



# Mayor and Common Council Borough of Flemington

February 13, 2023

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Council Meeting Room  
Flemington Borough Hall, 38 Park Avenue, Flemington, NJ 08822

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## I. Call to Order

## II. Flag Salute

## III. OPMA Statement

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of February 13, 2023 was included in a list-of-meetings notice sent to the *Hunterdon County Democrat* and *Courier-News* on Jan. 5, 2023, posted on the bulletin board at Borough Hall on that date, and has remained continuously posted as required. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Borough

## IV. Roll Call

Marcia A. Karrow  
Susan Engelhardt  
Malik Johnston  
Jeremy Long  
Tony Parker  
Elizabeth Rosetti  
Kimberly Tilly

Mayor  
Council Member  
Council Member  
Council President  
Council Member  
Council Member  
Council Member

## V. Presentations

## VI. Mayor's Report

## VII. Council Member Reports

## VIII. Administrator's Report

## IX. Public Comments - Session I

## X. Approval of Minutes

Approval of Minutes from the January 9, 2023 Council Meeting

## XI. Consent Agenda

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1. RESOLUTION 2023-49: AUTHORIZING THE PARTICIPATION IN THE HUNTERDON COUNTY COOP PRICING SYSTEM BID FOR ELECTRICITY SUPPLY
2. RESOLUTION 2023-50: AUTHORIZING THE RENEWAL OF TAXI LICENSES FOR 2023
3. RESOLUTION 2023-51: APPOINTING KENNETH MCCORMICK AS FIRE OFFICIAL AND FIRE-SUB-CODE INSPECTOR
4. RESOLUTION 2023-52: APPOINTING DAVE GIULIANI AS PROPERTY MAINTENANCE OFFICER/INSPECTOR, 2023
5. RESOLUTION 2023-53: RAFFLE LICENSE FOR THE PTO READING-FLEMING INTERMEDIATE SCHOOL FOR MARCH 2, 2023
6. RESOLUTION 2023-54: AUTHORIZING AN APPLICATION TO JOIN AARP'S NETWORK OF AGE-FRIENDLY COMMUNITIES AND THE WORLD HEALTH ORGANIZATION'S GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES
7. RESOLUTION 2022-63: APPOINTING LOCAL EMERGENCY MANAGEMENT COUNCIL, 2023
8. RESOLUTION 2022-64: APPOINTING LOCAL EMERGENCY PLANNING COUNCIL, 2023

## **XII. Regular Agenda**

1. **Public Hearing:**  
ORDINANCE 2023-01: AMENDING THE BOROUGH OF FLEMINGTON CODE OF ORDINANCES TO REPEAL CHAPTER 19- FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 19; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.
  2. **Public Hearing:**  
ORDINANCE 2023-03: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND CONDITIONS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS LOCATING WITHIN CERTAIN DISTRICTS
  3. **Introduction**  
ORDINANCE 2023-04: AMENDING THE CODE OF THE BOROUGH OF
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FLEMINGTON TO REPEAL OR AMEND LOCATIONS WITHIN CERTAIN DISTRICTS  
FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS

4. **Introduction:**  
ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND  
CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE  
LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS  
PERMITTED IN THE BOROUGH
  5. **Introduction:**  
ORDINANCE 2023-05: AMENDING CHAPTER 7A SECTION 7A-6A, SCHEDULE VI-A  
ENTITLED "STOP INTERSECTIONS" IN THE CODE OF THE BOROUGH OF  
FLEMINGTON
  6. **Introduction**  
ORDINANCE 2023-06: AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION),  
SECTION 19-4 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE BOROUGH  
OF FLEMINGTON TO ESTABLISH PERMITTING FEES WITHIN AREAS OF SPECIAL  
FLOOD HAZARD
  7. **Introduction**  
ORDINANCE 2023-07: AMENDING CHAPTER 2, SECTION 2-10 ENTITLED "SHADE  
TREE COMMISSION" TO ADJUST THE NUMBER OF COMMISSION MEMBERS FROM  
FIVE TO SEVEN
  8. RESOLUTION 2023-55: AWARDING CONTRACT FOR SECURITY WINDOW AND  
DOOR TREATMENT FOR 200 MAIN STREET
  9. RESOLUTION 2023-56: AWARDING CONTRACT FOR NETWORK CABLING AND  
INFRASTRUCTURE FOR 200 MAIN STREET
  10. RESOLUTION 2023-57: AWARDING CONTRACT FOR ACCESS CONTROL AND CCTV  
SYSTEM INSTALLATION FOR 200 MAIN STREET
  11. RESOLUTION 2023-58: APPROVING SERVICES OF SSP ARCHITECTS FOR 200 MAIN  
STREET, 2023
  12. RESOLUTION 2023-59: AUTHORIZING ANNUAL FEES FOR LEAD-BASED PAINT  
INSPECTIONS IN ACCORDANCE WITH CHAPTER 9, SECTION 9.5.11 OF THE  
BOROUGH CODE
  13. RESOLUTION 2023-60: APPROVING PARTICIPATION WITH THE STATE OF NEW  
JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF
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CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

14. RESOLUTION 2023-61: REFUNDING TEMPORARY FOOD CONCESSION PERMIT FEE FOR TIA B'S STREET TACOS LLC
15. RESOLUTION 2023-62: APPOINTMENT OF VAN CLEEF ENGINEERS AS THE FLEMINGTON SPECIAL PROJECTS ENGINEER, 2023

**XIII. Work Session**

1. Exploratory discussion on permitted use of Main Street street-level business spaces.
2. Discussion on the "Center Designation"

**XIV. Public Comments - Session II**

**XV. Payment of the Bills**

1. Payment of the bills in the amount of \$9,912,300.21

**XVI. Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)**

1. RESOLUTION 2023-65: EXECUTIVE SESSION TO DISCUSS POTENTIAL RDA AMENDMENTS FOR LIBERTY VILLAGE

**XVII. Adjournment**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-49: AUTHORIZING THE PARTICIPATION IN THE HUNTERDON COUNTY COOP PRICING SYSTEM BID FOR ELECTRICITY SUPPLY

**SUGGESTED ACTION:** **WHEREAS**, the Energy Cooperative Program is a shared purchasing program for electric power, designed to aggregate the energy bills of voluntarily participating local government entities, with the focus on reducing the cost of basic generation services (BGS).

**WHEREAS**, there is no cost to municipalities to participate in the County-led cooperative.

**WHEREAS**, through the joining together of the County and participating municipalities, it is anticipated that the economy of scale will result in lowering BGS costs for all participants.

**WHEREAS**, the County of Hunterdon as Lead Agent on behalf of the Hunterdon County Cooperative Pricing System (HCCPS) will publicly advertise for bids via an Online Auction for the purpose of procuring electric generation supply services on behalf of the Cooperative's Participating Members; and

**WHEREAS**, at the time of the bid, the prices received by NJ BPU Licensed suppliers are higher than Utilities Price-to-Compare, a contract will not be awarded; and

**WHEREAS**, the Borough of Flemington is a member of the Hunterdon County Cooperative Pricing System ID#51-HCCPS and wishes to be a participant in the upcoming energy cooperative bid for Electricity Generation Supply Services for its municipal electric

accounts.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Flemington, County of Hunterdon, that the Borough participate in the upcoming energy cooperative bid for Electric Generation Supply Service and Borough officials are authorized to sign the HCCPS Participation Form and provide the necessary information required to participate in the bid.

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be forwarded to the Purchasing Agent Hunterdon County and its consultant Concord Energy Services.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

[County of Hunterdon Electricity Cooperative Intro New Program 2023.pdf](#)



**The Board of County Commissioners  
County of Hunterdon  
State of New Jersey**

71 Main Street, Administration Building  
PO Box 2900  
Flemington, New Jersey 08822-2900

**Zachary T. Rich**, Director  
**Jeff Kuhl**, Deputy Director

**John E. Lanza**, Commissioner  
**Susan J. Soloway**, Commissioner  
**Shaun C. Van Doren**, Commissioner

January 17, 2023

Dear Hunterdon County Cooperative Members:

On behalf of the Hunterdon County Board of County Commissioners, we are pleased to announce that we will be continuing the Energy Cooperative Program and will be issuing a new competitive bid for the aggregation of Electricity Generation Supply Service for Hunterdon County Cooperative Members.

The Hunterdon County Cooperative Program is a shared service purchasing program for electric power, designed to aggregate the energy requirements of voluntarily participating local government entities, with the focus on reducing the basic generation services (BGS) portion of members electric bills.

The program is applicable to local government electric costs, not residential service. There is no cost to members to participate in the County-led cooperative.

Procurement of electric power service will be made via an Online Auction in accordance with all local procurement laws available to licensed New Jersey Board of Public Utilities (NJBP) approved third party suppliers. In 2019, the County started an energy cooperative for interested towns and were able to reduce electric power costs by 10% and offer an enhanced renewable energy option for interested members. Members who elected this option qualified for Sustainable New Jersey points through the Energy Action Plan. The County plans to continue to include the greater percentage of power to come from renewable sources for interested cooperative members.

Through the joining together of the County and participating members, it is anticipated that the economy of scale will continue to provide the goal of lowering BGS electricity costs for all cooperative members.

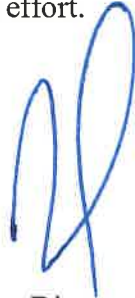
The Commissioners have undertaken a competitive RFP process and awarded an energy consultant contract to Concord Energy Services of Voorhees, New Jersey, a NJBP licensed energy agent

and consultant, to implement and manage the County's Energy Cooperative Program. The firm will also be a resource for co-op members, providing post contract Client Relation services to assist with billing issues/resolution, meter adds/deletes and utility/supplier issues.

Please find attached the Participation Forms needed to participate in the upcoming bid for Electricity Generation Supply Service. If you have any questions or want to learn more about the shared service program, please reach out to Vicki Molloy, Vice President, Concord Energy Services, 856 427-0200 or via email: [vmolloy@concord-engineering.com](mailto:vmolloy@concord-engineering.com).

On behalf of the Board of County Commissioners please accept my sincere thanks for your interest in our shared service effort.

Very truly yours,



Zachary T. Rich  
County Commissioner Director



## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-50: AUTHORIZING THE RENEWAL OF TAXI LICENSES FOR 2023

**SUGGESTED ACTION:**

**WHEREAS,** Ordinance 2017-3 sets eligibility criteria for obtaining a Taxi Owner's License in Flemington Borough, including vehicle insurance and registration, vehicle inspection, criminal background checks, and driver's license history and provides for 10 licenses to be issued; and

**WHEREAS,** Ordinance 2018-21 describes the renewal process for Taxi Owner's Licenses; and

**WHEREAS,** the following companies have met the renewal criteria and submitted all necessary fees for renewal of Taxi Owner's Licenses in 2023:

Damas Taxi, License 23-01

Arturos Taxi, License 23-28

;and

**WHEREAS,** the Flemington Borough Police Department has inspected the vehicles used by these services and determined that they are in satisfactory condition to safely carry passengers;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, hereby approve the renewal of the above-listed Taxi Owner's Licenses, which will be effective from January 1, 2023

through December 31, 2023.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

CERTIFICATION

I, Michael Humphrey, Clerk of the Borough of Flemington, County of Hunterdon, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on February 13, 2023.

