

**Draft  
AGENDA  
BOROUGH OF WENONAH  
REGULAR BUSINESS MEETING  
FEBRUARY 23, 2023**

**I. OPENING:**

- a. Call to Order
- b. Flag Salute
- c. Roll Call
- d. Open Public Meetings Act Statement
- e. Adoption of Agenda

**II. PRIVILEGE OF THE FLOOR on Agenda items only**

Approval of January 26, 2023, council meeting minutes

**III. BUSINESS: RESOLUTIONS & ORDINANCES**

ORDINANCE 2023-2 2<sup>ND</sup> An Ordinance Repealing Chapter 22a of the Borough Code of The Borough of Wenonah & Providing for Local Enforcement of The New Jersey Uniform Fire Code

OPEN -- PUBLIC HEARING -- CLOSE-- ROLL CALL

RESOLUTION 2023-35 Adopting rules & regulations for public participation at Borough Council meetings

RESOLUTION 2023-36 Appointing Council Member Jonathan Barbato to County Economic Development Representative

RESOLUTION 2023-37 Approving temporary emergency appropriations

RESOLUTION 2023-38 Approving temporary capital budget

RESOLUTION 2023-39 Authorizing invitation of bids for the 2023 NJDOT improvement project

RESOLUTION 2023-40 Authorizing the tax collector to write off the overpayment of tax refund

RESOLUTION 2023-41 Authorizing Borough Change Order #3 (Final) to the Contract with Richard E. Pierson Construction for the 2022 Wenonah Infrastructure Improvement Project

RESOLUTION 2023-42 Authorizing NJDOT Change Order Number 1 (Final) to the Contract with Richard E. Pierson Construction for the 2022 Wenonah Infrastructure Improvement Project

RESOLUTION 2023-43 Approving Payment #4 (Final) To Richard E. Pierson Construction Co., Inc., For The 2022 Borough of Wenonah Infrastructure Improvement Project

RESOLUTION 2023-44 Certifying the List of Volunteer Firefighters Who Have Qualified for the Length Of Service Award Program (LOSAP) Benefits For The Year 2022

ORDINANCE 2023-3 1<sup>ST</sup> READ Approving reappropriating excess bonds proceeds to finance improvements to N. Clinton of \$118,440.46 and appropriation from capital improvement fund \$30,602.29

ORDINANCE 2023-4 1<sup>ST</sup> READ Approving Various 2023 capital improvements appropriating \$177,000 and issuance of \$140,00 in bonds or notes.

ORDINANCE 2023-5 1<sup>ST</sup> READ Approving Flood Plan Management Regulations  
( All 3 Ordinance public hearing will be March 23, 2023)

**IV. COMMITTEE REPORTS:**

- a. Personnel – Susan Mayer
- b. Public Works/Public Buildings & Grounds – Dan Cox
- c. Public Safety – Anthony Fini
- d. Finance & Budget – Jaclyn Graves
- e. Legal & Ordinance – Jonathan Barbato
- f. Public Programs – Jeanne Grigri
- g. Lake Park Renovation Committee – Jonathan Barbato / Susan Mayer

- V. **ENGINEERS REPORT:**
- VI. **APPROVE DISBURSEMENTS**
- VII. **OTHER BUSINESS** DRPA response letter
- VIII. **PRIVILEGE OF THE FLOOR (Pursuant to Resolution R-2023-35) There is a time limit of 3 minutes per person during the public portion).**

## **ADJOURN**

### **NOTICE PURSUANT TO N.J.S.A 10:4-8(d)**

The items listed on this tentative agenda of the Mayor and Council of the Borough of Wenonah constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

**RESOLUTION R-2023-35**  
**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WENONAH**  
**TO PROVIDE RULES AND REGULATIONS FOR PUBLIC**  
**PARTICIPATION AT BOROUGH COUNCIL MEETINGS**

**WHEREAS**, under the New Jersey Open Public Meetings Act (Act), NJSA 10:4-6 et seq., all public meetings are open to the public;

**WHEREAS**, the Act does not limit the discretion of a public body to permit, prohibit or regulate the act of participation of the public at a meeting;

**WHEREAS**, the Borough Council has historically allowed members of the public to address the Council in order to permit and encourage public participation at such meetings;

**WHEREAS**, the Council has determined that the enactment of rules and regulations for the conduct of such meetings and public participation would help clarify the process and encourage the public to participate in Borough business;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Wenonah, in the County of Gloucester and State of New Jersey that the following rules shall be applied to all public comment portions of the meeting:

(1) The public is invited to attend and observe all public meetings of the Borough Council. Persons shall be heard at any public meeting as provided herein.

(2) At any public meeting for which a member of the public has properly requested to address Council, such person may address the Council as to the purpose set forth in the request to speak. After acknowledgment from the Mayor, each person to address Council must state his or her name and residence or business address. Members of the public are limited to a three-minute time limit to address Council. The time limit does not apply (1) to persons invited by the Council to address the respective governing body, or (2) to the extent said person is responding to a question posed by Council member. The Mayor may restrict or limit the time allotted to a person whose remarks are repetitive or not germane to the matter under consideration by Council. At meetings with unusually large attendance, the Mayor may impose such additional rules or time limitations as are deemed appropriate from time to time based on business before the Council and the number of persons wishing to speak.

(3) Members of the public are not permitted to ask questions of, or debate with, Council unless permitted to do so by the Mayor. All remarks shall be addressed to the Council as a body and not to any member thereof.

(4) No member of the public, or any other person in attendance at a meeting of Council, shall engage in any personally offensive or abusive remarks or conduct. No person shall behave in any manner that is unruly, disruptive, or may endanger the health, safety, or welfare of said person or other members of the public, or otherwise act in a manner not in compliance with these rules. Any person violating the rules herein is subject to removal from the meeting if he or she refuses to comply after being advised to do so.

**THIS RESOLUTION IS DULY ADOPTED** at the Regular Meeting of the Borough Council of the Borough of Wenonah held on February 23, 2023.

**ATTEST:**

**BOROUGH OF WENONAH**

\_\_\_\_\_  
**Jessica S. Doheny, Mayor**

\_\_\_\_\_  
**Karen L. Sweeney, Borough Clerk**

**RESOLUTION R: 2023-36**

**RESOLUTION OF THE BOROUGH OF WENONAH APPOINTING  
REPRESENTATIVE TO THE GLOUCESTER COUNTY MUNICIPAL  
ECONOMIC DEVELOPMENT COUNCIL**

*WHEREAS*, the Gloucester County Economic Development Council consists of one (1) representative from each of the twenty-four (24) municipalities of the County of Gloucester, together with representatives of various County Departments and Agencies; and

*WHEREAS*, the Borough must designate a representative to the aforesaid Council.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the Borough of Wenonah, County of Gloucester, and State of New Jersey that Council member Jonathan Barbato be and is hereby appointed as the Borough Representative to the Gloucester County Municipal Economic Development Council for a term commencing February 23, 2023 through December 31, 2023.

*BE IT FURTHER RESOLVED* that a true copy of the Resolution be forwarded to the Director of the Gloucester County Department of Business and Economic Development, forthwith after the adoption hereof.

*ADOPTED* at the meeting of the Mayor and Council of the Borough of Wenonah, County of Gloucester, and State of New Jersey held on February 23, 2023.

**BOROUGH OF WENONAH**

\_\_\_\_\_  
Jessica S. Doheny, Mayor

Attest: \_\_\_\_\_  
Karen L. Sweeney, Municipal Clerk

RESOLUTION NO. 2023-37

BOROUGH OF WENONAH

COUNTY OF GLOUCESTER

2023 TEMPORARY EMERGENCY RESOLUTION

WHEREAS, N.J.S.A. 40A:4-20 provides that temporary emergency appropriations may be made for the period between the beginning of the fiscal year and the date of adoption of the budget for said year; and

WHEREAS, the date of this resolution is not within the first thirty days of January, 2022; and

NOW THEREFORE BE IT RESOLVED, that the following temporary emergency appropriations for 2023 be made, and that a certified copy of this resolution be forwarded to the Chief Financial Officer for his records:

CURRENT FUND

Administrative & Executive:	
Other Expenses:	
Printing and Legal Advertising	\$ 1,000.00
Codification of Borough Ordinances	2,000.00
Miscellaneous	7,300.00
Elections:	
Other Expenses	2,000.00
Financial Administration:	
Salaries and Wages	40,000.00
Other Expenses	10,000.00
Annual Audit	10,000.00
Collection of Taxes:	
Salaries and Wages	5,000.00
Other Expenses	1,500.00
Legal Services and Costs:	
Other Expenses	15,000.00
Engineering Services:	
Other Expenses	15,000.00
Operation of Lake:	
Salaries and Wages	30,000.00
Other Expenses	22,000.00
Planning Board:	
Salaries and Wages	1,000.00
Other Expenses	1,000.00
Insurance:	
Group Insurance	13,000.00
Health Benefit Waivers	9,000.00
Emergency Management:	
Other Expenses	400.00
Aid to Volunteer Fire Company	600.00
Fire:	
Other Expenses	7,400.00
Fire Prevention:	
Salaries and Wages	(700.00)
Garbage & Trash:	
Other Expenses	(1,000.00)



**BOROUGH OF WENONAH**  
**TEMPORARY CAPITAL BUDGET**  
**RESOLUTION NO. 2023-38**

**WHEREAS**, the need has arisen to introduce a bond ordinance for N. Jefferson Avenue Roadway Improvements, Purchase of a Public Works Pick-Up Truck, and Purchase of a Public Works Dump Truck including all appurtenances necessary and related thereto, and;

