

STRATFORD BOROUGH COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 14, 2023
6:30 P.M.

CALL TO ORDER: The Borough Clerk Bill Bray called the meeting to order at 6:30 P.M.

STATEMENT OF ADVERTISEMENT: The Borough Clerk read the following statement:
Notice of this meeting has been provided to the Courier Post and The Retrospect and is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

PLEDGE OF ALLEGIANCE: Mayor Keenan led the Pledge and said an opening prayer.

ROLL CALL:

JOSH KEENAN, MAYOR – PRESENT
STEPHEN GANDY, COUNCIL PRESIDENT – PRESENT
JAMES KELLY, COUNCILMAN – PRESENT
LINDA HALL, COUNCILWOMAN – PRESENT
TINA LOMANNO, COUNCILWOMAN – PRESENT
PATRICK GILLIGAN, COUNCILMAN – PRESENT
MICHAEL TOLOMEO, COUNCILMAN - PRESENT
JUSTIN STRAUSSER, BOROUGH SOLICITOR – PRESENT
RON MORELLO, POLICE/OEM COORDINATOR – PRESENT

PUBLIC PORTION FOR AGENDA ITEMS ONLY:

Councilman Gandy motioned to open the public portion on agenda items only. Councilman Gilligan seconded the motion, which passed with all members present voting in favor in a voice vote.

Mike Mancini, 3 Winding Way Road – Mr. Mancini stated the proposed abatement would increase funds to the Borough but reduce the funds generate for Borough Schools. Mr. Mancini asked why the developer needs an incentive. Mr. Keenan stated the issue will be discussed during the Public Hearing on Ord. 23-02.

John Gentless, 111 Union Ave. – Mr. Gentless asked if he could ask questions about Ord. 23-02. Mr. Keenan stated he could ask questions during the Public Hearing.

There were no further comments.

Councilman Gilligan motioned to close the public portion for agenda items. Councilman Kelly seconded the motion, which passed with all members present voting in favor in a voice vote.

REPORTS:

POLICE - Councilman Gilligan read the reports as follows:

January 2023:

28 Adult arrests	0 Juvenile arrests,
0 Assaults to Police (GTPD)	3 Simple assaults Complaints,
6 Criminal Mischief Complaints	12 Harassment complaints,
702 Other investigations and complaints	1 Burglary
0 Robberies	10 thefts in the amount of \$38,620
\$1,720 in stolen property recovered	0 motor vehicle thefts,
5 D.W.I. arrests	5 Narcotics arrests,

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466 Traffic summonses issued
3 injuries from accidents
1 property inspected, 3 Warning Letter Issued, 8 code summons issued.
With 126 Total Crime Reports Taken, and 741 Total Calls for Police Service

26 Motor vehicle accidents,
31 Alarm activations

EMERGENCY SERVICES Councilman Gandy read the report as follows:

Fire Department

The Stratford Fire Department responded to 48 Alarms 3 Drills in the month of January 2023.
The following list is a breakdown of the same:

	MONTH	YEAR TO DATE
Building Fires	5	5
Alarm Systems	17	17
Dwelling Fires	3	3
Out of Town Assists	12	12
Investigations	3	3
Rescues & M.V.A.'s	2	2
Wires, Trees Down	0	0
Brush Fires	0	0
Car Fires	0	0
Assist Ambulance, Police, Public	6	6
Drills	3	3

EMS REPORT

Councilman Gandy stated the Stratford Ambulance Squad responded to 87 calls for service in January.

OEM REPORT

The Stratford OEM has partnered with the State of New Jersey to allow residents to register for the New Jersey Ready program to allow residents with disabilities to share information with emergency services to better serve them in case of an emergency. The Borough will e-blast the registration link and post it on the Borough website. The Borough issued a traffic advisory due to the demolition of the Laurel Mills Shopping Center. The Stratford Police Department will continue to have a crossing guard at the intersection but the center's parking lot is no longer accessible

ORDINANCE & PROPERTY - Councilman Kelly read the Zoning Code Officer's Inspection Report for a portion of the month of DECEMBER 2022.

Total number of properties inspected/reinspected: 37
Total number of Warning given: 20
Total number of properties brought into compliance: 17
Total number of citations issued: 3

Councilman Kelly asked that property owners ensure they have numbers on their building so they are easily seen from the street to help first responders.

PUBLIC WORKS & LIGHTING Councilman Tolomeo read the November reports as follows:

Sewer Utility/Public Works

Regular maintenance activities performed include:

- Weekly trash pickup and cleanup at Yellin School, Parkview School and Vassar Ave. ball field

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- Cleaning of storm drains.
- Full month of Christmas tree pick up and brush pick up
- Sewer work and on call for sewer.
- Picked up a ton and a half of cold patch, ran town for pothole repair,
- Took down Christmas tree at Yellin School.
- Removal of advertisements signs nailed to telephone poles.
- Trash pick-up along Bryant Avenue and cleaning up of ally ways, Laureba area
- Trash pickup at parks
- Removal of tall ornamental grasses in all borough gardens
- Put spreader on for potential icing of roadways, and removed spreader when not needed

Call outs for emergency service: 17

Performed preemptive checks and required maintenance of all manholes and pump stations

Work requests performed:

- Repaired broken wall panel at Vassar Avenue Hockey Rink
- Replaced toilet handle at Police Building
- Installed 2 new “Woods & Leaves” signs at West Harvard Avenue
- Re-run Fax Phone Line from basement to the Fax Machine at the Borough Hall
- Weekly trash collection at Yellin, Vassar Ave and Parkview ballfields

PUBLIC EVENTS - Councilwoman Hall stated Miss Stratford Pageant will be March 24 and Little Miss Stratford will be March 25. Councilwoman Hall stated information is posted on the website and application are available at Borough Hall. Councilwoman Hall stated letters were sent to local businesses for their support and organizers are looking forward to a fun event.

FINANCE & REVENUE Councilwoman Lomanno stated she will give the report for January 2023.

BOROUGH FINANCIAL REPORT – January 2023

Balance as of 12-31-2022 – \$1,593,974.90

Total Receipts – \$3,390,854.47

Total Disbursements – \$1,710,247.81

Balance as of 1-31-2023 – \$3,274,581.56

Total in other Funds - \$3,276,928.34

OLD BUSINESS:

ORDINANCE 23:01 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

Councilman Kelly motioned to open the public hearing on Ordinance 23:01. Councilwoman Hall seconded the motion, which passed with all members present voting in favor in a Voice Vote.

There were no comments from the public.

