

**BOROUGH OF FOLSOM
COUNCIL MEETING
MINUTES
May 8, 2018**

MEETING CALLED TO ORDER: 6:53PM

SALUTE TO THE FLAG LED BY Mayor DeStefano

Five minute recess tape recorder not working

OPENING STATEMENT: Adequate notice of this meeting has been given in accordance with the directives of the "Open Public Meetings Act", pursuant to Public Law 1975, Chapter 231. Said notice of this meeting has been advertised in the Hammonton Gazette and has been posted on the Borough Hall bulletin board showing the time and place of said meeting.

ROLL CALL: Councilpersons: Smith, Jantz, Pagano, Arena, Hoffman and Schenker

Also present: Mayor Lou DeStefano, Attorney Brian Lozuke, and Engineer Mark Herrmann

APPROVAL OF WORKSHOP MEETING MINUTES FROM April 10, 2018

A motion to approve the minutes was made by Councilman Smith and seconded by Councilman Schenker

There was a roll call vote with ayes all with the exception of Councilman's Pagano's abstention.

APPROVAL OF THE REGULAR COUNCIL MEETING MINUTES FROM April 10, 2018

A motion to approve the minutes was made by Councilman Hoffman and seconded by Councilman Arena.

There was a roll call vote with ayes all with the exception of Councilman Pagano's abstention and a correction to the engineer's report by Councilman Schenker.

APPROVAL OF THE EXECUTIVE SESSION MINUTES FROM April 10, 2018

A motion to approve the minutes was made by Councilman Arena and seconded by Councilman Smith

There was a roll call vote with ayes all with the exception of Councilman Schenker's abstention.

Attorney Brian Lozuke discussed with Mayor and Council a memorandum that was sent to the Municipalities by the Atlantic County Joint Insurance Fund on litigation regarding West Wildwood's failure to take the advice of Counsel.

Attorney Brian Lozuke reported that the Borough received a revised retirement notice from Tax Assessor Joe Ingemi for June 30, 2018. Brian also reported that the Borough is in the process of looking for a new Tax Assessor and has posted the requirements on their website and at the League of Municipalities.

MEETING OPEN TO PUBLIC: No comments

CLERK’S CORRESPONDENCE:

Next E-Waste Day is schedule for May 12, 2018 from 8:00AM to 1:00PM at the Borough Hall Garage on Backline Rd.

Borough Hall offices will be closed on Monday, May 28, 2018 in observance of Memorial Day.

June 2, 2018 is Community Day from 10:00AM until 2:00PM. The Shred Truck will be there from 11:00AM until 1:00PM.

ORDINANCES: (INTRODUCTION/FIRST READING)

**BOROUGH OF FOLSOM
ORDINANCE 04-2018**

**ORDINANCE REPEALING AND MODIFYING CHAPTER 111 OF THE
BOROUGH OF FOLSOM CODE ENTITLED “FLOOD DAMAGE PROTECTION”**

WHEREAS, the Borough Council heretofore adopted a Flood Damage Protection Ordinance codified within Chapter 111 of the Borough of Folsom Code entitled “Flood Damage Prevention”; and

WHEREAS, the Mayor and Borough Council have found and determined that it is their intent to repeal and amend Chapter 111, in its entirety, in order to comply with the current State Flood Control Requirements administered by the New Jersey Department of Environmental Protection.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Folsom, with the Mayor concurring, that Chapter 111 of the Borough Code is hereby repealed, in its entirety, and amended by the following provisions to be codified within Chapter 111 following the adoption hereof:

**SECTION I. CHAPTER 111 OF THE BOROUGH CODE ENTITLED FLOOD
DAMAGE PREVENTION IS REPEALED, IN ITS ENTIRETY, AND
AMENDED TO REPLACE THE CHAPTER, AS FOLLOWS:**

**CHAPTER 111
FLOOD DAMAGE PROTECTION**

SECTION I, ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

§111-1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Folsom, Atlantic County, New Jersey does ordain as follows:

§111-2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Folsom are subject to periodic inundation which results 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.

- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§111-3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§111-4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- f)

§111-5 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

AO Zone- 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.

AH Zone- 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.

Appeal — A request for a review of the Borough Engineer’s interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater 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 — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents 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.

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

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration 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 Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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.

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 accumulatively 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 flood plain 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.

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.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). 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 to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements 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 a slab or footings, the installation of pilings, 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 or 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. 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.