**WHEREAS**, the regulations of the Local Finance Board (N.J.A.C. 5:30-4.3(b)) of the Division of Local Government Services, Department of Community Services requires that the municipality adopt a temporary capital budget if a bond ordinance is to be passed prior to the adoption of the Annual Capital Budget, and;

**WHEREAS**, the ordinance provides a total appropriation as follows:

**General Capital Fund**

<u>1) Purpose</u>	<u>Total</u>	<u>Debt Authorized</u>	<u>CIF Downpayment</u>
Roadway Improvements to N. Jefferson Avenue	\$ 140,750	\$105,750	\$ 35,000
Purchase of a Public Works Pick-Up Truck.	14,250	13,500	750
Purchase of a Public Works Dump Truck	<u>22,000</u>	<u>20,750</u>	<u>1,250</u>
<b>TOTAL</b>	<b><u>\$177,000</u></b>	<b><u>\$ 140,000</u></b>	<b><u>\$ 37,000</u></b>

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Wenonah, County of Gloucester that:

- (1) a Temporary Capital Budget is hereby created for the following:

**General Capital Fund**

Roadway Improvements to N. Jefferson Avenue	\$ 140,750
Purchase of a Public Works Pick-Up Truck	14,250
Purchase of a Public Works Dump Truck	144,500

- (2) these projects will be included in the Annual Capital Budget, and  
 (3) one certified copy shall be forwarded to the Director of the Division of Local Government Services immediately after passage.

Adopted this 23rd day of February 2023  
 and certified as a true copy of an original.

\_\_\_\_\_  
 Karen L. Sweeney Borough Clerk/Treasurer

\_\_\_\_\_  
 Jessica S. Doheny, Mayor

**RESOLUTION 2023-39**

**RESOLUTION AUTHORIZING INVITATION**

**OF BIDS FOR THE 2023 BOROUGH OF WENONAH INFRASTRUCTURE IMPROVEMENT PROJECT WHICH INCLUDES THE 2022 NJDOT MUNICIPAL AID PROJECT FOR ROADWAY IMPROVEMENTS TO NORTH CLINTON AVENUE, FROM ELM STREET TO MAPLE STREET; THE 2022 NJDOT LOCAL AID INFRASTRUCTURE FUND PROJECT FOR RECONSTRUCTION & DRAINAGE IMPROVEMENTS TO NORTH JEFFERSON AVENUE, FROM MANTUA AVENUE TO BUTTONWOOD STREET; WATER MAIN IMPROVEMENTS TO NORTH CLINTON AVENUE, FROM POPLAR STREET TO BUTTONWOOD STREET (2023 CAPITAL PROGRAM); AND ROADWAY IMPROVEMENTS TO MAPLE STREET, FROM PRINCETON AVENUE TO SYNNOTT AVENUE (2023 CAPITAL PROGRAM)**

**WHEREAS**, the Borough Engineer has prepared specifications and bid documents for the 2023 Borough of Wenonah Infrastructure Improvement Project, including the 2022 NJDOT Municipal Aid Project for Roadway Improvements to North Clinton Avenue, from Elm Street to Maple Street; the 2022 NJDOT Local Aid Infrastructure Fund Project for Reconstruction & Drainage Improvements to North Jefferson Avenue, from Mantua Avenue to Buttonwood Street; Water Main Improvements to North Clinton Avenue, from Poplar St. to Buttonwood St (2023 Capital Program); and Roadway Improvements to Maple Street, from Princeton Avenue to Synnott Avenue (2023 Capital Program).

**WHEREAS**, funds have been appropriated to defray the anticipated costs of the 2023 Borough of Wenonah Infrastructure Improvement Project;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Wenonah that advertisements inviting bids for 2023 Borough of Wenonah Infrastructure Improvement Project is hereby authorized.

**BOROUGH OF WENONAH**

**BY:** \_\_\_\_\_  
**JESSICA S. DOHENY, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KAREN L. SWEENEY, MUNICIPAL CLERK**

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Wenonah at a Meeting held February 23, 2023.

\_\_\_\_\_  
**KAREN L. SWEENEY, MUNICIPAL CLERK**



**BOROUGH OF WENONAH  
GLOUCESTER COUNTY, NEW JERSEY**

**RESOLUTION 2023-40**

**AUTHORIZING THE TAX COLLECTOR TO WRITE OFF THE OVERPAYMENT OF  
THE TAX REFUND**

**WHEREAS**, pursuant to Resolution No. 2021-63, adopted May 27, 2021, the Borough Council of the Borough of Wenonah authorized the Tax Collector to process a tax refund to former property owner Marc and Cynthia Skulnick, for property located at Block 33, Lot 7.01, in the amount of \$1,900.11; and

**WHEREAS**, the Tax Collector forwarded a refund check in the amount of \$1,100 to the mortgage company and another refund check was forwarded directly to the former property owners in the amount of \$1,900.11; and

**WHEREAS**, the refund check in the amount of \$1,900.11 sent to the property owners was incorrect, and should have been in the amount of \$800.11; and

**WHEREAS**, after several attempts to contact the former property owner with no response, and based on the fact that the property is no longer owned by the party who received the excess refund, the overpayment of \$1,100.11 should be written off.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, as follows:

1. The Tax Collector is hereby authorized to write off the refund overpayment in the total amount of \$1,100.11.

**ADOPTED** at a regular meeting of the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey held on February 23, 2023.

BOROUGH OF WENONAH

JESSICA S. DOHENY, Mayor

ATTEST:

KAREN L. SWEENEY, Municipal Clerk

**CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, at a meeting held by the same on February 23, 2023, in the Borough's Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

**KAREN L. SWEENEY**  
Municipal Clerk

**RESOLUTION NO. 2023-41  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF WENONAH, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY**

**AUTHORIZING BOROUGH CHANGE ORDER #3 (FINAL) TO THE CONTRACT  
WITH RICHARD E. PIERSON CONSTRUCTION, INC.,  
FOR THE 2022 BOROUGH OF WENONAH INFRASTRUCTURE IMPROVEMENT  
PROJECT**

**WHEREAS**, pursuant to Resolution No. 2022-66, adopted July 28, 2022, the Mayor and Council of the Borough of Wenonah approved and awarded, a contract to Richard E. Pierson Construction, Inc., in the total amount of \$1,306,413.24, for the 2022 Borough of Wenonah Infrastructure Improvement Project; and

**WHEREAS**, the Borough Engineer has recommended Change Order Number 3 (Final), dated January 19, 2023, (Exhibit A ), showing an increase of \$91,015.07 and a decrease in the amount of \$77,889.52, resulting in an overall increase of \$13,125.55, for bids as outlined below:

1. Base Bid #2: Water Main Improvements to Lenape Trail (2022 Borough Capital Project).
2. Base Bid #3: Roadway Improvements to Mohawk Drive, from Lenape Trail to Woodbury-Glassboro Rd (2022 Borough Capital Project);
3. Alternate Bid #1: Roadway Improvements to East Poplar Street, from Clinton Avenue to Princeton Avenue (2022 Borough Capital Project);
4. Alternate Bid #2: Roadway Improvements to North Monroe Avenue, from Poplar Street to Mantua Avenue (2022 Borough Capital Project).
5. Alternate Bid #3: Water Service Replacement (2022 Borough Capital Project)

**WHEREAS**, based upon this submission, it is the request and recommendation of the Borough Engineer that Borough Change Order Number 3 (Final) be approved by Mayor and Council of the Borough of Wenonah; and

**WHEREAS**, the Change Order amount of \$13,125.55 is equal to 1.00% of the original contract amount; and

**WHEREAS**, the Borough of Wenonah CFO does hereby certify that the funds are available from accounts 2-04-10-620-017, 2-04-10-620-014, 2-06-10-300-011, 2-06-10-300-020, 2-04-10-620-013, 2-04-10-620-011, 2-04-10-620-012, 2-06-10-300-020, 3-06-10-300-011, 3-06-10-300-020 with respect to approving Change Order Number 3 (Final) to Richard E. Pierson Construction, Inc., in the amount of \$13,125.55; and

**WHEREAS**, there have been previously approved change orders resulting in the approved contract amount equaling \$1,436,486.20.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, that the above accepted Change Order Number 3 (Final) in the amount of \$13,125.55, is hereby approved and the Final contract amount for the 2023 Borough of Wenonah Infrastructure Improvement Project, is hereby amended to \$1,449,611.75.