**ORDINANCE 2023:01
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Stratford in the County of Camden, finds it advisable and necessary to increase its CY2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$200,123.19 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Stratford, in the County of Camden, a majority of the full authorized membership of the governing body affirmatively concurring, that, in the CY2023 budget year, the final appropriations of the Borough of Stratford shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$200,123.19 and that the CY2023 municipal budget for the Borough of Stratford be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced to be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilman Kelly motioned to close the public hearing on Ordinance 23:01. Councilman Tolomeo seconded the motion, which passed with all members present voting in favor in a Voice Vote. Councilman Gandy made a motion to adopt 23:01. Councilwoman Lomanno seconded the motion with all members present voting in favor by Roll Call Vote.

ORDINANCE 23:02- ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 3.16 OF THE CODE OF THE BOROUGH OF STRATFORD ENTITLED, "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW"

Councilman Kelly motioned to open the public hearing on Ordinance 23:02. Councilwoman Hall seconded the motion, which passed with all members present voting in favor in a Voice Vote.

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John Gentless, 110 Union Ave – Mr. Gentless asked if other towns had similar ordinances. Mr. Keenan stated Somerdale and Voorhees ordinances were used as templates to draft the ordinance. Mr. Gentless stated the abatement would benefit a potential user of the former Exxon station on the White Horse Pike and the Berlin Road Phase II project. Mr. Keenan stated Berlin Road Phase II is a redevelopment area and qualifies for abatements without the proposed ordinance. Mr. Gentless stated the proposed ordinance would benefit the proposed assisted living facility. Mr. Keenan stated the assisted living facility would qualify as new construction. Mr. Gentless stated the abatement must be approved before construction starts. Mr. Keenan stated under state law, a qualifying project can apply for an abatement up to 30 days after it receives a certificate of occupancy. Mr. Gentless said he understood other projects could benefit from the proposed ordinance. Mr. Gentless stated it is corporate welfare.

Mike Mancini- 3 Winding Way Road – Mr. Mancini stated the school would lose over \$1 million in tax revenue from the assisted living facility if it qualified for the tax abatement. Mr. Mancini stated the school need funds to house the students. Mr. Mancini stated he supports abatement for other projects because the properties were sitting around for years. Mr. Mancini stated the Borough should look at all the development as one and the revenue generated by projects without children will fund the costs of children generated in the other projects. Mr. Mancini stated the proposed abatement is fiscally irresponsible. Mr. Mancini stated the Borough should have a fiscal estimate of what the senior living facility will generate in tax revenue. Mr. Mancini stated because the hospital and Rowan University do not pay property taxes the Borough should not grant further abatements. Mr. Mancini asked how can you justify approving something you know is going to cost the town, schools specifically significant dollars when we have other developments going in that are going to stress the schools a bit.

Councilman Kelly stated he would vote yes for a couple of big reasons. Councilman Kelly stated if this is not done the assisted living project may not be built without incentives. Mr. Kelly stated the cost of the project has increased by \$3 million. Mr. Kelly stated he is concerned the project could stall like the Laurel Mills Redevelopment project. Mr. Kelly stated the public school will receive money. Mr. Kelly stated the Borough could investigate ways to share some of the abatement revenue with the public schools. Mr. Kelly stated many other municipalities provide incentives to attract new business. Mr. Kelly stated Winslow Township lost the outlet mall project because it did not have the 5-year abatement program requested by the developer. Mr. Kelly stated the project was built in Gloucester Township which had the incentive. Mr. Kelly stated many residents have told him to pursue economic development. Mr. Kelly stated the property was vacant for years and finally there is a potential to redevelop the site. Mr. Kelly stated he respect Mr. Mancini's opinion but he does not agree with it and he hopes he feels the same way.

Mr. Mancini stated the borough is being held hostage by the developer. Mr. Mancini stated it's not the borough's fault costs increased. Mr. Mancini stated it's not their job to worry about the developer's bottom line. Mr. Mancini stated the abatement was not needed to get the business in the borough. Mr. Mancini stated that he and John Gentless cannot be the only people to comment. Mr. Mancini stated other people in the meeting needed to speak up and share their opinion otherwise the ordinance would be adopted.

Mr. Kelly stated residents have told him they don't want the borough to lose another business to another town.

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Kathryn Decker, 5 Warwick Road – Ms. Decker stated she works in commercial real estate. Ms. Decker stated a business will not stick to its current contract if its going to hurt their business. Ms. Decker stated she would rather lose revenue initially to gain revenue long term then see companies take their business to other communities that offer incentives.

Councilman Gandy stated he appreciate the comments of Ms. Decker and Mr. Mancini. Councilman Gandy stated these projects create temporary construction jobs and long-term jobs for the employees who run the facilities. Councilman Gandy stated eventually these employees will choose to move to the borough. Councilman Gandy stated many other towns offer these incentives. Councilman Gandy stated it will take years to build and fully occupy the senior assisted living facility and no one knows what the economy will do during this time. Councilman Gandy stated the borough needs to be a friend to the businesses. Councilman Gandy stated Council has the power to give money to the schools.

Joe Tully, 4 Winding Way Road – Mr. Tully stated the borough doesn't have an idea on how they would make up for the potential lost revenue to the school. Mr. Tully stated the project was already put in motion. Mr. Tully stated he doesn't feel like the borough is protecting taxpayers.

Tom Speer, 8 College Circle – Mr. Speer stated the Borough would leave money on the table for a project that was already approved and the developer was willing to do it without the abatement. Mr. Speer stated the abatement for Laurel Mills didn't help that project happen any faster. Mr. Speer stated he sees residential project in the County being built despite increases in costs. Mr. Speer stated every abatement approved are all done on the backs of the residents. Mr. Speer stated Council is there to serve residents not residents and he wouldn't mind in the Laurel Mills Shopping Center was turned into a paved lot because its redevelopment will not help the Borough. Mr. Speer asked what process will be used to determine who gets an abatement. Mr. Strausser stated the ordinance describes the process. Mr. Strausser stated the application is reviewed by the Tax Assessor and makes a recommendation to Council which votes to approve it. Mr. Strausser stated its not a subjective process. Mr. Speer asked if improvements could be abated and is it only the improvement that is abated. Mr. Strausser stated it is only the improvement that is abated.

Virginia Baskerville, 107 South Atlantic Ave, - Ms. Baskerville asked if the Quaker Store property is for sale. Mr. Bray stated it is and there is a for sale sign on the property. Ms. Baskerville asked who the broker is. Mr. Bray stated it is a for sale by owner. Ms. Baskerville asked if it was one or two parcels. Mr. Keenan stated it is two parcels.

Frank Hartman, 18 Green Tree Road – Mr. Hartman asked why is the Borough starting at zero percent in the first year. Mr. Bray stated the 5-year abatement is set by state law and no taxes are paid in the first full calendar year.

John Gentless, 110 Union Ave. – Mr. Gentless stated the borough has held up the senior living project. Mr. Gentless stated it's not the job of the Borough's elected officials to help create jobs.

