatontown

WHEREAS, Emily Fernandez ("the Property Owner") is the owner of property located in the Borough of Eatontown (the "Borough") at 511 Mill Pond Way, designated on the official tax map of the Borough as Block 3801, Lot 13.511 C087 (the "Property"); and

WHEREAS, the Property Owner executed a Repayment Mortgage and Mortgage Note, dated April 15, 2009, in favor of the Borough in the principal amount of \$137,082.00 (collectively, "the Repayment Mortgage"); and

WHEREAS, the Repayment Mortgage was subsequently recorded with the County Clerk of Monmouth County on June 5, 2009 in Book OR-8777 on Page 7997; and

WHEREAS, the Repayment Mortgage gives the Borough the rights provided in the Uniform Housing Affordability Controls, codified at N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, the Property Owner satisfied all of the conditions of the Mortgage Note and Mortgage and has requested that the Borough of Eatontown discharge the Mortgage; and

WHEREAS, the Borough Council finds it in the best interests of Eatontown and its residents to discharge the Mortgage in accordance with its obligations under the Mortgage Note and Mortgage.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, in the County of Monmouth and State of New Jersey that the Mayor is hereby authorized to execute a Discharge of Repayment Mortgage with respect to the Property discharging the Repayment Mortgage in the amount of \$137,082.00 recorded in the Monmouth County Clerk's Office on June 5, 2009 in Book OR-8777 on Page 7997.

BE IT FURTHER RESOLVED, a copy of this Resolution shall be provided to:

1. Commonwealth Title-Monmouth Agency

RESOLUTION 161-2022 - Resolution Approving Extinguishment & Release of a Portion of Easement at Property Located at Block 3601, Lot 12 on the Official Borough Tax Map

WHEREAS, 80 Corbett Way, LLC ("Grantor") is the owner of real property known as Block 3601, Lot 12 of the official tax map of the Borough of Eatontown (the "Property"); and

WHEREAS, the Property is encumbered by a Deed of Drainage Easement in favor of the Borough, as created by the recording of the Monmouth County Clerk's Office in Case #197-1 on February 13, 1984 (the "Original Easement"); and

WHEREAS, the Grantor obtained preliminary and final site plan approval from the Eatontown Planning Board, which approval was memorialized by a resolution adopted on December 20, 2021 (the "Approval"); and

WHEREAS, the Approval authorizes the reduction in size of the Original Easement; and

WHEREAS, the portion of the easement to be vacated is no longer needed for public use; and

WHEREAS, to memorialize the reduction of the Original Easement, the Grantor has requested the Borough execute the document attached hereto and incorporated herein by reference titled Extinguishment & Release of A Portion of Easement; and

WHEREAS, the Planning Board Engineer and Planning Board Attorney have reviewed and approve the form of Extinguishment & Release of A Portion of Easement; and

WHEREAS, the Mayor and the Borough Council believe it to be in the best interest of the Borough and its residents to execute the Extinguishment & Release of A Portion of Easement;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that it hereby authorize the Mayor to execute the Extinguishment & Release of A Portion of Easement in a form previously approved by the Borough Attorney; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the following:

- a. 80 Corbett Way, LLC;
- b. Kathy Muscillo, Director of Planning and Zoning

RESOLUTION 162-2022 - Resolution Approving Amendment No. 7 to the Purchase and Sale Agreement and Redevelopment Agreement Between the Borough of Eatontown and Fort Monmouth Economic Revitalization Authority for the Borough's Proposed DPW Facility Located on Fort Monmouth

WHEREAS, the Fort Monmouth Economic Revitalization Authority ("FMERA" or "Seller") and the Borough of Eatontown (the "Borough" or "Purchaser") entered into a certain Purchase and Sale Agreement And Redevelopment Agreement dated as of May 8, 2019, as amended by the First Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated September 2, 2019, and the Second Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated July 30, 2020, and the Third Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated November 29th, 2020, and the Fourth Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated April 8, 2021, and the Fifth Amendment to the Purchase and Sale Agreement and Redevelopment Agreement, dated June 7, 2021, and the Sixth Amendment to the Purchase and Sale and Redevelopment Agreement, dated October 14, 2021 (collectively, the "Agreement") whereby FMERA agreed to sell and the Borough agreed to purchase and redevelop the property consisting of the approximately 7.2-acre parcel improved by Buildings 1123, 1124, 1108, 1109 and 1110, including Environmental Carve-Out Parcels ECP41 and ECP43, located on Fort Monmouth, Eatontown, New Jersey ("Property"); and

WHEREAS, WHEREAS, the Borough requested a Due Diligence Extension prior to the August 8, 2019 Due Diligence expiration date and the FMERA Board approved the First Amendment to the Purchase and Sale and Redevelopment Agreement providing a Due Diligence Extension until November 29, 2019, and;

WHEREAS, thereafter the Borough requested by correspondence dated May 15, 2020, a five (5) month extension to the Approval Period until October 30, 2020; and

WHEREAS, on April 15, 2020 the Board granted Delegated Authority to FMERA's Executive Director to approve any pre-closing or post-closing extensions for up to five months for delays for COVID-19 related reasons so long as the developer has requested such an extension in writing and satisfied FMERA's request for any supporting documentation; and

WHEREAS, the Borough satisfied FMERA's request for supporting documentation and the Executive Director agreed to retroactively extend the Approval Period under his Delegated Authority for five months or until October 30, 2020 via the Second Amendment to the Agreement, dated July 30, 2020; and

