HARMONY TOWNSHIP COMMITTEE
REORGANIZATION/REGULAR MEETING
January 10, 2023 @ 6:00 p.m.

AGENDA

****REORGANIZATION MEETING****

CALL TO ORDER BY MUNICIPAL CLERK

OPEN PUBLIC MEETINGS STATEMENT

PLEDGE OF ALLEGIANCE

Swearing in of Committeeman Elect for 2023-2025; Richard Cornely
-Oath of Office

ROLL CALL:

Call for Nominations for Appointment of Mayor
-Oath of Office

(Meeting gets turned over to the Mayor at this time)

Call for Nominations for Appointment of Deputy Mayor
-Oath of Office

Motion to Approve Resolutions R:23-1 through R:23-10

R:23-1	Committee Appointments by Resolution
R:23-2	Resolution Establishing Rate of Interest to be charged for Non-payment of Taxes
R:23-3	Resolution Establishing a Cash Management Plan
R:23-4	Resolution Designating Newspapers to Receive Notices of Meetings of Township
R:23-5	Resolution Designating Meeting Dates and Times
R:23-6	2023 Temporary Budget Adoption
R:23-7	Resolution Tax Assessor is authorized to file petitions, notices and other documents regarding the assessing of roll-back taxes
R:23-8	Resolution Authorizing the Tax Assessor of the Township of Harmony to File corrective appeals with the Warren County Board of Taxation concerning those properties wherein errors have been made, to represent the Township of Harmony in defense of appeals filed with said Board and to sign stipulations of appeals on behalf of the Township of Harmony
R:23-9	Resolution Authorizing Non-Fair and Open Contracts Awards for Professional Services
R:23-10	PACO Appointment

REGULAR MEETING BUSINESS

EXECUTIVE SESSION: Personnel Issues

CONSENT AGENDA:
MOTION TO APPROVE THE CONSENT AGENDA WHICH INCLUDES THE FOLLOWING WHEN AVAILABLE

Reports: Attorney Report Engineer Report
Zoning Report
Minutes: December 6, 2022 & December 28, 2022

NEW BUSINESS:

1. Schedule budget meeting
2. Introduction by title only Ordinance O:23-1; An Ordinance to amend Chapter 165 Zoning to permit solar production facilities within the industrial zones
3. Introduction by title only Ordinance O:23-2; An Ordinance amending the Harmony Township Code to repeal Chapter 94 Flood Damage Prevention and to adopt a new Chapter 94
4. Schedule Townwide Clean Up Dates
5. Schedule Townwide Yard Sale Dates
6. Authorize the Mayor to sign the Warren County Housing Program Agreement
7. Ryan Simmons Class 6 Cannabis Delivery License Request
8. R:23-24; grant application for gym equipment and playground

OLD BUSINESS:

1. Demeter Road Drainage Issues
2. Business/Rental Unit Liability Insurance LFN2022-23

VOUCHERS: Approve payment of Vouchers

HARMONY TOWNSHIP BOARD OF HEALH REORGANIZATION

CALL FOR A MOTION TO APPOINT: -Chairman
-Vice-Chairman
-Secretary (Kelley Smith)

BOARD OF HEALTH CONSENT AGENDA:
Resolutions:

- R:BOH2023-1; Resolution Designating Newspapers to Receive Notices of Meetings
- R:BOH2023-2; Resolution in Regard to Regular Meeting Dates

BOARD OF HEALTH NEW BUSINESS:

- Approval of Food Handlers Licenses
  - -Phillipsburg Area Senior Center
  - -Apgar's Cider Press
  - -Harkers Hollow Golf Club
  - -Cygnus Home Services
  - -A&A Liquor

-Harmony Township Volunteer Fire Company
-Tiptons Tavern

PUBLIC COMMENTS:

ADJOUN
Motion to adjourn

NOTICE
*** This Agenda is subject to change by order of the Harmony Township Committee before, and / or during the scheduled meeting ***

TO: Mayor Brian Tipton and Township Committee Members **VIA EMAIL ONLY**

FROM: Michael S. Finelli, P.E., P.P., C.M.E.

DATE: January 5, 2023

RE: **Harmony Township Engineer's Report for the January 10, 2023 Committee Meeting**
FCE No. HAWM260R1

HARMONY SAND AND GRAVEL QUARRY PERMIT

- Please refer to prior Engineering reports for 2017, 2018, 2019 & 2020 permit application summaries.
- HS&G's 2021 Quarrying License Application has been received by this office and the Township via email, dated January 26, 2021, from LAN Associates. As of the date of this report we have not had the opportunity to perform a Site Inspection of the Front Pit or complete the review of the application. Based upon a conversation with K. Campbell, Esq. the applicant has noticed for the hearing to commence at the February 2, 2021 Committee meeting. We have no objection to the applicant beginning their testimony with the hearing to be continued at the March 2, 2021 meeting.
- Our office has reviewed the 2021 Quarry License Application and has provided our report under separate cover to the Committee.
- The Committee approved HS&G's 2021 Quarry License at their March 2, 2021 meeting. The memorializing Resolution should be scheduled for adoption at the April 6, 2021 Committee meeting.
- The memorializing Resolution approving the 2021 Quarry License is scheduled for adoption at the May 4, 2021 Committee meeting.
- We have received a September 21, 2021 email from R. Panicucci seeking permission to begin construction of the proposed relocated Haul Road. Plans for the new Haul Road were submitted in 2020 in conjunction with their annual Mining Application. A preliminary review of these plans was provided in our May 29, 2020 letter to the Committee. There are two (2) issues which we wish to discuss with the Committee prior to this work commencing. The first is whether the Committee has the authority to approve the plans for the relocated Haul Road as part of the Quarry License process without any other Township approvals. The second is whether there are any legal issues with the construction of the proposed new Haul Road as it will result in the removal of the existing Haul Road. The Committee will recall that there was litigation between HS&G and Star D Farm over the ownership of the existing Haul Road and rights to the sand and gravel beneath the Haul Road. Our office will be conducting a final review of the plans and required other agency permits prior to permitting the construction to begin.
- Based on an October 26, 2021 conversation with K. Campbell, we are in agreement that the Committee can authorize the construction of the new Haul Road and removal of a portion of the old Haul Road without any input from the Land Use Board. It was also noted in our conversation

that it will be incumbent upon HS&G to abide by all provisions of the settlement of the Haul Road litigation. We anticipate scheduling a pre-construction meeting with HS&G and R. Panicucci and the Upper Delaware SCD prior to the start of the work.

- Construction of the new Haul Road has commenced. The work is being inspected by our inspection staff on an as needed basis. Good progress is being made by Earth Efficient on the restoration of the side slopes within Pit 2. Based upon our inspection on November 30, 2021 a significant portion of the slopes along the Buckhorn Creek side of the pit have been "flattened" to what appear to be 3:1 slopes and topsoil has been placed in certain areas. As-built plans will need to be provided by HS&G prior to our final acceptance of the restoration. It appears that the northern side of Pit 2, which parallels Roxburg Station Road, still needs the slopes to be "flattened". It is also noted that that soundings and as-built cross sections will need to be provided for the underwater slopes prior to our acceptance of the work.
- Please be advised that the applicant recently submitted their annual quarry permit application for 2022. We received the information on January 26, 2022. We obviously did not have sufficient time to develop our review and issue our report in advance of the February 1, 2022 Committee Meeting.
- Our review of HS&G's 2022 quarrying application, dated February 25, 2022 was submitted to the Committee in advance of the March meeting. Note that we have also submitted a March 28, 2022 letter to the Committee, for its files, which includes documents from Earth Efficient confirming the sources of the imported fill used in the reclamation of Hartung Pit 2 and test results confirming that the material meets NJDEP standards for "clean fill".
- The Committee at its April 5, 2022 meeting approved HS&G's 2022 quarrying permit with conditions. A resolution, prepared by both this office and K. Campbell, Esq., was adopted by the Committee at its May 3, 2022 meeting.
- Based upon potential environmental concerns expressed by S. Gruenberg, Esq., the applicant has agreed to perform Soils testing for Pit #2. We have spoken with S. Wilhelm, Esq., and R. Panicucci, P.E., regarding progress on the environmental testing which was agreed to be conducted by HS&G within Pit 2. They are in the process of selecting an environmental consultant. We will be coordinating with their consultant on the proposed scope of the work and the testing that will be required.
- Based upon a July 5, 2022 email from R. Panicucci, P.E., HS&G is retaining RMS Environmental to conduct the additional environmental investigation required by the Committee within Pit #2. We are awaiting a proposed scope of work from RMS for our review and approval.
- Our office received an environmental testing proposal for Pit 2 from RMS Environmental by email on July 25, 2022. Gene Weber forwarded the RMS proposal and scope of testing to the Township Committee via e-mail, on August 3, 2022. Our office is currently reviewing the proposed testing and will provide our recommendations under separate cover.

- Our office prepared an August 17, 2022 letter to LAN Associates with comments on the RMS Environmental testing proposal. Copies were provided to the Committee. We are awaiting receipt of a revised proposal for our final review and approval prior to the commencement of testing.
- There has been recent activity and progress made at the site relative to areas which needed to be re-graded to achieve the 3:1 maximum slope.
- **The Township has received a December 15, 2022 letter from LAN Associates in response to FCE's August 17, 2022 comment letter regarding the environmental testing proposal received from RMS Environmental, dated July 8, 2022 relating to Pit 2. Our office is in the process of drafting a response to the LAN letter for the Township's consideration.**

SHANDOR'S USED AUTO PARTS / JUNKYARD LICENSE
(No change since last month's report)

- Our office has received a copy of the 2020 Junkyard application on March 16, 2020. Under separate cover, our review of the application will be provided to the Committee for consideration at the April 7, 2020 Committee meeting. It is noted that the application does not clearly identify who is the applicant and the names of the owners along with the consent of all owner's (both lots). We believe these matters need to be clarified prior to proceeding. The advice of Attorney Campbell should be sought.
- The Committee took no action on the 2020 permit at its April 7, 2020 meeting. The matter was carried to the May 5, 2020 meeting. A copy of our April 3, 2020 review of the 2020 license application has been submitted to the Committee for consideration. It is noted that the Committee did ask K. Campbell to contact NJDEP to obtain information on outstanding NJDEP violations on these properties.
- Action on the 2020 license was tabled at the June 2, 2020 TC meeting based upon the recent passing of Mr. & Mrs. Shandor.
- Refer to K. Campbell's July 25, 2020 memo to the Committee. The applicant has been advised that the Shandor estate needs to be probated to clarify ownership of the junkyard prior to the Committee approving the 2020 license.
- A 3rd Zoning Violation was issued by Joe Rossi on October 22, 2020 for operation of the junkyard without a license. The junkyard's license was revoked by the Committee last year for failure of the junkyard to provide correct information on the owner of the land and owners of the entity operating the junkyard. The matter is scheduled for Municipal Court hearing on February 4, 2021. In addition, we received from K. Campbell a copy of a January 15, 2021 Consent Order and Settlement Agreement requiring the owners to bring the site into compliance with applicable NJDEP rules.
- March 4, 2021 was the most recent court appearance on the zoning compliant. During the hearing, the applicant's attorney, William Mandry, Esq, stated that the applicant would be submitting a new application for the 2021 Junkyard Permit. A Junkyard License application was received at the Township on March 8, 2021. It appears that the Junkyard has been conveyed through the Estate

of Joseph Shandor to Jeffery Riddle. I will be discussing the review of this "new" application with Attorney Campbell.

- The judge granted a continuation for the hearing to April 15, 2021.
- The Junkyard License was conditionally approved by the Committee at its April 6, 2021 meeting. Based upon our inspection on April 28, 2021 the condition requiring that abandoned vehicles be removed from the adjoining field has not been satisfied. The Riddle's should be notified by the Clerk of the issue. The 2021 License should be withheld until the condition is satisfied. The most recent court hearing on this matter was held on April 15, 2021. No action was taken as Attorney Mandry did not appear before the court with no explanation to the court. The municipal court hearing for operating the junkyard without a license since 2020 has been continued to May 6, 2021.
- Abandoned vehicles in the adjoining field have been removed by the applicant so the 2021 Junkyard License should be provided to the applicant by the Clerk if not already released. The Municipal Court action for operating a junkyard without a license has been adjudicated with the Court finding the owner guilty with the issuance of a fine.
- We have received Shandor's 2022 Junkyard License Application. A copy of our review report will be provided under separate cover in advance of the April 5, 2022 Committee meeting.
- No action was taken on the 2022 Junkyard License at the April 5, 2022 Committee meeting. As suggested by the Committee, K. Campbell, Esq. sent an April 14, 2022 letter to J. Riddle requiring that he address the comments in FCE's April 4, 2022 review letter prior to the application being considered for approval. As of the date of this report, no additional information has been received from Mr. Riddle.
- Comments from our April 4, 2022 letter have been addressed. The approval Resolution has been provided to the Committee for adoption at the June 7, 2022 Committee meeting. In addition, the Committee at its May 3, 2022 meeting suggested that the Junkyard ordinance should be amended to include a requirement for escrow fees.
- Our office did a site inspection of the property on June 3, 2022 and found that no cars were located outside of the fence in the field area.