Mike Mancini, 3 Winding Way Rd. – Mr. Mancini stated he agrees we need to get businesses into the Borough. Mr. Mancini stated incentives were not needed to get the developer to proposed the senior living facility. Mr. Mancini stated the borough should have targeted incentives. Mr. Mancini stated the Borough can't be concerned with someone backing out of doing something they said they wanted to do.

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There were no further comments from the public.

Councilman Kelly made a motion to close the Public Hearing on Ord. 23:02. Councilwoman Lomanno seconded the motion, which passed with all members present voting in favor in a Voice Vote.

Council Discussion:

Councilwoman Hall stated she needs more information at this time to see if this is the right decision for the town and who it impacts. Councilwoman hall stated she respects the opinions expressed during the Public Hearing. Councilwoman Hall made a motion to table the issue so Council can gather more facts. Councilwoman Lomanno seconded the Motion to Table.

Mr. Strausser stated Council should set a specific date at which the issue would be considered further or the process would have to begin again with an ordinance introduction at a future meeting. Councilwoman Hall amended her Motion to Table to set the date for further consideration to April 11. Councilwoman Lomanno seconded the Motion. The Motion was approved by Roll Call vote with Councilman Gilligan, Councilwomen Hall and Lomanno voting Yea, Councilmen Kelly and Tolomeo voting nay and Councilman Gandy abstaining. Mr. Bray announced the results of the vote and stated the issue is tabled until the April 11, 2023 meeting set for 6:30 pm.

ORDINANCE 23:02
ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY,
AMENDING CHAPTER 3.16 OF THE CODE OF THE BOROUGH OF STRATFORD
ENTITLED, "FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW"

WHEREAS, N.J.S.A. 40A:21-1 entitled the, "Five-Year Exemption and Abatement Law" permits municipalities the ability to grant for periods of five years, exemptions and abatements, or both from taxation in area in need of rehabilitation and redevelopment, for improvements, conversions and/or construction of said structures; and

WHEREAS, N.J.S.A.40A:21-4 limits an Ordinance under the Five-Year Exemption and Abatement Law to a period of ten years: and

WHEREAS, N.J.S.A. 40A:21-4 permits a municipality to adopt an Ordinance under the Five-Year Exemption and Abatement Law; and

WHEREAS, the Mayor and Borough Council of the Borough of Stratford have determined that it is appropriate to adopt and establish an amendment to Chapter 3.16 of the Code of the Borough of Stratford entitled "Five Year Tax Exemption and Abatement Law" in an effort to promote the construction and rehabilitation for non-residential property such as but not limited to office, commercial and industrial development in certain circumstances and generate economic development and job growth in the Borough of Stratford.

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NOW, THEREFORE, be it ordained by the Mayor and Borough Council of the Borough of Stratford, County of Camden, State of New Jersey, as follows:

SECTION 1. Chapter 3.16 of the Code of the Borough of Stratford is hereby amended:

3.16.030 – Exemptions.

The Borough hereby authorizes the utilization of tax exemption and tax abatement in accordance with Chapter VII, Section 1, paragraph 6 of the New Jersey Constitution and establishes the eligibility of dwellings, multiple dwellings, mixed-use structures, commercial and industrial structures for five-year tax exemptions and abatements as authorized by N.J.S.A. 40A:21-1 et seq., throughout the entire municipality, only to the extent as set forth herein.

A claimant desiring to seek the exemption to this Chapter shall comply with the application procedures set forth in Chapter 3.16.030(B)(3), (4) and (5).

A. Improvement/Conversion – Multiple Dwellings, Mixed-Use Structures, Commercial and/or Industrial.

1. Pursuant to N.J.S.A. 40A:21-7 all improvements as defined in N.J.S.A. 40A:21-3(n), and conversions as defined in N.J.S.A. 40A:21-3(n) to multiple dwellings, mixed-use structures, commercial and industrial structures, shall be exempt from local real property taxes, on the improved portion only, for a period of five (5) years, if, after proper, timely application has been made, the Governing Body determines that the improvement/conversion meets the intent and criteria established by this section without compromising the equity of the Borough tax structure.
2. During the exemption period, the assessment on the property shall not be less than the assessment existing thereon immediately prior to the improvement/conversion unless there is damage to the structure through action of the elements or force majeure sufficient to warrant a reduction.
3. Applicants must apply for tax exemptions on improvement/conversion within thirty (30) days of completion of construction of the improvement/conversion.
4. All applications for improvement/conversion shall be filed with the Tax Assessor who shall deem the application complete prior to forwarding it to the Governing Body for approval.
5. No application will be approved for any property that has received a previous exemption.
6. Evidence that all real property taxes currently assessed against the property are paid in full and that the Borough holds no outstanding tax lien or any other municipal charges against the property.
7. No applications will be approved for fit-outs to structures which were not previously fully completed and occupied.

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8. No applications will be approved for changing a structure from one construction code use group to another.
 9. Upon approval of an ordinance authorizing an agreement for tax exemption for a particular non-residential improvement/conversion project, the Governing Body may enter into a written agreement with the applicant for exemption of local property taxes on the improvement/conversion.
 10. In the event that a property owner subject to a tax exemption agreement ceases to operate or disposes of the property or fails to meet the conditions for qualifying for the exemption, the local property taxes due for all the prior years subject to exemption and for the current year shall be payable as if no exemption had been granted. The Borough Council shall notify the property owner and the Tax Collector of such disqualification and the Tax Collector shall notify the property owner within fifteen (15) days of the date of disqualification of the amount of taxes due. In the event the subject property has been transferred to a new owner and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no tax shall be due, the exemption shall continue and the agreement shall remain in effect.
 11. If approved as provided herein, the exemption shall continue for a period of five (5) years commencing on January 1 of the tax year immediately following the date that the project received a final certificate of occupancy.
 12. Any additional improvement/conversion after the approval of exemption shall not be included.
 13. No exemption or abatement shall be applicable under this subsection if the Property has been declared an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)
- B. Construction – Multiple Dwellings, Mixed-Use Structures, Commercial, and/or Industrial
1. Construction of new multiple dwellings, mixed-use, commercial and industrial structures shall be eligible for tax exemption or abatement or both, commencing with the completion of each individual dwelling unit or the completion of the Project.
 2. The applicant shall furnish to the Municipality all the information required by N.J.S.A. 40A:21-9. In addition, every applicant shall file the application form prescribed by the Director of the New Jersey Division of Taxation in the Department of Treasury with the Tax Assessor, as condition to approval, within thirty (30) days, including Saturdays and Sundays and legal holidays, following the completion of the improvement. Every application for exemption or abatement or both so filed shall be approved and allowed by the Tax Assessor to the degree that the application is consistent with the provisions of this Chapter, provided that the improvements for which the application is made qualifies as such pursuant to the provisions of this Chapter and the tax agreement. The granting of an exemption or abatement or both and tax agreement, if appropriate, shall be recorded and made a

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permanent part of the official tax records of the Borough, which record shall contain a notice of termination date thereof.