WHEREAS, thereafter the Borough requested by correspondence dated October 2, 2020, the conditional termination of the PSARA and a five (5) month Approval Period extension until April 1, 2021, which was granted by the FMERA Board via the Third Amendment to the Agreement dated November 29th, 2020; and

WHEREAS, the Borough requested a modification to Redevelopment Project to permit the demolition of Building 1124, which the Board approved via the Fourth Amendment to the Agreement, dated April 8, 2021; and

WHEREAS, by correspondence dated March 30, 2021, the Borough requested a four (4) month extension to the Approval Period to be retroactively applied and extended until August 1, 2021, providing additional time to review and resubmit the Borough's MCR package, which was approved by the Board via the Fifth Amendment to the Agreement, dated June 7, 2021; and

WHEREAS, by correspondence dated July 7, 2021, the Borough requested a twelve (12) month extension to the Approval Period until August 1, 2022, due to outstanding approvals from the NJDEP and the potential need to seek

additional funding approval in the following fiscal year, which the Board approved via the Sixth Amendment to the Agreement, dated October 14, 2021; and

WHEREAS, by correspondence dated June 23, 2022, the Borough requested a six (6) month extension to the Approval Period until February 1, 2023, due to unexpected delays resulting from the COVID-19 pandemic which impacted the Project's anticipated timeline; and

WHEREAS, the Borough noted in its extension request buildings that were intended for reuse have deteriorated significantly, which may impact the Project's budget and potentially necessitate the Borough's approval of additional project costs, pending further investigation by the Borough's professionals; and

WHEREAS, Borough and FMERA wish to, amend and modify the obligations of Purchaser and Seller under the Agreement as set forth below; and

WHEREAS, the Borough Council reviewed the proposed Seventh Amendment to the Agreement and believes that is in the best interest of the Borough to approve the Amendment because it will provide the Borough with the time necessary to evaluate the condition of the buildings and to obtain all necessary permits and approvals in furtherance of the project; and **NOW, THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey that the Borough of Eatontown does approve the Seventh Amendment to the Purchase and Sale Agreement and Redevelopment Agreement in a form approved by the Borough Attorney and the Mayor is hereby authorized to execute the Seventh Amended to the Purchase and Sale Agreement and Redevelopment Agreement on behalf of the Borough.

BE IT FURTHER RESOLVED, a copy of this Resolution shall be provided to:

1. Kara Kopach, Executive Director, Fort Monmouth Economic Revitalization Authority
2. Edward Herrman, P.E., Borough Engineer

RESOLUTION 163-2022 - Resolution Approving Developer's Agreement with Eatontown Monmouth Mall, LLC for the Demolition of the Parking Garage and to Construct Surface Parking on the Monmouth Mall Property

WHEREAS, Eatontown Monmouth Mall, LLC (the "Developer") is the developer of the premises designated as Block 2201 Lots 1.01, 1.02, 2, 3, 4, 5 & Block 2202, Lot 1 on the official tax map of the Borough of Eatontown and located at Highway 35, Highway 36 & Wyckoff Road, (the "Premises"); and

WHEREAS, the Developer applied to the Planning Board of the Borough of Eatontown (the "Board") for amended preliminary and final site plan approval with bulk variance relief to demolish a parking garage and construct a surface parking lot with associated site improvements on the Premises (the "Project"); and

WHEREAS, the Planning Board granted Amended Preliminary and Final Site Plan Approval with Bulk Variance Relief by Resolution dated March 22, 2022 (the "Resolution"); and

WHEREAS, the Developer has agreed to construct the Project in accordance with the terms set forth in the approved Resolution of the Planning Board, amongst other requirements, was subject to and conditioned upon the execution of a Developer's Agreement between the Borough and the Developer (the "Developer's Agreement"); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents and taxpayers to enter into the Developer's Agreement with the Developer to ensure construction of the Project in accordance with the approved plans and the terms and conditions required by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves the Developer's Agreement with Eatontown Monmouth Mall, LLC as it relates to the demolition of the parking garage and construct surface parking on the Monmouth Mall property and the Mayor is authorized to execute the Developer's Agreement in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Eatontown Monmouth Mall, LLC
2. Kathy Muscillo, Zoning Officer
3. Ed Herrman, Borough Engineer

RESOLUTION 164-2022 - Resolution Authorizing Conveyance of Police Vehicles to Union Beach and the Acceptance of Freightliner Trucks from the Borough of Union Beach

WHEREAS, the Borough of Union Beach ("Union Beach") owns the Freightliner Trucks listed below and declared them to be surplus property no longer needed for public use by the Union Beach, namely:

- 2009 Freightliner Vin No. 1FULAT0G8APQ0578; and
- 2009 Freightliner Vin No. 1FULAT062APAG0575; and

WHEREAS, Union Beach wishes to transfer ownership of the Freightliner Trucks to the Borough of Eatontown and will endorse any additional documentation including the certificates of title, if any, to effect the transfer of ownership of the vehicle to the Borough of Eatontown; and

WHEREAS, the Borough of Eatontown owns Police Vehicles listed below and declares them to be surplus property no longer needed for public use by the Borough of Eatontown, namely:

- 2009 Ford Crown Victoria VIN # 2FAB7BVXAX111217
- 2008 Chevrolet Impala VIN # 2G1WB58K081202496

WHEREAS, the Borough of Union Beach will indemnify and hold harmless the Borough of Eatontown from and against all loss, damage claims, actions, liability and expense in contract or in tort, in connection with the loss of life bodily injury and/or property damage, including the provision of a defense, hereafter arising from the Union Beach Freightliner Trucks; and

