

The regular meeting of the Town Council of the Town of Newton was held in person and via Zoom on the above date at 7:00pm. Present were Mr. Dickson, Mrs. Diglio, Mrs. Teets, Deputy Mayor Le Frois, Mayor Couce, Kathryn E. Alcock, Deputy Municipal Clerk, and Thomas S. Russo, Jr., Town Manager. Eric Bernstein, Esq., Town Attorney was also present.

Mayor Couce led the Pledge of Allegiance to the flag and the Clerk called the roll.

Mayor Couce then made the following declaration "in accordance with the Open Public Meetings Act, notice of this Regular meeting was given to the two newspapers of record and posted on the official bulletin board on January 5, 2024."

APPROVAL OF MINUTES

Upon motion by Mrs. Le Frois, seconded by Mrs. Teets and all those present voting to approve except for Mrs. Diglio who abstained, the minutes for the September 23, 2024 Regular Meeting were approved as presented.

OPEN TO THE PUBLIC

At this time, Mayor Couce read the following statement:

"At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Municipal Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded. Please identify yourself and spell your last name."

Mayor Couce opened the meeting to the public.

Helen Humbert shared information regarding an upcoming fundraiser taking place on 11/23 at 10am for a Newton High School student, Shrey Patel, battling cancer. It will take place in the gym at Newton High School.

Walter Thies thanked the Council for the new sidewalks being installed on Water Street. He is very happy about this addition to the Town.

Peggy Baldini on Zoom asked about the money being spent on the HVAC system. She also questioned the process of selling the 2012 Ford Explorer to the County.

There being no one else from the public to be heard in-person or on Zoom, Mayor Couce closed the meeting to the public.

PRESENTATIONS

Mayor Couce read three Proclamations - Breast Cancer Awareness Month, Domestic Violence Awareness Month, and Dyslexia Awareness Month

Office of the Mayor

Newton, New Jersey

Proclamation

Breast Cancer Awareness Month

October 2024

WHEREAS, breast cancer is a serious health threat to individuals across Sussex County, the State of New Jersey, and our nation; and

WHEREAS, breast cancer is the second leading cause of cancer death in women and the risk increases with age; and

WHEREAS, breast cancer is typically detected either during a screening examination, before symptoms have developed, or after symptoms have developed when an individual notices a change in their breasts; and

WHEREAS, screening, early detection, and prompt treatment can significantly reduce the suffering and deaths caused by this disease; and

WHEREAS, increasing public awareness of this disease, including risk factors and symptoms, will help save the lives of individuals as they learn to recognize warning signs; and

WHEREAS, Sussex County Division of Health, Sussex Warren Chronic Disease Coalition, and New Jersey Cancer Education and Early Detection (NJCEED) Program collaboratively promote National Breast Cancer Awareness Month and Susan G. Komen’s Tie a Ribbon™ Campaign throughout the month of October;

NOW, THEREFORE, we, the Mayor, and Town Council of the Town of Newton, hereby proclaim **October 2024** as **National Breast Cancer Awareness Month** and urge all residents to recognize the impact of breast cancer in our community.

In witness whereof I have hereunto set my

Hand and caused this seal to be affixed.

Attest: _____

Date: October 16, 2024

Office of the Mayor

Newton, New Jersey

Proclamation

Domestic Violence Awareness Month

October 2024

WHEREAS, domestic violence impacts our families, homes, communities, schools, institutions, and workplaces on a daily basis; and

WHEREAS, domestic violence does not discriminate and touches all communities regardless of age, race, disability, gender identity, sexual orientation, culture, religion, or socioeconomic status; and

WHEREAS, without intervention, cycles of violence perpetuate through generations; and

WHEREAS, domestic violence prevention is the best form of victim services, and just as public health's systematic approaches have helped mitigate a range of threats once thought to be intractable, they can also help to prevent domestic violence; and

WHEREAS, research shows creating communities where people are connected, supportive, and care for one another can reduce incidents of domestic violence;

NOW THEREFORE, WE, the Mayor, and Town Council of the Town of Newton, hereby proclaim **October 2024** as

DOMESTIC VIOLENCE AWARENESS MONTH

and urge all residents to recognize the impact of domestic violence in our community.

In witness whereof I have hereunto set my

hand and caused this seal to be affixed.

Attest: _____

Date: _____ October 16, 2024

Office of the Mayor

Newton, New Jersey

Proclamation

Dyslexia Awareness Month

October 2024

WHEREAS, dyslexia is a language-based learning ability that causes difficulties with reading, writing, spelling, and word pronunciation; and

WHEREAS, the onset and severity of dyslexia varies for each individual; and

WHEREAS, because it takes individuals with dyslexia longer to process phonemic information, the disability directly affects academic growth, achievement, and self-esteem; and

WHEREAS, it is important to provide effective teaching approaches and related clinical educational intervention strategies for individuals with dyslexia; and

WHEREAS, Dyslexia Awareness Month is an opportunity to acknowledge educators specializing in effective teaching strategies, and to celebrate the many achievements of adolescents, students, and adults with dyslexia;

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Newton does hereby proclaim the month of **October 2024** to be **DYSLEXIA AWARENESS MONTH** in the Town of Newton.

*In witness whereof I have hereunto set my
hand and caused this seal to be affixed.*

Attest: _____

Date: _____ October 16, 2024 _____

COUNCIL & MANAGER REPORTS

Town Manager Russo – announced that DPW is now accepting hard and soft cover books at the Recycling Center. They will also soon be accepting old flags. He noted that we had another very successful Fall Fest and expressed his thanks to all involved who made it happen. SCEDP nominees will be honored at the annual luncheon this Friday. Mr. Russo answered Peggy Baldini’s question regarding the HVAC funding and SCCC vehicle purchase.

Councilman Dickson – nothing to report.

Councilwoman Diglio – thanked everyone involved in Fall Fest and noted it was a wonderful event. She also reminded all about the Holiday Parade scheduled for 11/30.

Councilwoman Teets – congratulated the Newton Fire Department on the arrival of the new fire truck. This ladder/engine truck replaces the 2002 truck. She attended a meeting of the Board of Education where many successful new programs and initiatives were discussed including the addition of communications boards for non-verbal students, a Veterans Day pin design winner, and new innovative lessons.

Deputy Mayor Le Frois – congratulated the Newton Fire Department on their new truck. Also thanked Councilwoman Teets for her service in making it happen. She also noted the beautiful Fall Fest event and thanked all involved including the participating vendors. She has a Planning Board meeting to attend on 10/23. She reminded all about the Halloween Parade and Trunk or Treat on 10/31. She attended the NJPO Awards ceremony on 9/27 where the Town won the Beautification Award for the mural. She mentioned the importance of Domestic Violence Awareness Month Proclamation and the prevalence of domestic violence in all communities. She noted that DASI provides invaluable services locally and JBWS is also available for assistance to anyone in a domestic violence situation.

Mayor Couce – recognized the efforts of Councilman Dickson assisting the survivors of Hurrican Helene in North Carolina and thanked him for his service.

UNFINISHED BUSINESS – None.

ORDINANCES

Mayor Couce read aloud the following Ordinance relative to final adoption.

ORDINANCE 2024-26

AN ORDINANCE PROVIDING FUNDING FOR THE ACQUISITION OF A FIRE TRUCK FOR THE TOWN OF NEWTON AND APPROPRIATING \$10,500 FOR SUCH PURPOSE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey, authorizes the acquisition of a fire truck, including all work and materials necessary therefor and incidental thereto, for the Town of Newton to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$10,500 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$10,500 (supplements Bond Ordinances 2022-18 and 2023-19).

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Town determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Town of Newton may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Mayor Couce opened the meeting to the public.

There being no one from the public to be heard, the Mayor closed the meeting to the public.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois who moved its adoption, seconded by Mrs. Diglio, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

Mayor Couce read aloud the following Ordinance relative to final adoption.

ORDINANCE 2024-27

AN ORDINANCE PROVIDING FUNDING FOR RENOVATIONS TO FIREHOUSE #1 FOR THE TOWN OF NEWTON AND APPROPRIATING \$32,500 FOR SUCH PURPOSE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Town of Newton, in the County of Sussex, New Jersey, authorizes renovations to Firehouse #1, including furniture and equipment, and including all work and materials necessary therefor and incidental thereto, for the Town of Newton to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$32,500 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Reserve for Furniture/Equipment in the amount of \$3,172.97 and from Capital Improvement Fund in the amount of \$29,327.03 (supplements Bond Ordinances 2023-07 and 2024-04).

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Town determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Town of Newton may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Mayor Couce opened the meeting to the public.

There being no one from the public to be heard, the Mayor closed the meeting to the public.

The aforementioned **ORDINANCE** was offered by Mrs. Diglio who moved its adoption, seconded by Mrs. Teets, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

Mayor Couce read aloud the following Ordinance relative to final adoption.

ORDINANCE 2024-28

AN ORDINANCE CONCERNING LOW-SPEED ELECTRIC SCOOTERS, LOW-SPEED ELECTRIC BICYCLES, AND MOTORIZED ELECTRIC BICYCLES, AND AMENDING, REVISING, AND SUPPLEMENTING THE CODE OF THE TOWN OF NEWTON BY ADDING A NEW SECTION 307-17.4 TO CHAPTER 307 OF SAID CODE, ENTITLED "E-BIKES AND E-SCOOTERS"

BE IT ORDAINED by the Town Council of the Town of Newton, as follows:

1. Chapter 307 of the "Code of the Town of Newton", which contains the general traffic requirements within the Town of Newton, is amended, revised, and supplemented to add thereto a new Section 307-17.4, entitled "E-Bikes and E-Scooters," which shall read as follows:

Section 307-17.4. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycles Regulations.

The purpose of this Section is to regulate low-speed electric scooters, low-speed electric bicycles, and motorized electric bicycles. This Section shall apply to all low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycle operations and the placement, operation, parking, and/or abandonment upon any street and/or public right of way within the Town.

A. Definitions.

As used in this Chapter, the following terms shall have the meanings herein or as set forth in

N.J.S.A. 39:1-1 from time to time.

“Low-speed Electric Bicycle” means a two (2) or three (3)-wheeled vehicle with fully operable pedals and an electric motor of less than seven hundred fifty (750) watts, which meets the requirements of one (1) of the following class designations:

- (1) “Class 1 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.
- (2) “Class 2 low-speed electric bicycle” means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of twenty (20) miles per hour.

“Low-speed Electric Scooter” means a scooter with a floorboard that can be stood upon by the operator, with handlebars, and an electric motor that is capable of propelling the device with or without human propulsion at a maximum speed of nineteen (19) miles per hour.