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-51: APPOINTING KENNETH MCCORMICK AS FIRE OFFICIAL AND FIRE-SUB-CODE INSPECTOR

**SUGGESTED ACTION:**

**WHEREAS,** The Mayor and Common Council of the Borough of Flemington wish to renew the appointment of Kenneth McCormick as Fire Official and Fire Sub-Code Inspector; and

**WHEREAS,** Kenneth McCormick currently holds both positions and meets all the requirements of both positions;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, approve the re-appointment of Kenneth McCormick as Fire Official for a three-year term, expiring December 31, 2025;

**BE IT FURTHER RESOLVED** that the Mayor and Common Council of the Borough of Flemington, approve the re-appointment of Kenneth McCormick as Fire Sub-Code Inspector for a one-year term, expiring December 31, 2023.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-52: APPOINTING DAVE GIULIANI AS  
PROPERTY MAINTENANCE OFFICER/INSPECTOR, 2023

**SUGGESTED ACTION:**

**WHEREAS,** The Mayor and Common Council of the Borough of Flemington wish to renew the appointment of Dave Giuliani as Property Maintenance Officer/Inspector; and

**WHEREAS,** Dave Giuliani has been serving in this position and meets all the requirements of the position;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, approve the re-appointment of Dave Giuliani as Property Maintenance Officer/Inspector for a one-year term, expiring December 31, 2023.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-53: RAFFLE LICENSE FOR THE PTO  
READING-FLEMING INTERMEDIATE SCHOOL FOR MARCH 2,  
2023

**SUGGESTED ACTION:**

**WHEREAS** applications have been received by the Borough of Flemington to grant an On-Premises Raffle License to the PTO Reading-Fleming Intermediate School Inc.; and

**WHEREAS** no objection has been received by the Borough Clerk;

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that licenses be granted to the PTO Reading-Fleming Intermediate School Inc, to benefit the organization's funding of educational activities and materials, for a raffle to be held on March 2, 2023, to be held at 50 Court Street, Flemington.

Adopted: February 13, 2023

Attest:

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Marcia Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**





## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2023-54: AUTHORIZING AN APPLICATION TO JOIN AARP'S NETWORK OF AGE-FRIENDLY COMMUNITIES AND THE WORLD HEALTH ORGANIZATION'S GLOBAL NETWORK OF AGE-FRIENDLY CITIES AND COMMUNITIES

**SUGGESTED ACTION:** **WHEREAS**, the Borough of Flemington works to provide excellence and innovation in public service to promote the wellbeing of all residents and visitors by providing effective, efficient and responsive leadership; and

**WHEREAS**, the Borough of Flemington actively seeks opportunities to forge partnerships to bring resources to the community to support and advance the Borough's numerous programs and services; and

**WHEREAS**, AARP has encouraged the Borough of Flemington to participate in AARP's Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Cities and Communities; and

**WHEREAS**, the Borough of Flemington's participation in AARP's Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Cities and Communities will allow the Borough to learn about additional opportunities to incorporate best practices which will benefit all residents and visitors in the Borough.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Flemington Council authorizes the Borough of Flemington's participation in AARP's Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly

Cities and Communities program; and

**BE IT FURTHER RESOLVED** that the Borough of Flemington Council hereby authorizes the submission of an application to join AARP's Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Cities and Communities program; and

**BE IT FURTHER RESOLVED** that the Borough of Flemington Council hereby authorizes the Business Administrator and/or the Borough Clerk to execute any agreements or documents necessary to participate in the above referenced programs.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2022-63: APPOINTING LOCAL EMERGENCY MANAGEMENT COUNCIL, 2023

**SUGGESTED ACTION:**

**WHEREAS**, Brian McNally, who serves as the Emergency Management Coordinator, has been designated by the Mayor to act as the Emergency Management Coordinator for the Borough of Flemington; and

**WHEREAS**, David Giuliani has been designated by the Mayor to act as the Deputy Emergency Management Coordinator for the Borough of Flemington; and

**WHEREAS**, the State of New Jersey Office of Emergency Management requires that each municipality create a Local Emergency Planning Council; and

**WHEREAS**, it is the intention of the Borough of Flemington to comply with requirements set forth by the State of New Jersey Office of Emergency Management;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Common Council of the Borough of Flemington that the following individuals shall be appointed to serve on the Borough of Flemington Local Emergency Management Council:

Flemington Borough Emergency Management Council:

OEM Coordinator/Chair	Brian McNally
Deputy	Dave Giuliani
Deputy	Christopher Boyce

Council Rep	Kimberly Tilly
Mayor	Marcia Karrow
Police Chief/Rep	Jerry Rotella
Fire Chief/Rep	Alan Umgelter
Rescue Chief/Rep	Thomas Hoffman
DPW	Mike Campion
Code	Jeff Klein
Fire	Ken McCormick
Raritan Township OEM	Chris Phelan
Hunterdon County OEM	Andrew Camp
Flemington CERT	Riley Boyce

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Consent Agenda

**SUBJECT:** RESOLUTION 2022-64: APPOINTING LOCAL EMERGENCY PLANNING COUNCIL, 2023

**SUGGESTED ACTION:**

**WHEREAS**, Brian McNally, who serves as the Emergency Management Coordinator, has been designated by the Mayor to act as the Emergency Management Coordinator for the Borough of Flemington; and

**WHEREAS**, David Giuliani has been designated by the Mayor to act as the Deputy Emergency Management Coordinator for the Borough of Flemington; and

**WHEREAS**, the State of New Jersey Office of Emergency Management requires that each municipality create a Local Emergency Planning Council; and

**WHEREAS**, it is the intention of the Borough of Flemington to comply with requirements set forth by the State of New Jersey Office of Emergency Management;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Common Council of the Borough of Flemington that the following individuals shall be appointed to serve on the Borough of Flemington Local Emergency Planning Council:

Flemington Borough Emergency Planning Council:

OEM Coordinator/Chair	Brian McNally
Deputy	Dave Giuliani
Deputy	Christopher Boyce

Council Rep	Kimberly Tilly
Mayor	Marcia Karrow
Police Chief/Rep	Jerry Rotella
Fire Chief/Rep	Alan Umgelter
Rescue Chief/Rep	Thomas Hoffman
DPW	Mike Campion
Code	Jeff Klein
Fire	Ken McCormick
Raritan Township OEM	Chris Phelan
Hunterdon County OEM	Andrew Camp
Flemington CERT	Riley Boyce

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-01: AMENDING THE BOROUGH OF FLEMINGTON CODE OF ORDINANCES TO REPEAL CHAPTER 19- FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 19; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMNISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Flemington and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and

**WHEREAS**, the Borough of Flemington was accepted for participation in the National Flood Insurance Program in May 15, 1980. and the Borough Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, the Borough of Flemington is required, pursuant to

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Flemington that the attached ordinance in full for floodplain management regulations are hereby adopted.

Introduced: January 23, 2023

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk



**ATTACHMENTS:**

[Ordinance 2023-01 - Flemington Floodplain Management Ordinance.docx](#)

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**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS  
OF THE BOROUGH OF FLEMINGTON**

**ORDINANCE NO. 2023-01**

**AN ORDINANCE BY THE BOROUGH COUNCIL AMENDING THE BOROUGH OF FLEMINGTON CODE OF ORDINANCES TO REPEAL CHAPTER 19- FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 19; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Flemington and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the Borough of Flemington was accepted for participation in the National Flood Insurance Program in May 15, 1980. and the Borough Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

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

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Flemington that the following floodplain management regulations are hereby adopted.

## **SECTION 1. RECITALS.**

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

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Municipal Code Chapter 19- Flood Damage Prevention (Ord. 2009-10).

## **SECTION 101 SCOPE AND ADMINISTRATION**

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

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

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

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

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

hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

**101.8 Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

**101.8.1 Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

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

## **SECTION 102 APPLICABILITY**

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

**102.2 Establishment of Flood Hazard Areas.** The Borough of Flemington was accepted for participation in the National Flood Insurance Program in May 15, 1980.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the Borough Engineer, 38 Park Avenue, Flemington, NJ.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Hunterdon County, New Jersey (All Jurisdictions) dated September 25, 2009, revised May 2, 2012 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is September 25, 2009 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34019CO263	September 25, 2009	F			
34019CO351	September 25, 2009	F			

- 2) **Federal Best Available Information.** The Borough of Flemington shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date

- 3) **Other Best Available Data.** The Borough of Flemington shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Flemington. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number

### **102.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

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

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

## **SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**103.1 Floodplain Administrator Designation.** The Borough Engineer shall be designated the Floodplain Administrator by the Borough Council. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**103.2 General.** The Floodplain Administrator is authorized and directed to administer the

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.



- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Borough of Flemington have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

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

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

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

**103.9 Activities in riverine flood hazard areas.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain

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

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

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

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

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

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

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

**103.16 Liability.** The Floodplain Administrator and any employee charged with the enforcement

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

## **SECTION 104 PERMITS**

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

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

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

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

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

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

of this jurisdiction.

## **SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

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

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

## **SECTION 106 INSPECTIONS**

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

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

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

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

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

## **SECTION 107 VARIANCES**

**107.1 General.** The Borough of Flemington Planning Board shall hear and decide requests for variances. The Borough of Flemington Planning Board shall base its determination on technical

justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Borough of Flemington Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (8) 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.
- (9) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.



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

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

## **SECTION 108 VIOLATIONS**

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

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

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

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

## **SECTION 201 DEFINITIONS**

**201.1 General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C.

5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

## **201.2 Definitions**

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

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

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

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

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

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

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

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

**AREA OF SHALLOW FLOODING** – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a

community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD – see SPECIAL FLOOD HAZARD AREA

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

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

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

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

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

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

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

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

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

practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

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

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

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

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

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

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

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

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

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

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

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

## **FLOOD OR FLOODING**

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

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

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

**FLOOD INSURANCE STUDY (FIS)** – The official report in which the Federal Emergency

Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

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

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

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

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

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

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

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

**HARDSHIP** – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Borough Planning Board requires

that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

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

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

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

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

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

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

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

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

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

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

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

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

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required



utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

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

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

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

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

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

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

**RESIDENTIAL** – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities,

halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

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

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

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

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

zones change.

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

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

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

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

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

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

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

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

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

**WET FLOODPROOFING** – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a

flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

## **SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS**

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

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

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

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

## **SECTION 401 SITE IMPROVEMENT**

**401.1 Encroachment in floodways.** Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**401.1.1 Prohibited in floodways.** The following are prohibited activities:

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

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

the facilities into flood waters, or impairment of the facilities and systems.

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

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

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

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

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

## **SECTION 501 MANUFACTURED HOMES**

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

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

**501.3 Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on 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.

**501.4 Anchoring.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored

foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

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

**501.6 Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

**Exception.** Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

## **SECTION 601 RECREATIONAL VEHICLES**

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

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

**601.3 Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings and Section 501.3.

## **SECTION 701 TANKS**

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

## **SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK**

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood

Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:

- i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

### **801.2 Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
- a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
    - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
    - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including

- crawlspace and basements) which are below grade on all sides are prohibited;
- iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
  - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - vi. Have openings documented on an Elevation Certificate; and
  - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

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

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

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

**801.7 Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design



Elevation in accordance with N.J.A.C. 7:13.

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

## **SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

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

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

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

## **SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U**

**1001.1 Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

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

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

**1001.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

**1001.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used

below the Local Design Flood Elevation determined in Section 102.3.

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

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

### **SECTION 3. SEVERABILITY.**

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

### **SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect immediately after final passage and publication according to law.