**ADOPTED** at a regular meeting of the Borough Council of the Borough of Wenonah held on February 23, 2023.

BOROUGH OF WENONAH

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JESSICA S. DOHENY, Mayor

ATTEST:

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KAREN L. SWEENEY, Municipal Clerk

### CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, at a meeting held by the same on February 23, 2023, in the Borough's Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

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KAREN L. SWEENEY  
Municipal Clerk

**RESOLUTION NO. 2023-42  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF WENONAH, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY**

**AUTHORIZING NJDOT CHANGE ORDER NUMBER 1 (FINAL) TO THE CONTRACT  
WITH  
RICHARD E. PIERSON CONSTRUCTION, INC.,  
FOR THE 2022 BOROUGH OF WENONAH INFRASTRUCTURE IMPROVEMENT  
PROJECT**

**WHEREAS**, pursuant to Resolution No. 2022-66, adopted July 28, 2022, the Mayor and Council of the Borough of Wenonah approved and awarded, a contract to Richard E. Pierson Construction, Inc., in the total amount of \$1,306,413.24, for the 2022 Borough of Wenonah Infrastructure Improvement Project; and

**WHEREAS**, a portion of the 2022 Borough of Wenonah Infrastructure Improvement Project included the 2022 NJDOT Municipal Aid Project for Lenape Trail, from Mohawk Drive to Mohawk Drive, in the total amount of \$670,353.82; and

**WHEREAS**, David Kreck, the Borough Engineer, has recommended NJDOT Change Order Number 1 (Final), (Exhibit A ), for Lenape Trail, from Mohawk Drive to Mohawk Drive (2022 NJDOT Municipal Aid Project), resulting in a decrease in the amount of \$7,605.64; and

**WHEREAS**, based upon this submission, it is the request and recommendation of the Borough Engineer that NJDOT Change Order Number 1 (Final) be approved by Mayor and Council of the Borough of Wenonah; and

**WHEREAS**, the Change Order amount of -\$7,605.64 is equal to an decrease of 1.13% of the original contract amount for Lenape Trail, from Mohawk Drive to Mohawk Drive only; and

**WHEREAS**, the Borough of Wenonah CFO does hereby certify that the funds are available from accounts 2-04-10-620-017, 2-04-10-620-014, 2-06-10-300-011, 2-06-10-300-020, 2-04-10-620-013, 2-04-10-620-011, 2-04-10-620-012, 2-06-10-300-020, 3-06-10-300-011, 3-06-10-300-020 with respect to approving NJDOT Change Order Number 1 (Final) to Richard E. Pierson Construction, Inc., in the amount of -\$7,605.64.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, that the above accepted NJDOT Change Order Number 1 (Final), in the amount of -\$7,605.64, is hereby approved and the new contract amount of \$662,748.18 for the 2022 NJDOT Municipal Aid Project for Lenape Trail, from Mohawk Drive to Mohawk Drive, is hereby approved.

**ADOPTED** at a regular meeting of the Borough Council of the Borough of Wenonah held on February 23, 2023.

BOROUGH OF WENONAH

\_\_\_\_\_  
JESSICA S. DOHENY, Mayor

ATTEST:

\_\_\_\_\_  
KAREN L. SWEENEY, Municipal Clerk

**CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, at a meeting held by the same on February 23, 2023, in the Borough's Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

\_\_\_\_\_  
KAREN L. SWEENEY  
Municipal Clerk

**RESOLUTION NO. 2023-43  
OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF WENONAH, COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY**

**APPROVING PAYMENT #4 (FINAL)  
TO RICHARD E. PIERSON CONSTRUCTION CO., INC.,  
FOR THE 2022 BOROUGH OF WENONAH  
INFRASTRUCTURE IMPROVEMENT PROJECT**

**WHEREAS**, pursuant to Resolution No. 2022-66, adopted July 28, 2022, the Mayor and Council of the Borough of Wenonah approved and awarded, a contract to Richard E. Pierson Construction, Inc., in the total amount of \$1,306,413.24, inclusive of the Base Bid #1 (\$670,353.82); Base Bid #2 (\$270,462.39); Base Bid #3 (\$56,663.01); Alternate Bid #1 (\$159,875.01); Alternate Bid #2 (\$87,470.01); and Alternate Bid #3 (\$61,589.00); for the 2022 Borough of Wenonah Infrastructure Improvement Project; and

**WHEREAS**, pursuant to Resolution No. 2022-77, Borough Council approved Borough Change Order #1, wherein the sum of \$15,651.40 was subtracted from the original contract price of \$1,306,413.24, for a total amended contract price of \$1,290,761.84; and

**WHEREAS**, pursuant to Resolution No. 2022-82, Borough Council approved Borough Change Order #2 wherein the sum of \$153,330.00 was added to the amended contract price of \$1,290,761.84, for a revised amended Contract Price of \$1,444,091.84; and

**WHEREAS**, Borough Council approved NJDOT Change Order #1 (Final) wherein the sum of -\$7,605.64 was subtracted from the amended contract price of \$1,444,091.84, for a revised amended contract price of \$1,436,486.20; and

**WHEREAS**, Borough Council approved Borough Change Order #3 (Final) wherein the sum of \$13,125.55 was added to the amended contract price of \$1,436,486.20, for a Final Contract Price of \$1,449,611.75; and

**WHEREAS**, the Final Contract Price of \$1,449,611.75 reflects an overall increase of 10.96% above the original contract amount of \$1,306,413.24; and

**WHEREAS**, Richard E. Pierson Construction Co., Inc., has submitted its Application for Final Payment (#4) in the amount of \$79,535.75; and

**WHEREAS**, the Borough's Engineer has inspected the work and has approved Final Payment (#4) to Richard E. Pierson Construction Co., Inc. in the sum of \$79,535.75.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, that that the Final Payment (#4) in the amount of \$79,535.75 to Richard E. Pierson Construction Co., Inc., is hereby approved and authorized

conditioned upon receipt of the required Maintenance Bond in a form acceptable to the Borough Engineer and Borough Attorney.

**ADOPTED** at a Regular Meeting of the Mayor and Council of the Borough of Wenonah, County of Gloucester, State of New Jersey held on February 23, 2023.

**BOROUGH OF WENONAH**

\_\_\_\_\_  
**JESSICA S. DOHENY, Mayor**

**ATTEST:**

\_\_\_\_\_  
**KAREN L. SWEENEY, Municipal Clerk**

**CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, at a meeting held by the same on February 23, 2023 in the Borough's Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

\_\_\_\_\_  
Karen Sweeney  
Municipal Clerk



**RESOLUTION #R-2023-44**

**“RESOLUTION OF THE BOROUGH OF WENONAH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY CERTIFYING THE LIST OF VOLUNTEER FIREFIGHTERS WHO HAVE QUALIFIED FOR THE LENGTH OF SERVICE AWARD PROGRAM (LOSAP) BENEFITS FOR THE YEAR 2022”**

WHEREAS, pursuant to N.J.S.A. 40A: 14-191, the voters of the Borough of Wenonah approved by referendum, participation in the Length of Service Award Program (LOSAP) for the benefit of volunteer firefighters; and

WHEREAS, the Fire Chief of the Wenonah Volunteer Fire Company has submitted his list of volunteer firefighters who have met the qualification criteria established for the year 2022 (Exhibit 1 annexed hereto); and

WHEREAS, the volunteer firefighters on the attached list have met the criteria for LOSAP for the year 2022;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, that the list of volunteer firefighters attached hereto are hereby certified to have met the criteria for the Length of Service Award Program (LOSAP) Benefits for the year 2022.

February 23, 2023

\_\_\_\_\_  
Mayor, Jessica S. Doheny

ATTEST: February 23, 2023

\_\_\_\_\_  
Municipal Clerk: Karen L. Sweeney

**CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Council of the Borough of Wenonah, County of Gloucester, State of New Jersey, at a meeting held by the same on February 23, 2023, in the Borough's Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

\_\_\_\_\_  
Karen L. Sweeney  
Municipal Clerk

**Borough of Wenonah  
Gloucester County, New Jersey**

**ORDINANCE NO. 2023-2**

**AN ORDINANCE REPEALING CHAPTER 22A OF THE BOROUGH CODE OF  
THE BOROUGH OF WENONAH AND  
PROVIDING FOR LOCAL ENFORCEMENT OF THE  
NEW JERSEY UNIFORM FIRE CODE**

**WHEREAS**, the Uniform Fire Safety Act, (P.L. 1983, c.383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and

**WHEREAS**, the New Jersey Department of Community Affairs has promulgated minimum fire safety standards which have been made part of the Uniform Fire Code (N.J.A.C. 5:70.1.1, et seq.); and

**WHEREAS**, the Uniform Fire Safety Act authorizes municipalities to provide for local enforcement of these standards and to establish local enforcement agencies for that purpose; and

**WHEREAS**, it is in the best interest of the Borough of Wenonah to have the Uniform Fire Code enforced locally.

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

**Section 1.**

Chapter 22A of the Borough Code of Wenonah is hereby repealed and replaced with the following:

**§ 22A-1 - Local Enforcement**

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983 c. 383), the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1.1, et seq.) shall be locally enforced in the Borough of Wenonah.

**§ 22A -2 - Agency Designation**

The local enforcing agency shall be the Mantua Township Fire Marshall's Office. The Mantua Township Fire Marshall's Office shall hereinafter be known as the local enforcing agency.

**§ 22A - 3 - Duties**

- A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Borough of Wenonah other than one-

and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by the Federal Government, Interstate Agencies or the State.

- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

**§ 22A -4 - Miscellaneous Provisions**

The Borough of Wenonah shall defer to the Mantua Township Fire Marshall's Office Ordinance for matters governing Organization, Appointments, Qualifications, Term of Office, Removal, Inspections of both Life Hazard Uses and Non-Life Hazard Uses, Permits and Inspection Fees, Board of Appeals, Enforcement, Violations and Penalties, and any other provisions of the Mantua Township Fire Marshall's Office Ordinance not otherwise inconsistent with this Ordinance. All previous violations cited by the Borough of Wenonah shall transfer to the Mantua Township Fire Marshall's Office to ensure compliance continues.