3.No tax exemption or abatement shall be granted unless approved by Ordinance of the Borough Council on an individual basis after review, evaluation and approval of each application for compliance with the terms of this Chapter and the underlying statute, rules and regulations.

4.Any such exemption or abatement shall be subject to the owner and the Borough entering into a tax agreement as provided by N.J.S.A. 40A:21-10.

5.No application will be approved for any property that has received a previous exemption.

6.Evidence that all real property taxes currently assessed against the property are paid in full and that the Borough holds no outstanding tax lien or any other municipal charges against the property.

7.In the event that a property owner subject to a tax exemption agreement ceases to operate or disposes of the property or fails to meet the conditions for qualifying for the exemption, the local property taxes due for all the prior years subject to exemption and for the current year shall be payable as if no exemption had been granted. The Borough Council shall notify the property owner and the Tax Collector of such disqualification and the Tax Collector shall notify the property owner within fifteen (15) days of the date of disqualification of the amount of taxes due. In the event the subject property has been transferred to a new owner and it is determined that the new owner will continue to use the property pursuant to the qualifying conditions, no tax shall be due, the exemption shall continue and the agreement shall remain in effect.

8.No exemption or abatement shall be applicable under this subsection if the Property has been declared an Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.)

9.If approved as provided herein, the exemption shall continue for a period of five (5) years commencing on January 1 of the tax year immediately following the date that the project received a final certificate of occupancy.

C. Payment in lieu of full property taxes.

(a) All tax abatement Agreements must be authorized by a separate Ordinance for the Applicant.

(b) The tax abatement agreement shall provide for the End User, upon issuance of a Certificate of Occupancy, to pay to the Borough in lieu of full property tax payment an amount annually to be computed by the following formula:

D. Tax Phase-in Basis

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The Applicant or End User must pay to the Borough full taxes on the land component of the property and a separate payment on the improvements in an amount equal to a percentage of taxes otherwise due, according to the following schedule:

- (1) In the first full calendar year after completion, no payment in lieu of taxes otherwise due;
 - (2) In the second full calendar year, an amount not less than 20% of taxes otherwise due;
 - (3) In the third full calendar year, an amount not less than 40% of taxes otherwise due;
 - (4) In the fourth full calendar year, an amount not less than 60% of taxes otherwise due; and
 - (5) In the fifth full calendar year, an amount not less than 80% of taxes otherwise due.
- (c) All tax agreements entered into by virtue of this Article shall be in effect for no more than five full tax years next following the issuance of a Certificate of Occupancy. Within 30 days of the execution of a tax abatement agreement with the Applicant, the Borough shall forward a copy of said agreement to the Director of the Division of Local Government Services in the Department of Community Affairs.
- (d) No exemption or abatement shall be granted, or tax agreement entered into, with respect to any property for which property taxes are delinquent or remain unpaid, or for which penalties for nonpayment of taxes are due.
- (e) The Deed to the Applicant or End User shall include a Deed Restriction identifying the five-year tax abatement provided to the End User, said form of Deed to be approved by the Borough with the Application for Tax Abatement filed by the Applicant.
- (f) At termination of the five year tax abatement provided to the applicant or End User, the property shall be subject to all applicable real estate taxes as provided by law.
- (g) During the abatement period, the assessment on the property shall not be less than the assessment existing thereon prior to the completion of the improvements.

E. Eligibility for additional construction or improvement.

An additional improvement or construction completed on a property granted a previous exemption or abatement during the period in which such previous exemption or abatement is in effect shall be qualified for an exemption and/or abatement just as if such property had not received a previous exemption or abatement. In such case, the additional improvements or construction shall be considered as separate for the purposes of calculating exceptions and abatements, except that the assessed value of any previous improvement or construction shall be added to the assessed valuation of the property from which an additional abatement is to be subtracted.

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F. Applicability of statutory and regulatory provisions.

Every application for exemption or abatement and every exemption and abatement granted shall be subject to all of the provisions of N.J.S.A. 40A:21-1 et seq. and all rules and regulations issued thereunder.

G. Applicability of federal, state and local laws.

All tax abatement and exemption agreements shall provide that the applicant is subject to all federal, state and local laws and regulations.

H. Equalization.

The percentage which the payment in lieu of taxes bears to the property taxes which would have been paid had an abatement not been granted for the property under the agreement shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the municipality for determining equalization for county appointment and school aid during the term of the tax abatement agreement covering the property.

I. Application fee.

An application filing fee of \$2,500.00 shall be paid by the applicant at the time of filing the preliminary application. The application fee will provide for the administrative services to be undertaken by the Borough Tax Assessor, and any other Borough official, in order to render a determination on the applicant's eligibility for a tax abatement. The filing fee shall cover the cost for both the preliminary application and final application review and determination process.

J. Escrow.

Every tax abatement agreement required by this Ordinance shall be subject to payment of an escrow in the amount of one thousand dollars (\$1,000.) to be paid by the applicant at the time the applicant submits an application. The required escrow shall be used to pay the cost of professional review by the Borough Solicitor, Engineer, and other professionals employed by the Borough to review and make recommendations regarding the tax abatement agreement.

At the time of submission of an application to the Borough, the applicant shall be required to execute an escrow agreement with the Borough to cover all necessary and reasonable costs incurred for the technical and professional review of the tax agreement. The amounts specified for escrow are estimates which shall be paid prior to the Borough's review of the tax abatement application. In the event an additional amount is required for more than the amount specified in the escrow

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agreement, the applicant shall pay all additional sums required prior to the Borough's execution of the tax abatement agreement.

SECTION 2. Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

SECTION 3. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

NEW BUSINESS:

Ord. 23:03

The Borough Clerk announced this is the first reading and introduction; the public hearing for this ordinance will be during the Regular Council Meeting on March 14, 2023 at 6:30 p.m. Councilman Gilligan made the motion to introduce ORDINANCE 23:03, with Councilman Gandy making a second and the remainder of Council voting aye by roll call vote.

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF THE BOROUGH OF STRATFORD
ORDINANCE NO. 23-03**

AN ORDINANCE BY THE BOROUGH COUNCIL OF THE BOROUGH OF STRATFORD AMENDING THE BOROUGH OF STRATFORD CODE OF ORDINANCES TO REPEAL CHAPTER 15.20 – FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 15.20 – FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of Stratford 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 Stratford was accepted for participation in the National Flood Insurance Program on September 17, 1980 and the Stratford Borough Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Stratford 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): Ordinance 2007:17; Ordinance 2009:08

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard

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areas.

- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Stratford administer and enforce the State building codes, the Borough Council of Borough of Stratford does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

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

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

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

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

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

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

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

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The Borough of Stratford was accepted for participation in the National Flood Insurance Program on September 17, 1980.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Office of the Administrator, Borough Hall, 307 Union Avenue, Stratford, NJ 08084.

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

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated August, 17, 2016 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is September 28, 2007 and June 16, 2009 are hereby adopted by reference.

Table 102.2(1)

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Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34007C0108	September, 28, 2007	E			
34007C0109	June 16, 2009	F			
34007C0128	June 16, 2009	F			

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

Table 102.2(2)

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

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

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
None as of the date of this ordinance.		

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102.3 Establishing the Local Design Flood Elevation (LDFE).

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

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

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

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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pursuant to Section 107 of these regulations.

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Stratford have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

103.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments

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

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

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

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

accuracy of data submitted for such determination shall be the responsibility of the applicant.

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

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

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

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

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

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

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

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

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

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- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

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

SECTION 104 PERMITS

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

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

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

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

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- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

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

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

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

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

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does

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not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

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

SECTION 106 INSPECTIONS

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

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

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

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

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

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

SECTION 107 VARIANCES

107.1 General. The Borough of Stratford Joint Land Use Board shall hear and decide requests for variances. The Borough of Stratford Joint Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Borough of Stratford Joint 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.

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain

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management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

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

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

SECTION 108 VIOLATIONS

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

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

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

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

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determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

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

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

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

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

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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

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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 foundation 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

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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.

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

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

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

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

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

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

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- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved State program as determined by the Secretary of the Interior; or
 - 2. Directly by the Secretary of the Interior in States without approved programs.

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

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

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

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

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

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

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

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

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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

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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.

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- 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.

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.

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(2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

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

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

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

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

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

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

SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

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

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- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

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

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for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;

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

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

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

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

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

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these

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regulations.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

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

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

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

RESOLUTIONS: No one from Council removed or added to the consent agenda.

RES. 23-41 APPOINT CROSSING GUARDS – Bachowski, Healy

Mr. Bray stated the resolution is amended to add the name of Beth Healy.

Councilwoman Lomanno made the motion to adopt the Consent Agenda of resolutions as submitted, with Councilman Kelly making the second and all Council voting aye by roll call vote.

APPROVAL OF BILLS:

Wire checks	501509	through	501519		
Payroll checks	57189	through	57328	and	
Automated checks	37157	through	37243		
Various electronic transfers and potential interim payments to Atlantic City Electric, Constellation Energy, PSE&G, and South Jersey Gas					

Councilwoman Hall motioned to approve the payment of the bills. Councilwoman Lomanno seconded the motion, with all members present voted in favor in a Roll Call Vote.

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Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BOROU090	BOROUGH OF STRATFORD	23-00139	01/31/23	1ST QTR 2023 OPEN SPACE TAX	Open	14,311.84	0.00		
BRTTECH	BRT TECHNOLOGIES LLC	23-00063	01/10/23	Assessor Software 2023	Open	165.00	0.00		
		23-00191	02/13/23	Assessmnt PostCards:Pstge Bal	Open	92.16	0.00		
						257.16			
CAMDE050	CAMDEN COUNTY DETECTIVES ASSO	23-00135	01/31/23	PD:ANNUAL MEMBERSHIP DUES 2023	Open	100.00	0.00		
CAMDE200	CAMDEN COUNTY TREASURER	23-00146	02/03/23	1ST QTR 2023-COUNTY TAX	Open	903,393.57	0.00		
CERTI010	CERTIFIED TIRE & AUTO SERV LLC	23-00091	01/19/23	F350 Dump Truck: 2 Tires	Open	331.49	0.00		
		23-00117	01/26/23	DPW: Used Leaf Machine Tires	Open	100.00	0.00		
						431.49			
CHAMP005	CHAMPION DISPOSAL SERVICES LLC	23-00112	01/26/23	Dumpstr Svc-Wood Chips 12-23	Open	225.00	0.00		
CIT00010	CIT	23-00033	01/07/23	PATROL OFFICE COPIER LEAS 2026	Open	132.00	0.00		
		23-00034	01/07/23	POL CLERK OFF COPIER LEASE '23	Open	69.00	0.00		
		23-00074	01/10/23	Pol Upstairs Copier: Lease	Open	69.00	0.00		
		23-00207	02/13/23	Borough Hall Copier: Lease	Open	173.52	0.00		
						443.52			
COMCA010	COMCAST	23-00098	01/23/23	INTERNET SERVICE FEBRUARY 2023	Open	253.75	0.00		
COSTA010	COSTA, ANTHONY P.	23-00192	02/13/23	Laurel Mills 01/01 to 01/31/23	Open	874.00	0.00		
		23-00193	02/13/23	105 Princeton Ave January 2023	Open	300.00	0.00		
		23-00194	02/13/23	Stratford Diner: January 2023	Open	150.00	0.00		
						1,324.00			
COUNT020	COUNTY CONSERVATION COMPANY	23-00138	01/31/23	DPW: Dense Graded Aggregate	Open	68.00	0.00		
COURI010	COURIER POST	23-00186	02/10/23	JLUB: 2023:01 JLUB Mtg Dates	Open	38.60	0.00		
COVANO05	COVANTA ENERGY LLC	23-00150	02/06/23	Trash Tonnage Jan.22(239.35)TN	Open	21,524.76	0.00		
CAMBURND	DANIEL CAMBURN	23-00163	02/08/23	2023 Clothing Allowance	Open	274.45	0.00		
		23-00168	02/10/23	MEDICAL EXP REIM 2022	Open	900.00	0.00		
						1,174.45			