“Motorized Electric Bicycle” means a bicycle that is powered by an electric drive motor and said bicycle is capable of a maximum speed of no more than twenty five (25) miles per hour on a flat surface or a pedal bicycle having an electric motor that is capable of propelling the bicycle in excess of twenty (20) miles per hour with a maximum motor-powered speed of no more than twenty-eight (28) miles per hour on a flat surface. This term shall not include a low-speed electric bicycle or low-speed electric scooter as defined in this Section.

“Owner” means any company, entity, and/or individual that has ownership of a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle, including but not limited to a shared low-speed electric scooter, low-speed electric bicycle, and/or motorized electric bicycle.

“Private low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle” means any low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle owned and operated by a private individual.

“Shared low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle” means any low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle owned by a company authorized and permitted by the Town of Newton to offer low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycles to the public through a pay-per-ride rental or other rental for compensation on an hourly or other interval basis or subscription program.

“User” means any person who is operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle.

B. Application of State Motor Vehicle Laws to Electric Scooters and Electric Bicycles.

Every person riding a low-speed electric scooter, low-speed electric bicycle, and/or motorized electric bicycle within the Town of Newton shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of this State, including the provisions of Chapter 4 of Title 39 of the New Jersey Revised Statutes applicable to bicycles as defined in N.J.S. 39:4-10 and the traffic provisions of this Town Code applicable to the driver of a vehicle, except as to special regulations in this Section and except as to those provisions of laws and/or ordinances which, by their very nature are inapplicable to such persons.

C. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle rules and regulations.

The following rules and regulations shall pertain to low-speed electric scooters, low-speed electric bicycles, and/or motorized electric bicycles and their operation within the Town:

(1) Obedience to Traffic Control Devices.

- a. Any person operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall comply with all applicable New Jersey Statutes, including but not limited to Chapter 4 of Title 39 of the Revised Statutes, Rules and Regulations applicable to bicycles, as defined in N.J.S.A. 39:4-10.
- b. User Age Restrictions. Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle operators shall follow manufacturer's recommendation regarding the age of the rider and/or user.
- c. Helmet Requirements. Users of Low-speed electric scooters and low-speed electric bicycles, under the age of seventeen (17), must wear a helmet pursuant to N.J.S.A. 39:4-10.1. All motorized electric bicycle operators must wear a helmet pursuant to N.J.S.A. 39:4-14.3a.
- d. Manner of Riding. No low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- e. Speed Restrictions. No person shall operate a low-speed electric scooter or low-speed electric bicycle at a speed greater than is reasonable and prudent under the conditions then and there existing, provided it shall not exceed nineteen (19) miles per hour. No person shall operate a motorized bicycle at a speed greater than is reasonable and prudent under the conditions then and there existing, provided it shall not exceed twenty (20) miles per hour or twenty-eight (28) for a motorized electric bicycle.

(2) Riding on Sidewalks.

- a. No person shall ride a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle upon a sidewalk.
- b. Any person traveling on the sidewalk with a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall dismount before entering the sidewalk throughway and walk the low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle along the sidewalk.

- c. No person shall start or stop a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle trip on the sidewalk.
- (3) Carrying Articles. No person operating a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle shall carry any package, bundle, or article, or use any item, including but not limited to a cellular telephone or tablet, which prevents the user from keeping both hands upon the handlebars.
- (4) Lamps and equipment on low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles.
- a. Low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500) feet to the front with a lamp emitting a red light visible from a distance of five hundred (500) feet to the rear.
 - b. Low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles shall be equipped with a kickstand to prevent them from toppling over when parked.
- (5) Low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle parking and placement.
- a. Private low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles are permitted to be secured at municipal bicycle racks for up to four (4) consecutive calendar days without being utilized.
 - b. Private low-speed electric scooters, low-speed electric bicycles, or motorized electric bicycles may be attached or secured to a bicycle rack. No person shall attach or secure a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle to any fixed object not suited for such parking or typically used for bicycle parking.
 - c. Low-speed electric scooters and low-speed electric bicycles shall be parked in designated electric scooter parking areas if they are available and advertised as such by either signage, pavement markings, and/or racks.
 - d. No person or owner shall leave a low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle lying on or standing upon the sidewalk or any portion of the Town's right-of-way so as to hinder or impede pedestrian access.
- (6) Abandonment of low-speed electric scooters.
- a. It shall be unlawful for any person, user, or owner to abandon any low-speed electric scooter within the Town.
 - b. A low-speed electric scooter may be deemed abandoned by the Town if:
 - i. It has been parked for a period of forty-eight (48) or more consecutive hours, except in a designated bicycle or low-speed electric scooter racks and/or approved marked areas;
 - ii. It appears visually to be in a state of prolonged disuse, such as but not limited to that it has deflated tires, damaged or missing battery or equipment making it inoperable, accumulated debris; or
 - iii. It is parked, placed, or left on a roadway or in any public right-of-way in violation of this Chapter.

- c. In the event that a low-speed electric scooter is deemed to be abandoned, as defined herein, the Town's Department of Public Works, the Town Police Department, or the Town Department of Code Enforcement shall have the authority to seize and impound same pursuant to this section and remove from any public place.
- (7) Shared low-speed electric scooter rental restriction. A shared low-speed electric scooter user shall be the same person who made the rental reservation. No person shall rent a shared low-speed electric scooter for another user.
- (8) Low-speed electric scooter charging. No low-speed electric scooter battery shall be recharged in the public right-of-way or from a vehicle parked in the public right-of-way, without prior written authorization from the Town.
- (9) Low-speed electric scooter and low-speed electric bicycle disposal. All low-speed electric scooters and low-speed electric bicycles and/or the batteries or electronics thereof shall be disposed of in a manner in accordance with State and Federal regulations as they relate to hazardous materials disposal.
- (10) All operators of low-speed electric scooters shall certify once at the time of purchase or after completing a low-speed electric scooter program prior to riding that they have read Title 39 of the New Jersey Statutes and all of the provisions of this Ordinance herein governing low-speed electric scooter use.

D. Voluntary personal scooter registration.

Any resident of the Town that desires to voluntarily register their privately owned personal low-speed electric scooter, low-speed electric bicycle, or motorized electric bicycle may do so with the Newton Police Department.

E. Violations and penalties.

- 1. Except as detailed below, in the event that any user or owner violates any of the terms of this section, the violator shall be subject to a fine in the Municipal Court of the Town of Newton in an amount of One Hundred (\$100.00) Dollars for a nonmoving violation. No court appearance shall be required for this violation.
- 2. If the offense involves a moving violation under Title 39 of the laws of the State of New Jersey, including violations of the bicycle helmet requirement under N.J.S.A. 39:4-10.2, then the violation shall be subject to such Title 39 penalties as are therein provided for such offenses as determined by the Municipal Court Judge.
- 3. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this Chapter shall be liable to a penalty of not more than One Hundred (\$100.00) Dollars or imprisonment for a term not exceeding fifteen (15) calendar days or both.

NOW, THEREFORE BE IT FURTHER ORDAINED, THAT:

- 1. **Severability.** If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.
- 2. **Repealer.** All Ordinances or parts of Ordinances or Resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.
- 3. **Effective Date.** This Ordinance will take effect after publication and passage according to law.

Mayor Couce opened the meeting to the public.

Ludmilla Mecaj questioned the additional costs for Firehouse 1.

There being no one else from the public to be heard, the Mayor closed the meeting to the public.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois who moved its adoption, seconded by Mr. Dickson, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

Eric M. Bernstein, Esq. explained why Resolution 257-2024 was required to note the minor changes of this Ordinance since Introduction as required by NJDEP. The changes were reviewed by his office and deemed not substantive.

Mayor Couce read aloud the following Ordinance relative to final adoption.

ORDINANCE 2024-29

AN ORDINANCE BY THE MAYOR AND TOWN COUNCIL AMENDING THE TOWN OF NEWTON CODE TO REPEAL CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 120 – FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Town of Newton, 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 Town of Newton was accepted for participation in the National Flood Insurance Program on April 18, 1983 and the Mayor and Town 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 Town of Newton 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 Town of Newton 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 Town of Newton is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Town Council of the Town of Newton that the following floodplain management regulations are hereby adopted.

SECTION 1. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 120 – Flood Damage Prevention adopted by the Town Council of the Town of Newton on August 22, 2011 by Ord. No. 2011-14.

§120-1 SCOPE AND ADMINISTRATION

§120-1.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Town of Newton (hereinafter “these regulations”).

§120-1.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA, shall apply to all proposed development in flood hazard areas established in §120-2.

§120-1.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- A. Protect human life and health.
- B. Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- C. Manage the alteration of natural floodplains, stream channels, and shorelines;
- D. Manage filling, grading, dredging, and other development which may increase flood damage or erosion potential.
- E. Prevent or regulate the construction of flood barriers which will divert floodwater

- or increase flood hazards.
- F. Contribute to improved construction techniques in the floodplain.
- G. Minimize damage to public and private facilities and utilities.
- H. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- I. Minimize the need for rescue and relief efforts associated with flooding.
- J. Ensure that property owners, occupants, and potential owners are aware of properties located in flood hazard areas.
- K. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- L. Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

§120-1.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Town of Newton administer and enforce the State building codes, the Mayor and Town Council of the Town of Newton does hereby acknowledge 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.

§120-1.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc., shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement §120-3.13.

§120-1.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

§120-1.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§120-1.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1,250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the

opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance but shall be calculated separately from the fine imposed for the violation of the ordinance.

§120-1.8.1 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 \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

§120-1.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

§120-2 APPLICABILITY

§120-2.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation, or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

§120-2.2 Establishment of Flood Hazard Areas. The Town of Newton was accepted for participation in the National Flood Insurance Program on April 18, 1983.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires 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 fifty 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 Town Construction Official located at 39 Trinity Street, Newton, NJ 07860.

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

- A. **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Sussex County, New Jersey (All Jurisdictions)" dated September 29, 2011 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 120-2.2(1) whose top-level document (appendix map) effective date is September 29, 20211 are hereby adopted by reference.

Table 120-2.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34037C0284	09/29/11	E	34037C0303	09/29/11	E
34037C0292	09/29/11	E	34037C0311	09/29/11	E

- B. **Federal Best Available Information.** The Town of Newton 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 120-2.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of this date.			

- C. **Other Best Available Data.** The Town of Newton shall utilize high water elevations from flood events, groundwater flooding areas, studies by Federal or State agencies, or other information deemed appropriate by the Town of Newton. 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 §120-2.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- D. **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in §120-9, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A

FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 120-2.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Moores Brook	PKT00011	MB-1
Paulins Kill	PKT00022	PK-10

§120-2.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in §120-2.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

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

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in §120-2.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in 120-2.2 (1) and (2) above are not available) that has a contributory drainage area of fifty acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - (1) A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - (2) A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to §120-5.2C.
- C. AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

§120-3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

§120-3.1 Floodplain Administrator Designation. The Town Engineer of the Town of Newton is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees in consultation with the Newton Town Manager.

