

** The public will be able to view this meeting via the following YouTube link: <https://youtu.be/uNkgheCWWNM>

THE FOLLOWING IS A **PRELIMINARY AGENDA** AND THERE MAY BE CHANGES MADE TO THE AGENDA BEFORE OR AT THE MEETING, AS PROVIDED BY LAW.

**COMBINED AGENDA AND REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

JUNE 27, 2022

AGENDA

1. Agenda Meeting Called to Order. (6:30 p.m.)

2. Salute to the Flag.

3. **ROLL CALL:**

Councilman Charles Dipierro
Councilwoman Elizabeth Schneider
Councilwoman Rupa P. Siegel
Council Vice President Terence Van Dzura
Council President Miriam Cohen

4. Council President Cohen to request the **SUNSHINE LAW** be read into the record.

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on December 29, 2021 and remains posted at that location for public inspection;
2. Printed in the **HOME NEWS TRIBUNE** and noticed to the **CRANBURY PRESS** on December 30, 2021;
3. Posted on the Monroe Township website; and
4. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

5. **ORDINANCE(S)** for **SECOND READING** at the June 27, 2022 Regular Meeting:

**O-6-2022-012 ORDINANCE APPROVING THE TRAFFIC SIGNAL
IMPROVEMENTS FOR DOCKS CORNER ROAD AND
CRANBURY-SOUTH RIVER ROAD.**

**O-6-2022-013 ORDINANCE AMENDING THE TOWNSHIP CODE TO REPEAL
IN ITS ENTIREITY CHAPTER 44 ENTITLED "FLOOD
DAMAGE PREVENTION" AND CHAPTER 108-5.20 ENTITLED
"FLOODPLAINS MANAGEMENT" AND REPLACE WITH NEW
CHAPTER 44 ENTITLED "FLOOD DAMAGE PREVENTION.
(State-wide update)**

6. **ORDINANCE(S)** for **INTRODUCTION** at the June 27, 2022 Regular Meeting:

**O-6-2022-014 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF
THE TOWNSHIP OF MONROE ENTITLED "FEES".
(Ambulance third-party billing fees, construction fees (minor), MTUD
water/sewer connection fees)**

- O-6-2022-015** **BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$830,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.**
- O-6-2022-016** **BOND ORDINANCE PROVIDING FOR VARIOUS OPEN SPACE IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$1,768,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,683,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**
- O-6-2022-017** **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$4,802,350 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,578,225 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**
7. **RESOLUTIONS for CONSIDERATION under CONSENT AGENDA at the June 27, 2022 Regular Meeting: (R-6-2022-178 – R-6-2022-195)**
- R-6-2022-178** **RESOLUTION AUTHORIZING AND APPROVING THE RENEWAL OF LIQUOR LICENSES FOR THE 2022– 2023 LICENSE TERM.**
- R-6-2022-179** **RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEES. (7 refunds totaling \$3,375)**
- R-6-2022-180** **RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH CENTER STATE ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH 2022 SPOTSWOOD GRAVEL HILL ROAD IMPROVEMENTS. (\$140,000 – State Local Aid Grant Project)**
- R-6-2022-181** **RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH CENTER STATE ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH 2022 VARIOUS PARK IMPROVEMENTS. (\$65,000 – Patriots Park improvements (volleyball, etc.) and inspection services for inclusive playground)**
- R-6-2022-182** **RESOLUTION AUTHORIZING AN EXTENSION OF CONTRACT WITH POWER SAWS OF AMERICA INC., T/A RKD TREE SERVICE, FOR MONROE TOWNSHIP TREE REMOVAL AND PRUNING. (Per unit pricing through 12/31/22)**
- R-6-2022-183** **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 160.13, LOT 62.**
- R-6-2022-184** **RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). (\$105,240.47 - 2022 Clean Communities Grant)**
- R-6-2022-185** **RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). (\$2,842.78 – 2022 Alcohol Education and Rehabilitation Fund)**
- R-6-2022-186** **RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948). (\$2,000.00 – Sustainable Jersey Grant Fund)**

- R-6-2022-187** **RESOLUTION AUTHORIZING AWARD OF BID TO MECO, INC. FOR THE 2022 ROADWAY IMPROVEMENTS PROJECT. (\$1,527,711.50)**

- R-6-2022-188** **RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE INWOOD ESTATES ROADWAY AND PEDESTRIAN IMPROVEMENTS PROJECT.**

- R-6-2022-189** **RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 15' DUMP TRUCK FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") (\$76,400.53) (In conjunction with R-6-2022-169 authorized at the June 1st council meeting for the purchase of the cab & chassis)**

- R-6-2022-190** **RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.**

- R-6-2022-191** **RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.**

- R-6-2022-192** **RESOLUTION AUTHORIZING THE RELEASE OF THE BERM AND LANDSCAPING GUARANTEE UPON THE ACCEPTANCE OF A MAINTENANCE GUARANTEE POSTED FOR BARCLAY BROOK ESTATES – PB-1202-18. (Buckelew Ave)**

- R-6-2022-193** **RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF MAINTENANCE GUARANTEES FOR BARCLAY BROOK ESTATES, W&S 1188 – PB-766-01 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**

- R-6-2022-194** **RESOLUTION APPOINTING GARY W. HIGGINS OF PKF O'CONNOR DAVIES LLP. AS THE AUDITOR AND ACCOUNTANT FOR NON-AUDIT ADVISORY SERVICES FOR THE TOWNSHIP OF MONROE. (Replacing Original Appointment Resolution R-1-2022-020)**

- R-6-2022-195** **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERNATIONAL FIREWORKS MANUFACTURING COMPANY. (\$20,000)**

8. **Public Comments.** (Limited to **Agenda items only** - 5 Minutes per Speaker)

OPEN: MOTION: _____ SECOND: _____
CLOSE: MOTION: _____ SECOND: _____

9. **Agenda Meeting Adjournment.**

Time: _____

MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

THE FOLLOWING IS A **PRELIMINARY AGENDA** AND THERE MAY BE CHANGES MADE TO THE AGENDA BEFORE OR AT THE MEETING, AS PROVIDED BY LAW.

**REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

JUNE 27, 2022

AGENDA

1. **REGULAR MEETING CALLED TO ORDER:** Time: _____
MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

2. **MOTION** to approve the payment of **CLAIMS** per run date **JUNE 22, 2022**.
MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

3. **APPROVAL OF MINUTES:**
MOTION to approve the **MINUTES** of the following meetings as written and presented:
June 1, 2022 – Agenda and Regular Combined Meeting
MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

4. **ORDINANCE(S)** for **SECOND READING:**
O-6-2022-012 ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR DOCKS CORNER ROAD AND CRANBURY-SOUTH RIVER ROAD.
PUBLIC HEARING OPEN: MOTION: _____ SECOND: _____
PUBLIC HEARING CLOSE: MOTION: _____ SECOND: _____
ADOPTION: MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

- O-6-2022-013 ORDINANCE AMENDING THE TOWNSHIP CODE TO REPEAL IN ITS ENTIREITY CHAPTER 44 ENTITLED “FLOOD DAMAGE PREVENTION” AND CHAPTER 108-5.20 ENTITLED “FLOODPLAINS MANAGEMENT” AND REPLACE WITH NEW CHAPTER 44 ENTITLED “FLOOD DAMAGE PREVENTION. (State-wide update)**
PUBLIC HEARING OPEN: MOTION: _____ SECOND: _____
PUBLIC HEARING CLOSE: MOTION: _____ SECOND: _____
ADOPTION: MOTION: _____ SECOND: _____ ROLL CALL: Ayes _____ Nays _____

5. **ORDINANCE(S)** for **INTRODUCTION:**
O-6-2022-014 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “FEES”. (Ambulance third-party billing fees, construction fees (minor), MTUD water/sewer connection fees)
MOTION: _____ SECOND: _____ ROLL CALL: Ayes ___ Nays ___

10 **Council's Reports.**

11. **Mayor's Report.**

12. **Public Comments.** (5 Minutes per Speaker)

OPEN: MOTION: _____ SECOND: _____

CLOSE: MOTION: _____ SECOND: _____

13. **Adjournment.** MOTION: _____ SECOND: _____

Time: _____

TOWNSHIP OF MONROE
COUNCIL MEETING MINUTES

MEETING OF THE MONROE TOWNSHIP COUNCIL – June 27, 2022

The Council of the Township of Monroe met at the Monroe Township Municipal Building, 1 Municipal Plaza, for a Combined Agenda/Regular Meeting.

The Combined Agenda/Regular Meeting was Called to Order at 6:30 p.m. by Council President Miriam Cohen with a Salute to the Flag.

UPON ROLL CALL by the Deputy Township Clerk, Christine Robbins, the following members of Council were present: Councilman Charles Dipierro, Councilwoman Elizabeth Schneider, Councilwoman Rupa P. Siegel, Council Vice-President Terence Van Dzura, and Council President Miriam Cohen.

ALSO, PRESENT: Mayor Stephen Dalina, Business Administrator Alan M. Weinberg, Township Attorney Lou Rainone, Utility Director Joseph Stroin, Engineer Mark Rasimowicz and Deputy Clerk Tanya Pannucci.

There were approximately ten (10) members of the Public in attendance.