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 condition before damage would equal or exceed fifty (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 fifty (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".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE II GENERAL PROVISIONS

§111-6 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Folsom, Atlantic County, New Jersey.

§111-7 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Folsom, Community No. 340568, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Atlantic County, New Jersey (All Jurisdictions)" dated August 28, 2018.
- b) "Flood Insurance Rate Map for Atlantic County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34001C0082F, 34001C0101F, 34001C0102F, 34001C0103F, 34001C0104F, 34001C0108F, and 34001C0115F, whose effective date is August 28, 2018.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the Borough Hall, 1700 12th Street, Route 54, Folsom, New Jersey.

§111-8 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 misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Folsom, from taking such other lawful action as is necessary to prevent or remedy any violation.

§111-9 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§111-10 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

§111-11 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Folsom, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**ARTICLE III
ADMINISTRATION**

§111-12 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 111.7. Application for a Development Permit shall be made on forms furnished by the Borough Clerk and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been flood proofed.
- c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 111-17.2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§111-13 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Borough Engineer or such other official as may be appointed and/or designated by the Borough Council is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

§111-14 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Borough Engineer shall include, but not be limited to:

§111-14.1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 111-17.4 a) are met.

§111-14.2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 111-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Borough Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 111-17.1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 111-17.2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

§111-14.3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved flood proofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the flood proofing certifications required in Section 111-12 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

§111-14.4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

§111-14.5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of Sections 111-17.1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 111-17.2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 111-17.3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

§111-14.6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 111-15.

§111-15 VARIANCE PROCEDURE

§111-15.1 APPEAL BOARD

- a) The Borough of Folsom Joint Land Use Board as established by the Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Engineer in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided under New Jersey Law.
- d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;
 - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. 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, and streets and bridges.
- e) Upon consideration of the factors of Section 111-15.1 d) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Borough Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

§111-15.2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in Section 115-15.1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:

- i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 111-15.1 d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**ARTICLE IV
PROVISIONS FOR FLOOD HAZARD REDUCTION**

§111-16 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

§111-16.1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

§111-16.2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

§111-16.3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§111-16.4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

§111-16.5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

§111-17 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 111-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Section 111-14.2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

§111-17.1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone 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 at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

§111-17.2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade

(at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be flood proofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in Section 111-14.3 b) ii.

§111-17.3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with Section 111-16.1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

§111-17.4 FLOODWAYS

Located within areas of special flood hazard established in Section 111-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If Section 111-17.4 a) is satisfied, all new construction and substantial improvements must comply with Article IV PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION II. REPEALER

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency. Specifically, the Ordinance codified within Chapter 111 of the Borough Code entitled "Flood Damage Prevention" is hereby repealed and amended by the Ordinance adopted herein.

SECTION III. INVALIDITY

If any Section, Paragraph, Subdivision, Clause or Provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to the Section, Paragraph, Subdivision, Clause or Provision, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication according to law.

SECTION V. SAVED FROM REPEAL

All Ordinances or parts of Ordinances not inconsistent with the terms and provisions of this Ordinance are hereby saved from repeal.

A motion to approve was made by Councilman Arena and seconded by Councilman Jantz

NO PUBLIC COMMENT

There was a roll call vote with ayes all.

RESOLUTIONS:

**RESOLUTION 2018-55
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF PROPERTY TAXES

WHEREAS, it has come to the attention of the Borough Council that payment has been made in excess on the 2018 second quarter taxes to the property listed; and

WHEREAS, said payments have resulted in overpayment of property taxes in the amounts listed below;

<u>BLOCK/LOT</u>	<u>AMOUNT</u>	<u>TO</u>
2808/849	\$822.96	Corelogic Tax Services

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey, that the following overpayments be refunded.

A motion to approve Resolution #2018-55 was made by Councilman Smith and seconded by Councilman Schenker

There was a roll call vote with ayes all.

**RESOLUTION 2018-56
BOROUGH OF FOLSOM**

A RESOLUTION AUTHORIZING A REFUND OF HOMESTEAD REBATE

WHEREAS, it has come to the attention of the Tax Collector that a 2015 Homestead Credit has been made to the property listed below and that said resident has been declared a Disabled Veteran and is 100% exempt from property taxes and a refund will be given to:

<u>NAME</u>	<u>BLOCK/LOT</u>	<u>AMOUNT</u>
Robert Devers	2705/739	\$124.42

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Folsom, County of Atlantic and State of New Jersey that said resident has been declared a Disabled Veteran and is 100% exempt from all property taxes the Homestead Credit will be refunded.