**Introduced: January 23, 2023**

**Adopted:**

**Attest:**

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**Marcia A. Karrow, Mayor**

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**Michael Humphrey, Acting Borough Clerk**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Public Hearing:**  
ORDINANCE 2023-03: AMENDING THE CODE OF THE  
BOROUGH OF FLEMINGTON TO REPEAL OR AMEND  
CONDITIONS FOR CANNABIS RETAILERS AND CANNABIS  
CULTIVATORS LOCATING WITHIN CERTAIN DISTRICTS

**SUGGESTED ACTION:**

**WHEREAS**, pursuant to Ordinance 2021-14 adopted on July 12, 2021, the Borough of Flemington (the "Borough") permitted cannabis retailers and cannabis cultivators as conditional uses in certain zoning districts; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Flemington (the "Council") is authorized and empowered to adopt and amend the zoning ordinances of the Borough of Flemington; and

**WHEREAS**, the Borough Council has determined that it is in the best interests of the Borough to limit the use of properties for cannabis retailers and cultivators to those that have primary access to a county or state roadway; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Borough Council referred the Ordinance to the Planning Board to identify any provisions in the proposed Ordinance which are inconsistent with the Master Plan and make recommendations concerning the inconsistencies and any other matters as the Board deems appropriate.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, State of

New Jersey, as follows:

**SECTION 1.** Section 2618(F)(1) setting forth the conditions for Cannabis Retailers in the Transition Commercial (TC) District shall be amended to add subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

**SECTION 2.** Section 2619(D)(3) of the Code setting forth the conditions for Cannabis Cultivators in the Community Business District shall be amended to add subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 3.** Section 2620(D)(5) of the Code governing conditions for Cannabis Retailers and Cannabis Cultivators in the Downtown Business (DB) District shall be repealed.

**SECTION 4.** Section 2621(D)(5) of the Code governing conditions for Cannabis Retailers and Cannabis Cultivators in the Downtown Business II (DBII) District shall be repealed.

**SECTION 5.** Section 2622(C)(2) of the Code governing conditions for Cannabis Cultivators in the Professional Office District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 6.** Section 2623(D)(4) of the Code governing conditions for Cannabis Retailers and Cannabis Cultivators in the Village Artisan Shopping (VAS) District shall be repealed.

**SECTION 10.** Section 2624(D)(6) of the Code governing conditions for Cannabis Retailers in the Highway Retail (HR) District shall be amended by adding subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

**SECTION 11.** Section 2624(D)(7) of the Code governing conditions for Cannabis Cultivators in the Highway Retail (HR) District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 12.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 13.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 14.** The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 15.** This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: January 23, 2023

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

# Item Cover Page

## MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Introduction**  
ORDINANCE 2023-04: AMENDING THE CODE OF THE BOROUGH OF FLEMINGTON TO REPEAL OR AMEND LOCATIONS WITHIN CERTAIN DISTRICTS FOR CANNABIS RETAILERS AND CANNABIS CULTIVATORS

**SUGGESTED ACTION:** **WHEREAS**, pursuant to Ordinance 2021-14 adopted on July 12, 2021, the Borough of Flemington (the "Borough") permitted cannabis retailers and cannabis cultivators as conditional uses in certain zoning districts; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62b, the Mayor and Council of the Borough of Flemington (the "Council") is authorized and empowered to adopt and amend the zoning ordinances of the Borough of Flemington; and

**WHEREAS**, the Borough Council has determined that it is in the best interests of the Borough to limit the use of properties for cannabis retailers and cultivators to those that have primary access to a county or state roadway; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-64 and N.J.S.A. 40:55D-26a, the Borough Council referred the Ordinance to the Planning Board to identify any provisions in the proposed Ordinance which are inconsistent with the Master Plan and make recommendations concerning the inconsistencies and any other matters as the Board deems appropriate.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Flemington, in the County of Hunterdon, State of

New Jersey, as follows:

**SECTION 1.** Section 2618(F)(1) setting forth the conditions for Cannabis Retailers in the Transition Commercial (TC) District shall be amended to add subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

**SECTION 2.** Section 2619(D)(3) of the Code setting forth the conditions for Cannabis Cultivators in the Community Business District shall be amended to add subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 3.** Section 2620(D)(5) and Section 2620(D)(6) of the Code governing Cannabis Retailers and Cannabis Cultivators in the Downtown Business (DB) District shall be repealed.

**SECTION 4.** Section 2621(D)(5) of the Code governing conditions for Cannabis Retailers and Cannabis Cultivators in the Downtown Business II (DBII) District shall be repealed.

**SECTION 5.** Section 2622(C)(2) of the Code governing conditions for Cannabis Cultivators in the Professional Office District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 6.** Section 2623(D)(4) and Section 2623(D)(5) of the Code governing Cannabis Retailers and Cannabis Cultivators in the Village Artisan Shopping (VAS) District shall be repealed.

**SECTION 10.** Section 2624(D)(6) of the Code governing conditions for Cannabis Retailers in the Highway Retail (HR) District shall be amended by adding subsection (h) as follows:

h. Primary access shall be from a State or County roadway.

**SECTION 11.** Section 2624(D)(7) of the Code governing conditions for Cannabis Cultivators in the Highway Retail (HR) District shall be amended by adding subsection (f) as follows:

f. Primary access shall be from a State or County roadway.

**SECTION 12.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 13.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 14.** The Borough Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION 15.** This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.

Introduced: February 13, 2023

Adopted:

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**



## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Introduction:**  
ORDINANCE 2023-02: REQUIRING LOCAL CANNABIS ESTABLISHMENT AND CLARIFYING SECTION 2609.1 OF THE BOROUGH CODE REGARDING THE LIMITATION ON THE NUMBER OF CANNABIS CULTIVATORS AND RETAILERS PERMITTED IN THE BOROUGH

**SUGGESTED ACTION:** **WHEREAS**, on February 22, 2021, Governor Murphy signed into law the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (P.L. 2021, c. 16) (the "CREAMMA"), which legalizes the recreational use of marijuana by adults 21 years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, NJCREAMMA allows, at the discretion of the municipality, a tax to be imposed on: receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; receipts from the sale of cannabis items from one cannabis establishment to another cannabis establishment; receipts from the retail sales cannabis items by a cannabis retailer to retail consumers, with each municipality setting its own rate or rates, but in no case shall a rate exceed: two percent of the receipts from each sale by a cannabis cultivator; two percent of the receipts from each sale by a cannabis manufacturer; one percent of the receipts from each sale by a cannabis wholesaler; and two percent of the receipts from each sale by a cannabis retailer; and

**WHEREAS**, pursuant to N.J.A.C. 17:30-5.1(a)(4), a municipality may enact an ordinance imposing a local licensing requirement; and

**WHEREAS**, pursuant to Ordinance No. 2021-14, adopted on July 12, 2021, the Borough permitted cannabis businesses to operate within the Township in certain zoning districts; and

**WHEREAS**, it was the intent of Ordinance No. 2021-14 to limit the number of cannabis retailers and cultivators within the Borough to two of each kind, regardless of whether the sold or cultivated product is for medical or recreational use; and

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Flemington, the County of Hunterdon, State of New Jersey as follows:

**SECTION 1.** Section 4-15 of the Code of the Borough of Flemington, entitled "Cannabis Establishments", is hereby added as follows:

§95-1 **Purpose.** This chapter is enacted to regulate the cultivation, production, sale, and transportation of cannabis in the Borough in accordance with the provisions of the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (N.J.S.A. 24:6I-31 *et seq.*), and in accordance with the rules and regulations of the Cannabis Regulatory Commission.

§95-2 **Definitions.** The definitions set forth in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act " (N.J.S.A. 24:6I-31 *et seq.*) are incorporated herein and shall have the same meaning.

§95-3. **License Required.** No person shall operate a Cannabis Establishment or otherwise cultivate, sell, or distribute cannabis within the Borough without having obtained a license in accordance with this Chapter.

§95-4. **License Fees and Maximum Number.** The annual license fee and maximum number of licenses for Cannabis Establishments in the Borough shall be as follows

Class of License	Annual License Fee	# of Licenses
<u>Cultivator</u>		<u>2 total cultivators</u>
- Class 1, Cultivator	\$10,000	
- Medical Cannabis Cultivator	n/a	

Retail/Treatment Center	2 total retailers/TCs
- Class 5, Retail	\$10,000
- Medical Cannabis Retail/ Alternative Treatment Center	n/a

§95-5 **Issuing Authority.** All licenses required by this Chapter shall be issued by the Township Clerk.

§95-6. **Application Fees.** The annual Application Fee for a cannabis establishment shall be \$2,500. Such fee shall be non-refundable.

§95-7 **Application Requirements and License Conditions.** The following items must be submitted in order to be granted a license or for the renewal of same for the operation of any Cannabis Establishment:

- A. Complete Application
- B. Annual Application Fee
- C. Annual Licensing Fee
- D. Proof of payment of all real estate taxes due on the premises on which the Cannabis Establishment is located.
- E. Proof of payment of all transfer and user taxes required by Chapter 35, Article I of the Borough Code.
- F. Proof of license in good standing issued by Cannabis Regulatory Commission
- G. Full copy of the Application for State Licensure
- H. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency.
- I. Security Plan, which shall, at a minimum consist of the following:
  - a. Proof of submission of such security plan to the New Jersey State Police
  - b. Overview of and type of security systems to be installed
  - c. 24-hour monitoring by closed-circuit television surveillance system. Security cameras shall be in use 24-hours per day, seven days per week, and shall cover all cannabis dispensing areas (if applicable), cannabis growing areas (if applicable), storage areas, all doors and windows with access into the Cannabis Establishment, parking areas (if applicable), and any other areas not mentioned if deemed necessary by

the Chief of Police or his/her designee. The surveillance system must be capable of providing surveillance of both interior and exterior areas of the Cannabis Establishment and must be of adequate quality, color rendition and resolution to allow the ready identification of an individual on or adjacent to the site.

- d. The security cameras must be Internet Protocol (IP) cameras capable of providing real time footage over the internet. Operators must provide the local Police Department with access to this real-time camera footage in case of an emergency.
- e. The recordings shall be maintained at the Cannabis Establishment for a period of not less than thirty (30) days and shall be provided to the local Police Department within twenty-four (24) hours of a written request from the Police Department for any recordings.
- f. Information as to whether on-site security or armed guards will be provided. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
- J. Summary of how all products and materials will be tracked and inventoried.
- K. Lighting plan that provides adequate security lighting and motion-sensor lights at all entrances and exits.

#### **§95-8 Revocation of License**

- 1. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or Chapter 26 of the Borough Code or any provision of any applicable statute or any of the rules and regulations of the Cannabis Regulatory Commission.
- 2. Notice of a hearing for the suspension or revocation of a license shall be given in writing by the Borough Clerk to the license holder. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. Such notice shall be

served by mailing a copy to the licensee at his or her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

3. At the hearing, the licensee shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his or her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his or her own expense.
4. The Borough Council shall revoke or suspend the license if they are satisfied by a preponderance of the evidence that the licensee is guilty of the acts charged.
5. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

#### §95-9.01 **Violations and Penalties**

Any person violating any provision of this Chapter shall, upon conviction be subject to fines of \$2,500 for a first offense, \$5,000 for a second offense, and \$10,000 for a third offense.

**SECTION 2.** Section 2609.1 (A) of the Borough Code, entitled "Limitation on the Number of Cannabis Establishments within the Borough," shall be amended as follows (additions noted in bold italic ***thus*** and deletions noted in strikethrough ~~thus~~):

1. The number of Cannabis Establishments located within the Borough shall be limited as follows:
2. Cannabis Retailer: Two (2). This limitation is inclusive of ***Recreational Dispensaries***, Medical Dispensaries and Alternative Treatment Centers.
3. Cannabis Cultivator: Two (2). This limitation is inclusive of ***Recreational Cannabis Cultivators and*** Medical Cannabis Cultivators.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or

portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** The Borough is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication.

Tabled: January 23, 2023

Introduced: February 13, 2023

Adopted:

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Introduction:**  
ORDINANCE 2023-05: AMENDING CHAPTER 7A SECTION 7A-6A, SCHEDULE VI-A ENTITLED "STOP INTERSECTIONS" IN THE CODE OF THE BOROUGH OF FLEMINGTON

**SUGGESTED ACTION:** **WHEREAS**, The Borough of Flemington Municipal Code regulates intersections designated as "stop intersections" within the Borough; and

**WHEREAS**, the Borough of Flemington Police Department recommends to amend Chapter 7A, Section 7A-6A, Schedule VI-A to include additional stop signage at certain intersections to improve traffic safety.