Deputy Township Clerk Christine Robbins read the following **SUNSHINE LAW** into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on December 29, 2021, and remains posted at that location for public inspection.
2. Printed in the **HOME NEWS TRIBUNE** and noticed to the **CRANBURY PRESS** on December 30, 2021;
3. Posted on the Monroe Township website; and
4. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes rolling time unless further time is granted by the Council President.

Deputy Township Clerk Christine Robbins read the following entitled **ORDINANCES** for **SECOND READING** at the **MONDAY, JUNE 27, 2022** Regular Council Meeting:

- | | |
|---------------------|---|
| O-6-2022-012 | ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR DOCKS CORNER ROAD AND CRANBURY-SOUTH RIVER ROAD. |
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- | | |
|---------------------|--|
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Deputy Township Clerk Robbins read the following entitled **RESOLUTIONS** for **CONSIDERATION** at the **MONDAY, JUNE 27, 2022** Regular Council Meeting: (R-6-2022-178– R-6-2022-195)

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- R-6-2022-194** **RESOLUTION APPOINTING GARY W. HIGGINS OF PKF O'CONNOR DAVIES LLP. AS THE AUDITOR AND ACCOUNTANT FOR NON-AUDIT ADVISORY SERVICES FOR THE TOWNSHIP OF MONROE. (Replacing Original Appointment Resolution R-1-2022-020)**
- R-6-2022-195** **RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERNATIONAL FIREWORKS MANUFACTURING COMPANY. (\$20,000)**

Councilman Dipierro requested Resolutions R-6-2022-178, R-6-2022-182, R-6-2022-192 and R-6-2022-193 be removed and considered separately.

UPON MOTION made by Councilwoman Schneider and seconded by Council Vice-President Van Dzura, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

Public Comments:

George Gunkelman, 5 Kelly Ct. – In reference to Ordinance O-6-2022-015, Mr. Gunkelman asked what the various improvements to MTUD meant; Administrator Weinberg answered that the monies are being split almost evenly with \$370,000 for new meters for the new homes being built, as well as replacing old meters. He went on to explain that \$460,000 is for various equipment including a tandem truck and other vehicles. Mr. Gunkelman asked what the lifespan of the items were to which Administrator Weinberg explained that Bond Counsel states the lifespan is 12.77 years of useful life. Mr. Gunkelman asked if the equipment would last 12 years to which Attorney Rainone answered yes, noting that it would probably last even longer. Mr. Gunkelman stated that these are items that are used and have wear and tear; Attorney Rainone responded that the meters will last. Mr. Gunkelman commented that the MTUA was once a cash cow and with the Township taking it over it was thought to be a good idea but now with the funding of bonds it seems not to be good management. Attorney Rainone stated that the meters have a lifespan of 15 years and the vehicles have a lifespan of 5 years; Mr. Gunkelman retorted as to why the connection fees do not cover the costs of the meters, to which Attorney Rainone answered that the Township makes money off of the connection fees and we are replacing the old meters with new ones.

Regarding Ordinance O-6-2022-016, Mr. Gunkelman asked what will be done with the Open Space; Administrator Weinberg answered that there will be a turf, track and pole-vaulting field at the high school as well as \$80,000 in exercise equipment for the Senior Center located at the park loop that goes around. Mr. Gunkelman commented that Open Space is not the bulk of this Ordinance and feels this is a misrepresentation of money to which Administrator Weinberg commented that this is for recreation.

Elizabeth Fagan, 21 Woodcrest Cir. – Ms. Fagan commented that whenever she has contacted this Council regarding anything to do with the high school she is told that we do not have anything to do with them yet we are spending money to create a turf, track and pole-vaulting field for them.

Regarding Ordinance O-6-2022-017, Ms. Fagan asked what improvements we were doing and stated that she agreed with Mr. Gunkelman's comments made about MTUD as she does not understand why so much money is being expended. She also asked why we do not use a private company who makes money as it seems like we are just losing money, as well as how many employees are employed by that Department.

Administrator Weinberg responded that we have a Shared Services agreement with the Board of Education for the field which is used by the Township's various sports teams. He went on to answer regarding Ordinance O-6-2022-017 that \$2-3 million will be spent which includes DPW trucks and the addition to the Police Department. Regarding the Utility Department, we do not make money, but private entities do as our rates are lower than those who use New Jersey American Water. Ms. Fagan asked if this was considered in this bond to which Administrator Weinberg answered yes. Administrator Weinberg went on to say that we have excellent management and employees and provide a good water and sewer service with approximately 37 employees in place. Ms. Fagan asked if the Police Department was moving locations to which Administrator Weinberg answered no, they were expanding their current location.

Lucille Panos, 1208C Lindera Plz. – Mrs. Panos asked what the specifics of the amendments being made in Ordinance O-6-2022-014 are and if there are increases and decreases. She asked what the total of all bond ordinances were and who the bond attorney is; Administrator Weinberg gave a quick overview, stating that the ambulance 3rd party billing fees were increasing to \$750, transport fees were increasing from .15 to .25 per mile as we do not do balance billing in Monroe. He noted that the Construction fees are minor and the MTUD water/sewer connection fees have increased. He answered in regard to the total debt in bonds equates to approximately \$60 million and our Bond Counsel is McManimon Scotland.

Regarding R-6-2022-180 and R-6-2022-181, Mrs. Panos noted that the contract must have mandatory Affirmative Action language within the time period prescribed by law and asked if these contracts did indeed have that language; Attorney Rainone answered that the contracts do indeed have to have that language prior to be executed.

Regarding R-6-2022-184, Mrs. Panos asked if local organizations get compensated for doing community clean ups and if the Boy Scouts receive money for participating in the various clean up projects we have had; Administrator Weinberg answered that we have information on the Township's website regarding any community group wanting to participate in a clean up projects and added that they receive \$500 for their participation.

Mrs. Panos asked which roadways were being improved according to R-6-2022-187; Administrator Weinberg answered that Engineer Rasimowicz would answer that during his report.

Commented regarding R-6-2022-190 that all of the tax refunds seem reasonable with the exception of a refund in the amount of \$46,000; Administrator Weinberg clarified.

Inquired what is meant by "non-auditory advisory" as noted in R-6-2022-194; Administrator Weinberg answered that this is regarding the American Recovery Program and Federal Reimbursement as these are outside of the audit.

Mrs. Panos stated that in regard to R-6-2022-195 that there is a stipulation that the fireworks company has 30 days to submit their certificate of insurance and business license which would bring us past the 4th of Jul fireworks celebration and commented that she hopes they have insurance. She asked if the County was contributing in paying for this; Administrator Weinberg answered that the fireworks company has all of their documents in place and this is a program run by the Township therefore we pay for it.

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Schneider, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the Agenda Meeting was Adjourned at 6:53pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Siegel, the Regular Meeting was Called to Order at 6:53pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Schneider, the **CLAIMS** per run date of **6/22/2022** were approved for payment as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **MINUTES** of the **June 1, 2022 Combined Agenda and Regular Meeting** were approved as written and presented.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

UPON ACTION made by the Council the following Ordinance was **moved on SECOND READING for FINAL ADOPTION** as follows:

O-6-2022-012 ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR DOCKS CORNER ROAD AND CRANBURY-SOUTH RIVER ROAD.

WHEREAS, a traffic signal was installed at the intersection of Docks Corner Road and Cranbury-South River Road (County Route 535) (the "Traffic Signal") pursuant to a Traffic Signalization Agreement by and between the County of Middlesex, the Township of Monroe, the Township of South Brunswick, Matrix Realty, Inc. and U.S. Home Corporation, d/b/a Lennar, entered into on April 5, 2018, and recorded with the Middlesex County Clerk on April 13, 2018, in Book 17152 at Page 1025 (the "Traffic Signal Agreement"); and

WHEREAS, Langan Engineering and Environmental Services, by Karl Pehnke, PE, has certified that the installation of the Traffic Signal was inspected and found in conformance with (a) the As-Built Traffic Signal Plan for Cranbury-South River Road & Docks Corner Road, Monroe Township, Middlesex County, New Jersey, prepared by Karl Pehnke, PE, of Langan, dates 12-22-17, and bearing the latest revision date of 8-31-20 (Drawing No. KT107-0101) (the "As-Built Traffic Signal Plan"), and (b) the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes of New Jersey and the New Jersey Administrative Code.

WHEREAS, the Township Engineer has reviewed and is satisfied with the representations made by Langan Engineering and Environmental Services.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, Middlesex County, New Jersey, as follows:

1. The intersection of Docks Corner Road and Cranbury-South River Road shall be controlled by the Traffic Signal in accordance with the Traffic Signal Agreement and As-Built Traffic Signal Plan;
2. The Traffic Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes of New Jersey and the New Jersey Administrative Code, and shall be operated in conformance with the design plan;
3. Any ordinance or part thereof inconsistent with the provisions of this Ordinance is hereby repealed;
4. This Ordinance shall become effective upon adoption and publication required by law;

UPON MOTION made by Councilwoman Schneider and seconded by Council Vice-President Van Dzura, the **PUBLIC HEARING for Ordinance O-6-2022-012** was **opened**. All were in favor, none opposed.

PUBLIC COMMENT:

No Public Comment.