**Section 2. Effective Date**

This ordinance shall be effective upon passage and publication as required by law as of this date of

**BOROUGH OF WENONAH**

ATTEST:

BY: \_\_\_\_\_  
**JESSICA S. DOHENY, MAYOR**

\_\_\_\_\_  
**KAREN L. SWEENEY, MUNICIPAL CLERK**

*I, Karen Sweeney, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on January 26, 2023, and adopted on final reading by the Borough Committee of the Borough of Wenonah at a regular and duly convened meeting held on February 23, 2023.*

*In witness thereof, I have set my hand and affixed the seal of the Borough of Wenonah this \_\_\_\_\_ day of \_\_\_\_\_, 2023.*

\_\_\_\_\_  
*Karen Sweeney, RMC/ADMIN/QPA  
Municipal Clerk, Wenonah Borough*

**BOND ORDINANCE 2023-3  
PROVIDING FOR ROADWAY IMPROVEMENTS TO N.  
CLINTON AVENUE, BY AND IN THE BOROUGH OF  
WENONAH, IN THE COUNTY OF GLOUCESTER, STATE  
OF NEW JERSEY; REAPPROPRIATING \$118,440.46 IN  
EXCESS BOND PROCEEDS FROM VARIOUS SECTIONS  
OF BOND ORDINANCE NUMBER 2020-10 FINALLY  
ADOPTED ON JULY 23, 2020, AS REAPPROPRIATED BY  
BOND ORDINANCE NUMBER 2022-11 FINALLY ADOPTED  
ON JULY 28, 2022, NOT NEEDED FOR THEIR ORIGINAL  
PURPOSES, TO FINANCE THE COSTS THEREOF AND  
APPROPRIATING \$31,602.29 FROM THE CAPITAL  
IMPROVEMENT FUND TO PAY FOR THE COSTS  
THEREOF**

**WHEREAS**, the Borough Council of the Borough of Wenonah, in the County of Gloucester, State of New Jersey (the "Borough"), finally adopted Bond Ordinance Number 2020-10 on July 23, 2020, as reappropriated by Bond Ordinance Number 2022-11 finally adopted on July 28, 2022, as more fully described in Section 1 herein (collectively, the "Ordinances"); and

**WHEREAS**, following the effective dates, respectively, of the Ordinances, the Borough issued bonds to fully fund the same and to finance the improvements or purposes authorized therein; and

**WHEREAS**, the Borough has determined that the capital improvements or purposes set forth in the Ordinances have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinances, as applicable; and

**WHEREAS**, there currently remains on deposit in the Borough's capital accounts excess bond proceeds allocable to the Ordinances (the "Excess Proceeds"),

but no longer necessary to complete the improvements or purposes authorized therein;  
and

**WHEREAS**, in accordance with the statutory powers set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds to finance the costs of the roadway improvements to N. Clinton Avenue in the Borough (the "New Purpose"), for which bonds may be issued, thereby eliminating the need for the Borough to incur additional debt to finance such current capital needs; and

**WHEREAS**, the Borough Council of the Borough now desires to reappropriate the Excess Proceeds to undertake the New Purpose.

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

**SECTION 1.** The following amounts of Excess Proceeds from the Ordinances listed below are no longer necessary for the improvements or purposes for which they were appropriated, authorized and issued:

<b><u>Bond Ordinance Number and Date of Adoption</u></b>	<b><u>Excess Proceeds Amount</u></b>	<b><u>Section of Bond Ordinance Reappropriated From</u></b>
2020-10 finally adopted July 23, 2020, as reappropriated by 2022-11 finally adopted July 28, 2022	\$ 12,999.99	Section 3(a)

<u>Bond Ordinance Number and Date of Adoption</u>	<u>Excess Proceeds Amount</u>	<u>Section of Bond Ordinance Reappropriated From</u>
2020-10 finally adopted July 23, 2020, as reappropriated by 2022-11 finally adopted July 28, 2022	\$ 5,204.99	Section 3(b)
2020-10 finally adopted July 23, 2020, as reappropriated by 2022-11 finally adopted July 28, 2022	\$100,235.48	Section 3(d)
	<u>\$118,440.46</u>	
Total:		

**SECTION 2.** The total amount of \$118,440.46 in Excess Proceeds is hereby reappropriated pursuant to N.J.S.A. 40A:2-39, and shall be used to finance the cost of the undertaking by the Borough of general capital improvements or purposes for which bonds may be issued. Said general capital improvements or purposes are set forth in Section 3(a) of this bond ordinance.

**SECTION 3. (a)** The capital improvements hereby authorized and purposes for which the Excess Proceeds are to be reappropriated is for the New Purpose.

**(b)** The improvements or purposes set forth above in Section 3(a) shall also include, as applicable, all engineering and design work, preparation of plans and specifications, permits, bid documents, contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

**SECTION 4.** Additionally, the Borough seeks to appropriate an additional amount of \$31,602.29 from the Capital Improvement Fund, so that the appropriation shall be increased from \$118,440.46 to \$150,042.75 to provide for the New Purpose.

**SECTION 5.** In the event the United States of America, the State of New Jersey and/or the County of Gloucester make a contribution or grant in aid to the Borough for the improvement or purpose authorized hereby and the same shall be received by the Borough, then such funds shall be applied to the payment of debt service on the bonds issued for such improvement or purpose and shall be used for no other improvement or purpose.

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

**SECTION 7.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bond proceeds reappropriated by this bond ordinance.

**SECTION 8.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**  
**DATED: February 23, 2023**

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**KAREN L. SWEENEY**  
**Borough Clerk**

**ADOPTED ON SECOND READING**  
**DATED: \_\_\_\_\_, 2023**

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**KAREN L. SWEENEY**  
**Borough Clerk**



**BOROUGH COUNCIL OF THE BOROUGH OF WENONAH**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, on February 23, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council on March 23, 2023 at 7:00 p.m. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR ROADWAY IMPROVEMENTS TO N. CLINTON AVENUE, BY AND IN THE BOROUGH OF WENONAH, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY; REAPPROPRIATING \$118,440.46 IN EXCESS BOND PROCEEDS FROM VARIOUS SECTIONS OF BOND ORDINANCE NUMBER 2020-10 FINALLY ADOPTED ON JULY 23, 2020, AS REAPPROPRIATED BY BOND ORDINANCE NUMBER 2022-11 FINALLY ADOPTED ON JULY 28, 2022, NOT NEEDED FOR THEIR ORIGINAL PURPOSES, TO FINANCE THE COSTS THEREOF AND APPROPRIATING \$31,602.29 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COSTS THEREOF

**Purpose(s):** Reappropriating excess bond proceeds to finance roadway improvements to N. Clinton Avenue in the Borough.

**Reappropriation  
of Excess Bond  
Proceeds:** \$118,440.46

**Appropriation  
from Capital  
Improvement  
Fund** \$ 30,602.29

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**KAREN L. SWEENEY,  
Borough Clerk**

**BOROUGH COUNCIL OF THE BOROUGH OF WENONAH**

**Final PUBLIC NOTICE**

**BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Wenonah, in the County of Gloucester, State of New Jersey on March 23, 2023 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR ROADWAY IMPROVEMENTS TO N. CLINTON AVENUE, BY AND IN THE BOROUGH OF WENONAH, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY; REAPPROPRIATING \$118,440.46 IN EXCESS BOND PROCEEDS FROM VARIOUS SECTIONS OF BOND ORDINANCE NUMBER 2020-10 FINALLY ADOPTED ON JULY 23, 2020, AS REAPPROPRIATED BY BOND ORDINANCE NUMBER 2022-11 FINALLY ADOPTED ON JULY 28, 2022, NOT NEEDED FOR THEIR ORIGINAL PURPOSES, TO FINANCE THE COSTS THEREOF AND APPROPRIATING \$31,602.29 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR THE COSTS THEREOF

**Purpose(s):** Reappropriating excess bond proceeds to finance roadway improvements to N. Clinton Avenue in the Borough.

**Reappropriation of Excess Bond Proceeds:** \$118,440.46

**Appropriation from Capital Improvement Fund** \$ 30,602.29

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**KAREN L. SWEENEY,  
Borough Clerk**

## CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on February 23, 2023 at 7:00 p.m. at the Municipal Building, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
**KAREN L. SWEENEY,**  
**Borough Clerk**

**CERTIFICATE OF FINAL ADOPTION**

I, the undersigned Clerk of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on \_\_\_\_\_, 2023, at 7:00 p.m. at the Municipal Building, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

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**KAREN L. SWEENEY,**  
**Borough Clerk**

## CLERK'S CERTIFICATE

I, KAREN L. SWEENEY, DO HEREBY CERTIFY that I am the Clerk of the Borough of Wenonah, in the County of Gloucester (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on February 23, 2023 and finally adopted on \_\_\_\_\_, 2023.
2. After introduction, the bond ordinance was published as required by law on \_\_\_\_\_, 2023 in the South Jersey Times.
3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.
4. After final passage, the ordinance was duly approved by the Mayor on \_\_\_\_\_, 2023 and was duly published as required by law on \_\_\_\_\_

\_\_\_, 2023 in the South Jersey Times. No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

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**KAREN L. SWEENEY,**  
**Borough Clerk**

**BOROUGH OF WENONAH  
BOND ORDINANCE NUMBER 2023-4**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2023  
CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH  
OF WENONAH, IN THE COUNTY OF GLOUCESTER,  
STATE OF NEW JERSEY, APPROPRIATING \$177,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$140,000 IN BONDS OR NOTES OF THE BOROUGH TO  
FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Wenonah, in the County of Gloucester, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$177,000, which sum includes \$37,000 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$177,000 appropriation not provided for by said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$140,000 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance

said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$140,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Roadway improvements along N. Jefferson Avenue in the Borough; and	\$140,750	\$105,750	\$35,000	15 years
(ii) Purchase of a pick-up truck and dump truck for the Department of Public Works.	<u>\$36,250</u>	<u>\$34,250</u>	<u>\$2,000</u>	5 years
<b>TOTALS</b>	<u>\$177,000</u>	<u>\$140,000</u>	<u>\$37,000</u>	

(b) The above improvements and purposes set forth in Section 3(a) shall also include, as applicable, surveying, construction planning, engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, environmental testing and remediation and also all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$140,000.