**NOW, THEREFORE, BE IT ORDAINED**, by the governing body of the Borough of Flemington, County of Hunterdon, and State of New Jersey, that Chapter 7A Section 7A-6A, Schedule VI-A entitled "Stop Intersections" shall be amended as follows (additions are written **thusly** and deletions are written thusly):

### **SECTION I.**

#### **Schedule VI-A: Stop intersections**

Brown Street and Grant Avenue  
William Street and Spring Street

A STOP sign shall be i  
A STOP sign shall be i

Bloomfield Avenue and Spring Street	A STOP sign shall be i
Court Street and Allen Street	A STOP sign shall be i
Allen Street and Corcoran Street	STOP signs shall be ir
Maple Avenue and Spring Street	STOP signs shall be ir
Spring Street and Chorister Place	A STOP sign shall be i
Central Avenue and Fulper Road	A STOP sign shall be i
Shields Avenue and Bonnell Street	A STOP sign shall be i
Hunterdon Shopping Center: Entrance Driveway and Main Driveway.	A STOP sign shall be p
Walter Foran Boulevard, Walter Foran Boulevard Extension and North Main Street	STOP signs shall be ir and Walter Foran Bou traffic signal is inoper
Walter Foran Boulevard and North Main Street (East Side Right Turn)	A STOP sign shall be i
Walter Foran Boulevard Extension and Park Avenue	A STOP sign shall be i
<b><u>Church Street and Brown Street</u></b>	<b><u>STOP signs shall be i</u></b> <b><u>Brown Street.</u></b>

## **SECTION II.**

If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

## **SECTION III.**

Should any section, paragraph, sentence, or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and, to this end, the provisions of this ordinance are hereby declared severable.

## **SECTION IV.**

All ordinances or parts of ordinance inconsistent with enactment are hereby repealed to the extent of such inconsistency.

## **SECTION V.**



This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Introduction**  
ORDINANCE 2023-06: AMENDING CHAPTER 19 (FLOOD DAMAGE PREVENTION), SECTION 19-4 (ADMINISTRATION) OF THE MUNICIPAL CODE OF THE BOROUGH OF FLEMINGTON TO ESTABLISH PERMITTING FEES WITHIN AREAS OF SPECIAL FLOOD HAZARD

**SUGGESTED ACTION:** **WHEREAS**, it is the desire of the Mayor and Council of the Borough of Flemington to establish a fee schedule for the issuance of permits within areas of special flood hazard; and

**BE IT THEREFORE ORDAINED**, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that Chapter 19 of the Municipal Code of the thereof entitled "Flood Damage Prevention" is hereby amended at Section 19-4 (Administration) as follows:

#### **Section I:**

Section 19-4.1 is hereby amended as follows (struck through portions are to be removed; bolded and underlined portions are to be added):

3. Development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 19-3.2. Application for a development permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature,

location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed.
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 19-5.2b; and
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
5. **Upon completion of the project, an elevation certificate and a topographical as-built survey.**

-

**b. The following fees shall be applicable:**

-

1. **If it cannot, in the sole discretion of the local administrator or their designee, be readily determined from the information provided to the municipality whether the proposed activity takes place within an area of special flood hazard and therefore requires a development permit, then a fee of \$50 shall be charged in order to investigate and make such determination.**
2. **In all cases where a development permit is required, a fee of \$300 shall be submitted with the application.**
3. **In all cases where a development permit is required, there shall be an additional fee of \$300 for final review of the elevation certificate and survey, which shall be paid prior to the issuance of a certificate of occupancy or certificate of approval from the Construction Department.**

**Section II**

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

### **Section III**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

### **Section IV**

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduction: February 13, 2023

Adoption:

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Ordinances

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** **Introduction**  
ORDINANCE 2023-07: AMENDING CHAPTER 2, SECTION 2-10 ENTITLED "SHADE TREE COMMISSION" TO ADJUST THE NUMBER OF COMMISSION MEMBERS FROM FIVE TO SEVEN

### SUGGESTED ACTION:

**WHEREAS**, the Borough of Flemington currently permits five members and two alternates to serve on the Shade Tree Commission; and

**WHEREAS**, pursuant to N.J.S.A. 40:64-1, a municipality's shade tree commission "shall consist of not less than five nor more than seven members, and may include not more than two alternate members"; and

**WHEREAS**, the Borough of Flemington desires to amend Chapter 2, Section 2-10 to permit seven members and two alternate members to serve on the Shade Tree Commission.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Flemington in the County of Hunterdon and State of New Jersey that the Municipal Code of the Borough of Flemington be and is hereby amended as follows (additions are noted **thusly**; deletions are noted ~~thusly~~):

### **Section I**

§ 2-10.1. Commission; Personnel; Appointment.

There shall hereby be established a commission known as the Shade Tree Commission of the Borough of Flemington. The commission shall consist of ~~five~~ **seven** members and two alternate members. The members and alternate members shall be

appointed by the Mayor with consent of the Council, shall be residents of the municipality, and shall serve without compensation, except as hereinafter provided.

## **Section II**

§2-10.2. Establishment and Composition; Terms; First Commission; Subsequent Commissions; Terms.

- a. There shall be a Shade Tree Commission established in the Borough of Flemington, which shall consist of ~~five~~ **seven** members. Each member shall be a resident of the Borough and be appointed by the Mayor for a five-year term. The terms of all members of the Shade Tree Commission shall expire on December 31, 2020. Thereafter, appointments will be made on a staggered basis and of the members initially appointed, one member shall be appointed to serve for a term of one year, one member shall be appointed to serve a term of two years, one member shall be appointed to serve a term of three years, one member shall be appointed to serve a term of four years, and one member shall be appointed to serve a term of five years. Thereafter, all appointments shall be made for a term of five years.
- b. The alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The terms of all alternate members shall expire on December 31, 2020. The initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

## **Section III**

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

## **Section IV**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply

only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**Section V**

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Introduction: February 13, 2023

Adopted:

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey. Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-55: AWARDING CONTRACT FOR SECURITY WINDOW AND DOOR TREATMENT FOR 200 MAIN STREET

**SUGGESTED ACTION:**

**WHEREAS**, the Borough of Flemington has entered into a contract to purchase property located at 200 Main Street in the Borough of Flemington; and

**WHEREAS**, the Borough intends to relocate the headquarters of the Flemington Borough Police Department to this property; and

**WHEREAS**, the newly acquired building requires certain modifications and improvements be made before being occupied by the Police Department, with such modifications being done in a phased approach due to schedule and funding constraints; and

**WHEREAS**, the Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed; and

**WHEREAS**, one of these classifications is the installation of window security treatments for the doors and windows of the building; and

**WHEREAS**, working with the Police Department and Architect, the Project Team has developed a scope of work, conducted field reviews and talked with four specialty Contractors for this work; and

**WHEREAS**, the Borough has solicited and has received two quotes for this service as follows:



National Glazing Solutions	\$12,572.74
Window Film Depot	\$8,910.00*

\*(a film treatment in lieu of the panels, and a different approach for the Tier 2 treatment, so the proposal was not equal nor an advantage to the Borough)  
;and

**WHEREAS**, the quote that is most advantageous to the Borough is that of National Glazing Solutions for an amount of \$12,572.74;  
and

**WHEREAS**, the Borough CFO has certified that funds are available for this purpose.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, as follows:

1. The Mayor and Acting Borough Clerk are authorized to enter into a contract with National Glazing Solutions for an amount not to exceed \$12,572.74 to install window security treatments for the doors and windows of the building to be approved by the Borough Attorney.
2. The Mayor and Acting Clerk are authorized to take all actions necessary to execute this agreement.
3. This Resolution shall take effect immediately.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**





JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

January 16, 2023

Mr. Michael Humphrey  
Business Administrator | Acting Clerk | Registrar  
Borough of Flemington  
38 Park Avenue  
Flemington, NJ 08822-1321

**Re: Borough of Flemington  
Police Headquarters Relocation  
Phase I Construction  
Window Security Treatments**

Dear Mr. Humphrey:

The relocation of the Police Department to the newly acquired building at 200 Main St. requires certain modifications and improvements be made to that facility before being occupied by the Department. These modifications are being done in a phased approach due to schedule and funding constraints. Phase 1 includes work necessary to relocate the administrative functions of the Police Department to the new building., and the work required has been authorized by a determination by the Borough of an emergency condition at the current building at 100 Main St.

The Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed. One of these classifications is the installation of window security treatments for the doors and windows of the facility. Working with the Police Department and Architect, we have developed a scope of work, conducted field reviews and received acceptable pricing from a specialty Contractor for this work.

Accordingly, we recommend a Purchase Order be issued to National Glazing Solutions (NGS) of Hauppauge, NY in the amount of \$12,572.74. Three separate Proposals from the Vendor are enclosed – each proposal is for a separate aspect of the above described work, and they total to the amount noted above.

Please do not hesitate to advise of any questions on this matter.

Very Truly Yours,  
**CME ASSOCIATES**

David H. Coats, P.E.

Enclosures

cc: W. Hance, Boro of Flemington

**National Glazing Solutions, LLC dba NGS Films and Graphics**

NGS Northeast | 1300 Veterans Memorial Hwy Suite 340 Hauppauge, NY 11788 | (631) 360-0431

**Filmsandgraphics.com****Remittance Address:**National Glazing Solutions, LLC  
140 Mountain Brook Dr  
Canton GA 30115**Bill To**David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822**Ship To**David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822

12/5/2022

**TOTAL****\$5,040.00****Terms**

Net 30

**Customer**101936:1 CME Associates :  
CME Associates -  
Flemington Police  
Department**Estimate Contact**

Mike Langenfeld | mikel@filmsandgraphics.com | (646)241-4469

**Additional Terms :****Customer  
Message:****Scope of Work:**

Tier 1 Film Treatment - Flemington Police Department

MATERIAL: 3M Safety and Security Film - Solar Security : UNVS 25 36" x 100'  
100LF3M IPA : Black 20.3oz  
495LFLABOR: Installation of 3M Safety and Security Film - Solar Security : UNVS 25  
225SFInstallation of 3M IPA  
353.5LF

Normal business hour apply for installation

Quantity	Item	Amount
1	<b>UNVS 25 36" x 100'</b> 3M Safety and Security Film - Solar Security : UNVS 25 36" x 100' 100LF	\$1,575.00
2	<b>3M IPA : Black 20.3oz- (Case Price)</b> Attachment System : 3M IPA : Black 20.3oz- (Case Price) 495LF	\$794.03
225	<b>6-8 Mil (Sq. Ft.)</b> Labor : 6-8 Mil (Sq. Ft.) 225SF	\$910.07



Quantity	Item	Amount
353.5	<b>Wet Glaze (Lf.)</b> Labor : Wet Glaze (Lf.) 353.5LF	\$1,714.75
1	<b>Shipping</b> Additional Fees : Shipping	\$46.15
<b>Subtotal</b>		\$5,040.00
Discounts		
<b>Total Tax (0%)</b>		\$0.00
<b>Total*</b>		\$5,040.00

### \*Terms and Conditions:

- 1) This price does NOT include an attachment system of any kind unless stated in the notes above
- 2) NGS does not recommend or warranty blackout film on glass surfaces with direct sunlight
- 3) Pricing does not include extended or after-hours labor fees unless stated
- 4) This proposal is ONLY valid for projects having at LEAST 5 days lead time from receipt of PO or contract. Anything less incurs expedited shipping & labor fees
- 5) NGS price does not include removal of existing film on glass unless indicated. Removal fees will apply
- 6) Credit Cards may be accepted for payment with a processing fee
- 7) Pricing assumes the client provides access to areas in scope (all furniture/ fixtures moved)
- 8) As it relates to wall graphics: Pricing assumes walls have been finished to a level 5 finish and that the graphic media manufacturer recommended primer has been used. NGS is NOT responsible for PSV (pressure sensitive adhesive) vinyl failure on walls not prepared by NGS.
- 9)\*\*NOTE\*\* Estimate assumes no additional engineering or special construction is required. Any atypical storefront construction requiring extra engineering or customization above and beyond oversize panels or additional mullion design may require additional fees to cover custom extrusions, components, cad design, and engineering time. This will be determined by the manufacturer's review of the submitted surveys.