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Van Dzura, the **PUBLIC HEARING for Ordinance O-6-2022-012** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Siegel, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

**O-6-2022-012 ORDINANCE APPROVING THE TRAFFIC SIGNAL
IMPROVEMENTS FOR DOCKS CORNER ROAD AND
CRANBURY-SOUTH RIVER ROAD.**

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-6-2022-012

UPON ACTION made by the Council the following Ordinance was **moved on SECOND READING for FINAL ADOPTION** as follows:

**O-6-2022-013 ORDINANCE AMENDING THE TOWNSHIP CODE TO REPEAL
IN ITS ENTIREITY CHAPTER 44 ENTITLED “FLOOD
DAMAGE PREVENTION” AND CHAPTER 108-5.20 ENTITLED
“FLOODPLAINS MANAGEMENT” AND REPLACE WITH NEW
CHAPTER 44 ENTITLED “FLOOD DAMAGE PREVENTION.
(State-wide update)**

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 **Township of Monroe** 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 **Township of Monroe** was accepted for participation in the National Flood Insurance Program on **April 17, 1985** and the **Township 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 **Township of Monroe** 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 **Township of Monroe** 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 **Township of Monroe** 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 Township Council of the **Township of Monroe** 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 44 FLOOD DAMAGE PREVENTION AND 108-5.20 FLOODPLAIN MANAGEMENT**, adopted by the Council of the Township of Monroe 3-4-85 by Ord. No. 7-85;¹¹ amended in its entirety 6-9-10 by Ord. No. 0-6-2010-009. Further amendments noted where applicable.

ARTICLE I SCOPE AND ADMINISTRATION

44-1 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 Township of Monroe* (hereinafter “these regulations”).

44-2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Article II of these regulations.

44-3 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.

44-4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Township of Monroe** administer and enforce the State building codes, the **Township Council of Township of Monroe** 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.

44-5 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 44-26 of this ordinance.

44-6 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.

44-7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

44-8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$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.

44-8.1 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.

44-9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

ARTICLE II APPLICABILITY

44-10 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.

44-11 Establishment of Flood Hazard Areas. The **Township of Monroe** was accepted for participation in the National Flood Insurance Program on **April 17, 1985**.

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 Flood Plain Administer, 1 Municipal Plaza, Monroe Township, NJ 08831.

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, Middlesex County, New Jersey (All Jurisdictions) dated July 6, 2010 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is are hereby adopted by reference.

Table 44-11(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34023C0139	July 6, 2010	F	34023C0252	July 6, 2010	F
34023C0143	July 6, 2010	F	34023C0253	July 6, 2010	F
34023C0144	July 6, 2010	F	34023C0254	July 6, 2010	F
34023C0251	July 6, 2010	F	34023C0256	July 6, 2010	F
34023C0257	July 6, 2010	F	34023C0278	July 6, 2010	F
34023C0258	July 6, 2010	F			
34023C0259	July 6, 2010	F			
34023C0261	July 6, 2010	F			
34023C0262	July 6, 2010	F			
34023C0263	July 6, 2010	F			
34023C0264	July 6, 2010	F			
34023C0266	July 6, 2010	F			
34023C0267	July 6, 2010	F			
34023C0268	July 6, 2010	F			
34023C0269	July 6, 2010	F			
34023C0276	July 6, 2010	F			

- 2) **Federal Best Available Information.** **Township of Monroe** 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 44-11(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34023C0144G	January 31, 2014		

- 3) **Other Best Available Data. Township of Monroe** shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the **Township of Monroe**. 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 44-11 (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 44-53, 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 44-11 (3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Matchaponix Bk	D0000024	MX-1
Manalapan Bk	D0000025	MN-2
Manalapan Bk	D0000026	MN-1
Cedar Bk	D0000047	C-1
Barclay Bk	FHR171801	BC-1
Pine Bk	FHR171818	P-1
Cedar Bk	H0000048	11
Cranbury Bk	H0000050	9
Millstone Rv	H0000055	4
Manalapan Bk, Wigwam Bk, Barclays Bk	H0000088	1 of 1
Manalapan Bk, Saw Mill Bk, Trib to Saw Mill Bk	H0000089	2 of 2
Manalapan Bk	H0000090	1 of 2
Shallow Bk	H0000091	24
Cedar Bk	H0000092	23
Cranbury Bk	H0000093	22
Cranbury Bk, Cranbury Bk Trib	H0000094	21
Clear Bk	H0000095	20
Cranbury Bk, Clear Bk	H0000096	19
Cranbury Bk Trib	H0000097	18
Wigwam Bk	H0000098	17
Barclay Bk	H0000099	16
Matchaponix Bk	H0000100	15
Matchaponix Bk	H0000101	14
Matchaponix Bk	H0000102	13
Matchaponix Bk	H0000103	12
Manalapan Bk	H0000104	11
Manalapan Bk	H0000105	10
Manalapan Bk	H0000106	9
Manalapan Bk, Manalapan Lake	H0000107	8
Manalapan Bk	H0000108	6
Manalapan Bk	H0000109	5
Millstone Rv	H0000110	4
Bentley’s Bk	H0000111	3
Millstone Rv, Bentley’s Bk	H0000112	2
Millstone Rv	H0000113	1
Millstone Rv	H0000247	5

Rocky Bk, Etra Lake	H0000250	8
Rocky Bk	H0000251	9
Shallow Bk	H2000047	53
Millstone Rv	U0000075	MI-1
Millstone Rv	H0000166p	01P
Millstone Rv	H0000167p	02P
Bentley Bk	H0000168p	03P
Manalapan Bk	H0000169p	04P
Manalapan Bk	H0000170p	05P
Manalapan Bk	H0000171p	06P
Manalapan Bk	H0000172p	07P
Manalapan Bk	H0000173p	08P
Matchaponix Bk	H0000174p	09P
Matchaponix Bk	H0000175p	10P
Matchaponix Bk	H0000176p	11P
Matchaponix Bk	H0000177p	12P
Barclays Bk	H0000178p	13P
Barclays Bk	H0000179p	14P
Wigwam Bk	H0000181p	16P
Clear Bk	H0000183p	18P
Clear Bk	H0000184p	19P
Cranbury Bk	H0000185p	20P
Cranbury Bk	H0000186p	21P
Cranbury Bk	H0000187p	22P
Cedar Bk	H0000188p	23P
Tributary to Manalapan Bk	H0000189p	24P
Shallow Bk	H0000190p	25P
Millstone Rv	H0000194p	03P
Cedar Bk	H0000199p	08P
Manalapan Bk	H0000202p	01P
Manalapan Bk	H0000211p	01P
Wigwam Bk	H0000212p	02P
Wigwam Bk	H0000213p	03P
Barclay's Bk	H0000215p	05P
Millstone Rv	H0000274p	04P
Shallow Bk	H2000044p	44P

44-12 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 44-11, 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 44-11, 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 44-11 (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 44-35(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.

ARTICLE III - DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

44-13 Floodplain Administrator Designation. The **CONSTRUCTION OFFICIAL** is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

44-14 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Article VII of these regulations.

44-15 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

44-16 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 Article II 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 44-26 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 Article VII 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 Article VI 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 Article VII of these regulations.

- (13) Cite violations in accordance with Article VIII of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of **Township of Monroe** have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 44-11

44-17 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.

44-18 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.

44-19 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 44-11 and 44-12 respectively. This information shall be provided to the Construction Official and documented according to Section 44-27.

44-20 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.

44-21 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.

44-22 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.

44-22.1 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.

44-23 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.

44-23.1 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.

44-24 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.

44-25 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.

44-26 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 44-11, 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.

44-27 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.

44-28 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

ARTICLE IV - PERMITS

44-29 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.

44-30 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.

44-31 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.

44-32 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.

44-33 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

ARTICLE V - SITE PLANS AND CONSTRUCTION DOCUMENTS

44-34 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 44-35.
- (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 44-35(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.

44-35 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.

44-36 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 44-37 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 44-37 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).

44-37 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

ARTICLE VI - INSPECTIONS

44-38 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.

44-39 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.

44-40 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 44-74 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 44-74 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 44-74.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 44-74 shall be submitted to the Construction Official on an Elevation Certificate.

44-41 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

ARTICLE VII - VARIANCES

- 44-42 General.** The **ZONING BOARD OF ADJUSTMENT** shall hear and decide requests for variances. The **ZONING BOARD OF ADJUSTMENT** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 44-46, the conditions of issuance set forth in Section 44-47, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The **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.
- 44-43 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.
- 44-44 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.
- 44-45 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 44-36(1) of these regulations.
- 44-46 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.
- 44-47 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.

ARTICLE VIII - VIOLATIONS

44-48 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.

44-49 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.

44-50 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.

44-51 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.

ARTICLE IX - DEFINITIONS

44-52 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.

44-53 Definitions

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

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

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

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

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

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

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

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

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

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

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

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

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

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

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

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

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design

professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

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

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

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

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

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

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

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

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

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

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human

residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Article VII of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The **TOWNSHIP COUNCIL** 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.

ARTICLE X - SUBDIVISIONS AND OTHER DEVELOPMENTS

44-54 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.

44-55 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.

ARTICLE XI - SITE IMPROVEMENT

44-56 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 44-36(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 44-36(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 44-74 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

44-56.1 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.

44-57 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.

44-58 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.

44-59 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

44-60 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

44-61 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.

44-62 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

ARTICLE XII - MANUFACTURED HOMES

44-63 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).

44-64 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 44-74.

44-65 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.

44-66 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.

44-67 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 44-74.