FOX FARM ROAD, SECTION 2 (2021 NJDOT Grant Project)

(No change since last month's report)

- The Township was notified by the State that they received a grant in the amount of $136,700 for the resurfacing of Fox Farm Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. FCE is presently evaluating a modification to the scope of the work (shorten the length roadway to be resurfaced) and will provide a revised budget amount to the Township.

- The snow covering the existing Guide Rail has forced a delay in the modification to the Initial Budget Memo, but we are hoping to provide the Committee a revised Budget memo in advance of the 3/2/21 TC Meeting under separate cover.
- FCE has scheduled the field survey work and will begin to develop the initial documents for submission to DOT.
- The Field survey work has been completed and we are now proceeding with the design phase of the project. Per prior discussions and the subsequent approval from the Twp. Committee, this section of Fox Farm Rd. is longer (almost 1.5 Miles) than "conventional" DOT Grant projects. This will obviously have a direct impact on the total costs of the project (as outlined in our Jan. Memo to the Committee).
- Plans, Specifications and Engineers estimate was submitted to NJDOT on August 4, 2021. NJDOT has reviewed our submittal and we may proceed with award to Morris County Cooperative Pricing council.
- The Morris County Cooperative Pricing Council paving contractor is not able to schedule the resurfacing of Fox Farm Road for this year. The NJDOT approvals are in place, and we will be in position to have this project started in the Spring of 2022.
- A new resolution of award has been sent to the Township to reflect the new 2022 Morris County Cooperative Pricing Council bid prices so this project can proceed as soon as the weather allows.
- NJDOT has given the Township approval to Start construction. FCE has spoken with the DPW and the paving contractor to schedule paving for the end of April, beginning of May.
- Paving was completed on April 26th and 27th. The Guiderail contractor is scheduled for May 9, 2022, and the striping contractor has been contacted, but we do not have a scheduled date from them yet.
- Guiderail and striping have been completed. Coring has been requested but as of the date of this report, we do not have a confirmed schedule for same. Final inspection from DOT has also been requested.
- Coring was completed, there was a 0.5% penalty assessed to the contractor for failure on the air voids. DOT completed the final inspection and has accepted the project. Final close out documents have been sent to the Township for signatures.
- Final close out documents have been sent to DOT for final payment and completion of the project.
- DOT received final closeout documents but cannot finalize until receipt of an original CFO certification.
- DOT has received all final closeout documents for this project. It is our understanding that the Township has not yet received the final payment of the Grant.

Ridge Road Section 2 (2022 NJDOT Grant Project)

- The Township was notified by the State that they received a grant in the amount of $131,600 for the resurfacing of Ridge Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. A shortened section of Ridge Road was also presented in the budget memo for the Township to evaluate and discuss. Obviously, Kathleen will need to be involved in these discussions from an overall budgeting perspective for 2022.
- Based upon the Budget Memo referenced above, it is our understanding that the Township is evaluating some options for proceeding with this project. The Township will need to advise our office regarding how they would like to proceed with this project for 2022 based upon the fairly significant shortfall of Grant monies ($131,600.00 vs. the estimated cost of the project).
- The Township has decided to proceed with the full length of roadway. FCE is in the process of surveying the road and creating the base mapping.
- FCE has completed the field survey work and is in the process of developing the base mapping for the project.
- Base mapping has been created, however in response to the Asphalt Price adjustment and Fuel price adjustment FCE is waiting for confirmation on the limits of work.
- As per the escalated costs associated with projects of this type which were evident in conjunction with the Fox Farm Road, Section 2 project, the TWP. Committee has decided not to proceed with Ridge Road, Section 2 this year. We will continue to monitor the cost increases and advise the Committee accordingly.
- FCE is in the process of preparing the bid documents for receipt of bids associated with the pipework portion of the project for potential construction over the winter months
- FCE has completed the plans for the pipework and will be meeting with the DPW to review the project before requesting bids.
- **FCE has requested and received 3 bids for the pipework. All 3 bids have come in well over the bid threshold. We have attached the 3 proposals and associated estimates to this report. Based upon the fact that we do not have an estimate under the bid threshold, the project will need to be publicly bid.**

Ridge Road Section 3 (2023 NJDOT Grant Project)

- **The Township was notified by the State that they received a grant in the amount of $160,630 for the resurfacing of Ridge Road, Section 3. A Budget Memo was prepared and discussed at the December 6th, 2022 TC meeting. No action was taken at that meeting. With the state grant for Section 2 and 3 and input from Kathleen, hopefully the Township will be able to move forward on this project in 2023. I anticipate discussing this again at the January 10th TC meeting.**

Walking Paths/Disc Golf at the Municipal Recreation Facility

- The Township and our office had a meeting on November 29, 2022 to discuss moving forward with the walking paths and a Disc golf course at the municipal recreation facility. The Disc golf representatives will be "laying–out" the course within the next few weeks. FCE will survey the site in the area of the proposed walking path and the Disc golf course. The Township will discuss the possibility of applying for a grant through the Local Recreation Improvements Grant from DCA SAGE for this work. From the survey data FCE will be able to evaluate the potential for ADA compliant paths and challenge paths along with the Disc golf course.
- **The application has been started in DCA SAGE for the request of funds for outdoor gym and playground equipment. Several forms and a resolution of support for the project have been sent to Kelley for her execution.**
- **All of the field survey work has been completed by our office. We are presently preparing the existing conditions plan and project base map.**

MS4 Municipal Separate Storm Sewer System General Permit

- The Township received a July 1, 2022 letter from NJDEP indicating that the Township is being reassigned as a Tier A Municipality. It is currently and has been a Tier B. The letter explains that the main reason for the change is the level of pollutants which are found to be present within many of the streams and waterways within the Township. It is our understanding that all Tier B Townships within the County and many around the State are being upgraded to Tier A. The upgrade imposes more responsibilities on the Township to conform to its NJDEP General Stormwater Permit, including, but not limited to, additional responsibilities for the DPW, preparation of Township wide storm sewer outfall maps, preparation of a Stormwater Pollution Prevention Plan (SPPP), etc. At this point we are not certain whether this decision can be appealed. We will continue to monitor the "situation" and keep you informed. For your information and interest, please take note that all of the Municipalities we represent in Warren County that were originally designated as Tier B, have all been upgraded to Tier A.
- On August 24th, Gene Weber and I attended a virtual meeting hosted by the NJDEP for the Township MS4 Tier B Reassignment. Further instructions, schedule, and Grant availability will be provided to the Township in the near future. We will continue to advise the Township as the Reassignment process moves forward.
- **A copy of the Township's 2023 MS4 General Stormwater Permit was received from NJDEP last week. The permit, effective January 1, 2023, has re-assigned Harmony Township as a Tier A municipality. Our office will be preparing a memo to the Committee summarizing changes from the previous 2018 Tier B Permit and documenting additional responsibilities placed upon the Township.**

Zoning Ordinance (Solar) Amendment

- At the request of the Committee our office has prepared an amendment to the Zoning Ordinance, Chapter 165, to include Solar Production Systems as permitted uses within Industrial Zoning districts to conform with provisions in the Municipal Land Use Law (re: N.J.S.A. 40:55-66.11) which were enacted in 2009. A copy of the suggested zoning ordinance amendment will be provided to the Committee under separate cover.
- An email was received on September 12, 2022 from Kelley Smith with comments from the Fire Chief which he is suggesting be included in the ordinance revision. We have amended the ordinance to include the additional design standards recommended by the Fire Chief. A copy of the amended draft ordinance can be found as an attachment to this report.
- The Committee directed the Clerk to forward a copy of draft ordinance to the Land Use Board for review.
- The draft Zoning Ordinance Amendment was reviewed and approved by the Land Use Board. The Committee should schedule the ordinance for first reading in early 2023, possibly at the January 2023 meeting.
- **First reading of the Zoning Ordinance Amendment (solar facilities) is scheduled for the January 10, 2023 Committee meeting.**

Flood Damage Prevention Ordinance Amendment

- The Township received an August 19, 2022 letter from NJDEP requiring that in order to continue participation in the National Flood Insurance Program (NFIP) the Township's current Flood Damage Prevention Ordinance (Chapter 94) needs to be amended to meet more stringent controls for construction within flood hazard areas. This is being required nationwide. A model ordinance was provided which needs to be adapted for Harmony Township. We have prepared the new ordinance entitled "Floodplain Management" which will replace Chapter 94. A copy of the ordinance can be found as an attachment to this report.
- We have prepared a draft of the new Floodplain Management Ordinance for review by the Committee. Copies have been submitted under separate cover.
- The draft Floodplain Management Ordinance was discussed with the Committee at the November 1, 2022 meeting. Revisions suggested by the Committee were made and the revised ordinance was sent to NJDEP on November 23, 2022 for their review and comment. On November 30, 2022, a review letter on our draft Ordinance was received. It was received with "track changes" which should make it fairly simple to update. Similar to the Solar Zoning Ordinance, this updated Flood Plain Management Ordinance should be scheduled for first reading at the January TC meeting.
- **The Floodplain Management Ordinance has been approved by NJDEP for introduction. We have provided a copy of the approved Ordinance to Kelley which should be scheduled for first reading at the January 10, 2023 Committee meeting allowing for second reading and adoption at the February 7th TC meeting. The deadline established by the DEP for this Ordinance is February 15th, 2023.**

Demeter Road Drainage Issue

- **Our office received a phone call during the week of 12.19.22 from John Chismar regarding continuing drainage and icing problems on Demeter Road. We looked at this situation in 2018. We are sending via email a copy of our March 19, 2018 Memo to the Committee and a copy of Katrina Campbell's March 5, 2018 letter to Mr. Cestone, the owner of the property where the runoff is emanating. I will be available to discuss this matter in further detail at the January 10, 2023 Committee meeting.**

cc: Kelley Smith, Clerk, via email only
Kathleen Reinalda, CFO, via email only
Randy Hoffman, DPW, via email only
Igor Bykov, Esq., via email only

Telephone: (973) 347-0013
Fax: (973) 347-0928

Equal Opportunity Employer

Salmon Bros., Inc.

ROAD BUILDERS

P.O. BOX 67 • NETCONG, N.J. 07857

TOWNSHIP OF HARMONY
Municipal Building
3003 Belvidere Road
Phillipsburg, NJ 08865

1/2/2023

Re: Ridge Road Drainage Improvements

Thank you for the opportunity to bid on the above referenced project. I have attached our proposal along with the supporting documents. If you have any questions or concerns, please do not hesitate to contact our office.