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DIMAR005	DIMARCO, SARAH D	23-00102	01/24/23	Secretarial Svc: Nov'22+Jan'23	Open	100.00	0.00		
DIVAL005	DIVAL SAFETY EQUIPMENT, INC.	23-00111	01/26/23	FD: Helmet Fronts (9)	Open	771.00	0.00		
ROMEODOM	DOMINIC ROMEO	23-00215	02/14/23	Clothing Allowance 2023	Open	414.29	0.00		
		23-00216	02/14/23	2023 Medical Reimbursement	Open	276.96	0.00		
						691.25			
EDMUNDS	EDMUNDS GOVTECH	22-01457	11/29/22	ESCROW ACCOUNTING PROGRAM	Open	5,478.00	0.00		
FBILE005	FBI-LEEDA INC	23-00092	01/20/23	J.Beasley:CLI Camden NJ 2/2023	Open	795.00	0.00		
FPMAL05	FP MAILING SOLUTIONS	23-00136	01/31/23	2023 Quarterly Meter Rental	Open	165.00	0.00		
GATES005	GATES FLAG & BANNER CO., INC.	23-00109	01/25/23	Parks Commiss:Flag Cleat Cover	Open	964.00	0.00		
GENEO005	GENE OLSON ELEC CONTRACTRS LLC	23-00114	01/26/23	fd: Install (3)Addt'l Fixtures	Open	705.00	0.00		
GLOUC040	GLOUCESTER TOWNSHIP MUA	23-00081	01/17/23	LEAF DISPOSAL 2022	Open	6,015.00	0.00		
HERO0005	HERO OUTFITTERS LLC	23-00210	02/14/23	Z.Collins: Uniform Items	Open	1,516.00	0.00		
		23-00211	02/14/23	J.Beasley: Hat + Rmv Chevrons	Open	240.00	0.00		
		23-00212	02/14/23	P.Brunett: Uniform Items	Open	445.99	0.00		
		23-00213	02/14/23	D.Romeo: Uniform Items	Open	265.00	0.00		
		23-00214	02/14/23	E.McBride: Uniform Items	Open	805.00	0.00		
						3,271.99			
INDEP015	INDEPENDNT ANIMAL CARE SVC LLC	23-00119	01/26/23	Animal Control Contract 2023	Open	400.00	0.00		
INSTI010	INSTITUTE FOR PROF DEV	23-00104	01/24/23	ANNUAL AUDIT WEBINAR-R SARLO	Open	50.00	0.00		
INTER050	INTERNATIONAL CODE COUNCIL INC	23-00089	01/18/23	Construction:Codes & Regulatns	Open	931.00	0.00		
KELLYJPH	JENNIFER KELLY, PhD LLC	23-00113	01/26/23	Pol: Pre-Employment Exam (1)	Open	450.00	0.00		
JERRY005	JERRY'S MOBILE TRUCK REPR LLC	23-00217	02/14/23	FD: Prevent Maint Trucks 2022	Open	670.62	0.00		

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JOHNS020	JOHNSON, BRET	23-00042	01/07/23	2023 Retire Health Care Reimb	Open	3,949.10	0.00		
FAZZI010	JOSEPH FAZZIO INC	23-00200	02/13/23	DPW: Screws/Anchors(St. Signs)	Open	87.08	0.00		
KAYPR010	KAY PRINTING	23-00093	01/20/23	S.McCart: Construction Forms	Open	317.84	0.00		
KDICO010	KDI	23-00205	02/13/23	VOLUME PATROL OFF TO 01/28/23	Open	77.07	0.00		
		23-00209	02/14/23	Vol Police Upstair to 02/02/23	Open	271.00	0.00		
						348.07			
OAKSYSTE	KEY BUSINESS SOLUTIONS	23-00095	01/23/23	2023 Vision S3 Mail Mach Lease	Open	75.00	0.00		
LAURE010	LAUREL LAWNMOWER SERVICE, INC.	23-00115	01/26/23	DPW: TruFuel for Chain Saws	Open	13.90	0.00		
		23-00206	02/13/23	DPW: Spreader Bearing Kit	Open	136.27	0.00		
						150.17			
LEXIS005	LEXISNEXIS RISK SOLUTIONS	23-00061	01/10/23	MONTHLY CONTRACT+SEARCHS 12/22	Open	1.00	0.00		
		23-00157	02/07/23	MONTHLY CONTRACT+SEARCHS 01/23	Open	41.25	0.00		
						42.25			
LOWES010	LOWES COMPANIES INC	23-00131	01/31/23	Credit Card Purchases Jan.2023	Open	418.42	0.00		
MAJES005	MAJESTIC OIL CO. INC	23-00144	02/01/23	DYED ULS DIESEL FUEL	Open	3,178.18	0.00		
MEYER020	MEYERS, MICHAEL	23-00155	02/07/23	Medical Expense Reimb 2023	Open	51.37	0.00		
MGLPR010	MGL PRINTING SOLUTIONS	23-00101	01/23/23	PAYROLL CHECKS (2,500)	Open	357.00	0.00		
LEMMICH	MICHAEL LEMMERMAN	23-00218	02/14/23	'23 Cell Phn Fire Chief(reimb)	Open	50.00	0.00		
MONM005	MONMOUTH TELECOM	23-00152	02/06/23	Feb.2023 Bill (Jan.2023) Usage	Open	1,366.94	0.00		
NFPA0020	NATL FIRE PROTECTION ASSO(MBR)	23-00107	01/25/23	M.Lemmerman: Member Rnewal '23	Open	175.00	0.00		
NEWJE010	NEW JERSEY AMERICAN WATER	23-00105	01/24/23	HYDRANTS SVC Dec.22 95 HYD	Open	5,595.50	0.00		
		23-00132	01/31/23	water Usage DEC 14 TO JAN 13	Open	467.66	0.00		
						6,063.16			

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NEWJE125	NEW JERSEY PHCC INC.	23-00083	01/18/23	Construc:21 Nat Std Plumb Code	Open	115.00	0.00		
NJDEP025	NJ DEPT OF HEALTH & SENIOR SVC	23-00149	02/03/23	JAN 2023-MONTHLY DOG LIC RPT	Open	230.40	0.00		
PERKIQ05	PERKINS, CHERYL	23-00120	01/27/23	NJLM Conference'22: tolls	Open	22.80	0.00		
RSCOM010	R & S COMPUTER SERVICES	23-00126	01/30/23	Monthly Web Updt, Eblast 02/23	Open	314.00	0.00		
RADIU005	RADIUS180 LLC	23-00072	01/10/23	IT SUPPT-BACKUP STORAGE JAN'23	Open	499.99	0.00		
		23-00073	01/10/23	IT SUPPORT BOROUGH HALL JAN'23	Open	<u>1,050.00</u>	0.00		
						1,549.99			
RAUERKRT	RAUER, KRISTINA	23-00185	02/10/23	MEDICAL EXPENSE REIMB. 2023	Open	704.00	0.00		
CAMDE210	REPUBLIC SERVICES, INC.	23-00156	02/07/23	Resi Single Stream - Jan.2023	Open	5,454.01	0.00		
SAFEG005	SAFEGUARD BUS SYSTEMS, INC.	23-00100	01/23/23	Animal Control: Deposit slips	Open	172.22	0.00		
SANDOO10	SANDOVAL GRAPHICS & PRINT LLP	23-00195	02/13/23	woods & Leaves Signs (2)	Open	800.00	0.00		
SOTOA005	SOTO, ALEJANDRO	23-00169	02/10/23	REFUD TAX OVERPAYMENT	Open	82.59	0.00		
SSPRI010	STAINES INC. (S&S Printing)	23-00165	02/08/23	PD:48 Hr. Removal Notic stickrs	Open	175.00	0.00		
STAPLE010	STAPLES BUSINESS ADVANTAGE	23-00075	01/12/23	Boro/DPW/PD: Office Supplies	Open	115.09	0.00		
STATE030	STATE OF NEW JERSEY	23-00147	02/03/23	RETIREE EMPLOYEE HEALTH-FEB 23	Open	32,963.83	0.00		
		23-00148	02/03/23	ACTIVE EMPLOYEE HEALTH-JAN 23	Open	<u>38,765.70</u>	0.00		
						71,729.53			
STATE011	STATE OF NEW JERSEY	23-00166	02/10/23	UNEMPLOYMENT-4TH QTR 2020	Open	1,225.28	0.00		
STATE080	STATE TOXICOLOGY LABORATO	23-00129	01/30/23	PD: Random Testings 2022	Open	225.00	0.00		
STATE105	STATEWIDE INSURANCE FUND	23-00134	01/31/23	1st Quarter Assessment & WC	Open	53,766.54	0.00		