44-68 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 44-74 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 44-74, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

ARTICLE XIII - RECREATIONAL VEHICLES

44-69 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

44-70 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.

44-71 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.

ARTICLE XIV - TANKS

44-72 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

ARTICLE XV - OTHER DEVELOPMENT AND BUILDING WORK

44-73 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 44-12;
- 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 44-12 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.

44-74 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 44-53) 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 44-12, be in conformance with ASCE 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 44-12, be in conformance with ASCE 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:
 - iii. 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;
 - iv. 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;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. 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;

44-75 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

44-76 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 44-36(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 Article VII of this ordinance.

44-77 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 44-36(1) of these regulations and N.J.A.C. 7:13.

44-78 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 Section 44-36(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

44-79 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 44-36(1) of these regulations.

ARTICLE XVI - TEMPORARY STRUCTURES AND TEMPORARY STORAGE

44-80 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.

44-81 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.

44-82 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 44-36(1) of these regulations.

ARTICLE XVII - UTILITY AND MISCELLANEOUS GROUP U

44-83 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.

44-84 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.

44-85 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 44-12 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

44-86 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 44-74 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.

44-87 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 44-12.

44-88 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 44-12.

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 twenty days after final passage, adoption and publication according to law.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilman Dipierro, the **PUBLIC HEARING for Ordinance O-6-2022-013** was **opened**. All were in favor, none opposed.

PUBLIC COMMENT:

Elizabeth Fagan, 21 Woodcrest Cir. – Mrs. Fagan stated that during Hurricane Irene she lost her home on Forrest Park Terrace and asked what this ordinance means in regard to flood damage prevention; Engineer Rasimowicz stated that this ordinance is an update to the existing ordinance, which was in two sections, now combining it into one, as well as updating with the FEMA requirements. He noted that part of maintaining the status is doing regular updates to bring the ordinance to current conformance.

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the **PUBLIC HEARING for Ordinance O-6-2022-013** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilwoman Schneider and seconded by Councilman Dipierro, an Ordinance of which the following is the title was passed on Second Reading and Final Adoption:

O-6-2022-013 ORDINANCE AMENDING THE TOWNSHIP CODE TO REPEAL IN ITS ENTIREITY CHAPTER 44 ENTITLED “FLOOD DAMAGE PREVENTION” AND CHAPTER 108-5.20 ENTITLED “FLOODPLAINS MANAGEMENT” AND REPLACE WITH NEW CHAPTER 44 ENTITLED “FLOOD DAMAGE PREVENTION. (State-wide update)

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-6-2022-013

Councilman Dipierro asked what it means by “Board of Education Exemptions under Section 39.4” and questioned as to whether or not the schools would be responsible for paying into the tie in fees if they were to build an extension or a new school. He stated this reminds him of when the high school was built and the taxpayers had to pay for that so he suggested a motion to table until the right verbiage and knowledge of what he is asking has been addressed; Attorney Rainone clarified that the only section to be amended is Section 39.3 so any reference to sections 39.1, 39.2 and 39.4 should be removed and asks that the Clerk strike the Table of Contents listed in this ordinance since those particular sections are unchanged with this amendment. After clarification from Attorney Rainone, Councilman Dipierro withdrew his motion to table. Councilman Dipierro added that since the water/sewer connection fees are changing, those fees should be made more transparent to the public, so they know what the changes are.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Schneider, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-6-2022-014 ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF THE TOWNSHIP OF MONROE ENTITLED “FEES”.
(Ambulance third-party billing fees, construction fees (minor), MTUD water/sewer connection fees)

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-6-2022-014

UPON MOTION made by Councilwoman Siegel and seconded by Council Vice-President Van Dzura, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-6-2022-015 BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY; APPROPRIATING \$830,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$830,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-6-2022-015

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Schneider, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-6-2022-016 BOND ORDINANCE PROVIDING FOR VARIOUS OPEN SPACE IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$1,768,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,683,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

ROLL CALL:	Councilman Charles Dipierro	Nay
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
O-6-2022-016

UPON MOTION made by Councilwoman Schneider and seconded by Council Vice-President Van Dzura, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-6-2022-017 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, APPROPRIATING \$4,802,350 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,578,225 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

ROLL CALL:	Councilman Charles Dipierro	Nay
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Ordinance Duly Filed.
 O-6-2022-017

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilman Dipierro, the following Resolutions were moved for Adoption under the **CONSENT AGENDA:** (R-6-2022-178 – R-6-2022-195 with the exception of R-6-2022-178, R-6-2022-182, R-6-2022-192 and R-6-2022-193 which will be voted upon separately)

R-6-2022-179 RESOLUTION AUTHORIZING REFUND OF CONSTRUCTION PERMIT FEES. (7 refunds totaling \$3,375)

WHEREAS, the Construction Official, by copy of letters dated May 24, 2022, copies of which are attached hereto as Exhibit “A”, has recommended the Council approve the following construction permit refunds:

Refund to:	Reason	Amount
Arthur Rosen 57 Riviera Drive Monroe Twp., NJ 08831	Permit # 20212457 Job moved to cancellation status	\$ 43.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20210735 Solar work at 5 Christinalynn Dr. Job moved to cancellation status	\$502.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20210908 Solar work at 29 Spruce Meadows Dr. Job moved to cancellation status	\$797.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20210800 Solar work at 24 Tracker Street Job moved to cancellation status	\$393.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20212655 Solar work at 3 Mindy Lane Job moved to cancellation status	\$592.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20213809 Solar work at 63 Green Ash Street Job moved to cancellation status	\$551.00
Tesla Energy Operations 1001 Lower Landing #601 Blackwood, N.J. 08012	Permit # 20211979 Solar work at 18 Green Ash Street Job moved to cancellation status	\$497.00

WHEREAS, Council has reviewed the recommendation of the Construction Official and finds the requests for the above refunds to be reasonable;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the request is hereby authorized and that a refund be made to **Arthur Rosen in the amount of \$43.00** and **Tesla Energy Operations in the amount of \$3,332.00.**

SO RESOLVED, as aforesaid.

**R-6-2022-180 RESOLUTION AUTHORIZING EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT WITH CENTER
STATE ENGINEERING FOR PROFESSIONAL ENGINEERING
SERVICES IN CONNECTION WITH 2022 SPOTSWOOD
GRAVEL HILL ROAD IMPROVEMENTS. (\$140,000 – State Local
Aid Grant Project)**

WHEREAS, the Township of Monroe seeks professional engineering, surveying and planning services in connection with the *2022 Spotswood Gravel Hill Road Improvements*; and

WHEREAS, Center State Engineering possesses the technical expertise required to perform said professional engineering services for this project; and

WHEREAS, the fees for such services will not exceed one hundred forty thousand dollars (**\$140,000.00**); and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds for such an engagement in Certificate No. C-2200049 a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for “professional services” without competitive bids and further provides that the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey as follows:

- (1) The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached contract with *Center State Engineering, 481 Spotswood-Englishtown Road, Monroe Township, NJ 08831*, in accordance with the Agreement annexed hereto.
- (2) The Department of Finance is hereby authorized and directed to pay Invoices for services rendered by Center State Engineering for the professional engineering, surveying and planning services in connection with *2022 Spotswood Gravel Hill Road Improvements* in an amount not to exceed one hundred forty thousand dollars (**\$140,000.00**).
- (3) The Contract is awarded with the stipulation that *Center State Engineering* shall include within the Contract Mandatory Affirmative Action language and shall submit to the Township of Monroe any appropriate Affirmative Action document within the time period prescribed by law.
- (4) A notice of this action shall be printed once in the Home News Tribune.

SO RESOLVED, as aforesaid.

**R-6-2022-181 RESOLUTION AUTHORIZING EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT WITH CENTER
STATE ENGINEERING FOR PROFESSIONAL ENGINEERING
SERVICES IN CONNECTION WITH 2022 VARIOUS PARK
IMPROVEMENTS. (\$65,000 – Patriots Park improvements
(volleyball, etc.) and inspection services for inclusive playground)**

WHEREAS, the Township of Monroe seeks professional engineering, surveying and planning services in connection with the *2022 Park Improvements (Volleyball at Patriots Park & Inspection Services for Inclusive Playground)*; and

WHEREAS, Center State Engineering possesses the technical expertise required to perform said professional engineering services for this project; and

WHEREAS, the fees for such services will not exceed sixty five thousand dollars (**\$65,000.00**); and

WHEREAS, the Certified Municipal Finance Officer has certified the availability of funds for such an engagement in Certificate No. C-2200050 a copy of which is attached hereto as Exhibit “A”; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of contracts for “professional services” without competitive bids and further provides that the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey as follows:

- (1) The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached contract with *Center State Engineering, 481 Spotswood-Englishtown Road, Monroe Township, NJ 08831*, in accordance with the Agreement annexed hereto.
- (2) The Department of Finance is hereby authorized and directed to pay Invoices for services rendered by Center State Engineering for the professional engineering, surveying and planning services in connection with *2022 Park Improvements (Volleyball at Patriots Park & Inspection Services for Inclusive Playground)* in an amount not to exceed sixty five thousand dollars (\$65,000.00).
- (3) The Contract is awarded with the stipulation that *Center State Engineering* shall include within the Contract Mandatory Affirmative Action language and shall submit to the Township of Monroe any appropriate Affirmative Action document within the time period prescribed by law.
- (4) A notice of this action shall be printed once in the Home News Tribune.