§120-3.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the

authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies, and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to §120-7 of these regulations.

§120-3.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§120-3.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- A. Review all permit applications to determine whether proposed development is located in flood hazard areas established in §120-2 of these regulations.
- B. Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- C. Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- D. Determine whether additional flood hazard data shall be obtained or developed.
- E. Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- F. Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to §120-3.13 of these regulations.
- G. Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- H. Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to §120-7 of these regulations.
- I. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available.
- J. Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- K. Inspect development in accordance with §120-6 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- L. Prepare comments and recommendations for consideration when applicants seek variances in accordance with §120-7 of these regulations.
- M. Cite violations in accordance with §120-8 of these regulations.
- N. Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Newton have been modified.
- O. Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in §120-2.2.

§120-3.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related

feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design, flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

§120-3.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure 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.

§120-3.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- A. Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- B. Determine the design of 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 §120-2.2 and §120-2.3, respectively. This information shall be provided to the Construction Official and documented according to §120-3.14.

§120-3.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

§120-3.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

§120-3.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

§120-3.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

§120-3.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

§120-3.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating 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.

§120-3.12 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. 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.

§120-3.13 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- A. Estimate the market value or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- B. Determine and include the costs of all ordinary maintenance and minor work, as discussed in §120-1.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- C. Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- D. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage
- E. Notify the applicant in writing when it is determined the work constitutes substantial improvement or repair of substantial damage and 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.

§120-3.14 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.

§120-3.15 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.

§120-4 PERMITS

§120-4.1 Permits Required. Any person, owner, or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

§120-4.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- A. Identify and describe the development to be covered by the permit.
- B. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- C. Indicate the use and occupancy for which the proposed development is intended.
- D. Be accompanied by a site plan and construction documents as specified in §120-5 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- E. State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.

- F. Be signed by the applicant or the applicant's authorized agent.

§120-4.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

§120-4.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

§120-4.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any ordinance or code of this jurisdiction.

§120-5 SITE PLANS AND CONSTRUCTION DOCUMENTS

§120-5.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- A. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- B. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with §120-5.2.
- C. Where the parcel on which the proposed development will take place will have more than fifty 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 §120-5.2C of these regulations.
- D. Location of the proposed activity and proposed structures, and locations of existing buildings and structures
- E. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- F. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- G. Extent of any proposed alteration of sand dunes.
- H. Existing and proposed alignment of any proposed alteration of a watercourse.
- I. Floodproofing certifications, 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 the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

§120-5.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

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

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

§120-5.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- A. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in §120-5.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- B. For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- C. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in §120-5.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- D. For 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).

§120-5.4 Submission of additional data. When additional hydrologic, hydraulic, or

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

§120-6 INSPECTIONS

§120-6.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

§120-6.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

§120-6.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- A. **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in §120-15.2 shall be submitted to the Construction Official on an Elevation Certificate.
- B. **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in §120-15.2.
- C. **Final inspection.** Prior to the final inspection, certification of the elevation required in §120-15.2 shall be submitted to the Construction Official on an Elevation Certificate.

§120-6.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

§120-7 VARIANCES

§120-7.1 General. The Town Land Use Board shall hear and decide requests for variances. The Town Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in §120-7.5, the conditions of issuance set forth in §120-7.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Town Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

§120-7.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

§120-7.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and 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.

§120-7.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in §120-5.3A of these regulations.

§120-7.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

§120-7.6 Conditions for issuance. Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the

flood hazard, to afford relief.

- E. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

§120-8 VIOLATIONS

§120-8.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or 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, 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.

§120-8.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code but is regulated by these regulations and that is determined to be a violation.

§120-8.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

§120-8.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 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.

§120-9 DEFINITIONS

§120-9.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

§120-9.2 Definitions

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

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

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

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

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

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

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

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

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

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel

or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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

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

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

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

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

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

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

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage

the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

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

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

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

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

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

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

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

ELEVATED BUILDING – A building that has no basement and 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 §120-7 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Town Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs 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 Tax Assessor's office, 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 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 six (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.

§120-10 SUBDIVISIONS AND OTHER DEVELOPMENTS

§120-10.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

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

§120-10.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- A. The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- B. Residential building lots shall be provided with adequate buildable area outside the floodway.
- C. The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

§120-11 SITE IMPROVEMENT

§120-11.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with §120-5.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If §120-5.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with §120-15.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

§120-11.1.1 Prohibited in floodways. The following are prohibited activities:

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

§120-11.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

§120-11.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

§120-11.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

§120-11.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§120-11.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

§120-11.7 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

§120-12 MANUFACTURED HOMES

§120-12.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

§120-12.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in §120-15.2.

§120-12.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

§120-12.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

§120-12.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of §120-15.2.

§120-12.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in §120-15.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by §120-15.2, the systems and equipment shall be permitted to

be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

§120-13 RECREATIONAL VEHICLES

§120-13.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in floodways.

§120-13.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

§120-13.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of § 120-15.2 for habitable buildings and §120-12.3.

§120-14 TANKS

§120-14.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

§120-15 OTHER DEVELOPMENT AND BUILDING WORK

§120-15.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- A. Be located and constructed to minimize flood damage;
- B. Meet the limitations of §120-5.3A of this ordinance when located in a regulated floodway;
- C. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to §120-2.3;
- D. Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- E. Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to §120-2.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities be located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - (1) Specifically allowed below the Local Design Flood Elevation; and
 - (2) Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- F. Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- G. Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

§120-15.2 Requirements for Habitable Buildings and Structures.

- A. Construction and Elevation in A Zones not including Coastal A Zones.

- (1) No portion of a building is located within a V Zone.
- (2) No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
- (3) All new construction and substantial improvement of any habitable building (as defined in §120-9) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in §120-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- (4) All new construction and substantial improvements of non-residential structures shall:
 - (a) Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in §120-2.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - (b) Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - [1] Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - [2] Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- (3) All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - (a) For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - (b) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 120-15.2A(4)(b) are met;
 - (c) Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - (d) Have openings documented on an Elevation Certificate; and
 - (e) Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in wh. 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;

§120-15.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§120-15.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of §120-5.3A 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 six 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 §120-7.

§120-15.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks, and driveways that involve placement of fill in floodways shall meet the requirements of §120-5.3(1) of these regulations and N.J.A.C. 7:13.

§120-15.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of §120-5.3A of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§120-15.7 Roads and watercourse crossings.

- A. For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- B. Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of §120-5.3A of these regulations.

§120-16 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

§120-16.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

§120-16.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

§120-16.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of §120-5.3A of these regulations.

§120-17 UTILITY AND MISCELLANEOUS GROUP U

§120-17.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1,829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks, and towers.

§120-17.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in §120-2.3.

§120-17.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in §120-2.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§120-17.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with §120-15.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

§120-17.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in §120-2.3.

§120-17.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in §120-2.3.

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

SECTION 2. 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 3. EFFECTIVE DATE.

This Ordinance will take effect after publication and passage according to law.

Mayor Couce opened the meeting to the public regarding Ordinance 2024-29.

Peggy Baldini asked about the flood ordinance and if it is replacing a current ordinance and if it will increase homeowner's insurance.

Mr. Bernstein explained that this ordinance has been in place before and the State mandated all municipalities to change their flood plain regulations. All municipalities were required to reintroduce their flood plain ordinance to make amendments and designate a flood plain administrator. It should not impact homeowner's insurance any more than it is impacting it.

RESOLUTION 257-2024

Resolution Authorizing Minor Amendments to Ordinance Amending Chapter 120 Entitled Flood Damage Prevention of the Town Code Prior to Public Hearing and Adoption.

Mrs. Le Frois offered Resolution #257-2024 for adoption, seconded by Mr. Dickson.

No discussion.

Mayor Couce opened the hearing on Resolution #257-2024 to the public.

There being no one from the public to be heard, the Mayor closed the meeting to the public.

The aforementioned **ORDINANCE** as amended by **RESOLUTION 257-2024** was offered by Mrs. Le Frois who moved its adoption, seconded by Mr. Dickson, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

ORDINANCE 2024-30

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF \$100,000 FOR INSTALLATION OF HVAC SYSTEM AT TOWN HALL IN AND BY THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWN FOR FINANCING PART OF THE APPROPRIATION

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

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Town of Newton, in the

County of Sussex, New Jersey (the "Town") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$100,000, such sum includes \$5,000 from the capital improvement fund as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law").

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Town are hereby authorized to be issued in the principal amount of \$95,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Town are hereby authorized to be issued in the principal amount not exceeding \$95,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the installation of an HVAC system at Town Hall, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk (supplements Bond Ordinance 2024-11 and Bond Ordinance 2014-18).

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$95,000.

(c) The estimated cost of the Improvement is \$100,000 which amount represents the initial appropriation made by the Town.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Town (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Town Council of the Town at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Town is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith and the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Municipal Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense and is a capital improvement or property that the Town may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Town, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$95,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Town authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Town as funds applicable only to the payment of obligations of the Town authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9.

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

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Town reasonably expects to pay expenditures with respect to the Improvement prior to the date that Town incurs debt obligations under this Bond Ordinance. The Town reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Town under this Bond Ordinance. The maximum

principal amount of debt expected to be issued for payment of the cost of the Improvement is \$95,000.

SECTION 11:

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

Mayor Couce opened the meeting to the public.

Ludmilla Mecaj questioned why there is more money needed for the HVAC project.

There being no further public stepping forward, the Mayor closed the meeting to the public.

Mr. Russo explained that the bids came in higher than what we had estimated. This is a supplemental ordinance so we can do the project. There is no need to discuss with other contractors because we already went out to bid. The original estimate was \$400,000 and it came in at \$485,000 so this covers any section 20 costs and the additional \$85,000.

Mayor Couce mentioned that in order to comply with air quality standards required by PEOSHA we are required to maintain between office temperatures between 68 and 79 degrees.

The aforementioned **ORDINANCE** was offered by Mrs. Le Frois who moved its adoption, seconded by Mrs. Teets, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

ORDINANCE 2024-31

AN ORDINANCE AUTHORIZING THE SALE OF A 2012 FORD EXPLORER NO LONGER NEEDED FOR PUBLIC USE TO SUSSEX COUNTY COMMUNITY COLLEGE

The aforementioned **ORDINANCE** was offered by Mrs. Diglio who moved its introduction, seconded by Mrs. Le Frois, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, November 13, 2024 at 7:00 pm.