ESTIMATE OF QUANTITIES

ITEM NO	DESCRIPTION	APPROX. QTY	UNIT	UNIT PRICE	TOTAL
1	TYPE 'B' INLET	4	EA	$3,800.00	$15,200.00
2	HDPE FLARED END SECTION	1	EA	$2,000.00	$ 2,000.00
3	RECONSTRUCT "B" INLET	1	EA	$1,800.00	$ 1,800.00
4	RECONSTRUCT "E" INLET	1	EA	$ 1,800.00	$ 1,800.00
5	15" HDPE (WITH INSTALLATION)	366	LF	$ 125.00	$45,750.00
6	TRAFFIC CONTROL	1	EA	$ 500.00	$ 500.00
	TOTAL				$67,050.00

Sincerely,

Jeffrey L. Salmon Jr.
Secretary / Treasurer

	TOM BARTHA & SON EXCAVATING			1/5/2023
	PROJECT: HARMONY DRAINAGE CLIENT: FINELLI CONSULTING			
	ITEM	UNIT	QUAN	TOTAL
1	TYPE 'B' INLET - 4 EA	$6,800.00	4	$27,200.00
2	HDPE FLARED SECTION	$3,200.00	1	$3,200.00
3	RECONSTRUCT 'B' INLET	$2,500.00	1	$2,500.00
4	RECONSTRUCT 'E' INLET	$3,000.00	1	$3,000.00
5	15" HDPE	$120.00	366	$43,920.00
6	TRAFFIC CONTROL	$9,800.00	1	$9,800.00
		TOTAL		$89,620.00

KDP DEVELOPERS

1/3/2023

PROJECT: RIDGE ROAD DRAINAGE

CLIENT:

PROPOSAL # 22 - 320

ITEM	DESCRIPTION	QTY	UNITS	FINAL UNIT PRICE	FINAL TOTAL
1	TYPE B INLET	4	EA	$4,980.00	$19,920.00
2	HDPE F.E.S.	1	EA	$4,940.00	$4,940.00
3	RECONSTRUCT B INLET	1	EA	$2,243.00	$2,243.00
4	RECONSTRUCT E INLET	1	EA	$2,243.00	$2,243.00
5	15" HDPE (WITH INSTALLATION)	366	LF	$141.00	$51,606.00
6	TRAFFIC CONTROL	1	LS	$18,798.00	$18,798.00
				TOTAL	**$99,750.00**

RESOLUTION NO. 23-1
TOWNSHIP OF HARMONY
COUNTY OF WARREN

BE IT RESOLVED by the Township Committee of the Township of Harmony that:

WHEREAS, the Township Committee of the Township of Harmony is required by law to make various appointments to fill various municipal positions and offices in the Township of Harmony beginning on January 1, 2023 and expiring on December 31st of the end of the term year as indicated, as part of its annual reorganization; and

WHEREAS, the Township of Harmony desires to incorporate these appointments, some of which are statutory and others which involve rendering of professional services, which do not require public advertising or bidding on this memorializing resolution;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the following individuals are hereby appointed to the positions opposite their names and for the term specified therewith:

Individual Appointed	Position	Term of Office
Kelley D. Smith	Certifying Agent for Department of Personnel	1 Year
Kelley D. Smith	Affirmative Action Compliance Officer	1 Year
Courtney Morrow	Full Time Office Assistant/ Licensing Official	1 Year
Wesley Garrison	9-1-l Coordinator	1 Year
Zachary Becker	Deputy 9-1-1 Coordinator	1 Year
Mike Finelli	Public Officer	1 Year
Mike Finelli	Zoning Officer	1 Year
Igor Bykov	Municipal Attorney	1 Year
Michael Finelli	Municipal Engineer	1 Year
Stan Shrek	Municipal Planner	1 Year
Brian Tipton	Solid Waste Advisory Council	1 Year
John D. Draikiwicz	Bond Counsel	1 Year

Kelley D. Smith	Recycling Coordinator/ Clean Communities Coordinator	1 Year
Lynn VanAssen	Historical Preservation Commission	4 year
John Caleca III, Esq.	Municipal Prosecutor (professional services pursuant to N.J.S.A. 40A:11-5)	1 Year
Scott M. Wilhelm, Esq.	Public Defender	1 Year
Brian Tipton	Class I Land Use Board Member	1 year
OPEN	Class II Land Use Board Member	1 year
Richard Cornely	Class III Land Use Board Member	1 year
Jamie Sampson	Class IV Land Use Board Member	4 years
David Albus	Class IV Land Use Board Member	4 years
Dara Rossi	#2 Alternate Land Use Board Member	2 years
John Franceschino	#3 Alternate Land Use Board Member	2 years

BE IT FURTHER RESOLVED that a copy of this Resolution shall remain on file and be available for public inspection in the office of the Municipal Clerk of the Township of Harmony during regular business hours.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its reorganization meeting held on January 10, 2023.

_____
Kelley D. Smith
Municipal Clerk

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION NO. 23-2

RESOLUTION ADOPTED AT MEETING ASSEMBLED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARMONY ON JANUARY 10, 2023 ESTABLISHING THE RATE OF INTEREST TO BE CHARGED FOR NON-PAYMENT OF REAL PROPERTY TAXES WHEN THE SAME SHALL BECOME DUE AND PAYABLE

WHEREAS, pursuant to N.J.S.A. 54:4-66, taxes are payable each and every year in four installments, to wit: February 1, May 1, August 1 and November 1, respectively, following which dates if the same remain unpaid, they become delinquent; and

WHEREAS, pursuant to N.J.S.A. 54:4-67, the governing bodies of municipalities may fix the rate of interest to be charged, among other things, for non-payment of delinquent taxes owing them; and

WHEREAS, N.J.S.A. 54:4-67 has been amended to define a tax delinquency as follows:

> "Delinquency means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years. The governing body may also fix a penalty to be charged to a taxpayer with a delinquency in excess of Ten Thousand ($10,000.00) Dollars who fails to pay the delinquency prior to the end of a calendar year. The penalty so fixed shall not exceed six (6%) per cent of the amount of delinquency"; and

WHEREAS, N.J.S.A 54:5-61 has been amended relating to the amount to be charged on account of a tax sale certificate as follows:

> "When the taxes, interest and costs so exceed the sum of Five Thousand ($5,000.00) Dollars, such additional sum shall be equal to four (4%) per cent of such amount paid; and when that sum exceeds the sum of Ten Thousand ($10,000.00) Dollars, such additional sum shall be equal to six (6%) per cent of such amount paid. This section shall also apply to all existing certificates held by municipalities on the effective date of this act";

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that commencing with the installment payments due on February 1, 2021 for real property taxes and thereafter during each and every succeeding quarterly period, interest shall be charged at the rate of eight (8%) per cent per annum on the first $1,500.00 of the delinquency and eighteen (18%) per cent per annum on any amount in excess of $1,500.00 to be calculated from the date the tax was payable until the date of actual payment; provided, however, that no interest shall be charged if payment of any installment is made within ten days after the date upon which the same shall become payable;

BE IT FURTHER RESOLVED by the Township Committee that a penalty of six (6%) per cent of any tax delinquency in excess of Ten Thousand ($10,000.00) Dollars shall be charged to any taxpayer who has incurred same where said delinquency is not cured prior to the end of the calendar year;

BE IT FURTHER RESOLVED that the Township of Harmony hereby charges such additional six (6%) per cent penalty on all existing tax sale certificates held by the Township where said sum exceeds Ten Thousand ($10,000.00) Dollars, which penalty shall be applied to all certificates presently held by the Township as well as those which may be subsequently acquired by it as a result of future tax sales.

* * * * * * * * * * * * * *

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its reorganization meeting held on January 10, 2023.

_____

Kelley D. Smith
Municipal Clerk

TOWNSHIP OF HARMONY
COUNTY OF WARREN
RESOLUTION NO. 23-3

RESOLUTION BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY, DESIGNATING A CASH MANAGEMENT PLAN

WHEREAS, P.L. 1983, Chapter 8, Local Fiscal Affairs Law, N.J.S.A. 40A:5-2, 5-15.1 has amended to require that each municipality designate a Cash Management Plan for the deposit of local unit's monies.

I. STATEMENT OF PURPOSE

The Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investments (Permitted Investments") of certain public funds of the Township of Harmony pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing accounts or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to prove that the decisions made with regard to the Deposits and the Permitted Investments will be done to ensure the safety, the liquidity (regarding the availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony that the following Cash Management Plan be adopted by the Township of Harmony:

II. IDENTIFICATION OF FUNDS AND ACCOUNTYS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township of Harmony:

Valley National Bank, Belvidere, NJ

Fulton Bank, Oxford, NJ

State of New Jersey Cash Management Fund

III. DESIGNATION OF OFFICIALS OF THE TOWNSHIP OF HARMONY AUTHORIZED TO MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN

A. The Chief Financial Officer of the Township of Harmony is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such deposits or any Permitted Investments, such officials of the Township of Harmony are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

B. Designation of Official Depositories:

1. The following financial institutions are designated as official depositories:
All Official Depositories Located within the State of New Jersey Federal Reserve Bank New Jersey Cash Management Plan under the direction of the Chief Financial Officer.

2. Designated official depositories are required to submit to the Chief Financial Officer of the Township of Harmony a copy of the State of New Jersey, Department of Banking, Governmental Unit Deposit Protection Act notification of eligibility which must be filed semi-annually in the Department of Banking as of June 30th and December 31st of each year.

3. Designated official depositories are required to submit to the Chief Financial Officer a copy of the institution's "Annual Report" on an annual basis.

IV. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICALS MAY DEAL

A. The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Official(s) of the Township of Harmony referred to in this may deal for purposes of buying and selling securities identified in the Plan as Permitted Investments or otherwise providing for Deposits. All such brokerage firms and/or dealers shall acknowledge in writing receipt of the Plan by sending a copy of such acknowledgment to the Designated Official(s) referred to in Section III above.

B. Deposit of Funds: All funds shall be deposited within forty-eight (48) hours of receipt in accordance with the State Statute.

1. Operating funds shall be deposited into interest bearing accounts to maximize interest earnings.

2. Trust funds may be deposited into interest bearing accounts. Non-interest bearing accounts should be regularly monitored for availability of funds for investment except where either State, Federal laws or local ordinance prohibit the earning of interest on such funds.

C. Designation of Allowable Investment Instruments:

1. The Township may permit deposits and investments in such depositories as permitted in Section 4 or P.L. 1970, (C.17:9-44).

D. Definition of Acceptable Collateral and Protection of Township Assets:

1. All designated depositories must conform to all applicable State Statutes concerning depositories of public funds.

2. All depositories shall obtain the highest amount possible of F.D.I.C. and/or F.S.L.I.C. coverage of all Township Assets (Demand and Certificate of Deposit).

3. Collateral will be required for all deposits and investments of the Township, except those in the State Cash Management Plan, collateral must have a market value of not less than 100 per cent of all deposits and investments.

V. AUTHORIZED INVESTMENTS

A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;

2. Government money market funds.

3. Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;

4. Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is located;

5. Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by local units;

6. Local government investment pools;

7. Deposits with the State of New Jersey Cash Management Fund established pursuant to Section 1 of P.L/ 1977, C. 281 (C.52:18A-90.4); or

8. Agreements for the repurchase of fully collateralized securities if:

a. the underlying securities are permitted investments pursuant to paragraphs (i) and (3) of this subsection a.

b. the custody of collateral is transferred to a third party;

c. the maturity of the agreement is not more than 30 days.

d. the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, C.236 (C. 17:9-41); and

e. a master repurchases agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund.
An investment company or investment trust:

a. which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.

b. the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

c. which has: attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisors Act of 1040", 15 U.S.C. sec. 80b-1 et seq., with experience investing in U.S. Government securities for at least the most recent past 60 months and with assets under management in excess of $500 million.

Local Government Investment Pool.
An investment pool:

Which is managed in accordance with 17 C.F.R. sec 270.2a-7;

Which is rated in the highest category by a nationally recognized statistical rating organization;

Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;

Which is in compliance with rules adopted pursuant to the "Administrative Procedure Act", P.L. 1968, C.410 (C. 52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for safety, liquidity, and yield of the investments;

Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; and

Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 C. 9 (C. 49:3-56) and has at least $25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

VI SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGEMENT OF RECEIPT OF PLAN

To extend that any Deposit or Permitted Investments involves a document or security which is not physically held by the Township of Harmony, then such instrument or security shall be covered by a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township of Harmony to assure that there is not unauthorized use of the funds or the Permitted Investments that involve securities shall be executed by a "delivery versus payment" method to ensure that such Permitted Investments are either received by the Township of Harmony or by a third-party custodian prior to or upon the release of the Township of Harmony's funds.

To assure that all parties with whom the Township of Harmony deals wither by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of the Plan in writing, a copy of which shall be on file with the Designated Official(s).

VII REPORTING PROCEDURES

A. The Chief Financial Officer shall prepare for the Township Committee the following investment reports:

1. Monthly reporting:
A listing of all investments as part of the Chief Financial Officer's monthly report which shall include, at a minimum, the following information:

The name of the institution holding funds of the Township of Harmony as a Deposit or a Permitted Investment.

The amount of securities or Deposits purchased or sold during the immediately preceding month.

The class or type of securities purchased or Deposits made.

The book value of such Deposits or Permitted Investments.

The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earning during the immediately preceding month.

The fees incurred to undertake such Deposits or Permitted Investments.

The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.

All other information which may be deemed reasonable from time to tome by the governing body of the Township of Harmony.

2. The Chief Financial Officer shall prepare a schedule of outstanding investments for the independent auditors as of December 31st of each year and at other such times required by the auditors.

VIII MAXIUM MATURITY POLICY

A. Investments shall be limited to a maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of regulation promulgated by either the Federal or State Governments.

IX CONTROLS

When possible, the internal controls should provide for a separation of the investment placement functions and accounting activity. Controls must be designated for telephone orders, wire transfers and securities, safekeeping, only specifically designated personnel of the Department of Finance shall be allowed to conduct this part of the transactions and all activity should be subject to immediate written confirmation by the designated depository. The Chief Financial Officer shall review the day's activity.