SO RESOLVED, as aforesaid.

**R-6-2022-183 RESOLUTION AUTHORIZING THE RELEASE OF THE
REHABILITATED AFFORDABLE HOUSING AGREEMENT
AND LIEN ON BLOCK 160.13, LOT 62.**

WHEREAS, on July 14, 2014, Michael & Mary Ann Sorial (“Sorial”) entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Sorial from selling or conveying title to the property for a period of ten years pursuant to Monroe Ordinance 131-8 and N.J.S.A. 52:27D-301 et seq, said Agreement having been recorded with the Middlesex County Clerk on October 9, 2015, in Mortgage Book 06741 on Page 0461; and

WHEREAS, the Affordable Housing Lien state that “the terms, restrictions and covenants of this Agreement shall automatically expire ten (10) years from the date that the housing rehabilitation work was completed”; and

WHEREAS, the Affordable Housing Lien Agreement states that “in the event this Agreement shall be terminated before the end of the 10 year period with the knowledge and consent of the Monroe Township Affordable Housing Board, and the lien has been paid in full pursuant to Section 131-8(c) of the Monroe Township Code, the Township of Monroe shall execute a document in recordable form evidencing that the rehabilitated affordable housing unit has been released from the restrictions of this Agreement”; and

WHEREAS, Monroe Township Affordable Housing Board has been advised and has consented to the termination of the Affordable Housing Lien Agreement upon the payment of \$33,262.00, citing that an undue hardship exists, as memorialized by the Monroe Township Affordable Housing Board in a resolution dated March 2, 2022, annexed hereto as Exhibit “A”.

WHEREAS, on May 24, 2022, the Seamless Title Agency, Inc., who is representing Sorial, had advised of the closing of the above noted property and submitted payment in the amount of \$33,262.00 made payable to the Township of Monroe; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Mayor and Township Clerk are hereby authorized and directed to execute the Release of the Rehabilitated Affordable Housing Agreement, annexed hereto as Exhibit “B”.

SO RESOLVED, as aforesaid.

**R-6-2022-184 RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL
ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A.
40A:4-87 (CHAPTER 159, P.L. 1948).
(\$105,240.47 - 2022 Clean Communities Grant)**

WHEREAS, N.J.S.A. 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 was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe, County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for Year 2022 in the sum of \$105,240.47, which is now available as a revenue from the 2022 Clean Communities Grant;

BE IT FURTHER RESOLVED that a like sum of \$105,240.47 is hereby appropriated under the caption:

“2022 CLEAN COMMUNITIES GRANT”

SO RESOLVED, as aforesaid.

**R-6-2022-185 RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL
ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A.
40A:4-87 (CHAPTER 159, P.L. 1948).
(\$2,842.78 – 2022 Alcohol Education and Rehabilitation Fund)**

WHEREAS, N.J.S.A. 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 was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe, County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for Year 2022 in the sum of \$2,842.78, which is now available as a revenue from the Alcohol Education and Rehabilitation Fund;

BE IT FURTHER RESOLVED that a like sum of \$2,842.78 is hereby appropriated under the caption:

“2022 ALCOHOL EDUCATION AND REHABILITATION FUND”

SO RESOLVED, as aforesaid.

**R-6-2022-186 RESOLUTION PROVIDING FOR INSERTION OF A SPECIAL
ITEM OF REVENUE IN THE BUDGET PURSUANT TO N.J.S.A.
40A:4-87 (CHAPTER 159, P.L. 1948).
(\$2,000.00 – Sustainable Jersey Grant Fund)**

WHEREAS, N.J.S.A. 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 was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Monroe, County of Middlesex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for Year 2022 in the sum of \$2,000.00, which is now available as a revenue from the Sustainable Jersey Grant funded by the PSE&G Foundation;

BE IT FURTHER RESOLVED that a like sum of \$2,000.00 is hereby appropriated under the caption:

“SUSTAINABLE JERSEY GRANT FUND”

SO RESOLVED, as aforesaid.

**R-6-2022-187 RESOLUTION AUTHORIZING AWARD OF BID TO MECO,
INC. FOR THE 2022 ROADWAY IMPROVEMENTS PROJECT.
(\$1,527,711.50)**

WHEREAS, on June 8, 2022 eleven (11) sealed bids were received by Monroe Township regarding the **2022 Roadway Improvements Project**; and

WHEREAS, the Township Engineer, by copy of letter dated June 13, 2022, has recommended **MECO, Inc. P.O. Box 536 Clarksburg, N.J. 08510**, to be awarded the Base Bid plus all Add Alternates, based upon their bid submission in the amount of **\$1,527,711.50**; and

WHEREAS, the Township Council has reviewed the recommendations made by the Township Engineer regarding said bid; and

WHEREAS, the Township's Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No.C-2200051, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, no contract that is subject to the requirements of the Affirmative Action Regulations pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. shall be awarded by the Township of Monroe, nor shall any monies be paid there under, to any contractor, subcontractor of business firm that has not agreed and guaranteed to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the affirmative action plan approved under the terms established in the above cited regulations;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the award of bid to **MECO, Inc.** for the **2022 Roadway Improvements Project**, at a total contract price of **\$1,527,711.50**; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **MECO, Inc.**; and

BE IT FURTHER RESOLVED that the Township's Certified Municipal Finance Officer is hereby authorized and directed to pay **MECO, Inc.** in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that **MECO, Inc.** shall comply with Affirmative Action Regulations, including revising their contracts as necessary to add mandatory affirmative action language, and submitting a completed AA-201, within seven (7) days of notification of award of the contract or risk being declared non-responsive and forfeiting the award.

BE IT FURTHER RESOLVED, thereafter, a completed AA-202, monthly project workforce report, must be submitted once a month for the duration of the contract to the Department of Labor and to the Monroe Township Public Agency Compliance Officer.

SO RESOLVED, as aforesaid.

**R-6-2022-188 RESOLUTION AUTHORIZING SUBMISSION OF A GRANT
APPLICATION AND EXECUTION OF A GRANT CONTRACT
WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE INWOOD ESTATES ROADWAY
AND PEDESTRIAN IMPROVEMENTS PROJECT.**

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Monroe formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Inwood Estates - Roadway & Pedestrian Improvements-00369 to the New Jersey Department of Transportation on behalf of the Township of Monroe; and

BE IT FURTHER RESOLVED that the Mayor and the Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Monroe and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves execution of the grant agreement.

SO RESOLVED, as aforesaid.

R-6-2022-189 RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) 15' DUMP TRUCK FROM TRIUS, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.") (\$76,400.53) (In conjunction with R-6-2022-169 authorized at the June 1st council meeting for the purchase of the cab & chassis)

WHEREAS, the Monroe Township Utility Department has the need to purchase a 15' dump truck body complete as specified referred to going forward as "Dump Body" that are to be installed on a Freightliner 114SD Cabin Chassis being purchased from Houston Freightliner: and

WHEREAS, the State Approved Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) has awarded a contract to the vendor TRIUS, Inc., contract number ESCNJ 17/18-30, for said Dump Body; and

WHEREAS, the Trius Inc. has submitted a proposal (# MC0060322LA-15) for the required Dump Body, including installation, for an ESCNJ approved price \$76,400.53, a copy of which is attached hereto as Exhibit B; and

WHEREAS, it is required by law that any purchase which exceeds the bid threshold of the Township (\$44,000.00) in aggregate, be authorized by the governing body; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Financial Officer has certified availability of funds in Certificate No. M-220025, a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) Authorizes the Purchasing Agent to purchase this equipment from TRIUS, Inc. using the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program contract 17/18-30; and

(2) The Township Chief Municipal Financial Officer is hereby authorized and directed to pay invoices for said purchases delivered by TRIUS Inc., respectively; and

(3) The contracts are awarded through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) are considered fair and open contract in accordance with the Local Public Contracts Law, as well as being exempt from public bidding by the Township.

SO RESOLVED, as aforesaid.

R-6-2022-190 RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.

WHEREAS, the Tax Collector for the Township of Monroe has recommended this Council's approval to make refunds for tax overpayments in the amount of Five Hundred and Twenty-Nine dollars and Fifty-Two cents (\$529.52) for the amounts described on Schedule A and attached hereto; and

WHEREAS, good cause has been shown.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe in the County of Middlesex and State of New Jersey that the Township's Certified Municipal Finance Officer be and is hereby directed to draw a check from the General Account refunding the Tax overpayments described above to be distributed as set forth on the attached Schedule A:

SO RESOLVED, as aforesaid.

R-6-2022-191 RESOLUTION AUTHORIZING REFUND OF THIRD PARTY TAX LIEN PREMIUM PAYMENTS.

WHEREAS, Premiums have been paid for various properties for the purchase of Tax Lien Certificates for properties listed on the Tax Map of the Township of Monroe, in the amount of Fifty-Six Thousand dollars and no cents (\$56,000.00),

WHEREAS, pursuant to N.J.S.A. 54: 5-33 said premiums must be returned to the purchasers upon redemption.

WHEREAS, The Tax Lien Certificates as outlined on Schedule A have been redeemed.

NOW, THEREFORE, BE IT RESOLVED by the Township of Monroe in the County of Middlesex in the State of New Jersey that the Township's Certified Municipal Financial Officer is hereby authorized and directed to draw a check from the Township's Trust Account in the amount listed on Schedule A and forward same to the Tax Collector for distribution to the purchasers.