ORDINANCE 2024-32

AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 307 OF THE NEWTON TOWN CODE, ENTITLED "VEHICLES AND TRAFFIC", MOST NOTABLY SECTION 307-44.1, ENTITLED "CROSSWALKS" BY ADDING A NEW MID-BLOCK CROSSWALK ACROSS DILLER AVENUE IN THE TOWN OF NEWTON

The aforementioned **ORDINANCE** was offered by Mr. Dickson who moved its introduction, seconded by Mrs. Teets, and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

BE IT RESOLVED by the Town Council of the Town of Newton that the above Ordinance be introduced for the first reading, with a hearing on the same to be held on Wednesday, November 13, 2024 at 7:00 pm.

CONSENT AGENDA

Mayor Couce read the following statement:

“All items listed with an asterisk () are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.”*

Mr. Russo then reviewed the consent agenda items.

RESOLUTION #247-2024*

“Refund of Redemption Monies to Outside Lien Holder for Block 13.06, Lot 23, also known as 205 Main Street”

WHEREAS, at the Municipal Tax Sale held on October 5, 2022, a lien was sold on Block 13.06, Lot 23, also known as 205 Main Street, for 2021 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2022-011 was sold to Phoenix Funding, Inc. for a 0% redemption fee and a \$60,500.00 premium; and

WHEREAS, the owner has affected the redemption of Certificate #2022-011 in the amount of \$14,836.31;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that this Governing Body acknowledges Phoenix Funding, Inc. is entitled to a redemption in the amount of \$14,836.31 as well as the return of the premium in the amount of \$60,500.00; and

BE IT FURTHER RESOLVED, the Town Council of the Town of Newton confirms and acknowledges the Tax Collector shall issue a check in the amount of \$14,836.31 for the redemption for Certificate #2022-011 to Phoenix Funding, Inc., 1148 Springfield Avenue, Mountainside, NJ 07092.

RESOLUTION #248-2024*

“Resolution in Support of the Issuance of a Cannabis Class 5 Cannabis Retailer License to Bud City NJ, LLC”

WHEREAS, with the adoption on June 28, 2021 of Ordinance No. 2021-12 and, on July 12, 2021, of Ordinance No. 2021-13, the Town of Newton did, pursuant to Section 31a of P.L. 2021, c. 16 (known as the “New Jersey Cannabis Regulatory, Enforcement

Assistance, and Marketplace Modernization Act" – "the Act"), amend its zoning code ("Town Zoning Code") to permit adult-use cannabis establishments to operate within its municipal boundaries; and

WHEREAS, the Town Zoning Code was amended, revised and supplemented to allow for Class 5 Cannabis Retailer Licensees ("Cannabis Retailers"), as defined by the Act; and

WHEREAS, the Town Zoning Code has imposed a limit on the number of licensed Class 5 Cannabis Retailer Licensees to be located on Water Street to two (2) such establishments which are allowed to operate in the Town as a conditional use; and

WHEREAS, the Town Zoning Code restricts Cannabis Retailers to certain zoning districts within the Town of Newton and, subject to specific conditions and standards, the Town Zoning Code does permit Cannabis Retailers and Cannabis Delivery Services as a conditional use in the Town; and

WHEREAS, Bud City NJ, LLC is registered to do business in the State of New Jersey; and

WHEREAS, Bud City NJ, LLC has obtained from the State of New Jersey, Cannabis Regulatory Commission (the "Cannabis Regulatory Commission"), a Class 5 Cannabis Retailer License, which is a type of cannabis business license that the Town of Newton has specifically authorized to operate within its jurisdiction; and

WHEREAS, Bud City NJ, LLC, intends to locate in the space owned or leased by Skylands Herbal, LLC, which has obtained approval by the Town of Newton Land Use Board as a permitted conditional use in the Water Street permitted zone, and the issuance of a Cannabis Class 5 Retailer License to Bud City NJ, LLC otherwise complies with the Town of Newton's Code requirements applicable to adult-use cannabis establishments;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Cannabis Regulatory Commission may deem this Resolution to be both proof of local support and evidence of municipal preference by the Town of Newton for the issuance of a Cannabis Class 5 Retailer License to Bud City NJ, LLC, or its corporate successor in interest, pursuant to the Commission's Rules and Final Notice of Application Acceptance; and

BE IT FURTHER RESOLVED, in addition to all of the requirements/conditions above, Bud City NJ, LLC, or its corporate successor in interest, shall be required to complete and submit any and all appropriate Town applications, including but not limited to, the Town's appropriate municipal license applications and the payment of any and all fees required by the Town as per the Town Code and/or other applicable ordinances, in order to meet the requirements of this Resolution and any subsequent Resolutions of the Town; and

BE IT FURTHER RESOLVED, and, as a further condition of this Resolution of local support and Municipal preference shall provide an updated address for its New Jersey State Class 5 Retailer License, # RE000696; and, as a further condition of this Resolution of local support and municipal preference shall provide an updated copy of its New Jersey State Women-Owned Business Enterprise Certificate when renewed.

RESOLUTION #249-2024*

“Amending the Resolution to Authorize the Award of a Required Disclosure Contract for Frederick J. Margron, P.E., REM, CEA, of the Firm Professional Consulting, Inc., for Morris Lake Water Treatment Plant Clearwell and High Street Tank Cleaning”

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton for the “Morris Lake Water Treatment Plant Clearwell and High Street Tank Cleaning” pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, QPA, of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., has submitted a proposal for said project in the amount of \$47,175.00; and

WHEREAS, Frederick J. Margron, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one (1) year, and the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the Newton Town Manager to enter into a contract with Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., not to exceed \$47,175.00 for “Morris Lake Water Treatment Plant Clearwell & High Street Tank Cleaning”; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification and the Determination of Value be placed on file in the Clerk's office.

RESOLUTION #250-2024*

“Amending the Authorization to Award a Required Disclosure Contract for Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., for Morris Lake Water Treatment Plant Chemical Room Rehabilitation”

WHEREAS, the Town of Newton requires the services of a qualified Sewer Engineer for the Town of Newton for the “Morris Lake Water Treatment Plant Chemical Room Rehabilitation” pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Sean Canning, QPA, of the Canning Group, LLC, Newton's Qualified Purchasing Agent, has determined and certified in writing the value of the services will exceed \$17,500; and

WHEREAS, Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., has submitted a proposal for said project in the amount of \$73,995.00; and

WHEREAS, Frederick J. Margron, has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., has not made any reportable contributions to a political or candidate committee in the Town of

Newton in the previous one (1) year, and the contract will prohibit him from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Newton authorizes the Newton Town Manager to enter into a contract with Frederick J. Margron, P.E., REM, CEA, of the firm Professional Consulting, Inc., not to exceed \$73,995.00 for "Morris Lake Water Treatment Plant Chemical Room Rehabilitation"; and

BE IT FURTHER RESOLVED, the Business Disclosure Entity Certification and the Determination of Value be placed on file in the Municipal Clerk's office.

RESOLUTION #251-2024*

"Approve Fireworks Display at Newton Medical Center, Atlantic Health System"

WHEREAS, a Resolution of the local Governing Body is required by the New Jersey Department of Labor, Division of Workplace Standards, to grant permission for the public display of fireworks; and

WHEREAS, Celebration Fireworks of Slatington, PA has submitted a proposal to the Sussex County Fire Marshal for a fireworks display with a copy of the permit application, certificate of insurance, site diagram, and other pertinent information, in conjunction with a fireworks display that will take place at Newton Medical Center, 175 High Street, Newton, New Jersey on Saturday, November 16, 2024 as part of the annual "Festival of Lights"; and

WHEREAS, the Sussex County Fire Marshal, Virgil R. Rome, Jr., has advised the application for said fireworks display is complete and in order;

NOW, THEREFORE BE IT RESOLVED, by the Town Council of the Town of Newton that Newton Medical Center is hereby granted permission for a fireworks display during the "Festival of Lights" event to take place on November 16, 2024 and that said fireworks display will be provided by Celebration Fireworks of Slatington, PA; and

BE IT FURTHER RESOLVED that a certified original of this Resolution be forwarded to the Sussex County Fire Marshal, Virgil R. Rome, Jr.

RESOLUTION #254-2024*

“Resolution Amending Professional Engineering Services Agreement with Suburban Consulting Engineers, Inc. Related to the Memory Park – Moore’s Brook Dredging Project”

WHEREAS, the Town of Newton has previously awarded a contract for Professional Engineering Services to Suburban Consulting Engineers, Inc., with a principal place of business located at 96 U.S. Highway 206, Suite 101, Flanders, New Jersey 07836 (hereinafter referred to as “SCE”) with respect to the Memory Park - Moore’s Brook Dredging Project; and

WHEREAS, SCE, by letter dated October 4, 2024, a copy of which is made a part of this resolution hereof, has requested a Contract Amendment to amend its professional services contract with the Town to include additional design and permitting services, as well as NJDEP Resiliency services, which were not part of the scope of services for the original contract, for a total additional inspection services not to exceed \$48,550.00;

WHEREAS, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town hereby authorizes the execution of a Contract Amendment dated October 4, 2024, with Suburban Consulting Engineers, Inc., for the total amount not to exceed \$48,550.00, which said Contract Amendment is incorporated herein by reference as if same was fully set forth; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Town of Newton Chief Financial Officer, the Town of Newton Engineer, and to Suburban Consulting Engineers, Inc.

RESOLUTION #255-2024*

“Authorize the Award of a Required Disclosure Contract to SMJ Fencing – Stand Strong Fencing of Northern New Jersey”

WHEREAS, the Town of Newton has a need for fencing material supplies for the Roller Hockey Rink project in its daily operations supplied by SMJ Fencing – Stand Strong Fencing of Northern New Jersey, 17 Cromwell Drive, Mendham, NJ, as a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, SMJ Fencing – Stand Strong Fencing of Northern New Jersey, 17 Cromwell Drive, Mendham, NJ in the aggregate is expected to be in excess of the pay to play threshold of \$17,500.00 with quotes of aggregate for supply in the amount of \$25,171.00; and

WHEREAS, SMJ Fencing – Stand Strong Fencing of Northern New Jersey, has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that the vendor has not made any reportable contributions to a political or candidate committee in the Town of Newton in the previous one year, and that the contract will prohibit the vendor from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Municipal Financial Officer has certified funds are available as per the attached certification;

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Town of Newton authorizes the Newton Town Manager to enter a contract with SMJ Fencing – Stand Strong Fencing of Northern New Jersey not to exceed \$25,171.00 for fencing supplies for the Roller Hockey Project; and

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and Personal Contribution Disclosure form, Determination of Value be placed on file in the Newton Municipal Clerk's office.