WHEREAS, the Borough of Eatontown will indemnify and hold harmless the Borough of Union Beach from and against all loss, damage claims, actions, liability and expense in contract or in tort, in connection with the loss of life bodily injury and/or property damage, including the provision of a defense, hereafter arising from the Eatontown Police Vehicles; and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interest of its residents to swap the vehicles noted herein with the Borough of Union Beach as recommended by the Borough Administrator.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Eatontown that it hereby authorizes the Borough to accept the Freightliner Trucks from the Borough of Union Beach identified in this Resolution in their "as is" condition and releases the Borough of Union Beach from any and all responsibility for the condition of the vehicles; and

BE IT FURTHER RESOLVED that the Borough of Eatontown hereby authorizes the donation of the Police Vehicles identified in this Resolution in their "as is" condition to the Borough of Union Beach.

BE IT FURTHER RESOLVED a copy of this Resolution shall be sent to the following:

Ann Marie Friscia, Clerk, Borough of Union Beach

2. William P. Lucia, III, Police Chief and Interim Borough Administrator

RESOLUTION 165-2022 - Authorizing Amendment of Eatontown Capital Budget

WHEREAS, the 2022 Capital Budget of the Borough of Eatontown was adopted on June 9, 2022; and

WHEREAS, it is desired to amend said adopted 2022 Capital Budget relative to the 2022 Road Program and Improvements to Public Buildings and Facilities,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Eatontown of the County of Monmouth, that the following amendments to the adopted 2022 Capital Budget be made:

Capital Budget of the Borough of Eatontown
(Current Year Action)
2022

							To be Funded
	<u>Project</u>	<u>Estimated</u>	<u>2022</u>	<u>Capital</u>	<u>Grants</u>	<u>Debt</u>	<u>in Future</u>
<u>Project Title</u>	<u>Number</u>	<u>Total Cost</u>	<u>Budget</u>	<u>Imp. Fund</u>	<u>In Aid</u>	<u>Authorized</u>	<u>Years</u>
2022 Road Program	1	\$1,466,100.00	-	\$41,700.00	\$632,100.00	\$792,300.00	-
Improvements to Public							
Buildings and Facilities	3	7,330,295.00	-	9,610.00	48,000.00	182,590.00	\$7,090,095.00
Totals - All Projects	33-199	\$19,153,825.00	\$57,330.00	\$103,350.00	\$680,100.00	\$1,963,650.00	\$16,349,395.00

Capital Budget of the Borough of Eatontown
6 Year Capital Program 2022 - 2027
 Anticipated Project Schedule and Requirements

			<u>Estimated</u>			
	<u>Project</u>	<u>Estimated</u>	<u>Completion</u>	<u>Budget Year</u>	<u>Budget Years</u>	
<u>Project Title</u>	<u>Number</u>	<u>Total Cost</u>	<u>Time</u>	<u>2022</u>	<u>2023-2027</u>	
2022 Road Program	1	\$1,466,100.00	2022	\$1,466,100.00	-	
Improvements to Public						
Buildings and Facilities	3	7,330,295.00	2022-2027	240,200.00	\$7,090,095.00	
Totals - All Projects	33-299	\$19,153,825.00	-	\$2,804,430.00	\$16,349,395.00	

Capital Budget of the Borough of Eatontown
6 Year Capital Program 2022 - 2027
 Summary of Anticipated Funding Sources and Amounts

						<u>Bonds and</u>
	<u>Project</u>	<u>Estimated</u>	<u>2022</u>	<u>Capital</u>	<u>Grants</u>	<u>Notes</u>
<u>Project Title</u>	<u>Number</u>	<u>Total Cost</u>	<u>Budget</u>	<u>Imp. Fund</u>	<u>In Aid</u>	<u>General</u>
2022 Road Program	1	\$1,466,100.00		\$41,700.00	\$632,100.00	\$792,300.00
Improvements to Public						
Buildings and Facilities	3	7,330,295.00		364,114.75	48,000.00	6,918,180.25
Totals - All Projects	33-399	\$19,153,825.00	\$57,330.00	\$920,819.75	\$680,100.00	\$17,495,575.25

The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after adoption of these amendments to the 2022 Adopted Capital Budget.

RESOLUTION 166-2022 - Resolution Authorizing the Second Amendment to the Shared Service Agreement Between the Borough of Eatontown and Township of Ocean for Shared Use of Emergency Dispatch Services

WHEREAS, the Uniform Shares Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes municipalities to contract with each other for shared services; and

WHEREAS, Eatontown and Ocean Township previously entered into a Shared Service Agreement for Emergency Dispatch Services (the "Emergency Dispatch Services Agreement") and a First Amendment to the Emergency Services Dispatch Agreement extending the emergency dispatch services provided by Ocean Township to the Borough until June 30, 2022; and

WHEREAS, Ocean Township desires to continue providing the emergency dispatch services to the Borough and the Borough desires to continue receiving the services at the same cost that the Borough has previously incurred; and

WHEREAS, the Police Chief and Interim Borough Administrator recommends to the Borough Council and it believes that it would be most cost effective and in the Borough's best interest to continue to rely upon Ocean Township to provide emergency dispatch services to the Borough and its residents.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves and authorizes the Mayor to execute the Second Amendment to the Shared Services Agreement for the Shared Use of Emergency Dispatch Services with the Township of Ocean in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED, that a certified copy of the Resolution be provided to each of the following:

1. Jesse M. Joseph, RMC/CME, Township Clerk-Township of Ocean
2. William P. Lucia, III, Police Chief and Interim Borough Administrator

ITEMS HELD FOR SEPARATE CONSIDERATION

12) Resolution 163-2022 - Approving Developer's Agreement with Monmouth Mall, LLC
Motion to adopt item 12 (Resolution 163-2022) by C/Gindi; seconded by C/Gonzalez

Attorney Bayer explains this resolution relates to the Monmouth Mall parking garage demolition. Attorney Bayer explains this resolution does not include the redevelopment of the Monmouth Mall.