SO RESOLVED, as aforesaid.

R-6-2022-194 RESOLUTION APPOINTING GARY W. HIGGINS OF PKF O'CONNOR DAVIES LLP. AS THE AUDITOR AND ACCOUNTANT FOR NON-AUDIT ADVISORY SERVICES FOR THE TOWNSHIP OF MONROE. (Replacing Original Appointment Resolution R-1-2022-020)

WHEREAS, the firm of Lerch, Vinci & Higgins LLP (LVH), was previously appointed by the Township Council of the Township of Monroe on January 5, 2022 to provide auditing services and other non-audit financial advisory services for the calendar year ending December 31, 2022; and

WHEREAS, Gary W. Higgins was the LVH partner responsible to provide services to the Township of Monroe and the appointed Registered Municipal Accountant (License No. CR 00405) pursuant to N.J.S.A. 40A:5-9; and

WHEREAS, Gary W. Higgins has resigned as a partner from LVH and has moved his practice to PKF O'Connor Davies LLP (PKF), a full-service public accounting and advisory firm with offices in Cranford and Woodcliff Lake, New Jersey; and

WHEREAS, Gary W. Higgins will continue to provide auditing and non-audit advisory services as a partner with PKF and will honor all contract fees and billing rates previously approved by the Township of Monroe in January 2022; and

NOW THEREFORE BE IT RESOLVED, that the Township Council of Township of Monroe does hereby appoint Gary W. Higgins, Certified Public Accountant and Registered Municipal Accountant of PKF O'Connor Davies LLP as the auditor for the calendar year ending December 31, 2022 and accountant for non-audit advisory services at the contract fees and billable rates previously approved by the Township of Monroe

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to enter into new contracts and engagement letters for the provision of such auditing services and non-audit advisory services through the remainder of the calendar year ending December 31, 2022.

SO RESOLVED, as aforesaid.

R-6-2022-195 RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH INTERNATIONAL FIREWORKS MANUFACTURING COMPANY. (\$20,000)

WHEREAS, the Monroe Township Department of Recreation seeks professional services in connection with a public display of fireworks on July 4, 2022 at Thompson Park in Monroe Township; and

WHEREAS, **International Fireworks Manufacturing Company** possesses the professional expertise needed for such an activity; and

WHEREAS, the fees for such services will not exceed **\$20,000.00** for the July 4th display of fireworks; and

WHEREAS, the Township's Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Purchase Order No. PO-22001903, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) authorizes the award of contracts for "professional services" without competitive bids and further provides that the contract itself must be available for public inspection; and

WHEREAS, no agreement that is subject to the requirements of Article III of the Affirmative Action Regulations pursuant to P.L. 1975, Chapter 127 (N.J.S.A. 17:27-1 et seq.) shall be awarded by the Township of Monroe, nor shall any monies be paid thereunder, to any contractor, subcontractor or business

firm that has not agreed and guaranteed to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the Affirmative Action approved under the terms established in the above-cited regulations.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) The Mayor and Township Clerk be and are hereby authorized and directed to execute the attached contract with **International Fireworks Manufacturing Company**, P.O. Box 6, 242 Sycamore Road, Douglassville, PA 19518;

(2) The Finance Department is hereby authorized and directed to pay invoices for services rendered by **International Fireworks Manufacturing Company** in an amount not to exceed **\$20,000.00** for the July 4th display of fireworks;

(3) This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by persons authorized by law to practice a recognized profession that is regulated by law;

(4) This contract is awarded with the stipulation that the International Fireworks Manufacturing Company contract shall include mandatory Affirmative Action language, and shall submit to the Township of Monroe a Business Registration Certificate and Certificate of Insurance within thirty days of contract execution; and

(5) A notice of this action shall be printed once in the Home News Tribune.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Resolutions Duly Filed.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the following Resolutions were removed from the **CONSENT AGENDA** and considered separately: (R-6-2022-178, R-6-2022-182, R-6-2022-192 and R-6-2022-193)

**R-6-2022-178 RESOLUTION AUTHORIZING AND APPROVING THE
RENEWAL OF LIQUOR LICENSES FOR THE 2022– 2023
LICENSE TERM.**

WHEREAS, the Plenary Retail Consumption and Plenary Retail Distribution Applications set forth on the **attached list** for licenses heretofore issued by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey for the licensing year 2022-2023 have been submitted in proper form and no objections have been received in writing or otherwise; and

WHEREAS, the applications submitted for the licenses set forth have been found complete in all respects; and

WHEREAS, the applicants have been found qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes and regulations promulgated thereunder, as well as pertinent local Ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe in the County of Middlesex and State of New Jersey that the Liquor Licenses as outlined on the attached list, heretofore issued for the licensing term of 2022 – 2023 be and are hereby renewed for the said licensing term, effective July 1, 2022;

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized and directed to issue the Club, Plenary Retail Consumption and Plenary Retail Distribution Licenses for the licensing term of 2022 – 2023, effective July 1, 2022 – June 30, 2023.

SO RESOLVED, as aforesaid.

**R-6-2022-182 RESOLUTION AUTHORIZING AN EXTENSION OF
CONTRACT WITH POWER SAWS OF AMERICA INC., T/A
RKD TREE SERVICE, FOR MONROE TOWNSHIP TREE
REMOVAL AND PRUNING. (Per unit pricing through 12/31/22)**

WHEREAS, on April 5, 2021 per Resolution No. R-4-2021-088, **Power Saws of America Inc. t/a RKD Tree Service** was awarded the Tree Removal and Pruning Services contract; and

WHEREAS, the current contract expires on July 31, 2022 and the Township has an option to extend for one additional one-year period; and

WHEREAS, the Township Qualified Purchasing Agent inquired as to the willingness of Power Saws of America Inc. to extend their current contract through December 31, 2022; and

WHEREAS, the attached letter dated May 20, 2022, indicates the willingness of **Power Saws of America** to extend the current contract from August 1, 2022 thru December 31, 2022, under the same terms, conditions and pricing contained within their original bid specification and contract; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available as set forth in Certificate No C-2100026, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the contract for Monroe Township Tree Removal and Pruning is being extended to December 31, 2022 in accordance with N.J.S.A. 40A:11-15 of the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the extension of contract with Power Saws of America, Inc. under the same terms, conditions and pricing within their original bid specification submitted for Tree Removal and Pruning; and

BE IT FURTHER RESOLVED that the Finance Department is hereby authorized and directed to pay Invoices for the above referenced vendor in accordance with the original terms, conditions and pricing contained within their original 2021 contract entered into between the parties;

SO RESOLVED, as aforesaid.

**R-6-2022-192 RESOLUTION AUTHORIZING THE RELEASE OF THE BERM AND
LANDSCAPING GUARANTEE UPON THE ACCEPTANCE OF A
MAINTENANCE GUARANTEE POSTED FOR BARCLAY BROOK
ESTATES – PB-1202-18. (Buckelew Ave)**

WHEREAS, **Gary Fleischauer** has posted a Berm and Landscape Guarantee for the Barclay Brook Estates project on Block 62, Lots 15.02 and 16 - PB-1202-18; and

WHEREAS, in conformance with the provisions of the NJ State Municipal Land Use Law relative to project performance guarantee (N.J.S.A 40:55D-53), it is the recommendation of the Township Engineer that the Township Council release this project's **Berm and Landscape Guarantee** in the amount of **\$146,876.47** upon the posting of a maintenance guarantee in the amount of **\$18,359.56**; and

WHEREAS, the Township Council has reviewed and hereby approves the recommendations of the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex, State of New Jersey that the Performance Guarantees posted for the Barclay Brook Estates project on Block 62, Lots 15.02 and 16 - PB-1202-18, be released as reflected in the Township Engineer's letters dated June 14, 2022, attached hereto.

BE IT FURTHER RESOLVED, the approval for release of the Berm and Landscaping Performance Guarantee is conditioned upon the posting of a maintenance guarantee in the amount of **\$18,359.56**. Such maintenance guarantee shall run for a period of not less than two years from the date of memorialization of such action by the Council.

BE IT FURTHER RESOLVED, in accordance with the Monroe Township Code, the developer shall maintain funds in the engineering inspection escrow account in the amount of fifty percent (50%) of the original deposit, however the Township Engineer's office feels the funds currently being held in escrow with the township will be sufficient.

SO RESOLVED, as aforesaid.

R-6-2022-193

RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES UPON THE ACCEPTANCE OF MAINTENANCE GUARANTEES FOR BARCLAY BROOK ESTATES, W&S 1188 – PB-766-01 POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).

WHEREAS, Gary Fleischhauer has posted a Performance Guarantee with the Monroe Township Utility Department (“M.T.U.D.”) for W&S 1188, Blk. 62, lots 15.02 & 16; and

WHEREAS, Gary Fleischhauer has requested the release of the Performance Guarantees upon posting and acceptance of a Maintenance Guarantees for water and sewer; and

WHEREAS, as defined in N.J.S.A. 40:55Dd-53 et seq., the M.T.U.D. has inspected the work performed and the work to be completed and has recommended the Township Council approve the release of the performance guarantee as detailed in a letter dated June 13, 2022, a copy of which is attached hereto as Exhibit "A" and as shown herein below:

Performance Bond # FP 0024193 for water in the amount of \$32,400 to be released and replaced with a maintenance guarantee in the amount of \$4,860 (15% of original bond).