X BONDING

The following officials shall be covered by surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer
Tax Collector
Staff members of the Department of Finance not covered by separate surety bonds shall be covered by public employees' faithful performance bond in minimum amount of $10,000.00.

XI COMPLIANCE

A. The Cash Management Plan of the Township of Harmony shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

****

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its reorganization meeting held on January 10, 2023.

_____
Kelley D. Smith
Municipal Clerk

R:23-4

Harmony Township

Warren County, New Jersey

RESOLUTION OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN AND STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF MEETINGS

WHEREAS, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Harmony; and

WHEREAS, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren, and State of New Jersey:

1) The EXPRESS-TIMES WARREN COUNTY NJ ZONE is hereby designated as the official newspaper of the Township of Harmony to receive all notices of meetings as required under the Open Public Meetings Act.
2) The STAR-LEDGER is hereby designated as the secondary newspaper which also has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on January 10, 2023.

_____

Kelley D. Smith

Municipal Clerk

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
RESOLUTION NO. 23-5

RESOLUTION BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN STATE OF NEW JERSEY, IN REGARD TO REGULAR MEETING DATES

WHEREAS, Section 13 of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that at least once a year not later than January 10th of such year, every public body shall post and mail to newspapers designated by said body a schedule of the location, time and date of each regular meeting of said body during the succeeding year;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren and State of New Jersey, as follows:

1. The regular meetings of the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, shall be held in-person and via Zoom. PLEASE NOTE, in the event that the equipment being utilized to facilitate the zoom meeting malfunctions, the meeting will proceed as an 'in person' meeting only. Instructions for joining the meeting can be found at harmonytwp-nj.gov. All Meetings will commence at 6:00 p.m., prevailing time, on the following dates in the year 2023:

January	10 (Tues.)	July	11 (Tues.)
February	7 (Tues.)	August	8 (Tues.)
March	7 (Tues.)	September	5 (Tues.)
April	4 (Tues.)	October	3 (Tues.)
May	2 (Tues.)	November	7 (Tues.)
June	6 (Tues.)	December	5 (Tues.)

2. This Resolution shall take effect immediately.

* *

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution duly and unanimously adopted by the Harmony Township Committee at its meeting held on January 10, 2023.

Kelley D. Smith, RMC
Municipal Clerk

Harmony Township
Warren County, NJ
R:23-6
TEMPORARY BUDGET

WHEREAS, Title 40A:4-19 known as the Local Budget Law, provides that where any contracts, commitments or payments are to be made prior to the final adoption of the 2023 budget, temporary appropriations be made for the purposes and amounts required in the manner and time therein provided, and;

WHEREAS, the total appropriations in the 2022 budget, less appropriations made for the Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance) and Deferred Charges are as follows:

General Fund: $3,267,536.20

AND;

WHEREAS, 26.25% of the total appropriations in the 2022 budget, less the appropriations made for Capital Improvement Fund, Debt Service, Relief for the Poor (Public Assistance), and Deferred Charges are as follows,

General Fund: $857,729.25

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren that the 2023 temporary appropriations be made in the amount of $625,009.99 for the General Fund and that a certified copy of this resolution be transmitted to the Chief Financial Officer for recordkeeping.

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on January 10, 2023.

_____
Kelley D. Smith
Municipal Clerk

RESOLUTION
HARMONY TOWNSHIP, WARREN COUNTY
R:23-7

TOWNSHIP OF HARMONY TAX ASSESSOR

WHEREAS, the Township Committee of the Township of Harmony has been informed by the Tax Assessor of the Township of Harmony that from time-to-time, changes in property use occur in the Township so that such properties become subject to roll-back taxes pursuant to the Farmland Assessment Act of 1964; and

WHEREAS, the Tax Assessor of Harmony Township has requested the Township Committee authorize him to file petitions, notices and other documents regarding the assessing of such roll-back taxes with the Warren County Board of Taxation; and

WHEREAS, the filing of these documents regarding roll-back taxes by the Tax Assessor of the Township of Harmony is important to the tax assessment process of the Township and the Tax Assessor has already filed petitions and other documents regarding such roll-back taxes with the Warren County Board of Taxation;

NOW, THEREFORE, BE IT RESOLVED, by the Committee of Harmony Township that the Tax assessor of the Township of Harmony be, and he is hereby authorized to file petitions, notices and other documents regarding the assessing of roll-back taxes;

BE IT FURTHER RESOLVED that this Township Committee hereby confirms and approved of the actions of the Tax Assessor to date in filing such documents regarding roll-back taxes with the Warren County Board of Taxation.

CERTIFICATION

I, Kelley Smith, Municipal Clerk of the Township of Harmony, County of Warren and State of New Jersey, **DO HEREBY CERTIFY** that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Harmony, at their reorganization meeting held on January 3, 2023.

WITNESS, my hand and seal of the Township of Harmony on this 10th day of January, 2023.

_____
Kelley Smith, Municipal Clerk

RESOLUTION
HARMONY TOWNSHIP, WARREN COUNTY
R:23-8

TOWNSHIP OF HARMONY TAX ASSESSOR

WHEREAS, the Township Committee of the Township of Harmony has been informed by the Tax Assessor that from time to time errors are made in computing the tax assessment covering certain property located within the Township of Harmony, and

WHEREAS, the Tax Assessor has requested that the Township Committee authorize him to file corrections of such errors with the Warren County Board of Taxation, and

WHEREAS, the Tax Assessor is called upon to defend tax appeals filed with the Warren County Board of Taxation and to agree to stipulations of appeals,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey, that the Tax Assessor of the Township of Harmony be and is hereby authorized to file corrective appeals with the Warren County Board of Taxation concerning those properties wherein errors have been made, to represent the Township of Harmony in defense of appeals filed with said Board and to sign stipulations of appeals on behalf of the Township of Harmony, which he feels are proper and in the best interests of the Township of Harmony.

BE IT FURTHER RESOLVED that the Tax Assessor sends copies of such corrected assessment to the individuals involved.

CERTIFICATION

I, Kelley D Smith, Township Clerk of the Township of Harmony, County of Warren and State of New Jersey, do hereby certify, that this is a true and correct copy of a Resolution adopted by the Township Committee of the Township of Harmony, at their reorganization meeting held on January 3, 2023.

WITNESS, my hand and seal of the Township of Harmony, on this 10th day of January 2023.

_____
Kelley Smith, Municipal Clerk

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
R:23-9

A RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES IN 2023

WHEREAS, the Harmony Township Committee has a need to acquire professional services as non-fair and open contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and,

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed $17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, the following professionals have submitted contracts for services as indicated:

-Municipal Attorney; Igor Bykov of the firm Lavery, Selvaggi, Abromitis & Cohen
-Municipal Engineer; Michael Finelli of the firm Finelli Consulting Engineers
-Municipal Planner; Van Cleef Engineering
-Municipal Bond Counsel; John Draikawitz of the firm Gibbons P.C.
-Municipal Auditor; Nisivoccia, LLC

WHEREAS, each professional, has completed and submitted a Business Entity Disclosure Certification which certified that they, have not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract, and

WHEREAS, the required certificate for the availability of funds has been filed by the chief financial officer providing that legally appropriated balances are available to cover the amount of the contract as required by N.J.A.C. 5:30-14.5 and that fees for the aforementioned bond counsel services shall be made available by appropriate inclusion in either an annual municipal budget which includes current, revenue sharing and utility provisions, by budget amendments for Federal program spending or by inclusion in an appropriate bond ordinance.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Harmony authorizes the Mayor and Clerk of the Township of Harmony to enter into a contract with the professionals as described herein on and on behalf of the Township of Harmony for 1 year; for the calendar year 2023 and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a legally designated publication.

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, Warren County, New Jersey is a true and correct copy of a Resolution approved by the Township Committee of the Township of Harmony at a regular meeting held on January 10, 2023.

Kelley D. Smith, Municipal Clerk/Administrator

HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY
R:23-10

Appointing Resolution
Public Agency Compliance Officer

WHEREAS, The Township of Harmony (hereinafter "Public Agency") in accordance with N.J.A.C. 17:27-3.5 that each agency shall designate a Public Agency Compliance Officer; and

WHEREAS, the appointment is required to be submitted to the New Jersey Department of Treasury, Division of Contracts Compliance and Equal Employment Opportunity in Public Contracts and Audit Unit, EEO Monitoring Program; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of The Township of Harmony, in the County of Warren and State of New Jersey, as follows:

1. The Township of Harmony hereby designates Kelley D. Smith, as its Public Agency Compliance Officer;

2. A copy of this resolution will be sent to the Division of Purchase & Property, Contract Compliance Audit Unit, EEO Monitoring Program.

CERTIFICATION

I, Kelley D. Smith, Municipal Clerk of the Township of Harmony, Warren County, New Jersey is a true and correct copy of a resolution approved by the Township Committee of the Township of Harmony at a regular meeting held on January 10, 2023.

_____
Kelley D. Smith
Municipal Clerk

ORDINANCE NO. 23 – 01
HARMONY TOWNSHIP
WARREN COUNTY, NEW JERSEY

ORDINANCE OF THE TOWNSHIP OF HARMOHY, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER 525 "ZONING" TO PERMIT SOLAR PRODUCTION FACILITIES WITHIN INDUSTRIAL ZONES.

WHEREAS, the Township of Harmony Zoning Ordinance permits solar production facilities as conditional uses within the AR-250 Agricultural/Residential Zone; the AR-300 Agricultural/Residential Zone; the AR-500 Agricultural/Residential Zone; the AR-250/HDAH Zone; the CO-1 Commercial/Office/Business Zone-One; the CO-2 Commercial/Office/Business Zone-Two; the LIO-Light Industrial/ Office Zone; the LI-O/C Light Industrial/Office/Commercial Zone; and the I-1 Industrial Zone Districts; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-66.11 permits renewable energy facilities to be constructed within all Industrial Zones on tracts of 20 acres or more; and

WHEREAS, the Township Committee desires to amend its Zoning Ordinance to conform with the Municipal Land Use Law;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMITTEE OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY, THAT CHAPTER 525 ZONING OF THE CODE OF THE TOWNSHIP OF HARMONY SHALL BE AMENDED, REVISED AND SUPPLEMENTED AS FOLLOWS:

Section One

Amend Section 525-9.D entitled "Conditional uses subject to site plan approval and the provisions of Article VIII shall be as follows:" to add the following:

Add Section 525-9.D.(7) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-10.D entitled "Conditional uses subject to site plan approval and the provisions of Article VIII shall be as follows:" to add the following:

Add Section 525-10.D.(2) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-11.D entitled "Conditional uses subject to site plan approval shall be as follows:" to add the following:

Add Section 525-11.D.(2) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-15.D entitled "Conditional uses subject to site plan approval and the provisions of Article VIII shall be as follows:" to add the following:

Add Section 525-15.D.(5) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-16.D entitled "Conditional uses subject to site plan approval and the provisions of Article VIII shall be as follows:" to add the following:

Add Section 525-16.D.(4) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-17.B entitled "Permitted principal uses subject to the requirement of site plan review shall be as follows:" to add the following:

Add Section 165-17.B.(5) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-18.B entitled "Permitted principal uses subject to the requirement of site plan review shall be as follows:" to add the following:

Add Section 525-18.B.(8) Solar Production Systems subject to the requirements of Chapter 525-49.

Amend Section 525-19.B entitled "Permitted principal uses subject to the requirements of site plan review shall be as follows:" to add the following:

Add Section 525-19.B.(7) Solar Production Systems subject to the requirements of Chapter 525-49.

Section Two

Replace Section 525-49 entitled "Solar Production Systems" with the following:

Section 525-49. Solar production systems.

Solar production systems shall conform to the following provisions:

A. Purpose. The primary purpose of this section is to provide regulations for the construction and operation of commercial solar facilities in the Township, subject to reasonable restrictions, which will preserve the public health and safety.

B. Objectives. The purpose and objectives of this section regulating solar energy systems are as follows:

(1) Protect residential areas and land uses from the potential adverse quality-of- life impacts of solar production systems;

(2) Encourage the location of solar production systems on disturbed areas, municipal property and nonresidential areas or along major transportation corridors;

(3) Appropriately manage the total number of commercial solar systems throughout the community;

(4) Encourage the location of commercial solar production systems in areas where the adverse quality-of-life impact is minimized;

(5) Encourage the location of solar production systems in a way that minimizes their adverse visual impact through careful design, siting, landscaping, screening, and innovative camouflaging; and

(6) Enhance the ability of the providers of commercial solar energy to provide such services to the community effectively and efficiently.