A motion to approve Resolution #2018-56 was made by Councilman Arena and seconded by Councilman Hoffman

There was a roll call vote with ayes all.

**RESOLUTION # 2018-57
BOROUGH OF FOLSOM**

**SHARED SERVICES AGREEMENT
RECYCLED COLLECTION AND DISPOSAL RESIDENTIAL SERVICE FOR THE BOROUGH
OF FOLSOM**

WHEREAS, the Governing Body of the Borough of Folsom have agreed to enter into a Shared Services Agreement with the Atlantic County Utilities Authority (ACUA) for Recycling Collection and Disposal Residential Service; and

WHEREAS, the Borough of Folsom and the ACUA desire to enter into said Agreement and to fix the expiration date of said Agreement to occur on May 31, 2023 for **Option # 1** in order to enable long term planning by both parties for the proper disposal of the Municipality's solid waste.

WHEREAS, the CFO has determined and certified in writing that the value of the contract will not exceed **\$169,160.00**

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Borough of Folsom approves the attached Agreement and authorizes the Mayor to execute.

A motion to approve Resolution #2018-57 was made by Councilman Hoffman and seconded by Councilman Arena.

There was a roll call vote with ayes all.

**BOROUGH OF FOLSOM
RESOLUTION NO. 2018-58**

**RESOLUTION ACCEPTING THE RETIREMENT OF THE TAX ASSESSOR, JOSEPH
INGEMI**

WHEREAS, the Tax Assessor, Joseph Ingemi, has submitted a request to formally retire from the Borough as the Tax Assessor; and

WHEREAS, Joseph Ingemi's retirement will become effective June 30, 2018; and

WHEREAS, the Borough Council of the Borough of Folsom expresses their appreciation to Joseph Ingemi for the decades of service to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Folsom, that the retirement of Joseph Ingemi is formally accepted and the Borough extends its best wishes for many years of happiness during his retirement.

Mayor DeStefano thanked Joe for all his years of service to the Borough and residents. Mayor DeStefano wished him well in his retirement.

A motion to approve Resolution #2018-58 was made by Councilman Arena and seconded by Councilman Smith

There was a roll call vote with ayes all.

RESOLUTION 2018-59

**RESOLUTION OF CENSURE OF COUNCIL MEMBER GREG SCHENKER BY THE
MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF FOLSOM, IN THE COUNTY
OF ATLANTIC, STATE OF NEW JERSEY**

WHEREAS, the Mayor and Borough Council of the Borough of Folsom respects and relies upon transparent and open government between its members in order to serve the Borough and its residents most efficiently pursuant to New Jersey Law; and

WHEREAS, the Mayor and Borough Council of the Borough of Folsom expects its members and employees to work with each other and bring light to any issues that negatively affect the Borough or the residents; and

WHEREAS, public office and employment are a public trust wherein the vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed officials; and

WHEREAS, whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled; and

WHEREAS, the Mayor and Borough Council of the Borough of Folsom have determined that the actions of Council Member Greg Schenker were detrimental to the Borough; unbecoming conduct of an elected Council Member; worthy of censure; and require a formal reprimand; and

WHEREAS, the Mayor and Borough Council of the Borough of Folsom have chosen this form of action, along with recommending the formal filing of a complaint with the New Jersey Local Finance Board under N.J.S.A. 40A:9-22.9 concerning allegations of ethical violations, contrary to the New Jersey Local Governments Ethics Law, N.J.S.A. 40A:9-22.1, et. seq., in order to permit such entity to formally investigate and impartially review the actions of Council Member Greg Schenker. These actions include, but are not limited to, the following:

- As an elected official, contrary to N.J.S.A. 40A:9-22.5 of the Local Government Ethics Law, Council Member Schenker appeared before the Borough of Folsom Joint Land Use Board on September 20, 2017 and spoke in favor of an application before the Board submitted by John Thomas, wherein Council Member Schenker represented that he was speaking on “behalf of Borough Council” in support of the application as an elected government official.
- Contrary to N.J.S.A. 40A:9-22.5(c), Council Member Schenker used and/or attempted to use his official elected position to secure privileges and/or advantages for himself or others.
- As an elected government official and Member of Borough Council, contrary to N.J.S.A. 40A:9-22.5(d), Council Member Schenker attempted to influence the Joint Land Use Board on a matter in which he had a direct and/or indirect personal or financial interest.
- As an elected government official and Member of Borough Council, contrary to N.J.S.A. 40A:9-22.5(h), Council Member Schenker appeared and attempted to influence the Joint Land Use Board on September 20, 2017 as a representative of the applicant, John Thomas.
- For the unethical statements and representations made by Council Member Schenker that are memorialized and set forth in the official minutes adopted by the Joint Land Use Board for the September 20, 2017 meeting, as well as the official tape of such meeting maintained by the Joint Land Use Board Secretary.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Folsom that Council Member Greg Schenker is formally censured for actions contrary to the best interests of the Borough of Folsom; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council formally approve and recommend that this matter be impartially reviewed and investigated by the New Jersey Local Finance Board concerning the ethical allegations raised contrary to the New Jersey Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et. seq., forthwith after the adoption hereof.