RESOLUTION #256-2024*

“Approve Bills and Vouchers for Payment”

BE IT RESOLVED by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2022 and 2023 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

List of Bills - CLEARING/CLAIMS

Meeting Date: 10/16/2024 For bills from 09/24/2024 to 10/11/2024

Check#	Vendor	Description	Payment	Check Total
11656	84 - ABCODE SECURITY INC.	PO 65308 B: ALARM SERVICES / Lawnwood Avenue Lice	210.00	210.00
11657	1846 - ADVANCE AUTO PARTS	PO 66330 PD CAR 3 REPAIR	25.32	
		PO 66369 PD CAR #9 FORD INTERCEPTOR	79.25	
		PO 66374 B: Auto Supplies #6271030269	200.14	
		PO 66424 PD CAR #8 REPAIR	28.03	332.74
11658	2799 - AFLAC	PO 66499 Sept 2024 - Vol Ben - Disability, Hospi	2,366.68	2,366.68
11659	1651 - AMANJ	PO 66385 ASSESSORS LUNCH - NOVEMBER 20, 2024	40.00	40.00
11660	3897 - AMAZON CAPITAL SERVICES	PO 65027 B: PD/DISPATCH SUPPLIES PARTICIPATING AG	154.97	
		PO 66090 B: ACO SUPPLIES	178.77	
		PO 66354 FAIR DISPLAY MATERIALS	64.72	
		PO 66361 USB Cables	38.94	
		PO 66366 PRINTER/INK FOR PD VEHICLE REPAIR	136.00	
		PO 66415 2025 Calendar book	11.19	
		PO 66415 2025 Calendar book	20.79	
		PO 66417 Printer and toner - GNCC	265.51	870.89
11661	3897 - AMAZON CAPITAL SERVICES	PO 66417 Printer and toner - GNCC	142.96	
		PO 66451 Office Spls/ Mech Main	1,173.45	
		PO 66451 Office Spls/ Mech Main	69.97	
		PO 66457 PD ANTENNA #112-0406487-5361812	230.00	
		PO 66463 Breakroom supplies	38.29	
		PO 66463 Breakroom supplies	20.62	1,675.29
11662	3508 - AMERICAN AQUATIC TESTING, INC.	PO 65107 B. CHRONIC BIOASSAY /2024 Pricing	2,500.00	2,500.00
11663	3869 - AMERICAN FIDELITY ASSURANCE	PO 66495 SEPT 2024 - Vol Benefits - LTD, Critical	669.80	669.80
11664	3868 - AMERICAN FIDELITY ASSURANCE COMPANY	PO 66494 FSA - Voluntary - SEPT 2024	683.32	683.32
11665	4744 - APPRAISAL SYSTEMS INC.	PO 65999 2025 REASSESSMENT	5,000.00	5,000.00
11666	3251 - BADGER METER, INC.	PO 65232 B: Agreement Beacon Mobile Hosting/ Wate	221.76	221.76
11667	300 - BRIGHTSPEED	PO 65084 B: ALARM CIRCUITS A/C #309485585 HIGH ST	125.85	125.85
11668	702 - C W A LOCAL 1032	PO 66493 Police Dispatch Dues - SEPT 2024	292.24	292.24
11669	192 - CAMPBELL'S SMALL ENGINE INC.	PO 66440 Mower Rprs/Parks Belt Deck for Mower	68.02	68.02
11670	1333 - CERBO'S HAMPTON NURSERY INC.	PO 66373 Rpl damaged tree	395.00	395.00
11671	3770 - CINZAS	PO 65075 B: FIRST AID SUPPLIES DPW/WS/TH Jan - De	414.23	
		PO 65076 B: Water Filtration/Cooler/Cleaning (J-D	45.00	
		PO 65076 B: Water Filtration/Cooler/Cleaning (J-D	135.00	594.23
11672	2983 - CLIFFSIDE BODY CORP.	PO 64466 Rebody Stainless Steel Dump Body & Hoist	50,746.00	50,746.00
11673	3609 - CLIFFSIDE BODY CORP.	PO 66428 Vehicle Repairs Truck Body Rpr	2,408.17	2,408.17
11674	4481 - CONNELL CONSULTING LLC	PO 66399 OPRA COURSE	159.00	159.00
11675	4147 - CONVERGINT TECHNOLOGIES, LLC.	PO 65545 CAMERA UPGRADES cust #C0068799	18,983.93	18,983.93
11676	155 - COYNE CHEMICAL CORP., INC.	PO 65385 B: CP-837 ZINC @ \$1.8344/lb - Jan 1, 202	1,344.08	
		PO 65392 B: Sodium Bisulfite 38% @ \$.5833/lb - Ja	1,049.94	
		PO 65393 B: Ammonium Sulfate 30% @ \$1.3678/lb - J	1,499.10	3,893.12
11677	4500 - CRYSTAL MOUNTAIN SPRINGS	PO 64938 B: WATER DELV	154.80	154.80
11678	4827 - CTS LANGUAGE LINK	PO 66458 PD LANGUAGE SERVICES ACCT ID#32179	13.06	13.06
11679	3389 - CUSTOM BANDAG INC.	PO 66401 Patrol Vehicle Tires	4,976.34	4,976.34
11680	4386 - DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	PO 66405 WATER ST HOLDINGS,LLC REDEV	1,967.50	
		PO 66407 NEWTON 213 LLC - SHOP RITE	4,546.00	
		PO 66408 WATER ST HOLDINGS,LLC	155.00	6,668.50
11681	768 - DEMPSEY UNIFORM & SUPPLY INC	PO 66468 Final Charges for the Contract - Uniform	227.31	
		PO 66468 Final Charges for the Contract - Uniform	129.01	356.32
11682	2386 - DOMINICK'S PIZZA LLC	PO 66443 Refreshments	171.55	171.55
11683	4436 - EDIBLE JERSEY LLC.	PO 66364 2024 Fall Edition - ad	602.00	
		PO 66364 2024 Fall Edition - ad	1,118.00	1,720.00
11684	4775 - ENGIE POWER & GAS LLC #411330	PO 65993 B: NATURAL GAS	194.06	
		PO 65993 B: NATURAL GAS	120.29	314.35
11685	4385 - ERIC M. BERNSTEIN & ASSOCIATES, LLC.	PO 64961 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	7,969.00	
		PO 64961 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	312.00	
		PO 66412 WATER ST HOLDINGS,LLC	156.00	8,437.00
11686	4774 - FABERS GARAGE LLC	PO 66384 Vehicle Repairs Truck #6	5,696.38	5,696.38
11687	4039 - FARMSIDE LANDSCAPE & DESIGN INC	PO 65108 B: FIELD MAIN/SPORTS FIELDS - Softball &	590.00	590.00
11688	4747 - FF1 APPARATUS LLC	PO 66434 ENGINE#1 REPAIRS	4,999.59	
		PO 66435 ENGINE #1 REPAIRS	4,324.69	
		PO 66436 TOWER #4 LIGHTS	347.51	9,671.79

Check#	Vendor	Description	Payment	Check Total
11689	1707 - FINKLE, DANIEL	PO 66416 Reimburse training tuition for Pix4D sof	75.00	75.00
11690	2525 - FIREFIGHTER ONE, LLC.	PO 66438 HOSE REPLACEMENT	1,866.36	1,866.36
11691	71 - FISHER SCIENTIFIC	PO 66259 Electrode PH/ATC Double Junc ACCT #1075	624.54	624.54
11692	3318 - FREDON ANIMAL HOSPITAL	PO 65078 B: VETERINARY SERVICES	251.88	
		PO 65078 B: VETERINARY SERVICES	170.64	
		PO 65078 B: VETERINARY SERVICES	284.49	707.01
11693	373 - GALLS, LLC	PO 65262 ACCT #4794479	86.52	86.52
11694	4398 - GLOBAL RECYCLING SOLUTIONS LLC	PO 65080 B: Recycling Collection: Jan to Dec 2024	850.78	850.78
11695	4870 - GLOUCESTER COUNTY POLICE CHIEFS ASSOC.	PO 66400 LEADERSHIP COURSE	50.00	50.00
11696	1608 - GOLD TYPE BUSINESS MACHINES	PO 66375 ETICKET RENEWAL	3,411.00	3,411.00
11697	2313 - GRAVITY DESIGN WORKS, INC.	PO 66253 Signage for Town Hall - Front entrance	1,410.00	
		PO 66386 DATE CHANGES FOR NUMEROUS BANNERS FOR SP	227.50	
		PO 66386 DATE CHANGES FOR NUMEROUS BANNERS FOR SP	122.50	
		PO 66482 PD VEHICLE LETTERING	1,125.00	2,885.00
11698	70 - HACH COMPANY	PO 66268 LAB SUPP'S	303.00	303.00
11699	3876 - HOLLAND COMPANY, INC.	PO 65054 B: EPIC 2400 (\$149,000 @ \$5.71/Gal) Jan	11,482.81	
		PO 65054 B: EPIC 2400 (\$149,000 @ \$5.71/Gal) Jan	11,442.84	22,925.65
11700	1866 - HOME DEPOT, INC.	PO 65874 B: NPd PURCHASES	13.92	
		PO 66398 ACO SUPPLIES	57.56	
		PO 66462 RECYCLING CAN (2)	75.94	147.42
11701	332 - J & D SALES & SERVICE, LLC.	PO 65024 WATER RECYCLC MAINT RENEW 1/2024 - 12/202	250.00	
		PO 66446 TRK WASH 1/2 hp Pump/ Sodium Hypochlorit	1,648.12	1,898.12
11702	3235 - J. CALDWELL & ASSOCIATES, LLC.	PO 65314 B: PLANNER	3,642.50	
		PO 66413 Convent Capital B22.10 Lot 17	575.00	
		PO 66477 PLANNER SEPT	375.00	
		PO 66477 PLANNER SEPT	150.00	
		PO 66477 PLANNER SEPT	1,880.00	
		PO 66477 PLANNER SEPT	150.00	6,772.50
11703	1271 - JCI JONES CHEMICALS, INC	PO 65182 B: LIQUID CHLORINE/GAS (\$350 PER Cyl @15	2,477.90	
		PO 65184 B:Liq Gas Sulfer Dioxide (\$17,000 @ \$1.6	1,458.00	3,935.90
11704	113 - JCP&L	PO 64955 B: ELECTRIC	14,882.02	
		PO 64955 B: ELECTRIC	16,335.22	
		PO 65138 B: EV CHARGING STATION	1,156.05	32,373.29
11705	3029 - Jesco Inc.	PO 66158 Machine/ Equip Rental ACCT #33521	6,000.00	6,000.00
11706	3029 - Jesco Inc.	PO 66437 Machine/ Equip RPR ACCT #33521	6,737.00	6,737.00
11707	3644 - JOHNNY ON THE SPOT, LLC.	PO 65195 B: PORT-O-JOHN FOR 6 COMMUNITY EVENTS 2	453.00	453.00
11708	1774 - KAY PRINTING & ENVELOPE CO.INC.	PO 66376 BUILDING DEPARTMENT SUPPLIES - UCC FORMS	1,378.00	1,378.00
11709	2569 - KIEFFER ELECTRIC, INC.	PO 66445 DPW/ Garage Electrical Upgrades	3,688.00	3,688.00
11710	3711 - KKPR MARKETING & PUBLIC RELATIONS,	PO 64988 B: PUBLIC RELATIONS & SPECIAL EVENTS MAR	971.40	971.40
11711	4779 - KNOX ASSOCIATES INC	PO 66035 FIRE KEY LOCKER & PADLOCKS	2,962.00	2,962.00
11712	4593 - KRAVITZ KIMBERLY J	PO 66389 2024 Marketing Videos - final 4 more vid	210.00	
		PO 66389 2024 Marketing Videos - final 4 more vid	390.00	600.00
11713	4356 - LENOVO	PO 66246 THINKPAD #46-465534921 CUCT #12164228	0.01	0.01
11714	2300 - LOWE'S , INC.	PO 66383 Storm Basin Rpr / Block cust #644	294.48	
		PO 66383 Storm Basin Rpr / Block cust #644	997.31	1,291.79
11715	1566 - MAIN POOL & CHEMICAL COMPANY, INC.	PO 65285 B:Liq Sodium Carbon. 15% (\$123,300 @ \$1.	5,480.00	
		PO 65286 B: Liq Sodium Hydroxide (\$23,540. @ \$4.2	2,354.00	7,834.00
11716	4381 - MID-AMERICAN ELEVATOR CO., INC.	PO 65098 B: ELEVATOR MAINT (TH & POLICE) Jan - De	1,030.00	1,030.00
11717	409 - MINISINK PRESS INC	PO 66390 ENVELOPES-TAX COLLECTOR	289.00	
		PO 66442 FLAGS OF HONOR INVITATIONS	65.00	354.00
11718	53 - MONTAGUE TOOL & SUPPLY, INC.	PO 66419 OIL DRI ABSORBANT	107.94	107.94
11719	1741 - MORRIS COUNTY POLICE ACADEMY	PO 66397 INTERNAL AFFAIRS COURSE	50.00	50.00
11720	3651 - MORTON SALT, INC.	PO 66426 B: SALT @ \$72.20 TON cust #3681777	3,867.03	
		PO 66426 B: SALT @ \$72.20 TON cust #3681777	42,956.12	46,823.15
11721	4867 - MULHOLLAND KEVIN	PO 66363 100% EXEMPT VET REFUND	1,259.78	1,259.78
11722	3339 - MUNI CLERKS ASSO OF NJ	PO 66394 Legal Defense Fund Membership	75.00	75.00
11723	4489 - NAFTO	PO 66456 BASIC FIELD TRAINING OFFICER	750.00	750.00
11724	3847 - NAPA	PO 66328 PD VEHICLE REPAIR	312.16	
		PO 66465 Shop Supplies	198.99	511.15