### Estimate Sign-Off:

ACCEPTED BY:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_





# Estimate

#62906

Page 1 of 3

## National Glazing Solutions, LLC dba NGS Films and Graphics

NGS Northeast | 1300 Veterans Memorial Hwy Suite 340 Hauppauge, NY 11788 | (631) 360-0431

Filmsandgraphics.com

### Remittance Address:

National Glazing Solutions, LLC  
140 Mountain Brook Dr  
Canton GA 30115

### Bill To

David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822

### Ship To

David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822

12/5/2022

**TOTAL**

**\$4,451.10**

### Terms

Net 30

### Customer

101936:1 CME Associates :  
CME Associates -  
Flemington Police  
Department

### Estimate Contact

Mike Langenfeld | mikel@filmsandgraphics.com | (646)241-4469

### Additional Terms :

### Customer Message:

### Scope of Work:

Tier 2 Film Treatment - Flemington Police Department

MATERIAL: 3M Safety and Security Film - Solar Security : UNVS 25 72" x 100'  
25LF

3M Safety and Security Film - Safety Clear Exterior : S70X Clear 72" x 100'  
50LF

3M IPA : Black 20.3oz  
255LF

LABOR: Installation of 3M Safety and Security Film - Solar Security : UNVS 25 & Safety Clear Exterior :  
S70X Clear 72" x 100'  
254SF

Installation of 3M IPA (interior only)  
207.5LF

Normal business hour apply for installation

### Quantity

### Item

### Amount

0.25

**UNVS 25 72" x 100'**

\$823.85

3M Safety and Security Film - Solar Security : UNVS 25 72" x 100'  
30LF

0.5

**S70X Clear 72" x 100'**

\$1,029.23

3M Safety and Security Film - Safety Clear Exterior : S70X Clear  
72" x 100'  
50LF



Quantity	Item	Amount
1	<b>3M IPA : Black 20.3oz- (Case Price)</b> Attachment System : 3M IPA : Black 20.3oz- (Case Price) 255LF	\$409.23
254	<b>6-8 Mil (Sq. Ft.)</b> Labor : 6-8 Mil (Sq. Ft.) 254SF	\$1,058.98
207.5	<b>Wet Glaze (Lf.)</b> Labor : Wet Glaze (Lf.) 207.5LF	\$1,037.50
1	<b>Shipping</b> Additional Fees : Shipping	\$92.31



<b>Subtotal</b>	\$4,451.10
Discounts	
<b>Total Tax (0%)</b>	\$0.00
<b>Total*</b>	\$4,451.10

### \*Terms and Conditions:

- 1) This price does NOT include an attachment system of any kind unless stated in the notes above
- 2) NGS does not recommend or warranty blackout film on glass surfaces with direct sunlight
- 3) Pricing does not include extended or after-hours labor fees unless stated
- 4) This proposal is ONLY valid for projects having at LEAST 5 days lead time from receipt of PO or contract. Anything less incurs expedited shipping & labor fees
- 5) NGS price does not include removal of existing film on glass unless indicated. Removal fees will apply
- 6) Credit Cards may be accepted for payment with a processing fee
- 7) Pricing assumes the client provides access to areas in scope (all furniture/ fixtures moved)
- 8) As it relates to wall graphics: Pricing assumes walls have been finished to a level 5 finish and that the graphic media manufacturer recommended primer has been used. NGS is NOT responsible for PSV (pressure sensitive adhesive) vinyl failure on walls not prepared by NGS.
- 9)\*\*NOTE\*\* Estimate assumes no additional engineering or special construction is required. Any atypical storefront construction requiring extra engineering or customization above and beyond oversize panels or additional mullion design may require additional fees to cover custom extrusions, components, cad design, and engineering time. This will be determined by the manufacturer's review of the submitted surveys.

### Estimate Sign-Off:

ACCEPTED BY:

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_







# Estimate

#63015

Page 1 of 2

## National Glazing Solutions, LLC dba NGS Films and Graphics

NGS Northeast | 1300 Veterans Memorial Hwy Suite 340 Hauppauge, NY 11788 | (631) 360-0431

Filmsandgraphics.com

### Remittance Address:

National Glazing Solutions, LLC  
140 Mountain Brook Dr  
Canton GA 30115

### Bill To

David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822

### Ship To

David Coats  
CME Associates - Flemington Police  
Department  
200 Main Street  
Flemington NJ 08822

12/7/2022

**TOTAL**

**\$3,081.64**

### Terms

Net 30

### Customer

101936:1 CME Associates :  
CME Associates -  
Flemington Police  
Department

### Estimate Contact

Mike Langenfeld | mikel@filmsandgraphics.com | (646)241-4469

### Additional Terms :

### Customer Message:

### Scope of Work:

Riot Glass Gen II RG3 install into new door

Total Panes: 1  
6.25SF

Installation during normal business hours

Based on client estimates - full survey will be necessary prior to final pricing

50% Deposit Due Upon Approval

Ballistic & Forced Entry Rating  
U.L. 752 Level 3 (.44 mag)  
H.P. White TP-0500.01 Level 1 Forced Entry

Assumes tax exempt status - TE form to be supplied prior to invoicing.

Quantity	Item	Amount
6.25	<b>Riot Glass</b> Riot Glass Gen II System 6.25SF	\$1,294.38
1	<b>Riot Glass</b> Installation Labor : Riot Glass Gen II within new construction/ material	\$615.38
1	<b>Shipping</b> Additional Fees : Shipping; Actual shipping cost to be determined by manufacturer at time of completion. Estimate based on current shipping costs & subject to change. **Shipping provided to client as a direct pass through.	\$1,171.88



	<b>Subtotal</b>	\$3,081.64
	Discounts	
	<b>Total Tax (0%)</b>	\$0.00
	<b>Total*</b>	\$3,081.64

**\*Terms and Conditions:**

- 1) This price does NOT include an attachment system of any kind unless stated in the notes above
- 2) NGS does not recommend or warranty blackout film on glass surfaces with direct sunlight
- 3) Pricing does not include extended or after-hours labor fees unless stated
- 4) This proposal is ONLY valid for projects having at LEAST 5 days lead time from receipt of PO or contract. Anything less incurs expedited shipping & labor fees
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- 6) Credit Cards may be accepted for payment with a processing fee
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- 8) As it relates to wall graphics: Pricing assumes walls have been finished to a level 5 finish and that the graphic media manufacturer recommended primer has been used. NGS is NOT responsible for PSV (pressure sensitive adhesive) vinyl failure on walls not prepared by NGS.
- 9)\*\*NOTE\*\* Estimate assumes no additional engineering or special construction is required. Any atypical storefront construction requiring extra engineering or customization above and beyond oversize panels or additional mullion design may require additional fees to cover custom extrusions, components, cad design, and engineering time. This will be determined by the manufacturer's review of the submitted surveys.

**Estimate Sign-Off:**

ACCEPTED BY:

Signature:\_\_\_\_\_

Print Name:\_\_\_\_\_

Date:\_\_\_\_\_



## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-56: AWARDING CONTRACT FOR NETWORK CABLING AND INFRASTRUCTURE FOR 200 MAIN STREET

**SUGGESTED ACTION:**

**WHEREAS**, the Borough of Flemington has entered into a contract to purchase property located at 200 Main Street in the Borough of Flemington; and

**WHEREAS**, the Borough intends to relocate the headquarters of the Flemington Borough Police Department to this property; and

**WHEREAS**, the newly acquired building requires certain modifications and improvements be made before being occupied by the Police Department, with such modifications being done in a phased approach due to schedule and funding constraints; and

**WHEREAS**, the Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed; and

**WHEREAS**, one of these classifications is the furnishing and installation of new network cabling (for phones and computers), server room infrastructure, and removal of existing obsolete cabling systems to permit the effective installation of the new network cabling and other systems; and

**WHEREAS**, working with the Borough staff and IT Consultant, the Project Team has developed a scope of work, conducted field reviews and talked with three specialty Contractors for this work; and

**WHEREAS**, the Borough has solicited and has received two quotes for this service as follows:

Northeast Cabling	\$30,204.00
Miles Technologies	\$23,450.00

;and

**WHEREAS**, the quote that is most advantageous to the Borough is that of Miles Technologies for an amount of \$23,450.00; and

**WHEREAS**, the Borough CFO has certified that funds are available for this purpose.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, as follows:

1. The Mayor and Acting Borough Clerk are authorized to enter into a contract with Miles Technologies for an amount not to exceed \$23,450.00 to install new network cabling, server room infrastructure, and removal of existing obsolete cabling systems to be approved by the Borough Administrator.
2. The Mayor and Acting Clerk are authorized to take all actions necessary to execute this agreement.
3. This Resolution shall take effect immediately.

Adopted: February 13, 2023

Attest:

---

Marcia A. Karrow, Mayor

---

Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**





JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

January 16, 2023

Mr. Michael Humphrey  
Business Administrator | Acting Clerk | Registrar  
Borough of Flemington  
38 Park Avenue  
Flemington, NJ 08822-1321

**Re: Borough of Flemington  
Police Headquarters Relocation  
Phase I Construction- Network Cabling and Infrastructure Award**

Dear Mr. Humphrey:

The relocation of the Police Department to the newly acquired building at 200 Main St. requires certain modifications and improvements be made to that facility before being occupied by the Department. These modifications are being done in a phased approach due to schedule and funding constraints. Phase 1 includes work necessary to relocate the administrative functions of the Police Department to the new building., and the work required has been authorized by a determination by the Borough of an emergency condition at the current building at 100 Main St.

The Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed. One of these classifications is the furnishing and installation of new network cabling (for phones and computers), server room infrastructure, and removal of existing obsolete cabling systems to permit the effective installation of the new network cabling and other systems. Working with the Borough staff and IT consultant, we have developed a scope of work, conducted field reviews and received acceptable pricing from two specialty Contractors for this work.

Accordingly, we recommend a Purchase Order be issued to Mlles Technologies of Lumberton, NJ in the amount of \$23,450.00. Their pricing was less than the other Vendor submitting a Proposal. A detailed Proposal from the Vendor is enclosed.

Please do not hesitate to advise of any questions on this matter.

Very Truly Yours,  
**CME ASSOCIATES**

David H. Coats, P.E.

Enclosure

cc: W. Hance, Boro of Flemington



**Business Technology**  
Consulting, Implementation, & Support

# Project Proposal for

Flemington Police Department

Prepared By: Bob Commack

January 13th, 2023





## Overview of Current Need

Miles Technologies is submitting this proposal / bid for the infrastructure cabling located at 200 Main Street, Flemington NJ. The installation of the cabling will be for a new police headquarters.

Miles Technologies is submitting this proposal with the understanding that it is being submitted using the State of NJ prevailing wage requirement.