(d) The aggregate estimated cost of said improvements or purposes is \$177,000, the excess amount thereof over the estimated maximum amount of bonds or notes to be issued therefor, is the aggregate down payments for said purposes in the amount of \$37,000.



**SECTION 4.** In the event the United States of America, the State of New Jersey and/or the County of Gloucester make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Gloucester. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Gloucester shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale

and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, for the Borough. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Borough, a revised capital or temporary capital budget for the Borough has been filed with the Division of Local Government Services.

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

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

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 11.81 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$140,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance

with Treasury Regulations Section 150-2 . No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by this bond ordinance used to reimburse the Borough for costs of the improvement or purpose described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized by this bond ordinance or another issue of debt obligations of the Borough, other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$140,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than 18 months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized by this bond ordinance is paid, or (ii) the date the improvement or purpose described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than 3 years after the expenditure is paid.

**SECTION 10.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Internal Revenue Code of 1986, as amended, the interest on all bonds and notes issued under this ordinance.

**SECTION 11.** The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into an appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

**ADOPTED ON FIRST READING**  
**DATED: February 23, 2023**

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**KAREN L. SWEENEY**  
**Borough Clerk**

**ADOPTED ON SECOND READING**  
**DATED: \_\_\_\_\_, 2023**

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**KAREN L. SWEENEY**  
**Borough Clerk**

**BOROUGH OF WENONAH**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, on February 23, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on \_\_\_\_\_, 2023 at 7:00 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF WENONAH, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, APPROPRIATING \$177,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$140,000 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** Various 2023 Capital Improvements consisting of, among other things, (i) roadway improvements along N. Jefferson Avenue, and (ii) purchase of a pick-up truck and dump truck for the Department of Public Works.

**Appropriation:** \$177,000

**Bonds/Notes Authorized:** \$140,000

**Down Payment:** \$37,000

**Section 20 Costs:** \$35,000

**Average Useful Life:** 11.81 years

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**KAREN L. SWEENEY,**  
Clerk of the Borough of Wenonah

**BOROUGH OF WENONAH**

**PUBLIC NOTICE**

**BOND ORDINANCE STATEMENT AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Wenonah, in the County of Gloucester, State of New Jersey on \_\_\_\_\_, 2023 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

**Title:** BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF WENONAH, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, APPROPRIATING \$177,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$140,000 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

**Purpose(s):** Various 2023 Capital Improvements consisting of, among other things, (i) roadway improvements along N. Jefferson Avenue, and (ii) purchase of a pick-up truck and dump truck for the Department of Public Works.

**Appropriation:** \$177,000

**Bonds/Notes Authorized:** \$140,000

**Down Payment:** \$37,000

**Section 20 Costs:** \$35,000

**Average Useful Life:** 11.81 years

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**KAREN L. SWEENEY,**  
Clerk of the Borough of Wenonah



**DOWN PAYMENT CERTIFICATE**

I, the undersigned Chief Financial Officer of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

**“BOND ORDINANCE PROVIDING FOR VARIOUS 2023 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF WENONAH, IN THE COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, APPROPRIATING \$177,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$140,000 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF”,**

there was available as a down payment for the purposes authorized by said bond ordinance \$37,000 by a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**ROBERT E. SCHARLÉ,**  
**Chief Financial Officer**

## CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on February 23, 2023 at 7:00 p.m. at the Municipal Building, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

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**KAREN L. SWEENEY,**  
**Clerk of the Borough of Wenonah**

## CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Borough duly called and held on \_\_\_\_\_, 2023, at 7:00 p.m. at the Municipal Building, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
**KAREN L. SWEENEY,**  
**Clerk of the Borough of Wenonah**

## CLERK'S CERTIFICATE

I, KAREN L. SWEENEY, DO HEREBY CERTIFY that I am the Clerk of the Borough of Wenonah, in the County of Gloucester (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on February 23, 2023 and finally adopted on \_\_\_\_\_, 2023.

2. After introduction, the bond ordinance was published as required by law on \_\_\_\_\_, 2023 in the South Jersey Times.

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor on \_\_\_\_\_, 2023 and was duly published as required by law on \_\_\_\_\_, 2023 in the South Jersey Times. No protest signed by any person against making any

improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

6. A certified copy of this bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

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**KAREN L. SWEENEY,**  
**Clerk of the Borough of Wenonah**

## CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Wenonah, in the County of Gloucester, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Robert E. Scharlé, the Chief Financial Officer, as of February 23, 2023, that such Supplemental Debt Statement was filed in my office on or by February 23, 2023 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs on \_\_\_\_\_, \_\_\_\_ 2023.

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**KAREN L. SWEENEY,**  
**Clerk of the Borough of Wenonah**

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

**ORDINANCE NO. 2023-5**

**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE BOROUGH OF  
WENONAH AMENDING THE BOROUGH OF WENONAH CODE OF ORDINANCES  
TO REPEAL CHAPTER 23 - FLOOD DAMAGE PREVENTION;  
TO ADOPT A NEW ORDINANCE CHAPTER 23 - FLOOD PLAIN MANAGEMENT;  
TO ADOPT FLOOD HAZARD MAPS;  
TO DESIGNATE A FLOODPLAIN ADMINISTRATOR;  
AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

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

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Wenonah 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 Wenonah was accepted for participation in the National Flood Insurance Program on May 11, 1979, and the Mayor and Council of the Borough of Wenonah desire to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70, necessary for such participation; and

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

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

## **SECTION 1. RECITALS.**

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

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Chapter 23 of the Code of the Borough of Wenonah entitled "Flood Damage Prevention" and modifies Chapter 72-102B, of the Borough of Wenonah Land Use Ordinance.

## **SECTION 23-101 SCOPE AND ADMINISTRATION**

**23-101.1 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 the Borough of Wenonah (hereinafter "these regulations").

**23-101.2 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 23-102 of these regulations.

**23-101.3 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.

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

**23-101.5 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 23-103.14 of this ordinance.

**23-101.6 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.

**23-101.7 Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

**23-101.8 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.

**23-101.8.1 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.

**23-101.9 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 23-102 APPLICABILITY

**23-102.1 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.

**23-102.2 Establishment of Flood Hazard Areas.** The Borough of Wenonah was accepted for participation in the National Flood Insurance Program on May 11, 1979.

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 Township Clerk, Wenonah Borough Municipal Building, 1 South West Avenue, Wenonah, New Jersey 08090.

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

**23-102.2(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, Gloucester County, New Jersey (All Jurisdictions), dated August 17, 2016, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 23-102.2(1) whose effective dates are January 20, 2010, and August 17, 2016 ,are hereby adopted by reference.

Table 23-102.2(1)

Map Panel #	Effective Date	Suffix
34015C0091	August 17, 2016	F
34015C0092	August 17, 2016	F
34015C0094	January 20, 2010	E

**23-102.2(2) Federal Best Available Information.** The Borough of Wenonah 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 23-102.2(2)

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

**23-102.2(3) Other Best Available Data.** The Borough of Wenonah 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 Wenonah. 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 23-102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

**23-102.2(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 23-201, 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 23-102.2(4) List of State Studied Waters

Name of Studied Water	File Name	Map Number
N/A		

**23-102.3 Establishing the Local Design Flood Elevation (LDFE).**

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 23-102.2, 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 23-102.2, 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 23-102.2 (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 23-105.2-3.
- 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 23-103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**23-103.1 Floodplain Administrator Designation.** The Borough Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**23-103.2 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 23-107 of these regulations.

**23-103.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**23-103.4 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 23-102 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 23-103.14 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 23-107 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 23-106 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 23-107 of these regulations.
- 13) Cite violations in accordance with Section 23-108 of these regulations.
- 14) Notify the Federal Emergency Management Agency when the corporate boundaries of The Borough of Wenonah have been modified.
- 15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 23-102.2.

**23-103.5 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.

**23-103.6 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.

**23-103.7 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 23-102.2 and 23-102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 23-103.15.

**23-103.8 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.

**23-103.9 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.

**23-103.10 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.

**23-103.10.1 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.



**23-103.11 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.

**23-103.11.1 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.

**23-103.12 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.

**23-103.13 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.

**23-103.14 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 23-102.2, 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 in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**23-103.15 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.

**23-103.16 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 23-104 PERMITS**

**23-104.1 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.

**23-104.2 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 23-105 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.

**23-104.3 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.

**23-104.4 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.

**23-104.5 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 23-105 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**23-105.1 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 23-105.2.
- 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 23-105.2(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.

**23-105.2 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.

**23-105.3 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 23-105.4 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 23-105.4 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).