List of Bills - CLEARING/CLAIMS

Meeting Date: 10/16/2024 For bills from 09/24/2024 to 10/11/2024

Check#	Vendor	Description	Payment	Check Total
11728	1745 - NEWTON SUPERIOR OFFICERS	PO 66491 SOA DUES - SEPT 2024	420.00	420.00
11729	2456 - NIELSEN FORD	PO 66423 REPAIR TO PD CAR #8	176.00	176.00
11730	4816 - NIELSEN FORD OF MORRISTOWN INC	PO 65947 2024 Ford Super Duty F-550/ ESCNJ 23/24-	56,427.41	56,427.41
11731	4816 - NIELSEN FORD OF MORRISTOWN INC	PO 65949 2024 Ford Super Duty F-550/ ESCNJ 23/24-	55,799.54	55,799.54
11732	2835 - NJMEBF	PO 66476 MEDICAL/DENTAL - SEPT 2024	29,588.16	
		PO 66476 MEDICAL/DENTAL - SEPT 2024	163,604.84	
		PO 66476 MEDICAL/DENTAL - SEPT 2024	31,400.00	224,593.00
11733	1762 - NJSACOP	PO 66459 OPRA COURSE	299.00	
		PO 66479 ABC BASIC COURSE 11/6-11/7/24	150.00	449.00
11734	4681 - NORTHEAST COMMUNICAITONS INC.	PO 66393 CAR #15 SERVICE	220.00	220.00
11735	2882 - ONE CALL CONCEPTS, INC.	PO 64960 B: ONE CALL MESSAGES	128.70	128.70
11736	4383 - OPTIMUM	PO 64956 B: DIGITAL CONVERTERS & DTA'S	79.85	79.85
11737	4817 - PACO'S PIZZERIA	PO 66441 Refreshments/	128.85	128.85
11738	1407 - PASSAIC VALLEY SEWERAGE COMM.	PO 64947 B: SLUDGE DISPOSAL A/C #12701 (\$102	5,103.00	5,103.00
11739	64 - PELLOW, HAROLD & ASSO, INC.	PO 64047 Fire House 1 Project	462.00	
		PO 64987 B: WATER ENGINEER (not to exceed \$55,000	2,663.00	
		PO 66403 QUANTUM REALM,PUNC EQ	1,972.50	
		PO 66404 ENG REVIEW: Merriam Gateway Apts(674.50	
		PO 66409 General services	71.00	
		PO 66410 ENGINEER Fees - Elizabeth Town Gas	710.00	
		PO 66411 Convent Capital B22.10 Lot 17	177.50	6,730.50
11740	64 - PELLOW, HAROLD & ASSO, INC.	PO 66414 4 GRACE AVE,LLC B15.01 L17,	213.00	
		PO 66461 ENGINEERING -AUG	1,029.50	
		PO 66461 ENGINEERING -AUG	5,505.50	
		PO 66461 ENGINEERING -AUG	746.00	7,494.00
11741	3587 - PHOENIX ADVISORS, LLC.	PO 66444 Secondary Market Disclosure 2024	1,900.00	1,900.00
11742	4204 - PLANET NETWORKS INC.	PO 64951 B: PHONE SYSTEM HOSTING/INTERNET/LICENSE	2,776.05	
		PO 65049 B: Internet Access: Jan - Dec 2024- DPW	599.80	
		PO 65050 B: Internet Access: Jan - Dec 2024- Wate	609.90	
		PO 65051 B: Internet Access: Jan - Dec 2024 Summi	99.95	
		PO 66486 OFFICE 365 LICENSES	8,170.00	12,255.70
11743	4872 - POLICE CHIEFS ASSIC OF ORANGE COUNTY	PO 66422 LEADERSHIP COURSE	400.00	400.00
11744	2753 - PORTER LEE CORPORATION	PO 66480 SOFTWARE SUPPORT (11/23-10/24)	923.00	923.00
11745	39 - QUILL CORPORATION	PO 64973 B: NPd OFFICE SUPPLIES	36.61	36.61
11746	4203 - RAPID PUMP	PO 65183 Digital Chart Recorder - High St Pump St	25,730.00	
		PO 65318 VFD - Raw Water Pump - WTP	17,801.06	
		PO 65693 WWTP/Contractual Maintenance 2024	2,463.46	
		PO 66151 Remove/ Install Altiva Drive/ WTP	7,700.00	
		PO 66224 Remove & Replace NaOCL lines/ Pump Out C	9,250.00	
		PO 66427 Wilo FA 15 Raw Water Pump with Coating	72,341.60	135,286.12
11747	4869 - ROADRUNNER EQUIPMENT, LLC.	PO 66455 34" - 54" Skid Steer Mount Trench Paver	5,386.00	5,386.00
11748	3849 - ROK INDUSTRIES, INC	PO 66337 ELECTRONIC TAX SALE	285.00	285.00
11749	4400 - RUTGERS,OFFICE OF CONTINUING ED	PO 66326 Tree Pruning/ CEU Training	490.00	490.00
11750	55 - SCHMIDT'S WHOLESALE, INC	PO 65943 Water Main Parts/ Stock Parts	20,382.68	20,382.68
11751	126 - SCMUA	PO 64977 B: TRASH/BRUSH/STREET SWEEPINGS REMOVAL	809.99	809.99
11752	2301 - SCREEN CREATION PLUS	PO 66448 T-SHIRTS DPW	60.00	60.00
11753	4830 - SEARCH GEEK SOLUTIONS LLC	PO 65682 SEO Plan - Implementation and monthly se	1,416.67	1,416.67
11754	611 - SEBRING AUTO PARTS, INC.	PO 65280 B: Auto Spls/Rprs	13.68	13.68
11755	4866 - SMJ FENCING LLC	PO 66469 Roller Hockey Posts	11,773.63	
		PO 66472 Roller Hockey Materials	13,397.37	25,171.00
11756	3785 - SPACE FARMS	PO 66460 DEER CARCASS REMOVAL 6 LINMOR AVE	29.00	29.00
11757	316 - SPARTA TOWNSHIP TAX COLLECTOR	PO 66168 4Th QTR's 2024 PROP TAX MORRIS LAKE	18,749.82	18,749.82
11758	4615 - STANTON HUNTER	PO 66452 2024 Marketing Videos - 12 videos	1,170.00	
		PO 66452 2024 Marketing Videos - 12 videos	630.00	1,800.00
11759	2257 - STAPLES	PO 66395 Hole punch and Stamp	32.57	32.57
11760	2257 - STAPLES	PO 66464 Office Supplies:	146.01	
		PO 66464 Office Supplies:	146.01	292.02
11761	4144 - SUBURBAN CONSULTING ENGINEERS, INC.	PO 66501 PERMITS STATE OF NJ	15,426.00	15,426.00
11762	2056 - SUBURBAN PROPANE, LP.	PO 66453 PROPANE ACCT #2232-546329	2,113.25	2,113.25
11763	3442 - SUNLIGHT GENERAL	PO 64996 B: ELECTRIC DPW/STP	520.27	
		PO 64996 B: ELECTRIC DPW/STP	985.69	1,505.96
11764	1215 - SUSSEX & WARREN TAX COLL	PO 66388 TAX COLLECTOR QUARTERLY MEETING	30.00	