Mayor Talerico asked Attorney Bayer to amend the resolution to "Monmouth Mall LLC Regarding Demolition of Parking Garage."

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

RESOLUTION 163-2022 – Resolution Approving Developer's Agreement with Eatontown Monmouth Mall, LLC

WHEREAS, Eatontown Monmouth Mall, LLC (the "Developer") is the developer of the premises designated as Block 2201, Lots 1.01, 1.02, 2, 3, 4, 5 & Block 2202, Lot 1 on the official tax map of the Borough of Eatontown and located at Highway 35, Highway 36 & Wyckoff Road, (the "Premises"); and

WHEREAS, the Developer applied to the Planning Board of the Borough of Eatontown (the "Board") for amended preliminary and final site plan approval with bulk variance relief to demolish a parking garage and construct a surface parking lot with associated site improvements on the Premises (the "Project"); and

WHEREAS, the Planning Board granted Amended Preliminary and Final Site Plan Approval with Bulk Variance Relief by Resolution dated March 22, 2022 (the "Resolution"); and

WHEREAS, the Developer has agreed to construct the Project in accordance with the terms set forth in the approved Resolution of the Planning Board, amongst other requirements, was subject to and conditioned upon the execution of a Developer's Agreement between the Borough and the Developer (the "Developer's Agreement"); and

WHEREAS, the Borough Council of the Borough of Eatontown believes it is in the best interests of its residents and taxpayers to enter into the Developer's Agreement with the Developer to ensure construction of the Project in accordance with the approved plans and the terms and conditions required by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that it hereby approves the Developer's Agreement with Eatontown Monmouth Mall, LLC and the Mayor is authorized to execute the Developer's Agreement in a form approved by the Borough Attorney.

BE IT FURTHER RESOLVED a copy of this Resolution shall be forwarded to the following:

1. Eatontown Monmouth Mall, LLC
2. Kathy Muscillo, Zoning Officer
3. Ed Herrman, Borough Engineer

B. CONSENT AGENDA MOTIONS

- 1) Acceptance of Tax Collector Report, June 2022
- 2) Approval of Woodlawn Annual License and Pine Tree Mobile Home Park Conditional Annual License
Motion to accept Consent Agenda Motions 1-2 by C/Gindi; seconded by C/Regan

Councilmember Escalante questioned the conditional license. Mayor Talerico responded.

Roll Call: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

11. REMARKS OF COUNCIL AND CITIZENS

Councilmember Lucas thanks Councilmember Gindi for providing a better explanation regarding the Monmouth Mall redevelopment plan.

The meeting was open to the public.

Mr. Scaturchio, Monmouth Road, questioned the lake at Fort Monmouth and the cost of purchasing it. Mayor Talerico responded. Mr. Scaturchio asks the council a question regarding the Monmouth Mall central space. Councilmember Gonzalez responded.

There being no further comments, the meeting was closed to the public.

12. CLOSED SESSSION**A. Resolution 151-2022**

- 1) Litigation – Mount Laurel
- 2) Contract Negotiations – 17 Broad Street
- 3) Attorney-Client Privilege – Personnel

Mayor Talerico noted the Council would not act on the items.

Attorney Bayer read the resolution into the record.

RESOLUTION 151-2022**AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN**

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., a municipality may exclude the public from a meeting of the Municipal Council where the Council intends to discuss certain matters for which privacy is needed in order to protect the public interest or certain enumerated private interests; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Eatontown to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically: 1) Litigation – Mount Laurel; 2) Contract Negotiations – 17 Broad Street; 3) Attorney-Client Privilege – Personnel

WHEREAS, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on July 13, 2022.

Motion to enter into closed session by C/Escalante, seconded C/Gindi

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas

Council entered Closed Session at 8:25pm

Council returned from Closed Session at 9:06pm

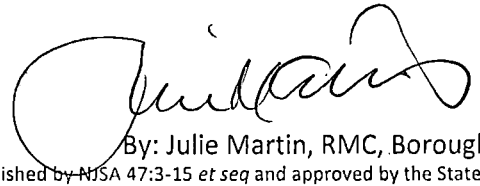
Borough Clerk Martin took roll call:

Present - Mayor Talerico, C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas
Interim Administrator Lucia and Attorney Bayer

13. ADJOURNMENT – 09:06pm

Motion to adjourn by C/Gindi; seconded by C/Gonzalez

Voice Vote: AYE - C/Gonzalez, C/Regan, C/Escalante, C/Jones, C/Gindi, C/Lucas



By: Julie Martin, RMC, Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJS A 47:3-15 *et seq* and approved by the State Records Committee. Audio is available on the Borough website.