Mayor DeStefano stated that this is not an easy thing for him but he has to do because he is aware of a grievance that was made.

A motion to approve Resolution #2018-59 was made by Councilman Arena and seconded by Councilman Smith

Councilman Pagano stated he found this resolution without any merit and that the timeliness of it is nothing more than a political agenda.

Councilman Pagano questioned whether Councilman Schenker is allowed to vote.

Smith-Y Jantz-Y Pagano-N Arena-Y Hoffman-N Schenker-A

SOLICITOR’S REPORT: Brian reported stated that the Borough received 76 tax appeals that he is coordinating with the tax assessor.

FIRE CHIEF REPORT: NONE

ENGINEER’S REPORT:

ACTION ITEMS

NJDOT FY2018 MUNICIPAL AID APPLICATIONS

The Borough submitted an application for the 2018 Road Program, which consists of the following scope of work:

- Resurfacing of 14th Street from Mays Landing Road to the Hammonton Municipal Boundary;
- Resurfacing of 15th Street from Mays Landing Road to Backline Road;
- Resurfacing of Backline Road from 15th Street to Memory Lane.

The NJDOT has awarded the Borough **\$282,000** for the 2018 Road Program. I have submitted a proposal to the Clerk for the engineering, surveying, and bidding of the project. I have also included the additional work to finish the construction of the 14th Street and Backline Road intersection. The proposal for our services is for \$22,870. If the Borough chooses to authorize the work, we can begin the surveying within the next two weeks. Action Item: Approve ARH's proposal for the engineering, surveying, and bidding of the 2018 Road Program, in the amount of \$22,870.

INFORMATIONAL ITEMS CURRENT/NEW PROJECTS

FY 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

Ms. Gatto forwarded a letter from Dennis Levinson, requesting Municipal representation at a meeting on February 20, 2018, to be held by the Atlantic County Urban County Committee. At this meeting, the Atlantic County Improvement Authority provided program information, applications for funding, and a timeline for the Program's implementation. The grant amounts are currently being determined, but the Borough can expect a funding amount typical of years past, which is \$15,000. Based on the CDBG history provided at this meeting, Folsom has a balance of \$24,496.67, and the 2018 allotment would give the Borough \$39,496.67 of available funds. It is my understanding that the Borough wishes to pursue the application submitted by the previous engineer in April 2017. According to Bob McGuigan at the ACIA, no additional application will be required to pursue the Penny Pot Park project. If the Borough wishes to use additional money to provide additional pieces of fitness equipment, a revised estimate would need to be provided. A letter would need to be submitted by the Borough clarifying their intentions as soon as possible.

FEMA FLOOD DAMAGE PREVENTION ORDINANCE UPDATES

The Borough Solicitor submitted the updated FEMA Flood Damage Prevention Ordinance to the NJDEP. The Ordinance was accepted by NJDEP on April 12, 2018. The ordinance is on the May 8, 2018 agenda for approval. This item will be removed from next month's report.

MASTER PLAN REEXAMINATION

Folsom

I attended the kick-off meeting with Mr. Lozuke, Ms. Gatto, members of the Borough Master Plan Subcommittee, and representatives from the Department of Community Affairs (DCA) Local Planning Services (LPS) division. Our office will provide support to this effort as needed. Currently, the LPS has requested information regarding the most current tax and zoning GIS information.

LEGACY PROJECTS

NJDOT MUNICIPAL AID PROGRAM: 14TH STREET

I met with Mike Crescenzo from Arawak Paving on April 24, 2018, to walk the road and discuss the numerous pavement defects. I sent them a letter outlining the issues and copied the Clerk and Solicitor. Arawak will repair the pavement using infrared restoration. According to Mr. Crescenzo, he is trying to schedule the work in the next few weeks.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM: BOROUGH HALL IMPROVEMENTS

The project is complete. As such, we have no objection to having Polistina handle the closeout procedures with the Atlantic County Improvement Authority.