List of Bills - CLEARING/CLAIMS

Meeting Date: 10/16/2024 For bills from 09/24/2024 to 10/11/2024

Check#	Vendor	Description	Payment	Check Total
		PO 66388 TAX COLLECTOR QUARTERLY MEETING	30.00	60.00
11765	102 - SUSSEX CAR WASH INC	PO 64995 B: CAR WASHES	200.00	200.00
11766	2561 - SUSSEX COUNTY CHAMBER OF COMMERCE	PO 66431 CHAMBER OF COMMERCE / BRANDING WORKSHOP	60.00	
		PO 66431 CHAMBER OF COMMERCE / BRANDING WORKSHOP	40.00	100.00
11767	229 - SUSSEX COUNTY ECONOMIC	PO 66372 Sponsorship for SCEDP Awards Luncheon 2	325.00	
		PO 66372 Sponsorship for SCEDP Awards Luncheon 2	175.00	500.00
11768	2310 - SUSSEX COUNTY ENGINEERING DIVISION	PO 66450 2024 SIGNAL MAINTANCE SHARED SERVICE AGR	112.79	
		PO 66450 2024 SIGNAL MAINTANCE SHARED SERVICE AGR	306.11	418.90
11769	130 - SUSSEX COUNTY P & H, INC.	PO 65100 B: PLUMBING SUPPLIES	24.15	
		PO 65100 B: PLUMBING SUPPLIES	189.83	213.98
11770	371 - T.A. MOUNTFORD COMPANY, INC.	PO 66449 COPIER CONTRACT MORRIS LAKE 9/1/2024 to	250.00	250.00
11771	4862 - TERRA FERMA CONTRACTING, CORP.	PO 66355 SIDEWALKS RT 206	63,798.00	63,798.00
11772	4821 - TERRESTRIAL IMAGING LLC	PO 66346 FLIGHTHUB PKG Q#8744-5068/7886	1,258.00	1,258.00
11773	4278 - TEXAS LIFE INSURANCE COMPANY	PO 66490 SEPT 2024 - Life Insurance	88.45	88.45
11774	676 - THE EQUITABLE	PO 66498 Equitable - Def Comp - Sept 26 & Oct 10,	12,240.00	12,240.00
11775	4814 - TNS CONSTRUCTION, LLC.	PO 65394 FIRE HOUSE #1 RENOVATIONS	254,991.10	254,991.10
11776	4630 - TOPP BUSINESS SOLUTIONS INC.	PO 66420 RECORDIN SYSTEM COURT ROOM 9/30/2024 TO	799.00	799.00
11777	2880 - TRACTOR SUPPLY	PO 65026 B: ACO EQUIP	128.77	
		PO 65026 B: ACO EQUIP	69.96	
		PO 65026 B: ACO EQUIP	53.76	
		PO 65026 B: ACO EQUIP	280.61	
		PO 66471 Misc Supplies cust #14037 Statement endi	144.89	677.99
11778	691 - TRANS WORLD ASSURANCE CO.	PO 66489 TWA - Voluntary Life - SEPT 2024	400.00	400.00
11779	4013 - TRANSUNION ALTERNATIVE RISK & DATA,	PO 66432 ONLINE INVESTIGATION SERVICE acct #7971	75.00	75.00
11780	2781 - TRIMBOLI & PRUSINOWSKI, LLC.	PO 64943 B: LABOR ATTORNEY (\$170/HR NOT TO EXCE	1,972.00	1,972.00
11781	4767 - TROJAN TECHNOLOGIES CORP	PO 65466 2024/2025 SVC CONTRACT WTP (NOT TO EXCEE	6,300.00	
		PO 66221 WTP: Device Net Node G3	3,460.59	
		PO 66222 WTP: Rosemount Sensor Rplment	3,040.94	12,801.53
11782	4152 - UNITED SITE SERVICES, INC	PO 64948 B: CHEMICAL WASTE REMOVAL WTP A/C #7473	498.33	
		PO 64949 B: SLUDGE REMOVAL STP A/C #74732 (\$1	11,148.80	11,647.13
11783	1257 - UNUM LIFE/DISABILITY INSUR	PO 66488 UNUM - Voluntary - LTD - SEPT 2024	872.23	872.23
11784	2716 - UPSEU LOCAL 424J	PO 66487 DPW - Monthly Dues - SEPT 2024	840.00	840.00
11785	4617 - VALLEY MEDICAL GROUP	PO 65514 B: RANDOM DRUG TESTING/NJC DL	207.00	207.00
11786	4875 - VAZQUEZ VICTOR H	PO 66466 NPP - FACADE AND SIGNAGE DISBURSEMENT -	2,125.37	2,125.37
11787	2635 - W.B. MASON, INC.	PO 66362 Copy paper for the Clerk's Office CUST #	79.93	
		PO 66392 TAX AND WATER OFFICE SUPPLIES	90.65	
		PO 66392 TAX AND WATER OFFICE SUPPLIES	82.05	
		PO 66396 Registrar/Clerk Assorted Office Supplies	167.90	420.53
11788	1500 - WALMART	PO 66433 COMPUTER ACCESSORIES	53.84	
		PO 66470 Supplies for Morris Lake after Cleanup	174.79	
		PO 66473 FALL FESTIVAL SUPPLIES (WILL BE USED FOR	36.76	
		PO 66473 FALL FESTIVAL SUPPLIES (WILL BE USED FOR	55.13	320.52
11789	3758 - WALTER CHADWICK	PO 66474 MILEAGE REIMB PICK UP BUS	75.04	75.04
11790	1144 - WEINER LESNIAK	PO 66406 Convent Capital B22.10 Lot	288.00	288.00
11791	633 - WEIS MARKETS, INC.	PO 65010 B: Refreshments	112.10	
		PO 65010 B: Refreshments	154.33	266.43
11792	3726 - WITMER PUBLIC SAFTEY GROUP, iINC.	PO 66291 Meter Calibration and Maintenance August	366.00	366.00
TOTAL				1,265,015.56

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	4,104.85			
01-201-20-105-200	HUMAN RESOURCE - OTHER EXPENSES	75.04			
01-201-20-120-200	TOWN CLERK'S OFFICE - OTHER EXPENSES	222.41			
01-201-20-130-200	FINANCE ADMINISTRATION - OTHER EXPENSES	1,900.00			
01-201-20-145-200	COLLECTION OF TAXES - OTHER EXPENSES	686.05			
01-201-20-150-200	ASSESSMENT OF TAXES - OTHER EXPENSES	5,040.00			
01-201-20-155-200	LEGAL SERVICES - OTHER EXPENSES	9,941.00			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-165-200	ENGINEERING - OTHER EXPENSES	355.00			
01-201-20-175-200	HISTORIC COMMISSION - OTHER EXPENSES	1,505.00			
01-201-21-180-200	PLANNING BOARD - OTHER EXPENSES	71.00			
01-201-21-181-200	COMMUNITY DEVELOPMENT - OTHER EXPENSES	3,707.22			
01-201-22-195-200	INSPECTION OF BUILDINGS - OTHER EXPENSES	1,378.00			
01-201-23-220-300	EMPLOYEE GROUP INSURANCE - OTHER EXPENSE	163,604.84			
01-201-25-240-200	POLICE DEPARTMENT - OTHER EXPENSES	4,250.35			
01-201-25-250-200	COMMUNICATIONS CENTER - OTHER EXPENSES	11,581.00			
01-201-25-252-200	EMERGENCY MANAGEMENT - OTHER EXPENSES	113.94			
01-201-25-255-200	FIRE DEPARTMENT - OTHER EXPENSES	4,936.30			
01-201-26-290-200	ROAD REPAIR & MAINT - OTHER EXPENSES	17,139.69			
01-201-26-291-200	SNOW REMOVAL - OTHER EXPENSES	47,106.80			
01-201-26-298-200	STORMWATER/FLOOD CONTROL - OTHER EXPENSE	355.00			
01-201-26-305-200	RECYCLING/SANITATION - OTHER EXPENSES	1,638.06			
01-201-26-310-200	BUILDINGS & GROUNDS - OTHER EXPENSES	7,118.20			
01-201-26-315-200	VEHICLE MAINTENANCE - OTHER EXPENSES	24,288.16			
01-201-27-330-200	BOARD OF HEALTH - OTHER EXPENSES	132.99			
01-201-27-331-200	OCCUPATIONAL HEALTH - OTHER EXPENSES	207.00			
01-201-27-340-200	ANIMAL CONTROL - OE	1,631.41			
01-201-28-370-200	RECREATION - OTHER EXPENSES	239.00			
01-201-28-375-200	PARKS & PLAYGROUNDS - OTHER EXPENSES	1,053.02			
01-201-31-460-200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	20,113.24			
01-201-32-465-200	RECYCLING TAX (PL2007 c.311)O/S CAP	22.71			
01-201-44-900-000	CAPITAL IMPROVEMENTS - OTHER EXPENSES	23,082.93			
01-203-25-240-200	(2023) POLICE DEPARTMENT - OTHER EXPENSES		375.00		
01-203-26-315-200	(2023) VEHICLE MAINTENANCE - OTHER EXPENSES		1,125.00		
01-205-55-000-000	TAX OVERPAYMENTS			1,259.78	
01-260-05-100	DUE TO CLEARING			0.00	360,359.99
TOTALS FOR	CURRENT FUND	357,600.21	1,500.00	1,259.78	360,359.99
02-213-41-000	RESERVE FEDERAL/STATE GRANTS			3,767.98	
02-260-05-100	Due to Clearing			0.00	3,767.98
TOTALS FOR	STATE AND FEDERAL GRANTS	0.00	0.00	3,767.98	3,767.98
04-215-55-908-000	ORD 2022-13 SIDEWALKS RT 206/WATER ST			65,627.62	
04-215-55-913-000	ORD 22-21 amendORD 20-10 MEM PK ORD 23-2 NJIB			15,426.00	
04-215-55-918-000	ORD 2023-7 VAR CAP IMP.			323,799.68	
04-215-55-925-000	ORD 2024-4 FIRE HOUSE 1 RENOVATIONS			10,558.30	
04-215-55-926-000	ORD 2024-11 VAR CAP IMP			838.00	
04-260-05-100	Due to Clearing			0.00	416,249.60
TOTALS FOR	GENERAL CAPITAL	0.00	0.00	416,249.60	416,249.60
08-215-55-912-000	ORD 2023-8 WATER IMP NJIB			9,250.00	
08-215-55-915-000	ORD 2023-14 W&S MAIN IMP. NEW HAMPS.ST FF			6,568.00	
08-215-55-918-000	ORD 2024-8 VAR WS IMP.			461.50	
08-215-55-920-000	ORD 2024-10 VARIOUS WS VEHICLE ACQUISITIONS			112,226.95	
08-215-55-922-000	ORD 2024-21 VARIOUS WTP IMP FF			7,700.00	
08-260-05-100	DUE TO CLEARING			0.00	136,206.45
TOTALS FOR	WATER/SEWER UTILITY CAPITAL	0.00	0.00	136,206.45	136,206.45
09-201-56-501-200	W&S OPERATING - TOTAL OTHER EXPENSES	171,075.73			
09-201-60-512-000	W&S CAP IMPROVE - CAPITAL OUTLAY	43,531.06			
09-201-60-513-007	W&S CAP IMP - SPARE PUMPS & MOTORS (S)	72,341.60			
09-203-56-501-200	(2023) W&S OPERATING - TOTAL OTHER EXPENSES		312.27		
09-260-05-100	DUE TO CLEARING			0.00	287,260.66
TOTALS FOR	WATER/SEWER UTILITY	286,948.39	312.27	0.00	287,260.66