## Proposed Solution

### Scope of Work

- 1. Phase I: Analysis, information gathering, and detailed plan creation**

During this initial phase, Miles implementation engineers will connect to and analyze the components of the IT system affected or involved with this project. The goal is for the experts to analyze the environment and expand upon the analysis already performed to ensure all technical and strategic items have been considered. The engineers will also do their best to uncover any issues that may be encountered to help avoid delays during the actual project work. This is done while they are putting together the detailed step-by-step plan that will be followed to complete the work. It is possible that changes will be uncovered during this planning that could affect the scope of work or the cost. If these changes affect your desire to proceed with the project, only the labor associated with the first phase will be billed (20% of total labor amount).

- 2. New Location is at 200 Main Street, Flemington NJ, currently they are at 100 Main Street.**

- 3. The total amount of wiring for this project is being estimated at 165 feet per run. Wire is purchased in 1000 foot boxes. 52 data lines are being requested for a total of 9,000 feet of CAT6 plenum rated cable.**

- 4. Permits will be applied for the entire project.**

- a. If more than 1 permit is required, a change order for the 2nd permit may be sent.





## 5. Phase I - Existing Cable removal

- a. Prior to commencement of cabling installation, remove all existing low voltage network, phone and communications cabling above ceiling of first floor and behind walls down to wall jacks and remove all existing wall jacks on first floor. Any cables coming up from the ground floor can be dropped through the floor. Place blank cover plates at jack locations.
- b. Optional price, additionally remove all network, phone and communications cabling and jacks from ground floor, including all that above ceilings. Place blank cover plates at jack locations.

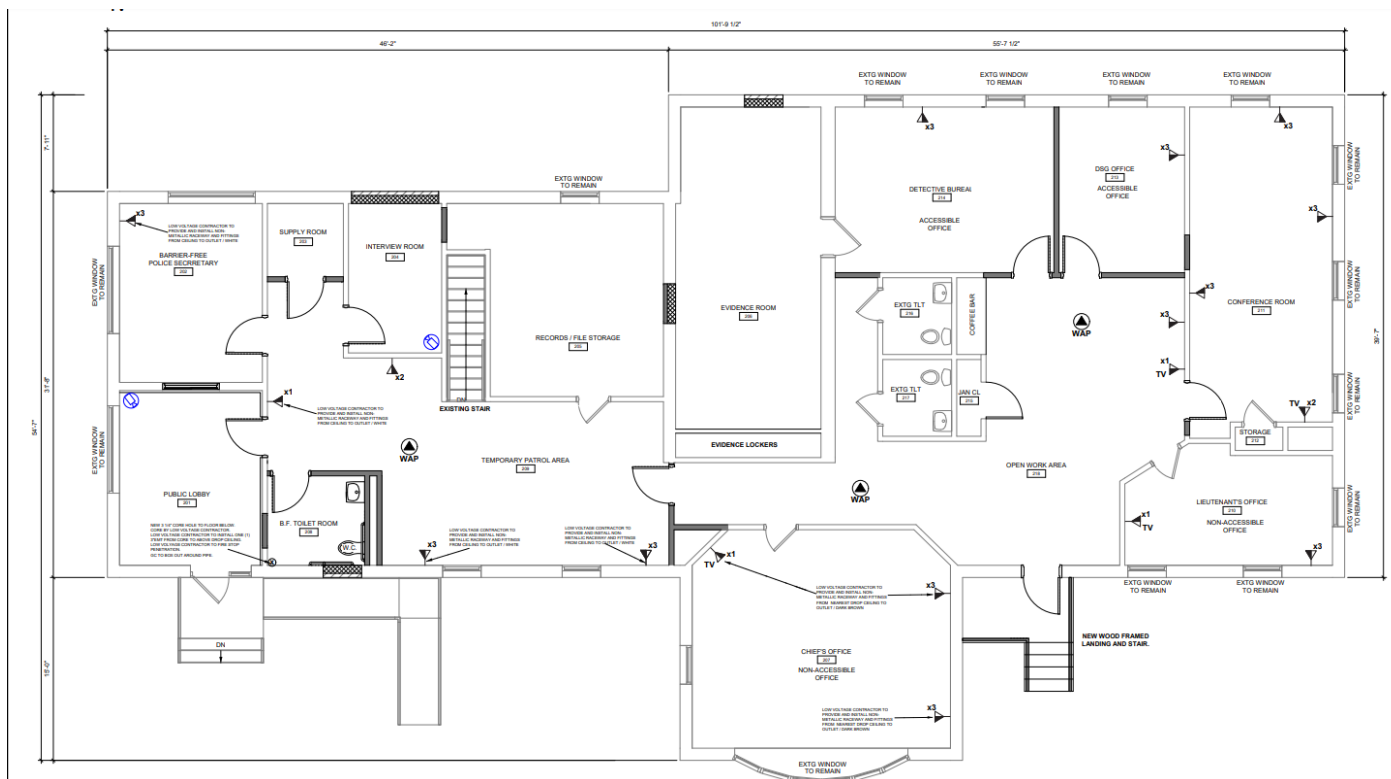
## 6. Phase II - Server Room Buildout

- a. Furnish and install one full height open frame floor rack for servers (Chatsworth Products or equivalent) with double sided vertical wire management provisions.
- b. Furnish and install 12 inch wide cable tray above rack for width of room (approx. 8 feet)
- c. Provide shelves in the rack for equipment to be mounted by others.
- d. Rack and tray to be grounded and bonded to the existing ground system of the building.
- e. Provide rack mounted power distribution unit – 15 outlets min. Includes surge protection.
- f. Provide and install patch panel for cabling in the rack.
- g. Install (2) 3 inch RGS conduit from server room to ceiling of first floor, including core through concrete floor, including firestop. This is to provide a raceway for cabling to the first floor. One sleeve is for data cabling and the other is for surveillance cabling
  - i. Pricing for rental of core drill is below in the pricing section
  - ii. All holes will be plugged with firestop
- h. Work includes all cutting and patching, and removal of existing cabling and equipment as required in the server room.

## 7. Phase III - Network cabling system and wireless access points

- a. Provide labor, material, services to install Cat-6 cabling to various locations on the first floor of the building. See enclosed drawing, showing 19 locations and 49 cables for network/phone. Assume 20 locations and 52 cables for Proposal.
- b. Furnish and install (2) RG6 coax runs from the mechanical room to the main network closet to accommodate future internet providers connectivity.

- c. Furnish and install RJ-45 wall jacks for each set of cables. Terminate cables at wall jack and patch panel at server rack. Each wall plate jack to be labeled.
- d. Install three Owner furnished wireless access points (WAP) as shown on drawing, and install CAT-6 cabling from WAP to server room patch panel
- e. Cables to be plenum rated and each to be tested prior to termination. Each cable to be labeled at both terminations
- f. Cables to be properly mounted - no cables shall be laying on ceiling grid or ductwork. Provide non-metallic raceway as required to protect cable for areas subject to damage or contact with other facilities or equipment.
- g. Existing acoustic ceiling tiles to be carefully removed and replaced to minimize damage.
- h. Work includes all cutting and patching , including firestop where required.





## Assumptions & Caveats

1. The timelines on this document assume responsiveness by all stakeholders including 3rd party vendors, hardware/software providers, customers, etc.
2. Miles Technologies takes exception to the following items listed in the requirements
  - a. All bidders must be New Jersey Department of Treasury DPMC classified C120.
  - b. Supervisor(s) or installer(s) assigned to the installation of this system or any of its components shall be Building Industry Consulting Services International (BICSI) Registered Cabling Installers, Technician Level. Submit documentation of current BICSI certification.
  - c. All onsite personnel must be at a minimum OSHA 10 certified with OSHA 30 preferred.

## Cost & Timeline

(plus tax, shipping, and handling)

### One-Time Project Cost

One-Time Project Cost Summary	
Miles Technologies Labor - Cable Removal	\$5,520
Miles Technologies Labor - Cable Installation	\$9,275
Hardware	\$8,655
Core Drill Rental (1 day)	\$145
TOTAL	\$23,450



ITEM	QTY	PRICE	EXT. PRICE
(45U) 2 Post Open Frame Rack with 4" vertical wire management	1	\$1,450.00	\$1,450.00
Cable tray - ladder rack (8 feet in length) to be installed width of the server room. Includes ladder rack, end brackets and plate to connect to 2 post rack	1	\$475.00	\$475.00
3" RGS (rigid galvanized steel) (10 foot length) conduit with bushings	2	\$252.00	\$504.00
2 Post 2U 14.75" deep light duty vented shelf	2	\$54.00	\$108.00
Rack Mounted PDU APC Basic Rack PDU 1U, (10) 5-20, 20A 120V (10 outlet)	2	\$245.00	\$490.00
48-Port CAT6 Patch Panel, Black	2	\$192.00	\$384.00
RG6 Coax Cable - 300 feet	1	\$110.00	\$110.00
RG6 Coax Cable fittings	4	\$5.00	\$20.00
CAT6 Plenum - 1000' Spool	9	\$399.00	\$3,591.00
6' of 3/4" raceway (white)	20	\$20.00	\$400.00
Cat 6 Keystone (white)	52	\$5.90	\$306.80
Single keystone plate (white)	5	\$3.00	\$15.00
Double keystone plate (white)	4	\$3.00	\$12.00
Triple keystone plate (white)	14	\$3.00	\$42.00
2 port surface mount box (white)	22	\$5.00	\$110.00
Township Permit Application and Process	1	\$150.00	\$150.00



Miscellaneous Installation Materials			
- Wire Ties			
- Mounting Hardware	1	\$488.00	\$488.00
- Wire Mold			
- Fire Stop			
- Etc.			
<b>TOTAL MATERIALS</b>			<b>\$8,655.80</b>
<b>DESCRIPTION</b>			
Labor - <b>Cable Removal - Phase I</b>			\$5,520.00
Labor - <b>Cable Installation</b>			\$9,275.00
<b>TOTAL LABOR</b>			<b>\$14,795.00</b>
<b>SUMMARY</b>			
Materials			\$8,655.80
Labor and installation			\$14,795.00
<b>PROJECT TOTAL</b>			<b>\$23,450.80</b>
<b>RENTAL SUMMARY</b>			
Scissor Lift Rental - 0 Days			\$0.00



Boom Lift Rental - 0 Days			\$0.00
Rental of Core Drill			\$145.00
RENTAL TOTAL			\$145.00

## Timeline

**Target date:** Phase I of the wiring removal can be completed within 3 weeks of this order being approved

The cabling installation can be completed within 6 weeks of this order being approved.

This target date is based on five objectives:

- Begin immediately after approval
- Get the work done quickly
- Maintain high level of quality
- Apply cost effective number of resources
- Minimize disruption to your staff



## Next Steps

If you have any questions about this proposal, please let your Miles Technologies representative know before approving the project. It is best for everyone if this document is clear and provides a complete, high level description of the work to be performed.

If this proposal looks good, let your Miles Technologies representative know and we will get started! Here are the next few steps:

- We will send you an electronic approval request (email) containing a link to your Miles Customer Portal. From there, you can 'click to approve' this project.
- Within 1 business day of your electronic approval, a Project Manager will be assigned to this project. Their initial tasks include creating a project plan, assigning and scheduling resources, and coordinating with you. You can expect an initial contact from your Project Manager within 2 business days of your electronic approval, even though project planning may not be complete at that point.
- For the duration of the project, your Project Manager will be your primary point of contact for project specific information and coordination. Your Miles Technologies representative is always available and happy to help as well, but your Project Manager will generally have the most up to date project specific information.

As always, if you have any open questions at all, please let your Miles Technologies representative know about them.

## An Important Note

At Miles Technologies we have a dedicated project team that implements hundreds of solutions over the course of a year. This group consists of implementation experts for almost all areas of information technology. As the first step in this project, these experts will expand upon the analysis already performed to ensure all technical and strategic items have been considered. This is done while they are putting together the detailed step-by-step plan that will be followed to complete the work. It is possible that changes will be uncovered during this planning that could affect the scope of work or the cost. If these changes affect your desire to proceed with the project, all invoices associated will be credited.