C. Site plan submission and approval requirements. Any applicant proposing a solar production system as herein defined must obtain Preliminary and Final Site Plan approval in accordance with Chapter 376-11B Site Plan Review in addition to satisfying the following requirements.

D. Bulk zoning and use requirements.

(1) In order to minimize the removal of forest siting, priority is for land that has been cleared for at least five years prior to the proposal.

(2) In no event shall a lot have more than 10% of the existing forested portion thereof cleared for ground-mounted solar production systems.

(3) The minimum lot size must equal at least six acres per each megawatt (MW) of electrical energy produced.

(4) No more than 80% of a lot may be devoted to a ground-mounted solar production system.

(5) All ground-mounted solar production systems shall be set back a distance of 75 feet from all property lines and street right-of-way lines and within which no solar panels, inverters, interconnection equipment or other devices or facilities related to the use shall be located.

(6) Ground-mounted arrays shall not exceed a height of 15 feet.

(7) Ground-mounted solar panels and solar arrays shall not be considered to be an impervious surface, for the purpose of compliance with stormwater management regulations, unless installed above an imperious surface.

E. Design standards. The site plan shall conform with the following design standards in addition to the requirements in Chapter 376-11B Site Plan Review.

(1) Facilities and associated equipment shall not be used for displaying any advertising except for reasonable identification of the manufacturer, or operator of the system. In no case shall any identification be visible from a property line.

(2) Facilities and associated equipment shall not significantly impair a scenic vista or scenic corridor as identified in the Township's Master Plan or other published source.

(3) Wires, cables and transmission lines running between the facility and any other structure shall be installed underground. However, interconnection services between the solar facility and the utility transmission lines may be constructed aboveground.

(4) Careful design shall be utilized when siting access roads in order to minimize lot coverage and the distance from public roads.

(5) Facilities shall use semipervious materials for access roads such as gravel to minimize stormwater runoff.

(6) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(7) All solar production systems shall be screened from view of all public streets by

buildings and/or a fifty-foot buffer of dense evergreen plant material and/ or fences as deemed necessary by the Land Use Board to achieve the intended buffer.

(8) Ground-mounted solar systems should include a landscape plan indicating the seed mix to be used as ground cover beneath the solar arrays. An ideal seed mix shall consist of 100% native noninvasive species that are low maintenance, promote/aid the local wildlife and do not grow to the height of the bottom of panels.

(9) Each fenced area shall be provided with a minimum of two (2) access gates. Each gate shall have a minimum width of twelve (12) feet.

(10) Gravel access drives shall be provided within the fenced area around the perimeter of the facility and at a minimum spacing of 400 feet.

(11) The solar panels shall be spaced to provide a minimum clearance between panels of six (6) feet to permit access for a side by side UTV.

(12) A knox box shall be provided on the main gate into each fenced area enclosing the solar facility. Knox box keying shall be in accordance with requirements of the Fire Chief.

(13) Access to the main shutoff shall be provided to the Fire Company.

(14) The approval of the Fire Chief shall be obtained prior the facility being operated.

F. Facility abandonment.

(1) Solar production systems and associated equipment, which have not been in use for commercial production and sale for a period of six consecutive months, shall be removed by the property owner. Additionally, all equipment buildings, related facilities, fencing, utility connections and access driveways shall be removed and the site restored to its predevelopment condition. This removal shall occur within 60 days of the end of such six-month period. Upon removal, the site shall be cleared and restored. Any and all costs of removal shall be the sole responsibility of the property owner. In order to ensure compliance with these requirements, the owner shall provide a performance bond and/or other assurances satisfactory to the Land Use Board and the Township Committee to cover the cost of removal of the facility, associated equipment and any other related improvements to the land which are required to be removed. The amount of the performance guaranty shall be 120% of the estimated cost of removal and shall be subject to the approval of the Township Engineer. Failure to remove an abandoned solar facility shall entitle the Township to remove same at the owner's expense and to assess the property owner for all reasonable costs incurred.

(2) In the event a bond is not available of a term adequate to serve its intended purpose or if the developer so elects, the developer may post a cash performance guaranty to assure site restoration in the event of abandonment of the project. The amount of the cash deposit, which shall be placed in escrow with the Township of Harmony in an interest-bearing account, shall be determined as follows. The developer's engineer shall prepare a restoration cost estimate, which may take into account the salvage value of the facilities at the time of site restoration and deduct that amount from the total cost of restoration. That estimate shall then be submitted to the Township Engineer who shall

then review and approve or modify the amount as he deems necessary. The total amount of the cash performance guaranty shall then be divided by either the projected useful life of the project or the initial term of the lease if the developer is not the property owner, whichever term shall be lesser. The total amount of performance guaranty shall be divided by that number of years to result in the annual cash deposit requirement to be posted with the Township of Harmony.

Section Three

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section Four

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

ATTEST:

Township of Harmony

_____
Igor Bykov, Esquire
Township Attorney

By:_____
Brian Tipton, Mayor

DATED:

I hereby certify that the above is a true copy of the Resolution adopted by the Harmony Township Committee at its meeting on January __, 2023.

_____
Kelley Smith, Administrator/Clerk

ORDINANCE NO. 23-02
TOWNSHIP OF HARMONY
WARREN COUNTY, NEW JERSEY

AN ORDINANCE BY THE HARMONY TOWNSHIP COMMITTEE AMENDING THE TOWNSHIP OF HARMONY CODE OF ORDINANCES TO REPEAL CHAPTER 221 FLOOD DAMAGE PREVENTION AND TO ADOPT A NEW CHAPTER 221 ENTITLED FLOODPLAIN MANAGEMENT AND ADOPTING FLOOD HAZARD MAPS; DESIGNATING A FLOODPLAIN ADMNISTRATOR; 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 Township of Harmony and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Township of Harmony was accepted for participation in the National Flood Insurance Program on November 4, 1981 and the Harmony Township Committee desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

WHEREAS, the Township of Harmony 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 Harmony Township Committee 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 Chapter 221 Flood Damage Prevention and are replaced 221with Chapter 221 Floodplain Management.

Chapter 221
Floodplain Management

§ 221-101 SCOPE AND ADMINISTRATION

§ 221-101.1 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 *Township of Harmony (hereinafter "these regulations").*

§ 221-101.2 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 § 221-102 of these regulations.

§ 221-101.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

(1) Protect human life and health.

(2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.

(3) Manage the alteration of natural floodplains, stream channels and shorelines;

(4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.

(5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.

(6) Contribute to improved construction techniques in the floodplain.

(7) Minimize damage to public and private facilities and utilities.

(8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.

(9) Minimize the need for rescue and relief efforts associated with flooding.

(10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.

(11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.

(12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

§ 221-101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Harmony administer and enforce the State building codes, the Harmony Township Committee 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.

§ 221-101.5 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 § 221-103.14 of this ordinance.

§ 221-101.6 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.

§ 221-101.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

§ 221-101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than $1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

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

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

> **§ 221-101.8.1 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.

§ 221-101.9 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.

§ 221-102 APPLICABILITY

§ 221-102.1 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.

§ 221-102.2 Establishment of Flood Hazard Areas. The Township of Harmony was accepted for participation in the National Flood Insurance Program on November 4, 1981.

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 Harmony Township Municipal Building at 3003 Belvidere Road, Phillipsburg, New Jersey 08865.

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, Warren County, New Jersey (All Jurisdictions) Volumes 1 & 2" dated September 29, 2011 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 221-102.2(1) whose effective date is September 29, 2011 are hereby adopted by reference.

Table 221-102.2(1)

Map Panel No.	Effective Date	Suffix
34041C0189	September 29, 2011	E
34041C0192	September 29, 2011	E
34041C0193	September 29, 2011	E
34041C0194	September 29, 2011	E
34041C0211	September 29, 2011	E
34041C0212	September 29, 2011	E
34041C0213	September 29, 2011	E

34041C0220	September 29, 2011	E
34041C0277	September 29, 2011	E
34041C0281	September 29, 2011	E
34041C0282	September 29, 2011	E
34041C0301	September 29, 2011	E
34041C0302	September 29, 2011	E

2) **Federal Best Available Information.** Township of Harmony 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 221-102.2(2)

Map Panel No.	Preliminary Date
None as of the date of this ordinance	

3) **Other Best Available Data.** Township of Harmony shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of Harmony. 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 § 221-102.2 (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 § 221-201, 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 221-102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Delaware River	L0000001	35
Buckhorn Creek, Tributary 1 to Buckhorn Creek	L0000002	34.1
Delaware River, Buckhorn Creek	L0000003	34
Delaware River	L0000004	33
Delaware River	L0000005	32
Delaware River	L0000006	31
Delaware River	L0000007	30
Lopatcong Creek	L00000010	27.4
Lopatcong Creek	L00000011	27.5
Lopatcong Creek	L00000012	27.3
Dry Run	L00000013	27.1A
Delaware River	SUPPVIII21	1
Tributary 1 to Buckhorn Creek	L0000082p	20P
Tributary 1 to Buckhorn Creek	L0000083p	19P
Tributary 1 to Buckhorn Creek	L0000084p	18P
Tributary 1 to Buckhorn Creek	L0000085p	17P
Tributary 1 to Buckhorn Creek	L0000086p	16P
Buckhorn Creek	L0000087p	15P
Buckhorn Creek	L0000088p	14P
Buckhorn Creek	L0000089p	13P
Lopatcong Creek	L0000090p	12P
Lopatcong Creek	L0000091p	11P
Lopatcong Creek	L0000092p	10P
Lopatcong Creek	L0000093p	09P
Lopatcong Creek	L0000094p	08P
Lopatcong Creek	L0000095p	07P
Lopatcong Creek	L0000096p	06P
Delaware River	L0000097p	05P
Delaware River	L0000098p	04P
Delaware River	L0000099p	03P
Delaware River	L00000100p	02P
Delaware River	L00000101p	01P

§ 221-102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in § 221-102.2, 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 § 221-102.2, 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 § 221-102.2 (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 § 221-105.2 and 221-105.3.

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.

§ 221-103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

§ 221-103.1 Floodplain Administrator Designation. The Township Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

§ 221-103.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to § 221-107 of these regulations.

§ 221-103.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

§ 221-103.4 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 § 221-102 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 § 221-103.14 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 § 221-107 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 § 221-106 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 § 221-107 of these regulations.

(13) Cite violations in accordance with § 221-108 of these regulations.

(14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of Harmony have been modified.

(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in § 221-102.2.

§ 221-103.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the

effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

§ 221-103.6 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.

§ 221-103.7 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 § 221-102.2 and § 221-102.3 respectively. This information shall be provided to the Construction Official and documented according to § 221-103.15.

§ 221-103.8 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.

§ 221-103.9 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.

§ 221-103.10 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.

§ 221-103.10.1 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.

§ 221-103.11 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.

§ 221-103.11.1 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.

§ 221-103.12 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.

§ 221-103.13 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.

§ 221-103.14 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 § 221- 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.

(3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

(4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.

(5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

§ 221-103.15 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.

§ 221-103.16 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.

§ 221-104 PERMITS

§ 221-104.1 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.

§ 221-104.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

(1) Identify and describe the development to be covered by the permit.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan and construction documents as specified in § 221-105 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.

§ 221-104.3 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.

§ 221-104.4 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.

§ 221-104.5 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.

§ 221-105 SITE PLANS AND CONSTRUCTION DOCUMENTS

§ 221-105.1 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 § 221-105.2.

(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 § 221-105.2(3) of theseregulations.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

(7) Extent of any proposed alteration of sand dunes.

(8) Existing and proposed alignment of any proposed alteration of a watercourse.

(9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

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

§ 221-105.2 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.

§ 221-105.3 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 § 221-105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in § 221- 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).

§ 221-105.4 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.

§ 221-106 INSPECTIONS

§ 221-106.1 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.

§ 221-106.2 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.

§ 221-106.3 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 § 221-801.2 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 § 221-801.2 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 § 221-801.2.

(4) **Final inspection.** Prior to the final inspection, certification of the elevation required in § 221-801.2 shall be submitted to the Construction Official on an Elevation Certificate.

§ 221-106.4 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.

§ 221-107 VARIANCES

§ 221-107.1 General. The Land Use Board shall hear and decide requests for variances. The Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in § 221-107.5, the conditions of issuance set forth in § 221-107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The 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.

§ 221-107.2 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.

§ 221-107.3 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.

§ 221-107.4 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 § 221-105.3(1) of these regulations.

§ 221-107.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

(2) The danger to life and property due to flooding or erosion damage.

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.

(4) The importance of the services provided by the proposed development to the community.