Approval 07/27/2022

July 12, 2022
10:24 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

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

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

Vendor # Name

PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
AHH001	AMERICAN HOSE & HYDRAULICS INC						
22-01052	05/04/22	OPEN FOR 2022	Open	227.89	0.00		B
AHTZI005	AHTZIRI VALVERDE						
22-01434	06/23/22	HISTORICAL ESSAY WINNER	Open	100.00	0.00		
ALLE002	ALLEGRA						
22-01152	05/17/22	Land Use Business Cards	Open	225.00	0.00		
AMAZ001	AMAZON.COM SERVICES, INC						
22-01162	05/18/22	AYFJOVS FOAM FLOWER CRAFT KIT	Open	128.89	0.00		
22-01301	06/07/22	SUMMER CAMP ACTIVITY SUPPLIES	Open	1,338.30	0.00		
22-01316	06/08/22	FIRE PREV SHOES - T FEITER	Open	66.71	0.00		
22-01352	06/13/22	Yearly Membership fee	Open	179.00	0.00		
22-01367	06/13/22	RECREATION TABLES/ BALL BAGS	Open	256.64	0.00		
				1,969.54			
AOC001	ALLIED OIL LLC.						
22-01397	06/20/22	SUPER RFG 93 GAS	Open	13,708.70	0.00		
002	GANNETT NJ NEWSPAPERS						
22-01240	05/26/22	June Public Notices	Open	254.32	0.00		
22-01430	06/23/22	CLERK DEPT ADVERTISEMENTS	Open	21.12	0.00		B
				275.44			
APS002	ATLANTIC PLUMBING & SUPPLY COR						
22-01103	05/12/22		Open	133.95	0.00		B
ASFI001	ATLANTIC SECURITY & FIRE, INC.						
22-01343	06/10/22		Open	371.85	0.00		
AUTO001	AUTO PARTS CENTER						
22-00364	02/07/22	OPEN FOR 2022	Open	15.99	0.00		B
22-00773	03/28/22	OPEN FOR 2022	Open	575.64	0.00		B
				591.63			
BAND001	BANDAG, INC						
22-00025	01/06/22	OPEN FOR 2022	Open	321.93	0.00		B
22-01355	06/13/22	PD WHITE F150 GOODYEAR WRL AT	Open	551.64	0.00		
				873.57			
BARGS005	BARGS LAWN AND GARDEN SHOP INC						
22-00791	03/28/22	OPEN FOR 2022	Open	147.66	0.00		B
L004	VERIZON WIRELESS						
22-01480	06/28/22	BORO CELL PHONE USAGE	Open	160.04	0.00		
BELOP005	BELO PIZZERIA						
22-01299	06/06/22	COMMUNITY CENTER PRESCHOOL	Open	316.00	0.00		

July 12, 2022
10:24 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOB001	BOB'S UNIFORM SHOP, INC.	22-01345	06/10/22		Open	306.85	0.00		
BRUN001	MARTIN R. BRUNO	22-01341	06/09/22	2022 MEDICARE REIMBURSEMENT	Open	1,530.90	0.00		B
BRYM001	BRYAN MULHOLLAND	22-00662	03/15/22	2022 FBI Academy Reimbursement	Open	688.62	0.00		B
BSA001	BOY SCOUTS OF AMERICA	22-00026	01/06/22	OPEN FOR 2022	Open	125.00	0.00		B
CAG001	CLEARY GIACOBBE ALFIERI & JACO	22-01436	06/24/22	MUNICIPAL PROSECUTOR SERVICES	Open	3,000.00	0.00		
COM006	COMCAST BUSINESS	22-01542	07/07/22	BORO FIBEROPTIC ACCT	Open	747.33	0.00		
COMC004	COMCAST	22-01446	06/24/22	PUBLIC WORKS ONLINE ACCT	Open	274.44	0.00		
		22-01477	06/28/22	BORO ONLINE BUSINESS ACCOUNT	Open	156.85	0.00		
		22-01479	06/28/22	BORO SPC VIDEO ACCT	Open	116.12	0.00		
						547.41			
COPS001	C.O.P.S/Mitchell Cowit	22-01245	05/27/22	Art of Interviewing Training	Open	518.00	0.00		
COUNT005	CNTY OF MORRIS BRD FREEHOLDER	22-00951	04/20/22	Radar Instructor Course	Open	100.00	0.00		
CURRI005	CURRIER'S MAGICAL MANIA, LLC	22-01109	05/12/22	EVENT DATE: 7/14/2022 @ 2PM	Open	425.00	0.00		
DEADY002	FLORA DEADY	22-00464	02/16/22	MEDICARE 2022 REIMBURSEMENT	Open	510.30	0.00		B
DELAG01	DE LAGE LANDEN FINANCIAL INC	22-01424	06/22/22	COMM CTR/BORO COPIER LEASE	Open	293.70	0.00		
DEMI001	Direct Energy Marketing, Inc	22-01485	06/29/22	BORO GAS USAGE ACCOUNTS	Open	563.67	0.00		
E-2001	E-Z PASS	22-01088	05/09/22	REPLENISHMENT TO ACCOUNT	Open	200.00	0.00		
ELITE01	ELITE VEHICLE SOLUTIONS	22-00474	02/17/22	CM SH900 Replacement whips	Open	275.24	0.00		
ELITE011	ELITE CLEANERS LS LLC	22-01286	06/06/22	May Dry Cleaners	Open	771.00	0.00		
EMILY001	EMILY WATTS	22-01399	06/20/22	EYEGLASS REIMBURSMENT	Open	334.00	0.00		