**23-105.4 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 23-106 INSPECTIONS

### **23-106.1 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.

**23-106.2 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.

**23-106.3 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 23-801.2 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 23-801.2 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 23-801.2.
- 4) Final inspection. Prior to the final inspection, certification of the elevation required in Section 23-801.2 shall be submitted to the Construction Official on an Elevation Certificate.

**23-106.4 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 23-107 VARIANCES

**23-107.1 General.** The Borough of Wenonah Combined Land Use Board shall hear and decide requests for variances. The Borough of Wenonah Combined Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 23-107.5, the conditions of issuance set forth in Section 23-107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Borough of Wenonah Combined Land Use Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**23-107.2 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.

**23-107.3 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.

**23-107.4 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 23-105.3(1) of these regulations.

**23-107.5 Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- 1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- 2) The danger to life and property due to flooding or erosion damage.
- 3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- 4) The importance of the services provided by the proposed development to the community.



- 5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- 6) The compatibility of the proposed development with existing and anticipated development.
- 7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- 8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- 10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**23-107.6 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 23-108 VIOLATIONS

**23-108.1 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.

**23-108.2 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.

**23-108.3 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.

**23-108.4 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 23-201 DEFINITIONS

**23-201.1 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.

### 23-201.2 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 23-107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. **The Combined Land Use Board** of the Borough of Wenonah requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can



be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

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

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

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

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

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

**LETTER OF MAP AMENDMENT** - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is

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

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

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

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

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

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

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

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

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

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

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

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

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any

subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

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

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary

forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

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

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

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

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

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

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

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

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

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

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

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

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

## **SECTION 23-301 SUBDIVISIONS AND OTHER DEVELOPMENTS**

**23-301.1 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.

**23-301.2 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 23-401 SITE IMPROVEMENT**

**23-401.1 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 23-105.3(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 23-105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 23-801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**23-401.1.1 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.

**23-401.2 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.

**23-401.3 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.

**23-401.4 Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**23-401.5 Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**23-401.6 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.

**23-401.7 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 23-501 MANUFACTURED HOMES

**23-501.1 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).

**23-501.2 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 23-801.2.

**23-501.3 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.

**23-501.4 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.

**23-501.5 Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 23-801.2.

**23-501.6 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 23-801.2 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 23-801.2, 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 23-601 RECREATIONAL VEHICLES**

**23-601.1 Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

**23-601.2 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.

**23-601.3 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 23-801.2 for habitable buildings and Section 23-501.3.

### **SECTION 23-701 TANKS**

**23-701.1 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 23-801 OTHER DEVELOPMENT AND BUILDING WORK**

**23-801.1 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 23-105.3(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 23-102.3;
- 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 23-102.3 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.

### **23-801.2 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 23-201) 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 23-102.3, 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 23-102.3, 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:
- i. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
  - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 23-801.2.1(d)ii are met;
  - iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - iv. Have openings documented on an Elevation Certificate; and
  - v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

**23-801.3 Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

**23-801.4 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 23-105.3(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 23-107 of this ordinance.

**23-801.5 Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 23-105.3(1) of these regulations and N.J.A.C. 7:13.

**23-801.6 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 23-105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**23-801.7 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 23-105.3(1) of these regulations.

## **SECTION 23-901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**23-901.1 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.

**23-901.2 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.

**23-901.3 Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of Section 23-105.3(1) of these regulations.

## **SECTION 23-1001 UTILITY AND MISCELLANEOUS GROUP U**

**23-1001.1 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.

**23-1001.2 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 23-102.3.

**23-1001.3 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 23-102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

**23-1001.4 Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 23-801.2 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.

**23-1001.5 Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 23-102.3.

**23-1001.6 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 23-102.3.

**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 on {insert date}.

**BOROUGH OF WENONAH**

BY: \_\_\_\_\_  
JESSICA S. DOHENY, MAYOR

**ATTEST:**

\_\_\_\_\_  
KAREN L. SWEENEY, MUNICIPAL CLERK

I, Karen Sweeney, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on February 23, 2023, and adopted on final reading by the Borough Committee of the Borough of Wenonah at a regular and duly convened meeting held on February 23, 2023.

In witness thereof, I have set my hand and affixed the seal of the Borough of Wenonah this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Karen Sweeney, RMC/ADMIN/QPA  
Municipal Clerk, Wenonah Borough





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**John T. Hanson, CPA**  
Chief Executive Officer, DRPA  
President, PATCO

February 6, 2023

Mayor Jessica S. Doheny  
The Borough of Wenonah  
1 South West Avenue  
Wenonah, NJ 08090

Dear Mayor Doheny:

The Glassboro-Camden Line (GCL) Project Team received a letter from the Mayor (previously Mr. John Dominey) dated November 1, 2022 via certified mail on November 8, 2022. Please find the answers to the questions outlined below.

1. Can you confirm that the entire cost associated with an application for a Quiet Zone, including the purchase and maintenance of infrastructure and equipment; the engineering costs for work associated with the Quiet Zone designation and application; and any application fees, or other costs associated with employee, consultant, and/or professional time needed to complete the application, will be entirely paid by the DRPA and/or its contracted Project Manager(s) as part of this project?

*The entire cost associated with the design, purchase, installation, and maintenance of the Quiet Zone infrastructure will be the responsibility of the GCL Project Team. The GCL Project Team has committed to completing or assisting in the completion of all necessary paperwork, and/or a Quiet Zone application if deemed necessary, for the Quiet Zone designation. It is the GCL Project Team's understanding that an application may not be necessary if the Quiet Zone infrastructure is included at project onset. The GCL Project Team will confirm the Quiet Zone designation process with the FRA and NJDOT as part of the Preliminary Engineering Design Phase, which began in October 2022.*

*Reference Document(s):*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.37 Paragraph (c)*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.39 Paragraph (a)*

2. Can you further confirm that the municipality will bear no financial responsibility for expenses relating to Quiet Zone outfitting, application, and oversight?

*The cost to outfit and oversee the Quiet Zones will be the responsibility of the GCL Project. It is the GCL Project Team's understanding that an application may not be necessary if the Quiet Zone infrastructure is included at project onset. It is the expectation that the GCL Project Team will complete or assist in the completion of all necessary paperwork, and/or a Quiet Zone application if deemed necessary, for the Quiet Zone designation with the intent to minimize the costs to the municipality.*

*Reference Document(s):*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.37 Paragraph (c)*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.39 Paragraph (a)*

3. Can you confirm that DRPA will be working in conjunction with FRA and/or NJDOT or other relevant state or local authorities on the creation of a new Quiet Zone application process which will allow for the following?

Yes.

- a. The Project Manager(s), rather than the Municipality, may file the application;

*It is the GCL Project Team's understanding that an application may not be necessary if the Quiet Zone infrastructure is included at project onset. It is the expectation that the GCL Project Team will complete or assist in the completion of all necessary paperwork, and/or a Quiet Zone application if deemed necessary, for the Quiet Zone designation. The GCL Project Team will confirm the Quiet Zone designation process with the FRA and NJDOT as part of the Preliminary Engineering Design Phase, which began in October 2022.*

*Reference Document(s):*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.37 Paragraph (c)*

*49 CFR Ch.11 (10-1-11 Edition), Section 222.39 Paragraph (a)*

- b. The timeline of the design and build will appropriately allow for the required review and approval by the FRA of all Supplementary Safety Measures (SSMs) and Alternative Safety Measures(s) being incorporated into the design toward the Quiet Zone application; and

Yes.

- c. The timeline of construction of the new line with the approved Quiet Zone equipment installed will meet the timeline for Quiet Zone application submission, review and approval, so that the operation of the rail line will not proceed without the Quiet Zone in place.

*It is the GCL Project Team's intent to have all Quiet Zone equipment installed and under Quiet Zone designation prior to the GCL operation commencing.*

4. Can you confirm that the insurance liability will be the full financial and legal responsibility of the DRPA or its Project Manager, line operator, or contracted designee, and the municipality will bear no cost to maintain insurance specific to the Quiet Zone?

*The GCL Project Team believes that a municipality's potential liability for merely permitting or requesting a Quiet Zone would be non-existent or minimal, since it will not be constructing or maintaining it. Each municipality should rely upon its legal, insurance, and other risk professionals in this regard, and we cannot and do not offer a formal legal opinion on which any participating municipality may rely.*

5. Can you confirm who is on the Project Team?

*The Project Team consists of the Delaware River Port Authority (as Project Manager), South Jersey Transportation Authority (as financial partner), and NJ Transit.*

6. Can you confirm what agreements are in place currently with other project partners, specifically Conrail and the SJTA, and the terms of those agreements?

*DRPA and SJTA have a GCL Pre-Development Agreement in place from September 2021. The Summary Statement and Resolution [DRPA-21-021] is publicly available on the DRPA website. The Project Team is currently working with Conrail on future agreements related to the GCL.*

7. Can you confirm if/how the SJTA and/or the FRA are working with the Project Team regarding Quiet Zones?

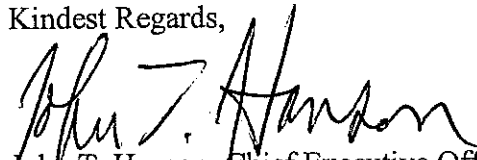
*The GCL Project Team will confirm the Quiet Zone designation process with the FRA and NJDOT as part of the Preliminary Engineering Design Phase, which began in October 2022. The GCL Project Team intends to work continuously with FRA and NJDOT throughout this project.*

8. Can you provide data or studies performed relating to the specific property values in Wenonah Borough?

*The Project Team used information provided by APTA and the National Association of Realtors. A recent publication can be found at this link: <https://www.apta.com/wp-content/uploads/The-Real-Estate-Mantra-Locate-Near-Public-Transportation.pdf>*

Should you or your constituents have any additional questions, please reach out to the Project Team at [info@glassborocamdenline.com](mailto:info@glassborocamdenline.com).