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STERLO30	STERLING HIGH SCHOOL	23-00140	01/31/23	REGIONAL SCHOOL TAX-FEB 2023	Open	274,991.36	0.00		
STRAT010	STRATFORD AMBULANCE	23-00167	02/10/23	FEMA COVID 19 GRANT 4488DR-NJ	Open	90,354.43	0.00		
STRAT040	STRATFORD BOARD OF EDUCATION	23-00141	01/31/23	LOCAL SCHOOL TAX - FEB 2023	Open	640,756.50	0.00		
PLATT005	THE PLATT LAW GROUP, P.C.	23-00180	02/10/23	LGL SVC GENERAL FILE Jan.2023	Open	2,580.00	0.00		
		23-00181	02/10/23	Laurel Mills Law Suit	Open	3,323.50	0.00		
		23-00183	02/10/23	LGL SVC:CYRIAC BERLIN Rd Storg	Open	999.00	0.00		
		23-00184	02/10/23	LGL SVC: Tax Appeals Jan.2023	Open	518.00	0.00		
						<u>7,420.50</u>			
RETRO001	THE RETROSPECT	23-00097	01/23/23	LGL NOT: Ord 2023:01+Prof Svcs	Open	57.23	0.00		
		23-00125	01/30/23	LGL NOT: Ord 2023:01 + 2023:02	Open	35.50	0.00		
		23-00187	02/10/23	JLUB Lgl Not: JLUB '23 Annual	Open	19.69	0.00		
						<u>112.42</u>			
BUTLERTI	TIM BUTLER	23-00110	01/26/23	Uniform Clothing Reimb 2023	Open	208.50	0.00		
TREAS020	TREASURER, STATE OF NEW JERSEY	23-00151	02/06/23	BCFE REG RENEWAL 2023	Open	1,538.00	0.00		
VALVO005	VALVOLINE INSTANT OIL CHANGE	23-00196	02/13/23	Pol.Vehicle Oil Changes:Jan'23	Open	166.94	0.00		
		23-00197	02/13/23	Pol.Veh.Oil Changes: Feb.'23	Open	225.93	0.00		
						<u>392.87</u>			
VERIZ020	VERIZON WIRELESS SERVICES LLC	23-00124	01/30/23	CELL SVC 01/20/23-02/19/23	Open	202.44	0.00		
		23-00160	02/07/23	FIRE MDT SVC 01/24-02/23/23	Open	200.09	0.00		
		23-00161	02/07/23	MDT SVC 01/24/23-02/23/2023	Open	608.22	0.00		
						<u>1,010.75</u>			
VERME010	VERMEER NORTH ATLANTIC SA	23-00116	01/26/23	DPW: Chipper Parts	Open	85.20	0.00		
VOORH010	VOORHEES ANIMAL ORPHANAGE	23-00040	01/07/23	Animal shelter Contract 2023	Open	373.75	0.00		
VOORH030	VOORHEES AUTO REPAIR LLC	23-00118	01/26/23	32-4: Replace Starter (Labor)	Open	172.50	0.00		
WBMAS010	W.B. MASON CO INC	23-00077	01/12/23	Boro: TN660 Cartridge (Sharon)	Open	52.62	0.00		
		23-00078	01/12/23	Boro Hall: Tissues (12 Boxes)	Open	25.16	0.00		
		23-00079	01/13/23	2023 Water for Coolers	Open	44.70	0.00		
		23-00096	01/23/23	R.Sarlo: HP 12A Toner Cartrdgs	Open	131.64	0.00		

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WBMAS010 W.B. MASON CO INC Continued									
		23-00122	01/27/23	B.Bray: HP952 Ink Cartridges	Open	108.93	0.00		
		23-00127	01/30/23	S.McCart: Keyboard Tray	Open	32.48	0.00		
		23-00130	01/31/23	2023 Water Cooler Rentals	Open	2.85	0.00		
						398.38			
FLEETPH6 WEX BANK-FLEET PHILLIPS 66									
		23-00159	02/07/23	Gasoline Purchases Jan.2023	Open	2,655.76	0.00		
FLEETWEX WEX BANK-FLEET WAWA									
		23-00158	02/07/23	Gasoline Purchases Dec.2022	Open	1,451.47	0.00		
BRAY W WILLIAM C. BRAY									
		23-00153	02/06/23	'22 Cell Phn Reimb Bal (Clerk)	Open	100.00	0.00		
		23-00154	02/06/23	Medical Reimbursement 2023	Open	128.00	0.00		
						228.00			

Total Purchase Orders: 138 Total P.O. Line Items: 0 Total List Amount: 2,178,932.60 Total Void Amount: 0.00

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Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
CURRENT FUND	2-01	21,811.38	0.00	21,811.38	0.00	0.00	21,811.38
CURRENT FUND	3-01	2,027,576.15	0.00	2,027,576.15	0.00	0.00	2,027,576.15
SEWER OPERATING F	3-07	14,295.79	0.00	14,295.79	0.00	0.00	14,295.79
Year Total:		2,041,871.94	0.00	2,041,871.94	0.00	0.00	2,041,871.94
GENERAL CAPITAL F	C-04	736.00	0.00	736.00	0.00	0.00	736.00
FEDERAL AND STATE	G-02	94,724.56	0.00	94,724.56	0.00	0.00	94,724.56
TRUST OTHER FUND	T-03	18,612.35	0.00	18,612.35	0.00	0.00	18,612.35
ANIMAL CONTROL FU	T-12	1,176.37	0.00	1,176.37	0.00	0.00	1,176.37
Year Total:		19,788.72	0.00	19,788.72	0.00	0.00	19,788.72
Total of All Funds:		2,178,932.60	0.00	2,178,932.60	0.00	0.00	2,178,932.60