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
ES0005	ESO SOLUTIONS, INC								
		22-01418	06/22/22	FIRE DEPT EMERG REPORT SYSTEM	Open	1,420.00	0.00		
FER002	THOMAS FERRUGIA								
		22-01339	06/09/22	2022 MEDICARE REIMBURSEMENT	Open	850.50	0.00		B
FERRUGIA	LINDA G FERRUGIA								
		22-01340	06/09/22	2022 MEDICARE REIMBURSEMENT	Open	1,530.90	0.00		B
		22-01425	06/22/22	2021 MEDICARE REIMBURSEMENT	Open	1,746.00	0.00		
						3,276.90			
FMERA001	FMERA								
		22-01543	07/07/22	STREET LIGHT SERVICE-FORT MON	Open	382.20	0.00		
FO0001	SAKER SHOPRITES, INC.								
		22-00906	04/12/22	Lunch Supplies May 2022	Open	88.68	0.00		
		22-01087	05/09/22	AFTERCARE JUNE SNACKS	Open	241.88	0.00		
		22-01206	05/23/22	Bingo Prizes/Snacks June 2022	Open	74.23	0.00		
		22-01207	05/23/22	Lunch Supplies June 2022	Open	80.04	0.00		
		22-01208	05/23/22	Breakfast Supplies June 2022	Open	49.05	0.00		
		22-01467	06/27/22	SUMMER CAMP SUPPLIES #1	Open	202.86	0.00		
						736.74			
K001	GASKO'S FAMILY FARM & GREENHOU								
		22-01356	06/13/22	GARDEN SUPPLIES	Open	131.34	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
		22-01440	06/24/22	PAY PER 7/8/22 POLICE OSDTAIL	Open	14,496.50	0.00		
GLENC001	GLENCO SUPPLY, INC								
		22-01068	05/04/22	OPEN FOR 2022	Open	585.00	0.00		B
		22-01172	05/19/22	GALV ROUND STREET SIGN POLES	Open	2,390.00	0.00		
						2,975.00			
GM001	G&M TROPHY CO, INC								
		22-01349	06/10/22	THANK YOU PLAQUE TOWN BAGEL	Open	40.00	0.00		
GRACI005	GRACIE GLOBAL LLC								
		22-00103	01/11/22	Gracie Survival Tactics Trng	Open	3,600.00	0.00		
GRAS002	JANICE GRASSO								
		22-01371	06/14/22	2ND QTR CELL REIMBURSEMENT 22	Open	90.00	0.00		
GROFFMID	GROFF TRACTOR MID ATLANTIC LLC								
		22-00775	03/28/22	OPEN FOR 2022	Open	241.73	0.00		B
HAPPY005	HAPPY TRAILS PONY/PET ZOO								
		22-01432	06/23/22	PETTING ZOO & 1 PONY	Open	450.00	0.00		
ED01	HOME DEPOT/6035322538819545								
		22-00941	04/14/22	68 BROAD ST GARDENING SUPPLIES	Open	273.04	0.00		

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IMP001	IMPRINT SHOP LLC								
		22-01323	06/09/22	SUMMER CAMP STAFF SHIRTS	Open	1,260.00	0.00		
		22-01368	06/13/22	SUMMER CAMP CAMPER SHIRTS	Open	910.80	0.00		
		22-01429	06/23/22	STYLE #3507 LAT LADIES V-NECK	Open	612.78	0.00		
						2,783.58			
INT001	INTERSTATE BATTERIES, INC								
		22-01209	05/23/22	POLICE CAR & PICK UP STOCK	Open	1,169.70	0.00		
JERS001	JCP&L								
		22-01442	06/24/22	BORO STREET LIGHTING SERVICE	Open	17,886.34	0.00		
		22-01538	07/07/22	BORO STREET LIGHTING	Open	400.02	0.00		
		22-01539	07/07/22	BORO ELECTRIC SERVICES	Open	666.86	0.00		
		22-01560	07/11/22	BORO STREET LIGHTING SERVICE	Open	125.02	0.00		
		22-01562	07/11/22	BORO ELECTRIC SERVICES	Open	259.90	0.00		
						19,338.14			
JGC001	John Guire Supply LLC								
		22-00152	01/18/22	OPEN FOR 2022	Open	96.08	0.00		B
		22-00792	03/28/22	OPEN FOR 2022	Open	356.40	0.00		B
						452.48			
JRCAMP01	John R. Campbell								
		22-00204	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
KAT001	KATHEEN STAUFFER								
		22-00260	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
KAW001	CHARLES KAWAS								
		22-00215	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
KLEIN1	KENNETH KLEINMAN								
		22-01393	06/17/22	MEDICARE REIMBURSEMENT 2022	Open	238.10	0.00		
KLEINE01	EILEEN KLEINMAN								
		22-01394	06/17/22	MEDICARE REIMBURSEMENT 2022	Open	238.10	0.00		
KSTAUF01	KATHLEEN M. STAUFFER								
		22-00134	01/12/22	STATE SHBP REIM RETIREE 2022	Open	2,233.16	0.00		B
LAS002	LASER RENEW								
		22-00648	03/14/22	PRINTER CARTRIDGE RECHARGE	Open	299.85	0.00		
LASTB005	LAST BITE MOSQUITO & TICK, LLC								
		22-00785	03/28/22	SPRAY & GRANULAR MOSQUITO & TI	Open	1,550.00	0.00		B
LAURE005	LAUREN HENNING								
		22-01319	06/09/22		Open	159.96	0.00		
LECK001	LECKSTEIN & LECKSTEIN, LLC								
		22-01272	06/03/22	BOA 5.9.2022	Open	900.00	0.00		