Kindest Regards,



John T. Hanson, Chief Executive Officer  
Delaware River Port Authority/  
President of PATCO

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This content is from the eCFR and is authoritative but unofficial.

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## **Title 49 - Transportation**

### **Subtitle B - Other Regulations Relating to Transportation**

#### **Chapter II - Federal Railroad Administration, Department of Transportation**

##### **Part 222 - Use of Locomotive Horns at Public Highway-Rail Grade Crossings**

###### **Subpart C - Exceptions to the Use of the Locomotive Horn**

###### **Silenced Horns at Groups of Crossings - Quiet Zones Silenced Horns...**

**Authority:** 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

**Source:** 71 FR 47634, Aug. 17, 2006, unless otherwise noted.

###### **§ 222.37 Who may establish a quiet zone?**

- (a) A public authority may establish quiet zones that are consistent with the provisions of this part. If a proposed quiet zone includes public highway-rail grade crossings under the authority and control of more than one public authority (such as a county road and a State highway crossing the railroad tracks at different crossings), both public authorities must agree to establishment of the quiet zone, and must jointly, or by delegation provided to one of the authorities, take such actions as are required by this part.
- (b) A public authority may establish quiet zones irrespective of State laws covering the subject matter of sounding or silencing locomotive horns at public highway-rail grade crossings. Nothing in this part, however, is meant to affect any other applicable role of State agencies or the Federal Highway Administration in decisions regarding funding or construction priorities for grade crossing safety projects, selection of traffic control devices, or engineering standards for roadways or traffic control devices.
- (c) A State agency may provide administrative and technical services to public authorities by advising them, acting on their behalf, or acting as a central contact point in dealing with FRA; however, any public authority eligible to establish a quiet zone under this part may do so.

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This content is from the eCFR and is authoritative but unofficial.

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## Title 49 - Transportation

### Subtitle B - Other Regulations Relating to Transportation

#### Chapter II - Federal Railroad Administration, Department of Transportation

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#### Silenced Horns at Groups of Crossings - Quiet Zones Silenced Horns...

**Authority:** 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

**Source:** 71 FR 47634, Aug. 17, 2006, unless otherwise noted.

#### § 222.39 How is a quiet zone established?

- (a) **Public authority designation.** This paragraph (a) describes how a quiet zone may be designated by a public authority without the need for formal application to, and approval by, FRA. If a public authority complies with either paragraph (a)(1), (a)(2), or (a)(3) of this section, and complies with the information and notification provisions of § 222.43 of this part, a public authority may designate a quiet zone without the necessity for FRA review and approval.
- (1) A quiet zone may be established by implementing, at every public highway-rail grade crossing within the quiet zone, one or more SSMs identified in appendix A of this part.
  - (2) A quiet zone may be established if the Quiet Zone Risk Index is at, or below, the Nationwide Significant Risk Threshold, as follows:
    - (i) If the Quiet Zone Risk Index is already at, or below, the Nationwide Significant Risk Threshold without being reduced by implementation of SSMs; or
    - (ii) If SSMs are implemented which are sufficient to reduce the Quiet Zone Risk Index to a level at, or below, the Nationwide Significant Risk Threshold.
  - (3) A quiet zone may be established if SSMs are implemented which are sufficient to reduce the Quiet Zone Risk Index to a level at or below the Risk Index With Horns.
- (b) **Public authority application to FRA.**
- (1) A public authority may apply to the Associate Administrator for approval of a quiet zone that does not meet the standards for public authority designation under paragraph (a) of this section, but in which it is proposed that one or more safety measures be implemented. Such proposed quiet zone may include only ASMs, or a combination of ASMs and SSMs at various crossings within the quiet zone. Note that an engineering improvement which does not fully comply with the requirements for an SSM under appendix A of this part, is considered to be an ASM. The public authority's application must:
    - (i) Contain an accurate, complete and current Grade Crossing Inventory Form for each public, private and pedestrian grade crossing within the proposed quiet zone;
    - (ii) Contain sufficient detail concerning the present safety measures at each public, private and pedestrian grade crossing proposed to be included in the quiet zone to enable the Associate Administrator to evaluate their effectiveness;

- (iii) Contain detailed information about diagnostic team reviews of any crossing within the proposed quiet zone, including a membership list and a list of recommendations made by the diagnostic team;
  - (iv) Contain a statement describing efforts taken by the public authority to address comments submitted by each railroad operating the public highway-rail grade crossings within the quiet zone, the State agency responsible for highway and road safety, and the State agency responsible for grade crossing safety in response to the Notice of Intent. This statement shall also list any objections to the proposed quiet zone that were raised by the railroad(s) and State agencies;
  - (v) Contain detailed information as to which safety improvements are proposed to be implemented at each public, private, or pedestrian grade crossing within the proposed quiet zone;
  - (vi) Contain a commitment to implement the proposed safety improvements within the proposed quiet zone; and
  - (vii) Demonstrate through data and analysis that the proposed implementation of these measures will reduce the Quiet Zone Risk Index to a level at, or below, either the Risk Index With Horns or the Nationwide Significant Risk Threshold.
- (2) If the proposed quiet zone contains newly established public or private highway-rail grade crossings, the public authority's application for approval must also include five-year projected vehicle and rail traffic counts for each newly established grade crossing;
- (3) **60-day comment period.**
- (i) The public authority application for FRA approval of the proposed quiet zone shall be provided, by certified mail, return receipt requested, to: all railroads operating over the public highway-rail grade crossings within the quiet zone; the highway or traffic control or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone; the landowner having control over any private highway-rail grade crossings within the quiet zone; the State agency responsible for highway and road safety; the State agency responsible for grade crossing safety; and the Associate Administrator.
  - (ii) Except as provided in paragraph (b)(3)(iii) of this section, any party that receives a copy of the public authority application may submit comments on the public authority application to the Associate Administrator during the 60-day period after the date on which the public authority application was mailed.
  - (iii) If the public authority application for FRA approval contains written statements from each railroad operating over the public highway-rail grade crossings within the quiet zone, the highway or traffic control authority or law enforcement authority having jurisdiction over vehicular traffic at grade crossings within the quiet zone, the State agency responsible for grade crossing safety, and the State agency responsible for highway and road safety stating that the railroad, vehicular traffic authority and State agencies have waived their rights to provide comments on the public authority application, the 60-day comment period under paragraph (b)(3)(ii) of this section shall be waived.
- (4)

- (i) After reviewing any comments submitted under paragraph (b)(3)(ii) of this section, the Associate Administrator will approve the quiet zone if, in the Associate Administrator's judgment, the public authority is in compliance with paragraphs (b)(1) and (b)(2) of this section and has satisfactorily demonstrated that the SSMs and ASMs proposed by the public authority result in a Quiet Zone Risk Index that is either:
  - (A) At or below the Risk Index With Horns or
  - (B) At or below the Nationwide Significant Risk Threshold.
- (ii) The Associate Administrator may include in any decision of approval such conditions as may be necessary to ensure that the proposed safety improvements are effective. If the Associate Administrator does not approve the quiet zone, the Associate Administrator will describe, in the decision, the basis upon which the decision was made. Decisions issued by the Associate Administrator on quiet zone applications shall be provided to all parties listed in paragraph (b)(3)(i) of this section and may be reviewed as provided in §§ 222.57(b) and (d) of this part.
- (c) Appendix C of this part contains guidance on how to create a quiet zone.



1 South West Avenue, Wenonah, NJ 08090  
Finance Office: (856) 468-5228 Fax: (856) 468-0390

November 1, 2022

*Via Certified Mail – Return Receipt Requested*

John Hanson, CEO  
Delaware River Port Authority  
One Port Center  
2 Riverside Drive  
Camden, NJ 08101

Dear Mr. Hanson:

On behalf of the Mayor and Council of the Borough of Wenonah, I am writing to thank you for leading a Town Hall meeting for Borough residents regarding the proposed GCL project on Thursday, October 13, 2022.

Our residents have brought forth additional questions about the proposed project and have voiced concerns of conflicting information regarding the Quiet Zone application and insurance as it relates to the proposed project. We respectfully request your office reply in writing to clarify the following questions, noted in bold.

Quiet Zone Expense

The GCL project website (“glassborocamdenline.com”) states under the “Is It True” section that there will be no cost to the towns along the corridor who choose to apply for Quiet Zone designation. The forward-thinking of the GCL project planning includes the design and funding for the infrastructure, and technology required to meet current Quiet Zone requirements.

There are essentially two major cost factors for Quiet Zones:

1. Infrastructure / Equipment; and
2. Engineering costs for work associated with the Quiet Zone designation and application.