(5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.

(6) The compatibility of the proposed development with existing and anticipated development.

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

§ 221-107.6 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.

§ 221-108 VIOLATIONS

§ 221-108.1 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.

§ 221-108.2 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.

§ 221-108.3 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.

§ 221-108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than $1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

§ 221-201 DEFINITIONS

§ 221-201.1 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.

§ 221-201.2 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor

raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

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

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

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

FLOOD OR FLOODING

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

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

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

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

the water surface elevation of the base flood.

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

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

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

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

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

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

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

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

HARDSHIP – As related to § 221-107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Harmony Township Committee requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations,

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

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

HISTORIC STRUCTURE – Any structure that is:

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

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

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

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

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

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

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the

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

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

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

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

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

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

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

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The

term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

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

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

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

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

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

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

RESIDENTIAL – Pursuant to the ASCE 24:

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

detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

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

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

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

a. **For other than new construction or substantial improvements, under the** Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

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

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

the external dimensions of the building.

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

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

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

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

a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

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

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

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

§ 221-301 SUBDIVISIONS AND OTHER DEVELOPMENTS

§ 221-301.1 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.

§ 221-301.2 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.

§ 221-401 SITE IMPROVEMENT

§ 221-401.1 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 § 221-105.3(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 § 221-105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with § 221-801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

§ 221-401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

§ 221-401.2 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.

§ 221-401.3 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.

§ 221-401.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface

waters to minimize or eliminate damage to persons or property.

§ 221-401.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

§ 221-401.6 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.

§ 221-401.7 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.

§ 221-501 MANUFACTURED HOMES

§ 221-501.1 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).

§ 221-501.2 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 § 221-801.2.

§ 221-501.3 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.

§ 221-501.4 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.

§ 221-501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of § 221-801.2.

§ 221-501.6 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 § 221-801.2 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 § 221-801.2, 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).

§ 221-601 RECREATIONAL VEHICLES

§ 221-601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

§ 221-601.2 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.

§ 221-601.3 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 § 221-801.2 for habitable buildings and § 221-501.3.

§ 221-701 TANKS

§ 221-701.1 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.

§ 221-801 OTHER DEVELOPMENT AND BUILDING WORK

§ 221-801.1 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 § 221-105.3(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 § 221-102.3;

(4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;

(5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to § 221-102.3 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.

§ 221-801.2 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 § 221-201) 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 § 221-102.3, 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 § 221-102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:

1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

i. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;

ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of § 221-801.2.1(d)ii are met;
iii. Be constructed to meet the requirements of ASCE 24 Chapter 2;
iv. Have openings documented on an Elevation Certificate; and
v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

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

§ 221-801.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

§ 221-801.4 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 § 221-105.3(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 § 221-107 of this ordinance.

§ 221-801.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of § 221-105.3(1) of these regulations and N.J.A.C. 7:13.

§ 221-801.6 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 § 221-105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

§ 221-801-7 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 § 221-105.3(1) of these regulations.

§ 221-901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

§ 221-901.1 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.

§ 221-901.2 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.

§ 221-901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of § 221-105.3(1) of these regulations.

§ 221-1001 UTILITY AND MISCELLANEOUS GROUP U

§ 221-1001.1 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.

§ 221-1001.2 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 § 221-102.3.

§ 221-1001.3 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 § 221-102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

§ 221-1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with § 221-801.2 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.

§ 221-1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be

used below the Local Design Flood Elevation determined in § 221-102.3.

§ 221-1001.6 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 § 221-102.3.

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

SECTION 3. SEVERABILITY.
Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

I, Kelley D. Smith, Registered Municipal Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify that this is a true copy of an Ordinance introduced by Title Only by the Township Committee of the Township of Harmony at their regular meeting held on January 10, 2023 and will be considered for adoption on second reading at their regular meeting held on February 7, 2023, at or near 6:00 PM in the Harmony Township Municipal Building located at 3003 Belvidere Road, Phillipsburg, New Jersey 08865. This Ordinance shall take effect upon final passage and publication as required by law.

_____
Kelley D. Smith
Township Clerk

WARREN COUNTY HOUSING PROGRAM AGREEMENT

THIS AGREEMENT, entered into this _____ day of _____, 2023, by and between Harmony Township (hereinafter referred to as the "Municipality") and the Warren County Board of Chosen Commissioners, Wayne Dumont, Jr. Administration Building, Belvidere, New Jersey, 07823.

WHEREAS, the Warren County Housing Program was initiated by the Warren County Board of Chosen Commissioners; and,

WHEREAS, the Warren County Housing Program was established in response to the recognized need for an increase in affordable housing opportunities in the county and as an organization to coordinate, promote, and develop affordable housing on a county-wide basis; and,

WHEREAS, the Warren County Housing Program has developed a housing rehabilitation program to assist municipalities, on a voluntary basis, to bring substandard housing units which are occupied by low and moderate-income persons up to housing code standards, in accordance with the rules of the NJ Council of Affordable Housing (COAH); and,

WHEREAS, the Municipality desires the services of the Warren County Housing Program for the purpose of the addressing the municipal housing rehabilitation needs;

NOW, THEREFORE, in consideration of the mutual promises and other conditions, covenants, and obligations made and agreed to by and between the parties, it is hereby agreed as follows:

1. SCOPE OF SERVICES

The Warren County Housing Program will be responsible for the administration of a housing rehabilitation program, and will utilize municipal and other funds as may be available to undertake the rehabilitation service as described in Section 1 of Attachment A. Funds available under this Agreement will be applied toward the specific activities enumerated in the Warren County Housing Rehabilitation Program Policy and Procedural Manual.

2. TIME OF PERFORMANCE

The services of the Warren County Housing Program shall commence upon execution of a signed Agreement for program participation and shall terminate upon completion of all rehabilitation construction. The project execution schedule shall be as set forth in Section 2 of Attachment A.

3. COMPENSATION

It is expressly agreed and understood that the total compensation to be paid by the Municipality under this Agreement for the above described project services shall include an administrative fee of $2,000 for each rehabilitation project undertaken within the Municipality. This fee is the minimum required by COAH for municipalities to set aside for administration, however, the actual costs of operating local rehabilitation programs

typically exceed $2,000 per unit. The Warren County Housing Program will pay any administrative cost above this limit so that all program participating municipalities will have access to the program on an equal and predictable basis.

The Municipality will also pay the cost of the actual rehabilitation work up to the local budgeted amount of $8,000 for each rehabilitation project undertaken. To the extent that rehabilitation costs exceed the $8,000 fund, the Warren County Housing Program will contribute funding, if funds are available in the Housing Program's loan repayment account, for the rehabilitation for each project, thus reducing the municipal expense for construction costs. Under no circumstances will the County of Warren provide additional funds from any other sources.

The project budget shall be as set forth in Section 2 of Attachment A.

4. METHOD OF PAYMENT

The Municipality agrees to pay the Warren County Housing Program the amount set forth in Article 3 upon submission of a bona fide municipal voucher. The County of Warren Finance Office will deposit the municipal funding in an escrow account for the purpose of funding the rehabilitation program activity. The Warren County Housing program will voucher the County of Warren for payments from the escrow account with submission of the necessary information to document the bill submitted for payment. The voucher will be submitted after the low bid for the project is reviewed by the Housing Program and after execution of the Program Policy and Procedural Manual Rehabilitation Contract with a property owner. The escrow account shall include funds to pay the Housing Program the $2,000 administrative fee, plus the full estimated cost of construction upon execution of the rehabilitation contract with the owner.

Progress payments may be made as appropriate, upon submission of a proper voucher and supporting documentation. Progress payments are individual case payments for which the escrow account will be invoiced on a case-by-case basis.

5. AMENDMENTS

The Municipality and/or the Warren County Housing Program may, from time to time, require changes in the Scope of Services or other terms to be performed hereunder. Such changes, including any modifications in the amount of the Warren County Housing Program's compensation, which are mutually agreed upon by and between the Municipality and the Warren County Housing Program, shall be incorporated in written amendments to this Agreement.

6. TERMINATIONS

This Agreement may be terminated by either party subject, however, to compliance with the termination provisions as set forth in Attachment B.

7. PROGRAM CANCELLATION

It is understood that this Agreement is financed by municipal and Warren County Housing Program funds, and in the event the NJ Council on Affordable Housing no longer requires the implementation of a housing rehabilitation program, the Municipality reserves the right to cancel this Agreement, and in such event, the Municipality shall only be obligated for the payment under this Agreement for services rendered, or work performed prior to the effective date of cancellation. Funds expended on behalf of the homeowner will not be returned to the Municipality until the property is sold or transferred by the property owner. Funds for which no proceed order has been issued and no work has been initiated will be returned to the Municipality upon cancellation.

8. OBLIGATIONS OF WARREN COUNTY HOUSING PROGRAM WITH RESPECT TO CERTAIN THIRD-PARTY RELATIONSHIPS

The Warren County Housing Program shall remain fully obligated under the provisions of this Agreement notwithstanding its designation of any third party or parties for the undertaking of all, or any part of the program, with respect to which assistance is being provided to the Warren County Housing Program pursuant to this Agreement. Any party which is not the Warren County Housing Program shall comply with all lawful requirements of the Warren County Housing Program necessary to insure that the program for which assistance is being provided under this Agreement is carried out in accordance with the Warren County Housing Program's assurances and certifications to the Municipality. The Municipality will be given written notice in the event that any third party or parties other than the Warren County Housing Program staff, are designated for the undertaking of all or any part of the program with respect to which assistance is being provided to the Warren County Housing Program.

9. OBLIGATIONS OF MUNICIPALITY

The Municipality agrees to provide the required inspection, permitting and related building department services as may be required to identify and address substandard dwelling unit conditions pursuant to COAH, local and State regulations.

10. GENEREAL TERMS AND CONIDITIONS

This Agreement is subject to and incorporated all of the terms and conditions outlined in Attachment B, and the Warren County Housing Program agrees to comply with all such terms and conditions.

11. RECORDS TO BE MAINTAINED

The Warren County Housing Program agrees to establish and maintain sufficient records in a format acceptable to the Municipality in order to enable the Municipality to determine whether the Warren County Housing Program has met the regulations of the NJ Council on Affordable Housing. The records to be maintained are detailed in Attachment C.

12. MONITORING

The Municipality shall provide written notice of monitoring site visits to permit the Warren County Housing Program to prepare such information and materials as may be desired on such visits.

13. Nothing in this Agreement is intended or shall be construed to create a private cause of action or as a waiver of defenses and immunities available to Warren County or the Municipality under Title 59 or other law.

IN WITNESS WHEREOF, the Municipality and the Warren County Housing Program have executed this Agreement as of the date first written above.

ATTEST:

Harmony Township
("Municipality")

_____
Kelley Smith

By: _____
Brian Tipton, Mayor

ATTEST:

The Warren County Board of Chosen Commissioners

_____

By: _____

ATTACHMENT A

Section 1: Project Description

Summary of Project:

The project will provide funding assistance for housing rehabilitation structures owned and/or occupied by low and moderate-income residents.

Anticipated accomplishments will provide for units to be upgraded and/or treated relative to code standards and New Jersey Council on Affordable Housing requirements.

Warren County Housing Program rehabilitation policy and procedures as described in the Program Policy and Procedural Manual are hereby accepted by the Municipality.

Municipal Contact:

Name: Kelley Smith

Address: 3003 Belvidere Road

Phillipsburg, NJ 08865

Telephone: 908-213-1600 x10

Area Served or Location: As Available
Project location may be described as available on a community-wide basis.

Section 2: Project Schedule and Budget*

Year	Number of Units	Administration	Construction
		$ 2,000	$ 8,000
		$	$
		$	$
		$	$
		$	$
		$	$

* The Municipal budget must provide a minimum of $2,000 per housing unit for administration and $8,000 per housing unit for rehabilitation construction.

ATTACHMENT B

General Terms and Conditions

1. Extent of Agreement - This Agreement represents the entire and integrated Agreement between the Municipality and the Warren County Housing Program and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Municipality and the Warren County Housing Program.

2. Termination of Contract for Cause - If, through any cause, the Warren County Housing Program shall fail to fulfill in timely and proper manner obligations under this Agreement, or if the Warren County Housing Program shall violate any of the covenants agreements or stipulations of the Agreement, the municipality shall thereupon have the right to terminate this Agreement by giving written notice to the Warren County Housing Program of such termination and by specifying the effective date of such termination. In such event, all finished or unfinished documents, data, studies and reports prepared by the Warren County Housing Program under this Agreement shall, at the option of the municipality become its property and the Warren County Housing Program shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

   The Municipality may terminate the contract upon at least thirty (30) days written notice to the Warren County Housing Program at any time. In the event of notice of cancellation, the Municipality will fulfill any program which has been accepted and approved prior to the cancellation date.