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A001	PETER MACALUSO	22-00217	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	623.70	0.00		B
MAD002	MAD SCIENCE OF WNJ	22-01118	05/13/22	PRESCHOOL WORKSHOP 7/19/22	Open	199.00	0.00		
MAR001	REPUBLIC SERVICES	22-01482	06/28/22	JULY 2022 RESI RECYCLING	Open	72,286.07	0.00		
MCANJ019	MCANJ-NANCY BRETZGER TREASURER	22-01502	07/05/22	ANNUAL MEMBERSHIP CLERKS	Open	175.00	0.00		
MCMA5005	MCMASTER CARR SUPPLY COMPANY	22-01306	06/07/22		Open	64.11	0.00		
MCT001	MONMOUTH COUNTY TREASURER	22-01378	06/16/22	MUNICIPAL/HOUSEHOLD WASTE	Open	2,122.88	0.00		
MHH001	MONMOUTH HOSE & HYDRAULICS	22-00043	01/06/22	OPEN FOR 2022	Open	379.97	0.00		B
MICHA020	MICHAEL PEREZ	22-01143	05/16/22	WOLCOTT PARK RENTAL REFUND	Open	250.00	0.00		
MO005	MONMOUTH COUNTY PUBLIC WORKS	22-01264	06/02/22	REGISTRATION FOR CAR WASH	Open	4.00	0.00		
		22-01377	06/16/22	TRUCK #91 EBDPW-0043 TRUCK WAS	Open	45.00	0.00		
						49.00			
MRK001	MR KEYS INC	22-01082	05/09/22		Open	1,485.00	0.00		
		22-01204	05/23/22		Open	310.00	0.00		
						1,795.00			
MUNI001	MUNISSION, LLC	22-01405	06/21/22	2022 Yearly Renewal	Open	349.00	0.00		
NEWJE005	NEW JERSEY SPINE GROUP LLC	22-01241	05/26/22	RELEASE ESCROW FUNDS	Open	2,057.06	0.00		
NFPA003	NATIONAL FIRE PROTECTION ASSOC	22-00943	04/18/22	NFPA LINK subscription	Open	116.99	0.00		
NJAWC001	NEW JERSEY AMERICAN WATER	22-01445	06/24/22	BORO WATER USAGE	Open	344.30	0.00		
		22-01541	07/07/22	BORO HYDRANTS WATER SERVICE	Open	14,234.00	0.00		
						14,578.30			
001	VERIZON	22-01478	06/28/22	BORO DEPT PHONE USAGE	Open	219.40	0.00		
		22-01540	07/07/22	POLICE CELL TOWER SERVICE	Open	1,256.75	0.00		
						1,476.15			

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NJLE001	NJ LEAGUE OF MUNICIPALITIES								
		22-01351	06/10/22	JOB POSTING-TECHNICAL ASST	Open	115.00	0.00		
NJN001	NJ NATURAL GAS CO.								
		22-01566	07/11/22	BORO GAS MONTHLY USAGE	Open	1,816.48	0.00		
NJSHD001	NEW JERSEY STATE VET HEALTH DE								
		22-01483	06/29/22	JUNE 2022 DOG LICENSES	Open	10.20	0.00		
NUNES005	NUNES, ANDY								
		22-01242	05/26/22	RELEASE ESCROW FUNDS	Open	224.28	0.00		
OLIVIO05	OLIVIA'S II								
		22-00513	02/23/22	FIRE DEPT OPEN FOOD VOUCHER	Open	111.16	0.00		B
		22-01334	06/09/22	BEAUTIFY ETNT CLEAN-UP DAY	Open	47.98	0.00		
						159.14			
OUT003	OUTSTANDING SERVICE CO., INC.								
		22-01376	06/16/22	CHECK TANKS-WATER AND CONTAMIN	Open	111.90	0.00		
PAE001	WINDSTREAM								
		22-01444	06/24/22	BORO COMMUNICATION SERVICE	Open	1,046.28	0.00		
PAGE003	PAGECOM, LLC.								
		22-00910	04/12/22	2nd Quarter Maintenance	Open	1,926.00	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		22-01412	06/21/22	MAY 2022 GENERAL	Open	7,836.47	0.00		
		22-01413	06/21/22	MAY 2022-RETAINER	Open	1,458.33	0.00		
		22-01414	06/21/22	MAY 2022-TAX APPEALS	Open	2,115.58	0.00		
		22-01415	06/21/22	EATONTOWN ADV. FRESH	Open	9,639.00	0.00		
						21,049.38			
PATUR005	PA TURNPIKE TOLL BY PLATE								
		22-01407	06/21/22	Tolls	Open	81.30	0.00		
		22-01408	06/21/22	Tolls	Open	121.40	0.00		
						202.70			
PAY003	LOUISE M. PAYNE								
		22-01364	06/13/22	MEDICARE INSURANCE 2022	Open	289.72	0.00		
PCAMP001	Patricia Campbell								
		22-00205	01/21/22	2022 MEDICARE REIMBURSEMENT	Open	510.30	0.00		B
PILAR005	PILAR CAPUANO								
		22-01331	06/09/22	RECREATION SUMMER CAMP REFUND	Open	190.00	0.00		
PLC002	PORTER LEE CORPORATION								
		22-01325	06/09/22	BEAST replacement scanner	Open	978.67	0.00		
REPT001	REPUBLIC SERVICES								
		22-01460	06/27/22	MAY 2022 TONNAGE	Open	24,795.71	0.00		