**Can you confirm that the entire cost associated with an application for a Quiet Zone, including the purchase and maintenance of infrastructure and equipment; the engineering costs for**



**work associated with the Quiet Zone designation and application; and any application fees, or other costs associated with employee, consultant, and/or professional time needed to complete the application, will be entirely paid by the DRPA and/or its contracted Project Manager(s) as part of this project?**

**Can you further confirm that the municipality will bear no financial responsibility for expenses relating to Quiet Zone outfitting, application, and oversight?**

#### Quiet Zone Application Process

Pursuant to the Federal Railroad Administration ("FRA") "Train Horn Rule" at 49 CFR § 222 ("Rule"), the current Quiet Zone application process outlines a basis and process for a municipality to establish a railroad crossing Quiet Zone on an existing rail line. There is no existing application or defined process by which a municipality or project manager may apply for a Quiet Zone on a new project.

**Can you confirm that DRPA will be working in conjunction with FRA and/or NJDOT or other relevant state or local authorities on the creation of a new Quiet Zone application process which will allow for the following?**

- a. The Project Manager(s), rather than the Municipality, may file the application;**
- b. The timeline of the design and build will appropriately allow for the required review and approval by the FRA of all Supplementary Safety Measures (SSMs) and Alternative Safety Measures(s) being incorporated into the design toward the Quiet Zone application; and**
- c. The timeline of construction of the new line with the approved Quiet Zone equipment installed will meet the timeline for Quiet Zone application submission, review and approval, so that the operation of the rail line will not proceed without the Quiet Zone in place.**

#### Quiet Zone Liability

In your meeting of October 13, 2022, you stated "the towns are not going to have to pay for the equipment, not going to have to maintain it ... so the bottom line on that, according to what our attorney has told us, the liability that is associated with those Quiet Zones goes with the equipment because the equipment is taking the place of the bell ringing so that liability goes with the owner of the equipment."

There was a public meeting held in Wenonah on Wednesday, October 19th on the subject of Quiet Zones. The meeting featured Barbara Foran from the NJDOT and Chip Greiner, Safety Inspector/Grade Crossing & Trespass Prevention Outreach staff member of the Federal Railroad Authority. Both the NJDOT and FRA representatives in this meeting claimed that Quiet Zone liability resides with the municipality.

**Can you confirm that the insurance liability will be the full financial and legal responsibility of the DRPA or its Project Manager, line operator, or contracted designee, and the municipality will bear no cost to maintain insurance specific to the Quiet Zone?**

Project Team and Project Support

In researching information on who is involved in the project at this time, we find the following:

- The GCL project website references a "Project Team," but does not list who are included as members of that team.
- The DRPA website does not list the GCL among its current projects. (<https://www.drpa.org/projects/>)
- The GCL project website states under the "Is it True" section that "The GCL Project Team has been working with Conrail from the start of the project." A news release on the GCL website from February 2021 states "The South Jersey Transportation Authority (SJTA) has committed \$200 million towards the next phase of the project- preliminary engineering design and project management." We have found no further detail on the involvement of either organization in this project.
- Within an hour following the Quiet Zone presentation on October 19, 2022, Diane Gutierrez-Scaccetti, NJDOT Commissioner, sent an email to Chad Bruner, Gloucester County Administrator, stating "The New Jersey Department of Transportation is not a party to, or involved in, the Glassboro to Camden Light Rail Project. Any information provided by NJDOT regarding Quiet Zones was general in nature, not specific to the Glassboro to Camden Light Rail." A copy of this email has been shared publicly on social media.

**Can you confirm who is on the Project Team?**

**Can you confirm what agreements are in place currently with other project partners, specifically Conrail and the SJTA, and the terms of those agreements?**

**Can you confirm if/how the SJTA and/or the FRA are working with the Project Team regarding Quiet Zones?**

Property Values

The GCL project website states that property values will not decrease with the implementation of this project.


**Can you provide data or studies performed relating to the specific property values in Wenonah Borough?**

November 1, 2022

Page 4

We appreciate your attention to these questions and look forward to the information so that we can better inform Wenonah Borough residents about this proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read 'JD' or similar initials, written in a cursive style.

JOHN R. DOMINY, Mayor

MPL/pmh

**SUMMARY STATEMENT**

**ITEM NO.** DRPA-21-021

**SUBJECT:** Authorize Pre-Development Agreement and additional actions in furtherance of Glassboro-Camden Line Project as originally authorized by Resolution DRPA-17-118

**COMMITTEE:** New Business

**COMMITTEE MEETING DATE:** N/A

**BOARD ACTION DATE:** February 17, 2021

**PROPOSAL:** That the Board authorizes (i) the execution and delivery of a Project Pre-Development Agreement (or other similar agreements) with the South Jersey Transportation Authority ("SJTA"), the New Jersey Department of Transportation ("NJDOT"), the New Jersey Transit Corporation ("NJT") and/or other relevant State and local agencies for the purpose of implementing pre-development, design, procurement and construction activities in connection with the Glassboro-Camden Line project ("GCL Project") for which the Authority is tasked as project manager, and (ii) the Chief Executive Officer of the Authority to act on behalf of the Authority (in collaboration with the Executive Director of the SJTA) to undertake and implement necessary pre-development, design, procurement and construction activities so long as funding for such activities is being paid by or reimbursed from the SJTA, NJDOT, NJT or other New Jersey agency, all in furtherance of the authority originally provided by resolution DRPA-17-118 adopted on December 6, 2017.

**PURPOSE:** To implement and facilitate pre-development actions and activities for the GCL Project as previously authorized by Resolution DRPA-17-118.

**BACKGROUND:** On December 6, 2017, the Board adopted Resolution DRPA-17-118 ("Prior Resolution") authorizing, among other things, the Authority to act as project manager, on behalf of NJT, to oversee program management of the GCL Project.

As set forth in the Prior Resolution, the GCL Project is an 18-mile light rail transit system that will operate primarily on an existing Conrail right-of-way from the City of Camden's Walter Rand Transportation Center, through Camden and Gloucester Counties, terminating in the

Boro of Glassboro (inclusive of 15 passenger stations along its route), to be owned and operated by NJT upon completion. By resolution DRPA 12-019, the Authority was designated as project manager for the GCL Project, with 100% of the funding for the GCL Project coming from NJT (or other State-level agencies).

The Prior Resolution authorized, among other things, certain preliminary pre-development activities, including provision of limited authority for the preparation of certain procurement documentation and construction management.

Recognizing the scope and size of the GCL Project, and the complexities associated with implementing the same, the Board is desirous of providing additional authority for the execution and delivery of an agreement by and among the principal project participants and delegating certain authority to the Chief Executive Officer of the Authority to implement necessary pre-development activities on behalf of the Authority.

**SUMMARY:**

<b>Amount:</b>	N/A
<b>Source of Funds:</b>	New Jersey Transit or other State-level agency
<b>Capital Project #:</b>	N/A
<b>Operating Budget:</b>	N/A
<b>Master Plan Status:</b>	N/A
<b>Other Fund Sources:</b>	N/A
<b>Duration of Contract:</b>	Term of authority runs until completion of construction of the GCL Project
<b>Other Parties Involved:</b>	South Jersey Transportation Authority, New Jersey Transit, New Jersey Department of Transportation and Other State-level agencies

**DRPA-21-021**  
**Board Date: February 17, 2021**  
**New Business**  
**Authorize Pre-Development Agreement**  
**and additional actions in furtherance of**  
**Glassboro-Camden Line Project as**  
**originally authorized by DRPA-17-118**

**RESOLUTION**

- RESOLVED:** That, pursuant to the authority previously provided by Resolution DRPA-17-118, adopted by the Board on December 6, 2017, that the Authority hereby re-authorizes and re-affirms the undertaking of pre-development activities on behalf of New Jersey Transit Corporation ("NJT"), in connection with the Glassboro-Camden Line project ("GCL Project") for which the Authority has been designated project manager; and be it further
- RESOLVED:** That the preparation, execution and delivery a Project Pre-Development Agreement (or other similar agreements) with the South Jersey Transportation Authority ("SJTA"), the New Jersey Department of Transportation ("NJDOT"), NJT and/or other relevant State and local agencies for the purpose of implementing pre-development, design, procurement and construction activities in connection with the GCL Project ("Pre-Development Agreement") is hereby authorized, approved, ratified and confirmed; and be it further
- RESOLVED:** That the Chief Executive Officer of the Authority, working in collaboration with the Executive Director or the SJTA, is hereby authorized to take all necessary and convenient actions on behalf of the Authority in order to undertake and implement necessary pre-development, design, procurement and construction activities for the GCLP Project so long as funding for such activities is being paid by or reimbursed from the SJTA, NJDOT, NJT or another New Jersey agency, including, but not limited to, the negotiation, completion and execution of the Pre-Development Agreement and any agreements, contracts, instruments or other similar documents the funding for the actions to be undertaken thereunder is likewise being paid by or reimbursed from the SJTA, NJDOT, NJT or another New Jersey agency, subject in each case to review and advice of Counsel, and in each case in accordance and consistent with, this Resolution; and be it further
- RESOLVED:** If such agreements, contracts, instruments or other similar documents have been approved by the Chief Executive Officer and if thereafter the Chief Executive Officer is absent or unavailable, the Chief Financial Officer may execute said document(s) on behalf of the Authority.]

**SUMMARY:**

**Amount:** N/A  
**Source of Funds:** New Jersey Transit or other State-level agency  
**Capital Project #:** N/A  
**Operating Budget:** N/A  
**Master Plan Status:** N/A  
**Other Fund Sources:** N/A  
**Duration of Contract:** Term of authority runs until completion of construction of the GCL Project  
**Other Parties Involved:** South Jersey Transportation Authority, New Jersey Transit, New Jersey Department of Transportation and Other State-level agencies