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Check Payment Batch Verification Listing

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Batch Id: CPERKINS Batch Type: C Batch Date: 02/01/23 Checking Account: 01CLEARING G/L Credit: Budget G/L Credit
Generate Direct Deposit: N

Check No.	Check Date	Vendor # Name	Payment Amt	Street 1 of Address to be printed on Check	Charge Account	Account Type	Status	Seq	Acct
PO #	Enc Date	Item Description		Description					
23-00145	02/01/23	1 NJDMV010 NJ MOTOR VEHICLE COMMISSION	2.00	225 EAST STATE STREET	3-01-20-100-000-207	Budget	Aprv	1	1
		1 BILL OF SALE-ABANDONED VEH		A & E MISCELLANEOUS/EDUCATION					
			2.00						

Checks:	<u>Count</u>	<u>Line Items</u>	<u>Amount</u>
	1	1	2.00

There are NO errors or warnings in this listing.

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Check Payment Batch Verification Listing

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Totals by Year-Fund	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	3-01	2.00	0.00	0.00	2.00
Total of All Funds:		2.00	0.00	0.00	2.00

G/L Posting Summary

Account	Description	Debits	Credits
3-01-101-01-000-001	CASH	0.00	2.00
3-01-201-00-000-000	CURRENT YEAR APPROPRIATIONS	2.00	0.00
	Grand Total:	2.00	2.00

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P.O. Type: All
Range: First to Last
Format: Condensed
Vendors: All
Rcvd Batch Id Range: First to Last

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

Include Non-Budgeted: Y

Vendor # Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
MALL CO10 MALL CHEVROLET	22-01151	09/23/22	(2) 2023 Chevy Tahoe Pursuits	Open	80,354.00	0.00		

Total Purchase Orders: 1 Total P.O. Line Items: 0 Total List Amount: 80,354.00 Total Void Amount: 0.00

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Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
GENERAL CAPITAL F C-04	80,354.00	0.00	80,354.00	0.00	0.00	80,354.00
Total of All Funds:	80,354.00	0.00	80,354.00	0.00	0.00	80,354.00

COUNCIL COMMENTS:

- Councilman Gandy – Councilman Gandy thanked the public for attending and participating in the meeting. Councilman Gandy thanked the police, fire and EMS volunteers for their efforts in a recent evacuation at John Paul II School due to a gas leak.
- Councilman Kelly – Councilman Kelly stated the Borough penny open space tax funded the replacement of the Tarkill soccer field lights. Councilman Kelly stated he respects the opinions expressed during the public hearing. Councilman Kelly stated no one wants their taxes to go up but he supports abatements to keep the Borough competitive with other communities.
- Councilwoman Hall – Councilwoman Hall thanked all the residents who attended the meeting and shared their opinions which will factor into her decision on Ord. 23-02.
- Councilwoman Lomanno – Councilwoman Lomanno thanked the residents for sharing their opinions on Ord. 23-02 and they will be considered by Council. Councilwoman Lomanno stated the governing body needs more time to determine a solution that works for everyone.
- Councilman Gilligan – Councilman Gilligan thanked all the residents who participated in the public hearing on Ord 23-02. Councilman Gilligan stated Ord. 23-04 will be introduced in March to allow residents to keep hens for backyard egg farming. Councilman Gilligan stated the ordinance will also establish an advisory board and there are local classes.
- Councilman Tolomeo – Councilman Tolomeo stated it was good to see residents attend the meeting and their opinions were appreciated.

GOOD AND WELFARE:

Councilman Gandy motioned to open the meeting to the public for Good and Welfare. Councilman Tolomeo seconded the motion, which passed with all members present voting in favor in a voice vote.

John Gentless, 111 Union Ave – Mr. Gentless praised the impending demolition of the Laurel Mills Shopping Center. Mr. Gentless asked if there will be asbestos abatement. Mr. Gentless asked if there would be any other environmental testing. Mr. Gentless asked if the Borough would revery to in-person meetings. Mr. Bray stated Council decided to hold one in person and one virtual meeting a month. Mr. Bray stated the virtual meetings have had larger attendance than the in-person meetings Mr. Bray stated Council could change that

STRATFORD BOROUGH COUNCIL
REGULAR MEETING MINUTES
TUESDAY, FEBRUARY 14, 2023
6:30 P.M.

schedule at any time but would have to readvertise. Mr. Keenan stated an asbestos report was done and submitted prior to the issuance of the demolition permit for Laurel Mills Shopping Center. Mr. Keenan stated no other testing has been required.

Kathryn Decker, 5 Warwick Rd. – Ms. Decker stated she was excited about the hen ordinance. Ms. Decker stated she loved the Stratford Library but the hours are limited and she has to pay to join the county library. Ms. Decker asked how much would it cost to join the county system. Mr. Keenan stated it would cost \$1000s more to join the county library. Mr. Keenan stated she should contact the library's board of director to request evening hours. Mr. Keenan stated a public referendum would need to be passed by voters to join the county system.

Mike Mancini, 3 Winding Way Rd. – Mr. Mancini asked why Councilman Gandy abstained from the vote to table. Councilman Gandy stated he was advised to abstain due to his profession.

Tom Speer, 8 College Circle – Mr. Speer stated the street light on Warwick Road near Yellin School is not as bright as other lights in the area. Mr. Speer asked if banners at the assisted living project could be removed or replaced. Mr. Speer stated the borough should also consider allowing quails too. Mr. Speer asked if the court lights can be set to go off when they are not in use. Mr. Keenan stated the lights on Warwick Road are different because the electric companies are different. Mr. Keenan stated the borough has LED lights and they could see if a brighter one is available. Mr. Keenan stated the parks commission decided to keep the court lights on all the time possibly to deter vandalism.

Responding to Virginia Baskerville, Mr. Keenan stated the Quaker Store and gas station property is for sale. Mr. Keenan stated the property owner must give the Borough and Historic Commission notice to vacate or to move the building. Mr. Keenan stated the property owner

Jenn Tully, 4 Winding Way Rd. – Ms. Tully asked if proper protocols are in place to mitigate any vermin that may be displaced by the Laurel Mills Shopping Center demolition. Mr. Keenan stated they were required to hire an exterminator. Mr. Keenan stated residents will also receive notice from the Borough.

Councilman Kelly made a motion to close the public portion, with Councilman Gilligan making a second, and all Council voting aye.

ADJOURN:

Councilman Gandy motioned to adjourn the meeting at approx. 8:16 PM. Councilman Tolomeo seconded the motion and all members present voted in favor in a voice vote.

Minutes respectfully submitted by:

Bill Bray, RMC
Borough Clerk