Cash Performance Guarantee in the amount of \$3,600 for water to be returned in full to the developer.

Performance Bond # FP 0024194 for sewer in the amount of \$28,080 to be released and replaced with a maintenance guarantee in the amount of \$4,212 (15% of original bond).

Cash Performance Guarantee in the amount of \$3,120 for sewer to be returned in full to the developer.

WHEREAS, the Monroe Township Council has reviewed and hereby approves the recommendations of the M.T.U.D. Director;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey that Performance Guarantees posted for Barclay Brook Estates be released upon establishment of maintenance guarantees as reflected above and in the M.T.U.D. letter annexed hereto. Release of the Performance Guarantee and acceptance of Maintenance Guarantee is conditioned upon the posting of a Maintenance Guarantee and the payment of any outstanding balances attached to the project escrow accounts; and

BE IT FURTHER RESOLVED that the Monroe Township Utility Department is hereby authorized and directed to forward a certified copy of this Resolution to the developer, and to his attorney, if applicant has been represented by counsel in this matter.

SO RESOLVED, as aforesaid.

ROLL CALL:	Councilman Charles Dipierro	Abstain
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Copy of Resolutions Duly Filed.

Administrator’s Report – Administrator Weinberg asked Director Stroin to give an update on the BFI Landfill to which Director Stroin announced he was pleased to share that the project to install the force main had begun and the contractor is making excellent progress. He went on to explain that this is a double walled main being installed with a horizontal drilling method which will minimize disruption in the neighborhood and is necessary to install main. Once the major excavation at the corner of Lani and Lori Streets have taken place, and the actual pipe has been installed, it will run down Lani to Lori and flow within the trail that is directly behind the landfill approaching Carnegie Street. There will be 18,000 feet of pipe laid before the project is deemed complete. He noted that the contractor started at the landfill as that area is the most difficult due to bends and turns and that will to get us through to Spotswood Gravel Hill Road. There have also been a lot of utilities that were discovered in the rights of way and so far we have avoided those utilities in meeting the profile of leachate to be delivered to the landfill. The Pump Station will then transport it to MCUA for treatment and disposal. Director Stroin went on to explain that even with the supply chain issues and long lead times he remains optimistic that when the force main is complete the Pump Station will also be ready to go.

Councilman Dipierro asked if an ETA could be provided as to when this will all be done, to which Director Stroin answered that dependent on the weather once we get into the straight-line construction an estimation of completion is probably sometime in August which is when the construction for the force

main would be done. He added that based on the delivery time quotes from suppliers we should have most of the material for the Pump Station by July and project that is when that project will start.

Councilman Dipierro stated that we need to get street sweeping done in our residential developments, especially in Inwood Estates as residents are out and about, even though the contractor is doing a great job they need to be neater and cleaner.

Administrator Weinberg provided an update regarding recycling, stating that the MCIA used Solterra, which was recently purchased by Interstate Waste, with the recycling program running through Covid. They are facing their own challenges as they are having a hard time finding employees and are now holding a job fair with an incentive of a \$2,500 sign on bonus. He added that if they do not make it on the scheduled pickup day to leave the recycling out and they will come to pick it up.

Thanked Renee Haider and Harold Klein on their work in obtaining a \$2,000 grant through Sustainable NJ.

Announced that the Volleyball courts are now open at Patriots Park.

Received a \$320,000 State grant for improvements to Spotswood Gravel Hill Road which will run from Benny Lane to the traffic light at Pergola Avenue.

The roadway improvement project at Lower Matchaponix Avenue is moving forward with a huge State grant which has helped in getting that done.

Congratulated Engineer Rasimowicz in receiving 11 bids for the 2022 Roadway Improvement Project bid.

Shared that Monroe Township is ranked #4 in Clean Communities.

Lastly, Administrator Weinberg thanked all of the employees who work outside during these Summer months, including the DPW, Police, Recreation, Camp Counselors and EMS as their hard work is appreciated in the hot weather.

Engineer's Report – Engineer Rasimowicz reported that the ADA Inclusive Playground Project is now complete.

The Lower Matchaponix Roadway Improvement Project is nearing completion with just paving and striping left. This project was a NJDOT local aid funded project.

The Costco Drive Roadway Improvement Project is being funded by a \$600,000 NJDOT local freight grant and the contractor will be mobilizing this week and getting started.

Lastly, reported that the 2022 Roadway Improvement Project bid received 11 bids with the lowest being \$1.527 million. There will be 15 roads improved with a total of 5 miles of paving done during this project; roads include: Sheridan Street, Wedgewood Court, Pineview Court, Old Union Valley Road, 5th Avenue, Tracey Station Road, Mott Avenue, Gravel Hill-Spotswood Road,. Rue Road, Golfview Court, Sheffield Avenue, Spring Street, River Road and Wycoff Mills Road.

Council's Reports –

Councilwoman Schneider –

- Gave an update on the various Senior Center programs and Transportation numbers noting that 536 residents were transported for medical, 161 residents to Princeton, 228 to Freehold and 39 residents in town. Councilwoman Schneider noted that we have not increased staff but continue to do a phenomenal job.
- Reminder to all that the Farmer's Market will be held on Thursday, June 30th at the Library in the parking lot and will run every Thursday through September 15th from 2-7pm. The Human Relations Commission will have a table at the Farmer's Market as well.
- Attended the Annual Fishing Derby which is such a highlight and a very family-oriented event with children from ages 5-18 participating.
- The Mayor's Wellness Campaign held yoga at the Senior Center which was great to see all of the parents and children participating.
- The Cultural Arts Summer Concert Series will begin on July 7th.
- Attended a tour of the Om Sri Sai Balaji Temple and Cultural Center which was very educational and a phenomenal experience. She noted it was very interesting to learn about the culture.
- Attended the Flag Day ceremony held at the Jamesburg Elks; commented that she wishes more was taught in school about the meaning of our flag.

- Lastly, attended a presentation held by the Indian American Club at the Senior Center which centered on educating all about domestic violence which was moving and beautifully done.

Councilwoman Siegel –

- Echoed Councilwoman Schneider’s comments regarding the presentation held by the Indian American Club commenting to watch the dancers portray a topic such as domestic violence was moving.
- Commented that the tour of the Om Sri Sai Balaji Temple and Cultural Center was beautiful and they are working toward cultural development and educating the community.
- Attended the ribbon cutting ceremony for Syndicate Productions and shared that the owners, who are from Monroe Township, started this venture during the pandemic and it was wonderful to celebrate their grand opening.
- Tickets for the Cultural Arts presentation of “Once Upon A Mattress” are now on sale for those interested.
- Tours of the Dey Farm are happening this Sunday.
- Congratulated the Monroe Township Highschool Class of 2022 and wished them well on their future endeavors.

Councilman Dipierro –

- Attended the Om Sri Sai Balaji Temple and Cultural Center tour; the Temple is 30% complete with another 70% to go. We were all welcomed with open arms and were very happy to see us there. He noted that you felt the warmth walking in and is looking forward to going back as this is a beautiful addition to our Township and community.
- Attended the grand opening of Syndicate Productions; noting that it is hard to be in business today but they opened this business during Covid and are excited for this venture.
- Congratulated the Class of 2022 and commented that it is always good to see graduates and their parents on graduation day.
- Commented that the railroad crossings on Spotswood-Gravel Hill Road and Prospect Plains Road are in need of repair. Asked Engineer Rasimowicz to give an update on the progress or have put on the Township website the construction schedule of various projects going on throughout the town, along with the projects currently being bid on, as well as in the future.
- Shocked to see the paving job done by the County on Spotswood-Englishtown Road; sent numerous pictures and emails to which Assistant Administrator McGowan stated that he would look into and get back with an update. Councilman Dipierro commented that he does not know if we supervise these jobs being done by the County but we need to get ahold of them to hold them accountable for the poor work they have done especially on Romero Court where there are puddles at the intersections.
- Commented that Spotswood-Gravel Hill Road has some issues with the paving done as well; he stated that the MTMUA would not allow risers and many of these manholes are buried into the blacktop and now have to be patched in and the manholes need to be made level with the pavement. Councilman Dipierro asked if MTUD has an ordinance about risers; Director Stroin answered that the standard specs and rules and regulations apply and he will review the issue and get back to him on that, to which Councilman Dipierro responded that it is important to get that information and how they are going to fix the manholes that are not flush to the new asphalt.
- Asked for an update on the traffic signal improvements at the intersection of Joan Warren Way and Applegarth Road; Engineer Rasimowicz responded that this is a County project. Councilman Dipierro commented that this is an ongoing nightmare and the striping is worn out. He also inquired as to when the signal will be done; Engineer Rasimowicz responded that this is a County project with the developer and the last update from the County is they have received the revised plans and sent back to the developer; Councilman Dipierro asked if this will be done this year to which Engineer Rasimowicz stated that he hopes it will be done this year because the developer is ready to go and lined up for a year. There has been an ongoing back and forth with changes required by the County which is why this has been delayed.
- Engineer Rasimowicz commented in regard to the issue on Spotswood-Gravel Hill Road and Lower Matchaponix Avenue there is one manhole issue and another that is low and those will be corrected by the contractor. Regarding the paving issue on Spotswood-Englishtown Road, Engineer Rasimowicz stated that the County is well aware and has been out a few times reviewing and will work to address it.
- Engineer Rasimowicz responded in regard to Councilman Dipierro’s comments about the railroad crossing near the DPW yard that this is not a project the Township can do as there are handled by the NJDOT Railroad Division. He noted that they did approve a project going forward but it was tied into this year’s budget and as of late Spring he had not been made aware if it was approved. Regarding the railroad crossing on Prospect Plains Road, that is part of a project being undertaken by the County and has been designed but still in the land acquisition process.