8TH STREET BRIDGE REPAIR

This work is being performed by Atlantic County. According to Polistina, this work has been rescheduled numerous times. I am awaiting an update from the current County project manager.

DOLLAR GENERAL/DUNKIN DONUTS PROJECT

According to Polistina, it was agreed that they would finish the construction oversight and inspection of this project. It appears that the majority of the civil site work been completed. We have no objection to this arrangement, if desired by Mayor and Council.

MAYOR'S REPORT: Mayor DeStefano thanked Jake Blazer and the Green Team for securing a \$2,000.00 for the Community Garden. Mayor DeStefano updated Council on the Master Plan meeting. Mayor DeStefano reported that there will be another meeting next month followed by the public forum that will be posted on the website and Facebook. Mayor DeStefano wished everyone a Happy Mother's Day. Mayor DeStefano asked everyone to remember the fallen on Memorial Day.

Mayor DeStefano asked for a moment of silence for Hammonton resident Christopher Sacco.

COUNCIL MEMBER'S REPORTS:

Councilman Kyle Smith: reported that the Judge issued the final order in reference to the dams and lakes. Kyle also reported that there will be an election soon and the forty (40) nominations are already in. Kyle reminded residents that Community Day will be June 2 and National Night Out will be August 7. Kyle asked residents to come out and enjoy the ball games. Kyle wished everyone, including his Mother and Wife a Happy Mother's Day and a thank you to all the teachers. Kyle expresses his condolences to the Sacco and Staiger families on their losses.

Councilman Ken Jantz: asked all residents to follow the link on our website to report any street light outages.

Councilman Pagano: read the public works department report. Councilman Pagano asked everyone to remember all the fallen on Memorial Day and to go out and vote for that freedom that many sacrificed for. Ben wished everyone a Happy Mother's Day. God Bless to all the Mother's and Father's.

Councilman Arena: reported on damage to the picnic tables and park benches at Falcon's Nest. Charlie stated that he could not attend the Green Team meeting but will update Council next month.

Councilman Hoffman: reported that he will be attending the Folsom School Safety meeting on May 14, 2018 at the school. Jim stated that the Emergency Management Coordinators, Councilman Smith and Mayor DeStefano should attend next Monday. Councilman Hoffman reported that Mr. Chris Veneziani from Folsom School would like to meet with the Borough and the new Superintendent in the summer to review active shooter drills. Councilman Hoffman reported on the school board meeting. Councilman

Hoffman stated that he asked the school to consider hiring a guard or retired state trooper. Councilman Hoffman thanked Polistina & Assoc. for toping the last piece on 14th St and no cost to the Borough.

Councilman Schenker: thanked Tax Assessor Joe Ingemi for all his years of service and good luck in the future. Greg wished all the Mother's a Happy Mother's Day including his wife. Reminded residents if they attend any of the Memorial Day service events to show your appreciation. Greg wished his daughter a Happy 21st Birthday. Greg asked all the residents to please be patient with the chipping, the crew will be around.

PUBLIC COMMENTS OR QUESTIONS ON COUNCIL MEMBER REPORTS ONLY:

OPEN TO THE PUBLIC: Donna Sutts (15 E. Park Ave) questioned Councilman Pagano on his polling of residents with regards to the recycling containers and the decision to go with Option #1. Councilman Pagano explained that the decision made was the most cost effective for the Borough.

David Cappuccio (1440 Backline Rd.) questioned the paving job on 14th St. and who is responsible.

PAYMENT OF BILLS IN THE AMOUNT OF: \$285,763.18

A motion to approve payment was made by Councilman Hoffman and seconded by Councilman Smith

Councilman Jantz reported that \$240,000.00 of the bill list went to the County.

There was a roll call vote with ayes all.

Mayor DeStefano reminded the public that all other monthly reports are on file in the minute book and to please visit the Borough website with updated information along with the Folsom Borough Facebook Page.

The next regular meeting of Mayor and Council will be held on Tuesday, June 12, 2018 starting with the workshop meeting at 6:00 pm and continuing immediately thereafter with the regular meeting at Borough Hall, 1700 12th Street, Folsom, NJ.

With no other discussion the meeting was adjourned at 7:42PM.

Respectfully submitted,

Patricia M. Gatto
Municipal Clerk