## General Notes

- **CONFIDENTIALITY:** The above and enclosed data, configuration, and prices are confidential and proprietary to Miles Technologies. All or any part of the above and the enclosed shall not be released to any third party. Copyright and all rights are reserved by Miles Technologies.
- All hardware and software products are subject to availability. Product make, model and prices are subject to change. All merchandise is subject to manufacturer's warranty terms and conditions unless specified otherwise.
- Due to the global supply chain crisis, many of our vendors no longer allow returns after the order has been placed. As such, we are unable to provide a return once the order has been placed, regardless if the equipment has been delivered.
- We strongly recommend the use of Antivirus and Antimalware Software on all servers, PC's and laptops. Ask for options available.
- Shipping charges will apply for merchandise purchases on behalf of our customers.
- It is the customer's responsibility to obtain software legally and in accordance with the licensing agreements for each software title.
- Items on this estimate that appear with a blank or zero in the quantity are not included in the estimate totals and are shown for supplementary or optional purposes.
- Invoices for services rendered will include applicable sales tax.
- Capital improvement project materials may not be taxable in your state. If you are making a capital improvement, please contact your accountant and/or your state tax department to determine if your purchase can be classified as a capital improvement. Miles will require the state specific capital improvement sales tax form in order to not charge sales tax. Please note that labor is not included in the capital improvement exemption.
- The "Important Note" section includes a mention about the availability of a credit if changes result in the customer stakeholder no longer wanting to continue with the work. After the detailed plan has been sent and the work started, the credit mentioned in this section is no longer applicable.
- Building and construction permitting laws vary widely from state to state and municipality to municipality. The requirement to obtain necessary building permits is the responsibility of the customer. Miles Technologies will investigate state and local permitting requirements, if requested by the customer, and all costs associated with obtaining necessary permits are the responsibility of the customer and will be invoiced separately as a project change order.
- This estimate expires 30 days from date of creation unless a specific expiration is stated.





# Business Technology

Consulting, Implementation, & Support



## STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

**Taxpayer Name:** MILES TECHNOLOGIES, INC.  
**Trade Name:** MILES TECHNOLOGIES  
**Address:** 100 MOUNT HOLLY BYPASS  
LUMBERTON, NJ 08048-1112  
**Certificate Number:** 1151807  
**Effective Date:** May 19, 2005  
**Date of Issuance:** November 30, 2022

**For Office Use Only:**  
**20221130083616746**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-57: AWARDING CONTRACT FOR ACCESS CONTROL AND CCTV SYSTEM INSTALLATION FOR 200 MAIN STREET

**SUGGESTED ACTION:**

**WHEREAS**, the Borough of Flemington has entered into a contract to purchase property located at 200 Main Street in the Borough of Flemington; and

**WHEREAS**, the Borough intends to relocate the headquarters of the Flemington Borough Police Department to this property; and

**WHEREAS**, the newly acquired building requires certain modifications and improvements be made before being occupied by the Police Department, with such modifications being done in a phased approach due to schedule and funding constraints; and

**WHEREAS**, the Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed; and

**WHEREAS**, one of these classifications is the furnishing and installation of access control for selected doors for enhanced security and interior/ exterior cameras, with associated equipment, for building security and Police operations; and

**WHEREAS**, working with the Borough staff, the Project Team has developed a scope of work, conducted field reviews and talked with three specialty Contractors for this work; and

**WHEREAS**, the Borough has solicited and has received two quotes for this service as follows:

Integrated Systems & Services \$59,514.00

Cooper Technology Group \$25,900.00

;and

**WHEREAS**, the quote that is most advantageous to the Borough is that of Cooper Technology Group for an amount of \$25,900.00; and

**WHEREAS**, the Borough CFO has certified that funds are available for this purpose.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, as follows:

1. The Mayor and Acting Borough Clerk are authorized to enter into a contract with Cooper Technology Group for an amount not to exceed \$25,900.00 to install access control for selected doors and interior/exterior cameras to be approved by the Borough Administrator.
2. The Mayor and Acting Clerk are authorized to take all actions necessary to execute this agreement.
3. This Resolution shall take effect immediately.

Adopted: February 13, 2023

Attest:

---

Marcia A. Karrow, Mayor

---

Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

[ltr - 1.16.23 - access control and CCTV award.pdf](#)



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

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TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

January 16, 2023

Mr. Michael Humphrey  
Business Administrator | Acting Clerk | Registrar  
Borough of Flemington  
38 Park Avenue  
Flemington, NJ 08822-1321

**Re: Borough of Flemington  
Police Headquarters Relocation  
Phase I Construction- Access Control and CCTV System Award**

Dear Mr. Humphrey:

The relocation of the Police Department to the newly acquired building at 200 Main St. requires certain modifications and improvements be made to that facility before being occupied by the Department. These modifications are being done in a phased approach due to schedule and funding constraints. Phase 1 includes work necessary to relocate the administrative functions of the Police Department to the new building., and the work required has been authorized by a determination by the Borough of an emergency condition at the current building at 100 Main St.

The Project Team has divided the work required under Phase I of the Project into a number of different classifications based on the type specialty contractor needed. One of these classifications is the furnishing and installation of access control for selected doors for enhanced security and interior/ exterior cameras, with associated equipment, for building security and Police operations. Working with the Borough staff, we have developed a scope of work, conducted field reviews and received acceptable pricing from two specialty Contractors for this work.

Accordingly, we recommend a Purchase Order be issued to Cooper Technology Group of Alpha, NJ in the amount of \$25,900.00. Their pricing was less than the other Vendor submitting a Proposal.

A detailed Proposal from the Vendor is enclosed.

Please do not hesitate to advise of any questions on this matter.

Very Truly Yours,  
**CME ASSOCIATES**

David H. Coats, P.E.

Enclosure

cc: W. Hance, Boro of Flemington

Cooper Technology Group  
210 3<sup>rd</sup> Avenue  
Alpha, NJ 08865

Toll Free in NJ/PA 1-877-COOPER-9  
908-859-6002  
Fax: 908-859-6022

Jerry Rotella  
Flemington Boro Police Dept  
100 Main St.  
Flemington, NJ 08822  
jrotella@flemingtonpd.org

PHONE	DATE
908-782-4343	October 28, 2022 Rev 12/4/2022 as per plan spec
JOB NAME / LOCATION	
New location at 200 Main St. Flemington NJ 08822 Project M- David Coats 908-461-7721 IT -Gary Herman 732-567-6638	
LOT #	JOB PHONE

## SCHEDULE A

We hereby submit specifications and estimates for:

### Phase 1 renovations based on latest plan and spec provided November 30,2022

We are an approved State of NJ Contractor, and would pay prevailing wages for this project

#### Surveillance System

Installation of a Speco Tech NDAA and UL Cyber security compliant camera system with the following equipment

- 16 Channel N16NRN6TB 8 terabyte network video recorder (to be located in the IT rooms rack)
- Using 4-megapixel O4VB1 100 ft infrared, outdoor cameras with 2.8mm wide angle lens, line crossing, object detection, region intrusion ability artificial intelligence with analytics cameras for outdoor locations covering the following areas, these cameras can identify human, vehicles, have facial recognition abilities, etc...

Outdoor Locations as per plan coverage:

- Two cameras for the front for the building
- One camera to look at the future back gate
- Three cameras to view the back of the building
- One north side camera to view the side driveway
- One camera to view the south side of the building

Indoor Locations as per plan:

As per plan coverage,using O4VD1 mini dome cameras

Two cameras, (one for interview room with audio recording, and one for public lobby)

(you will need some kind of monitor/TV for playback of the interview room camera, let us know and we can provide something if you don't have)

We can add more cameras to the system at anytime for upstairs renovation work

Total cost installed and setup **\$9880**

**Option** to upgrade any of the outdoor cameras to the Artificial intelligent units with advanced human and vehicle detection, Add \$250 per camera

### **Options**

To add an inside camera for the inside front door lobby area or any other location like the lower level bathroom hall, with a non AI camera mini dome \$450 per cam installed

### **Options**

Add a Smart AI camera, 4Megapixel 25X zoom PTZ camera with auto tracking, advanced analytics and 4.8-120mm lens to track vehicles or people coming in through the back gate, to replace the one camera above that was for the gate area.

Add \$700

### **Aiphone Video door station intercom system**

Install an Aiphone JOS-1VW Mobile-ready video intercom station at the back entry door, with one vandal resistant video door station, and two inside 7 inch monitor/door release stations for whatever locations you want. This system can also ring up to 8 cell phones for remote calling and control of the access door.

Total installed and setup \$2170

### **Access Control System**

Installation of a Vanderbilt Bright Blue access control system, which can be expanded to handle up to 64 doors at any time.

We would suggest the aluminum type glass doors that will be part of this system be replaced with doors with integrated locks and hardware, instead of having to retro fit the existing doors which in the case of the south police door and front door due to door construction would be very unsightly and difficult to do.

We would install all the wiring and system as per plan provided

- North side police entry outside door
- North side inside trap door
- Front door
- Evidence Room door
- Public inside lobby door
- Police secretary door
- Temporary patrol room door

All the wood doors and electric strike locations would use HES 5200C electric locks.

Aluminum doors assuming they are getting new hardware provided by door hardware supplier or contractor

HID 5395 readers to accept fob or cards

Power supplies for all these HES locks.

Provide 100 cards or fobs (your choice), and programming for 25 users during the setup

System includes all wiring (except electric), readers, controllers, software, supports and mounting, programming

Total installed and setup \$13400

All our work is guaranteed parts and labor one year, parts on systems have warrantees from 3-5 years on most products used. Five years on camera parts (excluding hard drive).

Total Proposal - \$9880+\$450+\$2170+\$13400 = \$25,900.00

**We Propose** hereby to furnish material and labor—complete in accordance with the above specifications, for the sum of:

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation insurance.

**Acceptance of Proposal** –The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above

**Date of Acceptance:**

**Authorized**

**Signature** \_\_\_\_\_

**Signature** \_\_\_\_\_

Note: This proposal may be withdrawn by us if not accepted within 60 days.

Web: [www.coopertechnologygroup.com](http://www.coopertechnologygroup.com) email: [info@coopertechnologygroup.com](mailto:info@coopertechnologygroup.com) Toll Free: 1-877-COOPER-9



## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-58: APPROVING SERVICES OF SSP ARCHITECTS FOR 200 MAIN STREET, 2023

**SUGGESTED ACTION:**

**WHEREAS**, the Borough of Flemington has entered into a contract to purchase property located at 200 Main Street in the Borough of Flemington; and

**WHEREAS**, the Borough intends to relocate the headquarters of the Flemington Borough Police Department to this property; and

**WHEREAS**, the newly acquired building requires certain modifications and improvements be made before being occupied by the Police Department, with such modifications being done in a phased approach due to schedule and funding constraints; and

**WHEREAS**, the Project Team has included the services of SSP Architects in 2022 as the designated Borough Architect for Phase I; and

**WHEREAS**, SSP has submitted a proposal to provide continued architectural consultation and construction assistance for 2023 for \$9,800.000; and

**WHEREAS**, the Borough CFO has certified that funds are available for this purpose.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, as follows:

1. The Mayor and Acting Borough Clerk are authorized to enter into an agreement SSP Architects for an amount not to exceed \$9,800.00.00 to to provide continued architectural consultation and construction assistance to be approved by the Borough Administrator.
2. The Mayor and Acting Clerk are authorized to take all actions necessary to execute this agreement.
3. This Resolution shall take effect immediately.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

[Proposal for Architectural Serviecs - Flemington Police - PH1 Construction Assistance.pdf](#)



**BOROUGH OF FLEMINGTON**  
PHASE 1 Renovations for  
Relocation of Flemington Police Department at  
200 Main Street, Flemington, New Jersey

**PROPOSAL FOR A/E SERVICES**

January 5, 2023  
*via email*

**Mike Humphrey**  
**C/O Dave Coats**  
Business Administrator / Acting Clerk  
Borough of Flemington  
38 Park Ave  
Flemington, NJ 08822  
[mhumphrey@historicflemington.com](mailto:mhumphrey@historicflemington.com)

Mr. Humphrey:

Over the past few years, you've been trying to find a new location for the Police Department, and SSP has proudly working with you to solve this problem. After reviewing the feasibility of renovating several different existing buildings as well as the possibility of building a new structure, it appears we have a viable option to relocate the Department as the Hotel Redevelopment and Liberty Village Redevelopment Projects move forward. We appreciate the opportunity to present this proposal to continue our partnership with the Borough of Flemington and assist in developing a department that the Police personnel, Council, and residents can be proud of.