- Councilman Dipierro asked if the County has a moratorium after paving is done; Engineer Rasimowicz answered that they do have something in their regulations. Councilman Dipierro commented that he has brought this up many times and the Township should have an ordinance for paving because the worst thing is to see a jack hammer come a month later on a newly paved roadway. He added that we definitely should have an ordinance to say that the same materials need to be used along with an infrared system.
- Councilman Dipierro asked if there was any progress on the Old Bridge – Mounts Mills Road project; Engineer Rasimowicz answered that the project is in the land acquisition process with Administrator Weinberg adding that there are two properties that are going through the condemnation process and once complete the County will move forward.
- Councilman Dipierro asked for an update on the building project on Spotswood-Englishtown Road and Mounts Mills Road as there is no silt fencing and it is a hot mess. He added that the intersection has no top paving down and a lot of C.O.'s have been given, as well as the crosswalks having ripped bags everywhere. The area needs to be improved as a patch was put on the brand new paving which is once again why we should have a moratorium in place because the taxpayers deserve better.
- Councilman Dipierro stated that we do not have an ordinance that protects our residents from those who are filling in their properties. He went on to say that we need something that gives authority to our Zoning officer to handle these types of issues that affect the property owners in this town. He went on to share that something similar happened in front of his house and the Zoning officer got involved which he is thankful for but the problem lies in the fact that we currently do not have an ordinance in place regarding changing the grade of your property.
- Shared that Captain Lisa Robinson has retired after 27 years with the Police Department. She was our first female officer and a very dedicated employee who went above and beyond in her service to the Township.
- Reminded everyone that the 4th of July fireworks will be held this year at Thompson Park with the celebration beginning at 5:00pm and implored all to be safe as it is better to watch the fireworks then set them off.
- Congratulated Mayor Dalina's favorite team the Colorado Avalanche on their Stanley Cup win.

Council Vice-President Van Dzura –

- Congratulated the Class of 2022 including Councilwoman Siegel's son on graduating.
- Attended the ribbon cutting ceremony for Syndicate Productions and shared that the owners are Monroe Township graduates.
- Gave a shout out to Captain Lisa Robinson on her retirement and thanked her for her 27 years of service to the community.
- Attended the Flag Day service held at the Jamesburg Elks and complimented on how welcoming everyone in Jamesburg was.
- Complimented the Administration for their work on the BFI Landfill issue. He added that the work is moving forward at a great pace and hopes that once complete it will be a welcome relief to the residents.
- As the Recreation programs are winding down, Summer Camp is back this year.
- Looking forward to the 1st ever Farmer's Market beginning this week and thanked the Mayor, Administration and Library for organizing. He noted that the Farmer's Market will be held every Thursday through September 15th in the Library's parking lot.
- The 4th of July fireworks are back once again this year and he is looking forward to watching.
- Noted that June was Pride Month for the LGBTQIA+ community, as well as Juneteenth.
- The war in Ukraine is still ongoing; a Russian missile hit a shopping mall with thousands of people inside so Councilman Van Dzura implored all to keep the people of the Ukraine in your thoughts and prayers.
- Commented that he is very distressed over the actions of the Supreme Court with their recent actions, stating that he has always had nothing but respect for law and as an attorney he has always felt as though he receives a fair chance but what bothers him is not just their ruling but the fact they are politicized and that is not the way it should be.
- Lastly, noted that there are many good things in our Township and wished everyone a Happy 4th and to look forward to all we have to offer.

Council President Cohen –

- Shared that she remembers when they stood on the hill over on Lani Street and walked up to see the work needing to be done and the conversations that were had to combat this problem and is delighted now to see this all moving forward in regard to the BFI Landfill issue.

Mayor's Report – Mayor Dalina reported that it is officially summertime and thanked Councilman Dipierro for shouting out the Colorado Avalanche on their Stanley Cup win.

Proud to celebrate the Class of 2022 and extended best wishes to Councilwoman Siegel's son who was part of another wonderful graduating class of Monroe Township Highschool. He added that it is great to see another set of wonderful Monroe Township citizens going out into the world and wished them all nothing but success.

Regarding the expansion of the Police station, he commented that we want the best for our Police as their force has grown and their current building is outdated and in need of an upgrade and expansion.

The ADA Inclusive Playground located on Prospect Plains Road has been completed and Mayor Dalina extended thanks to the County for the \$166,000 that helped fund that project. He advised to keep an eye out for an official grand opening ceremony.

Regarding the Mayor's Wellness Campaign, the latest outing was a Yoga class, which unfortunately he was unable to attend due to Covid. He mentioned that he heard it was a well-attended event and is excited to keep the Mayor's Wellness Campaign ongoing.

Thanked Om Sri Sai Balaji Temple and Cultural Center for inviting himself and Council for a tour and went on to comment that we have worked hand in hand with the Temple and once they are officially open to the public they will be happy to accommodate anyone interested in taking a tour.

Congratulated Syndicate Productions on their grand opening noting that the owners are a product of our graduating classes and he is very proud of their success.

Reached out to the Governor's office regarding the ANCHOR Property Tax Relief program as he is committed to looking for any extra dollar we can get from the State. The ANCHOR program allows for a \$1,500 property tax credit for those making under \$150,000 or a \$1,000 property tax credit for those making under \$250,000.

Very excited for our Farmer's Market and the 4th of July festivities.

Our 1st day of Summer Camp is upon us which is always a lot of fun and the parents are always happy to get a little more quiet time.

Thanked Captain Robinson for her service to the community as she has been an asset and a long time Police Department employee and officer who has always provided outstanding service to the community.

Lastly, shared that on June 11th an amazing thing happened due to a combination of effort from local citizens, Police and EMS. A gentleman eating at a local restaurant had experienced sudden cardiac arrest; a nurse happened to be dining in the restaurant and immediately started CPR and alerted the Township's EMS, where within minutes Police arrived and applied AED and continued CPR until the patient regained their pulse and began breathing on their own. Paramedics from RWJ arrived and administered post cardiac treatment, where the patient was fully examined and alert, recovering and talking upon arriving at the hospital.

UPON MOTION made by Councilwoman Siegel and seconded by Councilman Dipierro, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

PUBLIC COMMENTS:

George Gunkleman, 5 Kelly Ct. – Mr. Gunkelman stated that it is extremely important to keep away from a commercialized utility authority as we need to hang on to what we have because it is worth keeping. He added that it may not always be obvious when combined with the municipal comings and goings, but we are well served as he has had several interactions with MTUD as a resident and they have always been professional.

Lucille Panos, 1208C Lindera Plz. – Mrs. Panos commented that she was also in attendance for the tour of the Om Sri Sai Balaji Temple and thanked her dear friends for the invite and complimented the beauty of the Temple and its meaning.

In regard to the BFI Landfill, Mrs. Panos commented that she is glad to see action taken place at that site and asked what the projected cost is, as well as if a reimbursement agreement was in place.

Inquired as to whether or not the Township has looked into handling the recycling on their own as some towns have found it to be cheaper.

Pleased with the Supreme Court's decision regarding the freedom of religion and allowing prayer to happen on sports fields.

Elizabeth Fagan, 21 Woodcrest Cir. – Commented that she is sorry to hear Mayor Dalina had Covid but it happy to see that he is feeling better.

Noted that the Middlesex County Mosquito Control Commission is the most efficient government department she has seen.

Stated that Lincoln Avenue is currently being worked on by the company who is building a warehouse on Cranbury Road and asked what work is being done.

Commented that ordinance violations should be recorded as she feels we should know which developers are violating the law and we should receive a profit back from them for when they violate our ordinances.

Commented that she would love to see a street sweeper go underneath the overpass in Jamesburg as it is filled with garbage and debris.

Lastly, Ms. Fagan commented that the Administration and Council, apart from Councilman Dipierro, do not respond back to resident inquiries. She noted that when mentioned by another resident that the fire district was taking over land designated for Open Space no one responded to her concerns, and she feels that if a resident is bringing forth a concern it needs to be addressed as we are employed by the taxpayers of this Township. She inquired that we should be looking into why residents leave our town to move elsewhere and stated that the concerns brought up by residents should be mentioned and addressed at these meetings.

UPON MOTION made by Council Vice-President Van Dzura and seconded by Councilwoman Siegel, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilwoman Siegel and seconded by Councilwoman Schneider, the Regular Meeting was Adjourned at 8:17pm.

ROLL CALL:	Councilman Charles Dipierro	Aye
	Councilwoman Elizabeth Schneider	Aye
	Councilwoman Rupa P. Siegel	Aye
	Council Vice-President Terence Van Dzura	Aye
	Council President Miriam Cohen	Aye

Christine Robbins

CHRISTINE ROBBINS, Township Deputy Clerk

Miriam Cohen

MIRIAM COHEN, Council President

Minutes were adopted on: August 1, 2022.