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
20-260-05-100	Due to Clearing			0.00	49,360.88
20-291-55-075-001	UNION DUES - PBA			1,320.00	
20-291-55-075-002	UNION DUES - IUE #911			840.00	
20-291-55-075-003	UNION DUES - CWA #1032			292.24	
20-291-55-077	DEFERRED COMP - EQUITABLE			12,240.00	
20-291-55-080	TWA SAVINGS PLAN			400.00	
20-291-55-082-001	AFA LTD			303.72	
20-291-55-082-002	AFA Med FSA			266.66	
20-291-55-082-004	AFA Life Ins.			366.08	
20-291-55-082-005	AFA Texas Life			88.45	
20-291-55-082-006	AFA - DEPENDENT CARE FSA			416.66	
20-291-55-084	UNUM DISABILITY INS.			872.23	
20-291-55-086	HEALTH INS. EMPLOYEE			29,588.16	
20-291-55-087-001	AFLAC DISABILITY Post Tax			1,240.68	
20-291-55-087-002	AFLAC ACCIDENT Pre Tax			634.48	
20-291-55-087-003	AFLAC HOSPITAL Pre Tax			231.72	
20-291-55-087-004	AFLAC CANCER Pre Tax			259.80	
TOTALS FOR	PAYROLL	0.00	0.00	49,360.88	49,360.88
31-260-05-100	DUE TO CLEARING			0.00	2,638.00
31-286-56-102-000	ENGINEER REVIEW FEES			2,638.00	
TOTALS FOR	TRUST	0.00	0.00	2,638.00	2,638.00
33-260-05-100	DUE TO CLEARING			0.00	8,797.00
33-286-56-107-000	QUANTUM REALM,PUNC EQ (12/20)			1,972.50	
33-286-56-108-000	WATER ST HOLDINGS,LLC REDEV			2,278.50	
33-286-56-109-000	NEWTON 213 LLC - SHOP RITE			4,546.00	
TOTALS FOR	DEVELOPERS ESCROW	0.00	0.00	8,797.00	8,797.00
35-260-05-100	DUE TO CLEARING			0.00	375.00
35-296-56-001-000	RESERVES FOR COMMERCIAL DEVELOPMENT			375.00	
TOTALS FOR	HOUSING TRUST	0.00	0.00	375.00	375.00
Total to be paid from Fund 01 CURRENT FUND				360,359.99	
Total to be paid from Fund 02 STATE AND FEDERAL GRANTS				3,767.98	
Total to be paid from Fund 04 GENERAL CAPITAL				416,249.60	
Total to be paid from Fund 08 WATER/SEWER UTILITY CAPITAL				136,206.45	
Total to be paid from Fund 09 WATER/SEWER UTILITY				287,260.66	
Total to be paid from Fund 20 PAYROLL				49,360.88	
Total to be paid from Fund 31 TRUST				2,638.00	
Total to be paid from Fund 33 DEVELOPERS ESCROW				8,797.00	
Total to be paid from Fund 35 HOUSING TRUST				375.00	
				=====	
				1,265,015.56	

Checks Previously Disbursed

2493	NJMVC	24' FORD F-250 TITLE & REG	60.00	10/02/2024
2494	NJMVC	TITLE & REG 24' FOR F-550	60.00	10/02/2024
11652	JESSICA VOLLERO	PO# 66352 (2) STAINLESS STEEL CAGES	600.00	10/01/2024
11653	MILLER, DAVID	Multiple:	450.00	10/07/2024
11654	JOSEPH D CALABRESE	PO# 64952 B: LOGISTICS FOR SPECIAL EVENTS	200.00	10/07/2024
18009	AWERTSCHENKO, MICHAEL	PO# 66425 2024 NJWA Annual Conference/ Hotel	240.44	10/02/2024
42803	ACRISURE NJ PARTNERS INSURANCE SERVICES, LLC.	PO# 66377 FIRE DEPT ACCIDENT INS (9/24-9/25)	1,408.00	9/26/2024
42804	VISION SERVICE PLAN	PO# 66379 VISION - OCT 2024	1,301.76	9/26/2024
47269	THE EQUITABLE	PO# 66378 Equitable - Def Comp - Sept 12	5,895.00	9/26/2024
240171	PAYROLL ACCOUNT	9/26 CURR PAYROLL	236,277.46	9/26/2024
240172	JP MORGAN CHASE BANK	2014 BOND INT	8,900.00	9/30/2024

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
240173	FEDERAL & STATE GRANT	MOVE SAFE N SECURE MONIES TO GRANT		4,855.75	10/03/2024
240174	ELAVON, INC.	PO# 65008 B: COURT MERCHANT FEE		82.39	10/03/2024
240175	PAYROLL ACCOUNT	10/10 CURRENT PAYROLL		227,548.55	10/10/2024
240231	PAYROLL ACCOUNT	9/26 GRANT PAYROLL		2,402.82	9/26/2024
240232	PAYROLL ACCOUNT	10/10 GRANT PAYROLL		516.72	10/10/2024
240943	PAYROLL ACCOUNT	9/26 W/S PAYROLL		55,239.93	9/26/2024
240944	JP MORGAN CHASE BANK	2014 BOND INT		9,825.00	9/30/2024
240945	USDA	PRINCIPAL & INTREST USDA LOAN		17,359.00	9/30/2024
240946	PAYROLL ACCOUNT	10/10 W/S PAYROLL		46,890.81	10/10/2024
242069	PUBLIC EMPLOYEE RETIRE SYSTEM	PERS to state -3RD QTR		26,490.58	10/03/2024
242070	POLICE & FIRE RETIREMENT SYSTEM	PFRS to State -3RD QTR		24,450.88	10/03/2024
243132	PAYROLL ACCOUNT	9/26 TRUST PAYROLL		27,538.00	9/26/2024
243133	PAYROLL ACCOUNT	10/10 TRUST PAYROLL		21,658.00	10/10/2024
				720,251.09	
Totals by fund		Previous Checks/Voids	Current Payments	Total	
Fund 01	CURRENT FUND	480,643.91	360,359.99	841,003.90	
Fund 02	STATE AND FEDERAL GRANTS	2,919.54	3,767.98	6,687.52	
Fund 04	GENERAL CAPITAL		416,249.60	416,249.60	
Fund 08	WATER/SEWER UTILITY CAPITAL	120.00	136,206.45	136,326.45	
Fund 09	WATER/SEWER UTILITY	129,935.18	287,260.66	417,195.84	
Fund 20	PAYROLL	56,836.46	49,360.88	106,197.34	
Fund 27	ANIMAL TRUST	600.00		600.00	
Fund 31	TRUST	49,196.00	2,638.00	51,834.00	
Fund 33	DEVELOPERS ESCROW		8,797.00	8,797.00	
Fund 35	HOUSING TRUST		375.00	375.00	
BILLS LIST TOTALS		720,251.09	1,265,015.56	1,985,266.65	

Mayor Couce asked if any member of the Council would like to pull a Resolution for discussion.

Mrs. Diglio pulled Resolution #249-2024 and 250-2024. Mayor Couce pulled Resolution #251-2024.

Mrs. Le Frois made a motion to approve Resolution #249-2024, it was seconded by Mr. Dickson and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	No
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

Mr. Dickson made a motion to approve Resolution #250-2024, it was seconded by Mrs. Teets and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	No
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes

Mayor Couce Yes

Mrs. Le Frois made a motion to approve Resolution #251-2024, it was seconded by Mrs. Teets and roll call resulted as follows:

Mr. Dickson	Abstained	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Abstained	

Mrs. Le Frois made a motion to approve the **COMBINED ACTION RESOLUTIONS**, minus #249-2024, 250-2024, and 251-2024, it was seconded by Mr. Dickson and roll call resulted as follows:

Mr. Dickson	Yes	Mrs. Diglio	Yes
Deputy Mayor Le Frois	Yes	Mrs. Teets	Yes
	Mayor Couce	Yes	

(abstain check #11742)

OPEN TO THE PUBLIC

Mayor Couce opened the meeting to the public.

Ludmilla Mecaj expressed concern with the sale of the Ford Explorer to the County College. She also stated that she is concerned with the cost of the HVAC system and is that the proper process was not followed.

Peggy Baldini questioned the specs of the Ford Explorer and if it was paid for using a bond.

There being no one else wishing to speak either in-person or on Zoom, Mayor Couce closed the hearing.

Mr. Russo explained that the Town of Newton follows all Local Public Contract Laws. Between the Qualified Purchasing Agent and Municipal Engineer we followed all laws necessary to effectuate the bid process whereby we went out to bid, obtained bids, had a bid opening, had the professionals review the bids, and we awarded the bid. We didn't budget enough money so the bids came in higher which is why we are now doing a supplemental ordinance. He also indicated there is nothing inappropriate in selling the Ford Explorer to the College. He stated he will provide additional details to the Council if they deem necessary.

Mr. Bernstein continued explaining the bid process in extended detail. Mr. Bernstein noted that the costs of construction have sky rocketed since COVID. If you go out to bid again, the prices may be even higher.

Mayor Couce restated that we were mandated to go out to bid on any project above \$44,000 which required us to go out to bid. We received bids and went with the lowest responsible bidder. If we go out to bid we may risk increasing the price of the overall project. Additionally, he mentioned that a functioning HVAC system is essential to meet PEOSHA requirements.

Mr. Dickson thanked all for explaining the process in further detail.

DISCUSSION

Best Practices – Thomas M. Ferry, CMFO, CPA, RMA – Mr. Ferry reviewed the results of our Best Practices submission and stated that we received a perfect score. He indicated it was a group effort amongst many members of staff.

EXECUTIVE SESSION

Mayor Couce read the following statement "in accordance with the Open Public Meetings Act, notice of this Special Closed Session meeting was given to the two newspapers of record and posted on the official bulletin board on January 5, 2024."

Mayor Couce stated he would accept a motion to enter Executive Session under a Resolution providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12, item 1.

Upon motion by Mrs. Teets and seconded by Mrs. Le Frois and unanimously carried, Council entered Executive Session at 8:12pm.

Upon motion of Mrs. Le Frois seconded by Mr. Dickson and unanimously carried, Council left Executive Session at 8:39pm.

Mayor Couce asked that the record reflect that all members of the Governing Body are present for the recommencement of the open session. The Mayor stated that no action was taken and the Executive Session has been carried to the October 28, 2024 Town Council meeting.

ADJOURNMENT

There being no further business to be conducted, upon a motion by Mrs. Diglio seconded by Mrs. Teets and unanimously carried, the regular meeting was adjourned at 8:41pm.

Respectfully submitted,



Kathryn E. Alcock, RMC
Deputy Municipal Clerk