3. Representation of the Warren County Housing Program - The Warren County Housing Program shall render services under this Agreement in accordance with generally accepted professional practices. The Warren County Housing Program shall not, however, be responsible for delays caused by employees and/or agents of Municipality, nor shall the Warren County Housing Program be responsible for acts of omissions of the Municipality employees and/or agents.

4. Warren County Housing Program Insurance - The Warren County Housing Program shall acquire and maintain statutory workmen's compensation insurance coverage and comprehensive general liability insurance coverage.

5. Damages - Neither party shall hold the other responsible for damages for delay in performance. Additionally, neither party shall hold the other responsible for damages or delay caused by acts of god, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employee's and agents.

6. Ownership of Material - ownership of all data, material, and documents originated and prepared solely for the Municipality pursuant to this Agreement shall belong exclusively to the Municipality.

7. Records Access and Retention - the Municipality, or any of the duly authorized representatives shall have access to any books, documents, papers, and records of the Warren County Housing Program which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. All such records shall be retained by the Warren County Housing Program as required in accordance with New Jersey Council on Affordable Housing Substantive rules.

8. Audit - the Municipality, or any of their duly authorized representatives shall have access to any books, documents, papers, and records of the Warren County Housing Program which are directly pertinent to assistance made under this agreement for the purpose of making audit, examination, excerpts, and transcriptions.

9. Equal Employment Opportunity - In compliance with Federal Executive Orders 11246 and 11375, applicable Federal regulations and applicable state laws, in carrying out this Agreement the Warren County Housing program shall not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, atypical cellular or blood trait, liability for military service, mental or physical disability, subject only to conditions and limitation applicable to insure that applicants for employment are employed, and that employees are treated during employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, atypical cellular or blood trait, liability for military service, or mental or physical disability subject only to conditions and limitations applicable alike to all persons. Such action shall include, but not be limited to employment upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; selection for training, including apprenticeship; and setting of working conditions.

10. Compliance with Local Laws -The Warren County Housing Program shall comply with all applicable laws, ordinances, and codes of the state and local governments.

11. Remedies - Unless otherwise provided in this Agreement, all claims, counterclaims, disputes, and other matters in question between the Municipality and the Warren County Housing Program arising out of or relating to this Agreement or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction.

ATTACHMENT C

Records to be Maintained

The Warren County Housing Program shall establish and maintain sufficient records to enable the Municipality to determine whether the Warren County Housing Program has met all requirements of the New Jersey Council on Affordable Housing. At a minimum, the following documentation is needed and will be maintained as part of each client record:

1. The name of each applicant;
2. If the applicant is not approved, the reasons for the disapproval; and,
3. If the applicant is approved:
    a. Proof of income eligibility;
    b. The initial inspection by the building inspector;
    c. Bids by contractors;
    d. The final contract to do the work;
    e. Progress reports;
    f. A copy of the final inspection; and
    g. The lien on the property evidencing the Municipality's assistance and anticipated amount of funding repayment.
4. Property address
5. Block and lot
6. Tenure of unit (rental or for-sale)
7. Income level (very-low-income, low, or moderate)
8. Final inspection date
9. Funds expended on hard costs
10. Development fees expended
11. Major systems repaired (e.g. roof, septic, etc.)
12. Effective date of affordability controls

These records shall be provided to the Municipality annually to ensure the Municipality can complete its required monitoring forms. Annual records shall be provided by January 15 for the previous year's rehabilitation activity.

If any information additional to the aforementioned is or may be required to fulfill Municipality's reporting requirements, Municipality will notify the Warren County Housing Program in writing prior to the commencement of projects subject to same requirements so any additional required data can be collected.

Retention of Records

Financial records, supporting documents, statistical records, and all other records pertinent to this agreement shall be retained by the Warren County Housing Program.

#7 N.B.

VIA EMAIL

December 7, 2022

Mrs. Kelley D. Smith
Municipal Clerk
Township Of Harmony
Municipal Building
3003 Belvidere Road
Phillipsburg, NJ 08865

Dear Mrs. Smith,

The following will be my presentation for this evening's discussion:

Good evening, my name is Ryan Paul Simmons and I have been a resident of the Township of Harmony for about two and a half years. Tonight, I am proud to present this unique opportunity of financial solutions for our enterprise and the future of our Township. I will begin by reading this letter to the Land Use Board followed by opening the floor for further discussion.

The nature of our enterprise is to provide a mobile cannabis delivery service within the boundaries of New Jersey. The business address is to be strictly utilized as a marketing and administration office. No employees or customers will be permitted at the corporate headquarters.

Our services are provided via a website and or app that allows anyone age 21 or older the convivence of ordering cannabis products from licensed dispensaries within our network. Once the order is placed, the dispensary fulfills the order and we dispatch our closest driver to pick up and deliver to the end consumer's home.

We are requesting the support from the Township of Harmony with an issuance of a Special Permit so we may continue our endeavor in obtaining a Class 6 Cannabis Delivery License from the State.

It is to my knowledge that a Special Permit is currently not a part of the Township's language however this is the Term used by the State of New Jersey in order to apply.

Pursuant to our recent Zoning Permit Denial on November 14, 2022 for a proposed Home Office located at 3240 Belvidere Road Phillipsburg, NJ 08865. Our agenda this evening is to ask for an Interpretation of the Uses in R-HB Zone and why a Home Office is not allowed in this Residential Zone yet it is allowed in other Zones. The reason for our original Zoning Permit Denial states that a Home Office is not a "Permitted Use", "Accessory Use", or "Conditional Use" within the R-HB Zone. Pursuant to Ch. 525-14C, Zoning Relief Required for a Use Variance to Permit Home Office as an Accessory Use.

The Township of Harmony Code Book, Ch. R-HB Residential-Historic Business states the proposed address in question meets the town's requirements. However, Section 14-C is unclear.

The proposed address and company meet the following:

- Section A (2) Single-family dwelling

POTDROP INC is located at my single-family primary residence.

- Section B (1) Business in keeping with the historic nature of the area

The Township of Harmony supports a thriving farming industry which ranks 2nd in Warren County with 8,824 acres of farm land. Our town was built on preserving the historic value of farmland. The position of POTDROP INC is to continue the town's history by delivering cannabis agriculture to end consumers.

- Section B (2) Home Professional Office

A Home Professional Office is defined by the Township of Harmony's Zoning Officer, Eugene N. Weber as a place of business for New Jersey State Licensed companies/individuals performing a particular practice under said License. I currently hold 3 HIPPA Licenses allowing me to transport Federally Scheduled Class 1 Drugs. In addition, POTDROP INC shall be required by the State of New Jersey to hold a Class 6 Cannabis Delivery License.

Objective

My objective as a citizen within the Township of Harmony is to gain local government support in order to pursue our endeavors towards obtaining a Class 6 Cannabis Delivery License from the State of New Jersey. Our enterprise plans to provide employment opportunities for our United States Military Veterans, provide Disabled Military Veterans cannabis at low to no cost, while generating a statewide tax revenue stream for our Township.

Cannabis Tax Revenue

Legalization of cannabis products has been a boon for state budgets, with states reporting a combined total of $10.4 billion in tax revenue from cannabis sales as of the close of 2021, not including any revenue produced by medical marijuana distribution. Local towns and cities with thriving marijuana operations have also generated millions. A number of states have legalized recreational marijuana but have a less-than-fully operational market. In 2021, the Tax Foundation has estimated excise tax revenue for states with a market that has been operational for at least three years. The following chart is how much these states may stand to make once their markets are fully established:

STATE	ESTIMATED ANNUAL MARIJUANA EXCISE TAX REVENUE FROM FULLY OPERATIONAL MARKET
District of Columbia	$26,605,996
Montana	$35,142,502
New Jersey	$158,974,353
Vermont	$27,313,974

Data source: Tax Foundation (2021)

Of course, these states are not likely to see these numbers in excise tax revenue until at least three years after they establish a market. Seeing numbers in the $2-$10 million range is more likely in the early years.

Local Cannabis Transfer Tax

Municipalities in New Jersey can charge a Transfer Tax of up to 2% on the sale of recreational cannabis or similar products. Municipalities can also charge a User Tax on top of the Transfer Tax.

POTDROP in Harmony

Based on data collected, the Township of Harmony may potentially collect a Transfer Tax from our enterprise ranging $40,000-$200,000 the first two years the market is fully operational and a projected $3,179,487.06 in the third year. This does not include the optional User Tax.

Conclusion

POTDROP INC was created to provide discreet cannabis delivery throughout the State of New Jersey utilizing collected statewide tax as stable revenue for the Township of Harmony in hopes to lower taxes for residents, continue to preserve our history, farmland, and maintain infrastructure.

History of Location

The history of 3240 Belvidere Road is quite impressive. Built in 1750, the structure was positioned as the main stop for horse and buggies transporting prospective farmers as the General Store and Post Office were located next door. Around 1813 the building became occupied by America's oldest fraternal organization, the Improved Order of Red Man whose members included three United States Presidents; Warren G. Harding, Theodore Roosevelt, and Franklin D. Roosevelt.

After the conclusion of the Civil War in 1867, the building became the property of the National Grange of the Order of Patrons of Husbandry whom later erected an addition to the original structure in 1900. This location was named the Roxburg Grange #16. Many of the state and local Granges adopted non-partisan political resolutions, especially regarding the regulation of railroad transportation costs. The organization was unusual at that time, because women and any teen old enough to draw a plow (aged 14 to 16) were encouraged to participate. The importance of women was reinforced by requiring that four of the elected positions could be held only by women. It is said to be believed that the efforts from this local Grange assisted with an amendment for women's suffrage that passed the New Jersey state legislature in the spring of 1913. Passed by Congress June 4, 1919, and ratified on August 18, 1920, the 19th amendment granted women the right to vote. It is also said to be believed that the first women to vote in New Jersey took place at this location.

POTDROP INC, a cannabis delivery service founded on October 10, 2022 with desires to continue the locations legacy of giving back, providing for the people, and the greater good.

I thank you for your time and consideration as I am now open to any questions or concerns regarding this matter.

POTDROP INC

Ryan Paul Simmons
Chief Executive Officer
954-629-2012 cell

R: 23-24

RESOLUTION

Whereas, the Township of Harmony
(formal name of organization)
desires to apply for and obtain a grant from the New Jersey Department of Community Affairs

for approximately $_____ to carry out a project to Construct outdoor gym and
(dollar amount of request)
playground area within the existing Municipal Recreation Complex.
(briefly describe the project)

Be it therefore RESOLVED,

1) that the Township of Harmony
(formal name of organization)
does hereby authorize the application for such a grant; and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between

Township of Harmony
(formal name of organization)
and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

_____ **(signature)**	Kelley Smith **(signature)**
Brian Tipton **(type or print name)**	Kelley Smith **(type or print name)**
Mayor **(title)**	Municipal Clerk **(title)**

CERTIFICATION:

I, Kelley Smith, the Municipal Clerk,
(name of Board Secretary / Government Clerk) **(title of position - Board Secretary or Government Clerk)**
of Township of Harmony
(formal name of organization)
hereby certify that at a meeting of the Board of Directors / Governing Body held on 1-10-23
(meeting date)
the above *RESOLUTION* was duly adopted.

AFFIX GOV'T,
CORPORATE OR
NOTARY SEAL

Kelley Smith
(Signature of Secretary of the Board of Directors or Government Clerk)

(12/03)

1/10/23 OB #1

Kelley Smith

From: Eugene Weber <GeneW@finellicon.com>
Sent: Wednesday, January 4, 2023 10:01 AM
To: Kelley Smith; Rick Cornely (cornelyrichard3@gmail.com); Brian Tipton; (yamrock@yahoo.com)
Cc: Michael Finelli; Jennifer Fornaro; Bryce Good
Subject: Demeter Road Drainage Issue
Attachments: M1- Demeter Road Drainage Memo & Sketch.pdf; 2018.03.05 From Katrina - Detemer Road drainage issue.pdf

Kelley.

As indicated in our Engineer's Report we got a call from John Chismar 2 weeks ago again expressing concerns about icing conditions on Demeter Road. I told him we would bring the matter to the Committee's attention again. I have attached a previous letter from Katrina and a memo from our office which describes the issues. I'm sure Mike will be happy to discuss this at next weeks meeting if you wish.

Gene.