**Project Understanding / Scope of Services**

SSP Architects has completed a Phase 1 scope of services to determine work to be completed to accommodate a partial relocation of police services to 200 Main Street pending a future Phase 2 project. We understand that using this document along with additional scope determined by CME Associates, the Borough has awarded a renovation contract to Murrey Contracting. This was awarded under emergency circumstances to relocate the police department out of the current location.

Per our previous conversations with Dave Coats, we are proposing the following services to assist during the construction process.

**CONSTRUCTION ASSISTANCE**

- Attend a Pre-Construction Meeting with the Contractor, Borough Engineer, Police Department, and Borough of Flemington to gain an understanding of schedule, phasing, etc.
- Attend up to 4 (four) additional construction meetings with Contractor, sub-contractors, Police Department, and Borough of Flemington to observe work and answer questions as they arise in the field.
- Review contractor payment applications with CME.
- Review submittals for major systems (ie. doors, door hardware, etc) for conformance with Code and Police Functional requirements. An item-by-item submittal process is not anticipated.
- Determine if submittals are required to be submitted to the Department of Corrections. Submission by others.
- Review and address Requests for Information (RFI's) from Developer and their subcontractors.
- Perform and document one punchlist inspection, with one follow up inspection.

Exceptions: The costs above do not include the following:

- Full colored renderings (*3-dimensional renditions of the building are included in the above scopes*)
- Attendance at public board meetings other than those listed in scope of services above (i.e. council, historic review, planning, etc.)
- Physical Site testing (i.e. Geotechnical borings, test pits, soil sampling)
- Underground utility mark-outs or design
- Environmental assessments of the subject property
- Design services
- Full Contract Administration services – this proposal is for assistance only.

### **Proposed Fee**


For the work outlined above, SSP Architects proposes to perform Construction Assistance services for **a total fixed fee of \$9,800.**

SSP Architects appreciates the opportunity to present this proposal and continue our partnership with the Borough of Flemington on this project. If you have any questions or wish to discuss the numbers as we have outlined them, please feel free to give us a call.

### **SSP ARCHITECTS**



Adam Finkle, AIA  
Project Manager



Marcus Rosenau, AIA, LEED AP  
Principal

Encl: Hourly Rate Sheet  
c: S. Mihalick, T. Stouchko, D. Miller

## HOURLY RATES & FEES

Effective: January 1, 2023 through December 31, 2023

<b>Principal</b>	\$225
<b>Associate</b>	\$170
<b>Project Manager</b>	\$155
<b>Architect</b>	\$140
<b>Project Coordinator</b>	\$110
<b>Designer</b>	\$85
<b>Administrative Support</b>	\$75

### Reimbursable Expense Policy

Reimbursable expenses are in addition to our fees for Basic Services and shall include any and all fees paid for securing reviews, inspections and/or approval of projects by authorities having jurisdiction over the project. Reimbursable expenses shall also include copy work, prints, photographic or digital copies, printing, reproductions, plots, standard form master documents, bid documents, postage, handling and delivery services related to the distribution of design and bidding documents.

Any other expenses not specifically listed but intended to be handled as a reimbursable charge shall be submitted to and authorized by the client in advance of incurring the charge.

All reimbursable expenses will be subject to an 8% mark-up that will be added to the direct invoiced costs for all products and services.

For Additional Services for consultants a 15% mark-up will be added to the direct invoiced costs.

*\*Rates are amended annually in January*



908.725.7800  
50 Division Street, Suite 503  
Somerville, NJ 08876  
[ssparchitects.com](http://ssparchitects.com)

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-59: AUTHORIZING ANNUAL FEES FOR LEAD-BASED PAINT INSPECTIONS IN ACCORDANCE WITH CHAPTER 9, SECTION 9.5.11 OF THE BOROUGH CODE

**SUGGESTED ACTION:**

**WHEREAS**, The Borough of Flemington Chapter 9, Section 9.5.11 entitled "Fees for lead-based paint inspections" permits annual fees to be set by the Borough Mayor and Governing Body, as required; and

**WHEREAS**, all fees established in accordance with this resolution are due at the time the inspection is performed.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Flemington that the fee schedule for lead-based paint inspections for 2023 shall be as follows:

- a. New Jersey State Fee: \$20
- b. Flemington Borough Administrative Fee: \$25
- c. Inspection Fees:
  - 1. Studio or One Bedroom: \$300
  - 2. Two Bedrooms: \$325
  - 3. Three Bedrooms: \$350
  - 4. Each additional Bedroom: \$25
- d. If a dust wipe fails a return trip fee of \$135 plus \$20 per wipe

will be assessed.

- e. If a certified outside inspector is used, the applicant will be charged a New Jersey State Fee of \$20 and a Flemington Borough Administrative Fee of \$25 per dwelling unit.

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-60: APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINSTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

**SUGGESTED ACTION:**

**WHEREAS**, the Borough of Flemington wishes to apply for funding of \$14,425.00 with a match of \$145,575.00 for an approximate project total cost of \$160,000.00 for a project under the State of New Jersey Safe & Secure Communities Grant Program, and

**WHEREAS**, the Mayor and Council has reviewed the accompanying application and has approved said request, and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and Flemington Borough for the purpose described in the application;

**THEREFORE, BE IT RESOLVED** by the Mayor and Council that

1. As a matter of public policy Flemington Borough wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.



5. The subaward number is 23-1009.
6. The subaward period is 9/15/22 to 9/14/23.
7. Flemington Borough accepts the subaward of the Safe & Secure grant.

Approved: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

#### **CERTIFICATION OF RECORDING OFFICER**

This is to certify that the foregoing resolution is a true and correct copy of a resolution which was duly and regularly introduced and finally adopted at the meeting of the Flemington Borough Mayor and Council held on the 13<sup>th</sup> of February, 2023 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this certificate.

Dated: February 13, 2023

SEAL

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-61: REFUNDING TEMPORARY FOOD CONCESSION PERMIT FEE FOR TIA B'S STREET TACOS LLC

**SUGGESTED ACTION:** **WHEREAS**, Hunterdon Helpline, a non-profit organization, is holding the Salsa Night fundraising event on September 17, 2022 on Stangl Road; and

**WHEREAS**, the owners of Tia B's Street Tacos LLC were a vendor for Salsa Night; and

**WHEREAS**, the owner paid the \$100 fee for a Temporary Food Concession Permit Application from the Borough of Flemington; and

**WHEREAS**, the Borough of Flemington made an agreement with Hunterdon Helpline to waive the fee for the Temporary Food Concession Permit Applications.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that a refund in the amount of \$100.00 be issued to Tia B's Street Tacos LLC, P.O. Box 128, Glen Gardner, NJ 08826 for the Temporary Food Concession Permit Application fee.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Regular Agenda

**SUBJECT:** RESOLUTION 2023-62: APPOINTMENT OF VAN CLEEF ENGINEERS AS THE FLEMINGTON SPECIAL PROJECTS ENGINEER, 2023

### SUGGESTED ACTION:

**WHEREAS**, the Borough of Flemington, Hunterdon County, is in need of engineering services for special projects during Calendar Year 2023; and

**WHEREAS**, Special Projects include representing the Borough as designated Engineer for the intended purpose of performing inspection and determining acceptance of Site Improvements being installed as part of Site and Subdivision projects approved by the Borough's combined Planning Board and Zoning Board of Adjustment; and

**WHEREAS**, Special Projects also include other specific services as may be assigned by the Borough of Flemington; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that a Resolution authorizing the award of a contract for professional services without competitive bidding must be publicly advertised and an agreement to retain the services of a Special Projects Engineer is a professional service as defined in said statute; and

**WHEREAS**, the Borough of Flemington has a need to acquire such services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 as appropriate; and

**WHEREAS**, the Borough of Flemington desires to retain Robert J. Clerico, PE, CME of the firm Van Cleef Engineering Associates, a

New Jersey Limited Partnership, Hunterdon County Office, 1128 Route 31, Lebanon, NJ 08833, as Special Projects Engineer; and

**WHEREAS**, Robert J. Clerico of Van Cleef Engineering Associates has submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the Borough of Flemington in the previous one (1) year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Borough of Flemington and the Engineering Firm wish to enter into an Agreement for such services as reflected in the attached document; and

**WHEREAS**, this agreement includes a maximum hourly rate of \$159 for all Engineering Services rendered, not to exceed a total of \$25,000 for the year; and

**WHEREAS**, the CFO has indicated that adequate funds are available in the Borough's 2022 budget;

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Flemington, Hunterdon County, appoint Robert J. Clerico, PE, CME of the firm Van Cleef Engineering Associates, a New Jersey Limited Partnership, Hunterdon County Office, 1128 Route 31, Lebanon, NJ 08833, as Special Projects Engineer for Calendar Year 2023.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Work Session

**AGENDA SECTION:** Work Session

**SUBJECT:** Exploratory discussion on permitted use of Main Street street-level business spaces.

**SUGGESTED ACTION:**

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Work Session

**AGENDA SECTION:** Work Session

**SUBJECT:** Discussion on the "Center Designation"

**SUGGESTED ACTION:**

**ATTACHMENTS:**

## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Bills

**AGENDA SECTION:** Payment of the Bills

**SUBJECT:** Payment of the bills in the amount of \$9,912,300.21

**SUGGESTED ACTION:**

**ATTACHMENTS:**



## Item Cover Page

### MAYOR AND COMMON COUNCIL AGENDA ITEM REPORT

**DATE:** February 13, 2023

**SUBMITTED BY:** Michael Humphrey, Clerk/Administration

**ITEM TYPE:** Resolutions

**AGENDA SECTION:** Executive Session for Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

**SUBJECT:** RESOLUTION 2023-65: EXECUTIVE SESSION TO DISCUSS POTENTIAL RDA AMENDMENTS FOR LIBERTY VILLAGE

**SUGGESTED ACTION:**

**WHEREAS**, the Common Council of the Borough of Flemington desires to discuss and obtain attorney advice regarding negotiation of potential amendment of RDA for Liberty Village; and

**WHEREAS**, an executive session for this discussion is justified under N.J.S.A. 10:4-12 (7), which cites:

*pending or anticipated litigation or contract negotiation other than in subsection B. (4) herein in which the public body is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise her ethical duties as a lawyer;*

and

**WHEREAS**, a date cannot yet be given for when the minutes from the executive session may be made public;

**NOW, THEREFORE, BE IT RESOLVED** that the Common Council of the Borough of Flemington go into executive session for the above-started purpose.

Adopted: February 13, 2023

Attest:

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Marcia A. Karrow, Mayor

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Michael Humphrey, Acting Borough Clerk

**ATTACHMENTS:**