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T001	REPUBLIC SERVICES				Continued				
22-01490	06/30/22	JUNE 2022 TONNAGE	Open	22,346.73		0.00			
				47,142.44					
RHELFO05	R HELFRICH & SON CHARTER BUS								
22-00317	02/02/22	sr. ctr resorts casino 5/24/22	Open	875.00		0.00			
22-01155	05/18/22	sr.ctr. resorts casino 7/19/22	Open	875.00		0.00			
				1,750.00					
RIMAG005	RIMAGE CORPORATION								
22-01277	06/06/22	Encore Ribbons	Open	180.25		0.00			
RJ001	R&J CONTROL, INC								
22-01234	05/26/22		Open	1,171.97		0.00			
RSTA001	ROBERT G. STAUFFER								
22-00261	01/26/22	2022 MEDICARE REIMBURSEMENT	Open	510.30		0.00			B
SCH001	T&M ASSOCIATES								
21-01750	08/09/21	PINEBROOK ROAD	Open	276.00		0.00			B
21-01757	08/06/21	REC PROPERTY DEMO	Open	6,229.42		0.00			B
21-02684	11/16/21	ARP WAMPUM BROOK FLOOD STUDY	Open	185.00		0.00			B
				6,690.42					
001	SHREWSBURY CAR WASH LLC								
22-01307	06/07/22	FIRE PREVENTION CAR WASHES	Open	300.00		0.00			
SEA002	SEABOARD WELDING SUPPLY, INC								
22-00046	01/06/22	OPEN FOR 2022	Open	192.50		0.00			B
SEACST01	SEA COAST CHEVROLET-OLDSMOBILE								
22-00458	02/16/22	OPEN FOR 2022	Open	211.28		0.00			B
SICK001	SICKELS MARKET								
22-00447	02/15/22	BEAUTIFY EATONTOWN MATERIALS	Open	292.74		0.00			
SIINO01	JAIME SIINO								
22-01327	06/09/22	1ST HALF STIPEND-CAPTAIN	Open	1,750.00		0.00			
SPECT005	SPECTROTEL								
22-01484	06/29/22	BORO FAX LINES ACCOUNT	Open	464.55		0.00			
STA001	STAVOLA CONTRACTING CO. INC.								
22-00777	03/28/22	OPEN FOR 2022	Open	720.25		0.00			B
STAP003	STAPLES ADVANTAGE								
22-01335	06/09/22	ZONING DEPT OFFICE SUPPLIES	Open	404.54		0.00			
22-01421	06/22/22	FINANCE OFFICE SUPPLIES	Open	40.58		0.00			
22-01422	06/22/22	COMMUNITY CTR OFFICE SUPPLIES	Open	222.91		0.00			
22-01456	06/27/22	FINANCE OFFICE SUPPLIES	Open	63.41		0.00			
22-01457	06/27/22	POLICE CHIEF OFFICE SUPPLIES	Open	479.44		0.00			
				1,210.88					

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TEPS001	STATE OF NJ DEPT OF TREASURY	22-01491	06/30/22	SHBP CONTRIBUTION JULY 2022	Open	261,719.24	0.00		
TNJ001	TREASURER, STATE OF NJ	22-00801	03/29/22	ETNT 1312: Second Quarter 2022	Open	575.00	0.00		
ULINE001	ULINE	22-01164	05/19/22	H-2762 DRUM PLATFORM	Open	129.20	0.00		
		22-01216	05/24/22	RECYCLING BINS	Open	2,997.66	0.00		
						3,126.86			
USB001	US BANK	22-01318	06/08/22	2018 DEBT SERVICE PAYMENT	Open	65,499.15	0.00		
VANB001	FLOWERS BY VAN BRUNT	22-01149	05/17/22	2021 UNPAID FIRST AID WREATH	Open	125.00	0.00		
VBF001	VERIZON BUSINESS FIOS	22-01443	06/24/22	POLICE/FIRE DEPT FIOS ACCT	Open	586.78	0.00		
VER003	V.E. RALPH & SON, INC.	22-01360	06/13/22	FIRST AID MEDICAL REPLENISH	Open	538.70	0.00		
WAR001	WARSHAUER ELECTRIC SUPPLY CO.I	22-01246	05/27/22		Open	807.12	0.00		B
WCEM001	WIRELESS ELECTRONICS INC	22-00344	02/03/22	OEM PURCHASE RE-FLASH RADIOS	Open	2,051.00	0.00		
WWG001	GRAINGER INC	22-00926	04/13/22	FIRE DEPARTMENT EQUIPMENT	Open	458.00	0.00		
		22-01002	04/26/22	OPEN FOR 2022	Open	209.24	0.00		B
						667.24			
WWG010	W.W. GRAINGER, INC.	22-01021	04/28/22		Open	204.42	0.00		B

Total Purchase Orders: 154 Total P.O. Line Items: 0 Total List Amount: 613,536.58 Total Void Amount: 0.00

Totals by Year-Fund

Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	1-01	1,871.00	0.00	1,871.00	0.00	0.00	1,871.00
CURRENT FUND:	2-01	584,299.46	0.00	584,299.46	440.00	0.00	584,739.46
GENERAL CAPITAL F	C-04	6,505.42	0.00	6,505.42	0.00	0.00	6,505.42
GRANT FUND	G-02	3,182.66	0.00	3,182.66	0.00	0.00	3,182.66
	T-12	10.20	0.00	10.20	0.00	0.00	10.20
	T-15	14,496.50	0.00	14,496.50	0.00	0.00	14,496.50
	T-17	2,731.34	0.00	2,731.34	0.00	0.00	2,731.34
Year Total:		17,238.04	0.00	17,238.04	0.00	0.00	17,238.04
Total of All Funds:		613,096.58	0.00	613,096.58	440.00	0.00	613,536.58