Eugene N. Weber, P.E., P.L.S., P.P.
Senior Engineering Manager
Finelli Consulting Engineers, Inc.
205 Route 31 North
Washington, NJ 07882
Phone: 908.835.9500
Mobile: 908.914.7551

The information contained in this e-mail and any of its attachments is intended only for the use of the recipient(s) indicated above. It may contain confidential or proprietary information and may be subject to confidentiality protections. If you are not the intended recipient(s), you are hereby notified that any dissemination, review or use of the information contained herein is strictly prohibited. You may not copy, forward, disclose or use any part of this information. If you have received this information in error, please delete it and all copies from your system and notify the sender immediately by return e-mail. Internet communications can not be guaranteed to be timely, secure, error or virus-free. The sender does not accept liability for any errors or omissions which arise as a result.

FINELLI CONSULTING ENGINEERS, INC.

MEMORANDUM

TO:	Mayor Tipton and Township Committee	VIA EMAIL ONLY
FROM:	Eugene N. Weber, P.E., L.S., P.P.	
DATE:	March 19, 2018	
RE:	Demeter Road Drainage Issue *FCE No. HAWM215M1*	
C:	Kelley Smith, Clerk, via email only Katrina Campbell, via email only	

Last week I received a phone call from Matt Cestone (38 Demeter Road – Block 14, Lot 1) in response to a March 5, 2018 letter he received from K. Campbell regarding a drainage problem. There have been complaints that Mr. Cestone has created a drainage problem by discharging stormwater onto Demeter Road. I scheduled a meeting with Mr. Cestone for March 16, 2018 at 4 PM to look at the site. When I arrived no one answered the door. While the ground was still under snow cover two (2) neighbors, J. Chismar and Peggy Doebbeling showed me the problem area.

Generally there is a low-lying area on the Cestone property just upstream of the Doebbeling driveway which based upon USGS contour mapping is estimated to have a drainage area of about 13 acres. While no calculations have been done that size drainage area can generate a significant flow towards Demeter Road. It appears that the lack of a culvert under the Doebbeling driveway in conjunction with no drainage pipe system or swale along the edge of Demeter Road creates the potential for water to overtop the low area on Cestone and flow across the Doebbeling driveway and then onto the pavement on Demeter Road.

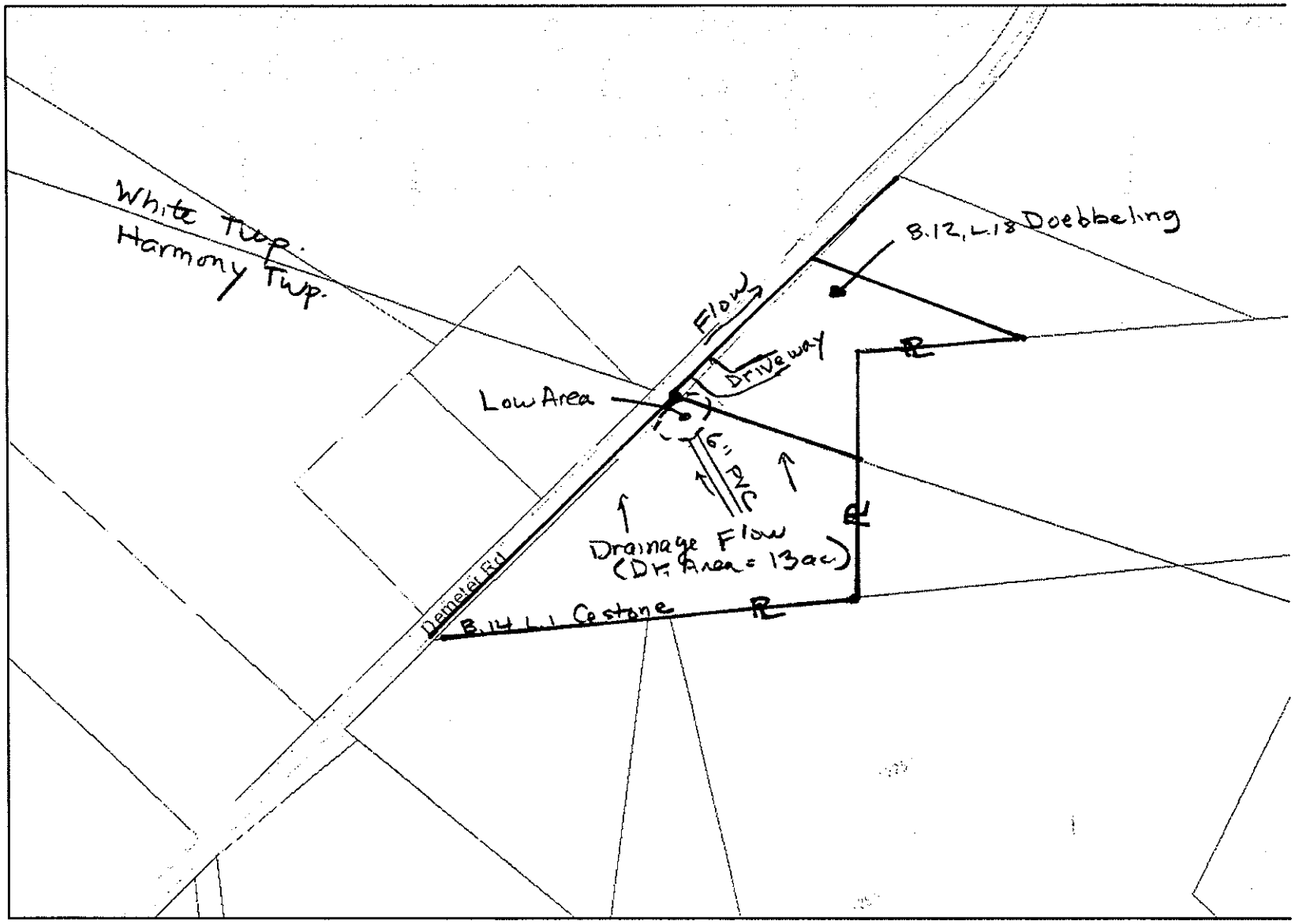
Due to the snow cover I was not able to see Cestone's pipe but based upon the description from the neighbors he installed a 4" PVC which drains stormwater from a portion of his back yard and from the roof of his home. The discharge end of the PVC is estimated to be 50 feet to 75 feet from Demeter Road. The neighbors are claiming that there was never a problem with stormwater discharging onto the road until Mr. Cestone installed the pipe. This is certainly possible however, without significant time and effort, I have no way of determining whether the new Cestone concentrated discharge is the cause of the problem or we have simply encountered more significant storm everts which have caused the low point to overtop.

The point at which water overtops the road appears to be at the Harmony/White municipal boundary line. Since the grade of Demeter Road is running downhill to the east the stormwater discharge does not materially impact the portion of Demeter Road in Harmony.

The possible options to correct the problem are (1) require Mr. Cestone to install a stormwater infiltration bed to reduce the volume of flow to the low point in hopes that it will solve the problem or (2) White Township would need to construct a storm pipe system or swale along the southerly edge of the pavement on Demeter Road including a culvert under Doebbeling's driveway. In reviewing the Harmony Township Code I am unable to find any ordinance which Mr. Cestone is violating. This in itself in problematic and the Committee may wish to adopt an amendment to Chapter 145 Streets and Sidewalks to include provisions preventing property owners from discharging stormwater into a public street and to Chapter 165 Zoning to prevent discharges onto adjoining private properties which alter the character of flow or peak volume and runoff rates.

I will be available to discuss this matter with the Committee at the April 3, 2018 meeting.

Viewer Map


White Twp.
Harmony Twp.
B.12, L.18 Doebbeling
Flow
Driveway
Low Area
6" PVC
Drainage Flow
(Dr. Area = 13ac)
Demeter Rd
B.14 L.1 Cestone

MICHAEL B. LAVERY
MICHAEL S. SELVAGGI°
JOHN J. ABROMITIS
LAWRENCE P. COHEN*
KATHERINE E. INGRASSIA•
JAMES F. MOSCAGIURI
KATRINA L. CAMPBELL°
RICHARD W. WENNER°
W. JOSEPH SALVADOR•
WILLIAM H. PANDOS°

*CERTIFIED BY THE SUPREME COURT OF NEW JERSEY AS A CIVIL TRIAL ATTORNEY
°MEMBER OF NJ AND PA BAR
•MEMBER OF NJ AND NY BAR

LAW OFFICES

LAVERY, SELVAGGI, ABROMITIS & COHEN

A PROFESSIONAL CORPORATION

1001 ROUTE 517

HACKETTSTOWN, NEW JERSEY 07840

(908) 852-2600

FAX (908) 852-8225

WWW.LSACLAW.COM

23 CATTANO AVENUE
AT CHANCERY SQUARE
MORRISTOWN, NJ 07960
Telephone (973) 285-1281
Facsimile (973) 285-0271

OF COUNSEL:

RAVINDER S. BHALLA
JAMES A. COURTER
JOEL A. KOBERT
PETER J. COSSMAN
ROBERT V. STILES

SENDER'S DIRECT EMAIL
KCampbell@lsaclaw.com

March 5, 2018

Via Regular and Certified Mail
Matt Cestone
38 Demeter Road
Washington, NJ 07882

Re: Water Runoff on Demeter Road

Dear Mr. Cestone:

This office serves as legal counsel to the Township of Harmony. The Township has received complaints from residents of both Harmony and White Township that water runoff from your property is pooling and freezing in the roadway making a dangerous condition. In the State of New Jersey, property owners are responsible for the water that travels from their property on to adjacent properties. As such you are responsible to correct your property to ensure that water does not run off into the municipal roadway.

If you would like to discuss the problem and your plan to remedy this issue with the Township Engineer, Gene Weber, please contact him at 908-835-9500 to set up a meeting at the property.

Very truly yours,

Katrina L. Campbell

cc (via email only):
Gene Weber, Township Engineer
Harmony Township Clerk
White Township Clerk

(00556067-1)

RESOLUTION NO. R:BOH 2023-1

RESOLUTION BY THE BOARD OF HEALTH OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF MEETINGS OF SAID BOARD

WHEREAS, Section 3d of the Open Public Meetings Act, Chapter 231, P. L. 1975 requires that certain notice of meetings be submitted to two newspapers, one of which shall be the official newspaper; and

WHEREAS, the second newspaper designated by this Board must be one which has the greatest likelihood of informing the public within the jurisdictional boundaries of this Board of such meeting;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the Township of Harmony, County of Warren, State of New Jersey, as follows:

1) The EXPRESS-TIMES Warren County NJ Zone is hereby designated as the official newspaper of the Township of Harmony to receive all notices of meetings as required under the Open Public Meetings Act.
2) The STAR-LEDGER is hereby designated as the secondary newspaper which also has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

* * * * * * * * * * * * * * * *

I, Kelley D. Smith, Secretary of the Board of Health of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Health at its reorganization meeting held on January 10, 2023.

_____

Kelley D. Smith
Secretary

RESOLUTION NO. R:BOH 2023-2

RESOLUTION BY THE BOARD OF HEALTH OF THE TOWNSHIP OF HARMONY, COUNTY OF WARREN, STATE OF NEW JERSEY IN REGARD TO REGULAR MEETING DATES

WHEREAS, Section 13 of the Open Public Meetings Act, Chapter 231, P.L. 1975 requires that at least once a year not later than January 10th of such year, every public body shall post and mail to newspapers designated by said body, a schedule of the location, time and date of each regular meeting of said body during the succeeding year;

NOW, THEREFORE BE IT RESOLVED by the Board of Health of the Township of Harmony, County of Warren and State of New Jersey, as follows:

1. The regular meetings of the Township Board of Health of the Township of Harmony, County of Warren, State of New Jersey, shall be held in-person and via Zoom when the Zoom virtual platform is working properly at the time of said meeting. If Zoom is not available the meeting will continue to be held in person only. Instructions for joining the meeting can be found at harmonytwp-nj.gov. All Board of Health meetings will commence at the conclusion of the Township Committees' regularly scheduled business meetings only if there is business to be heard on the following dates in the year 2023:

January	10 (Tues.)	Reorganization/Regular Business at conclusion of Harmony Township Committee Meeting

February	7 (Tues.)	July	11 (Tues.)
March	7 (Tues.)	August	8 (Tues.)
April	4 (Tues.)	September	5 (Tues.)
May	2 (Tues.)	October	3 (Tues.)
June	6 (Tues.)	November	7 (Tues.)
		December	5 (Tues.)

2. This Resolution shall take effect immediately.

* * * * * * * * * * * * * * * * *

I, Kelley D. Smith, Secretary of the Board of Health of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Board of Health at its reorganization meeting held on January 10, 2023.

_____

Kelley D. Smith
Secretary