

**REGULAR MEETING
OF THE
ELMWOOD PARK MAYOR AND COUNCIL
APRIL 17, 2025
7:00P.M.**

1. CALL TO ORDER:

The Regular Meeting of the Mayor and Council of the Borough of Elmwood Park was called to order on Thursday, April 17, 2025 at 7:05 PM in the Council Chambers of the Municipal Building, 182 Market Street, Elmwood Park, New Jersey.

On Roll Call Councilmembers: Fasolo, Golabek, Saimson, Sheridan, Troisi and Council President Pellegrine. Also present were Mayor Colletti, Borough Administrator Foligno, Borough Clerk Shanee Morris, and Borough Attorney Kyle Trent.

2. PRAYER & FLAG SALUTE:

3. STATEMENT OF COMPLIANCE:

Whereas, Chapter 231 of the Public Laws of the State of New Jersey requires at the commencement of every meeting a Statement of Compliance be read by the presiding officer.

Now, Therefore Be Advised, that the meeting requirements for this meeting have been met by publishing a special meeting notice in The Record and Herald News and by posting such notice in the office of the Borough Clerk as well as in a public place within the Municipal Building, and by notifying interested citizens. Said notice was posted and transmitted on January 3, 2025 and published on January 8, 2025.

4. APPROVAL OF MINUTES:

A motion was made by Council President Pellegrine and seconded by Councilwoman Sheridan to approve the March 6, 2025 Special Executive, Work Session and Executive Session. As well as the March 20, 2025 Special Executive Session, Regular Meeting and Executive Session. Motion carried by members present.

5. PROCLAMATION: ELKS YOUTH WEEK

Mayor Colletti read the proclamation announcing Elks Youth Week and presented to the members present from the Elks Club. Diane from the Elks Club then gave a background of the services they offer.

6. BUDGET HEARING:

A motion was made by Council President Pellegrine and seconded by Councilwoman Troisi to open to the public. The Council had C.F.O Roy Riggittano and Auditor Paul Lerch speak on the budget first before having members of the public come forward with their questions. They explained the amendment which decrease the amount that would increase per household. The Council then asked a few questions. No one from the public wished to speak.

R-123-25	Ordinance #25-06 to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank
R-124-25	Amend the 2025 Municipal Budget
R-125-25	Adoption of the 2025 Municipal Budget

7. ORDINANCES: FIRST READING

R-126-25 Introduce Ord. #25-09

AN ORDINANCE AMENDING SECTION 7-20 (“STOP INTERSECTIONS”) TO ADD STOP SIGNS ON GROVE STREET AT VIVINEY STREET.

R-127-25 Introduce Ord. #25-10
AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF ELMWOOD PARK CODE OF ORDINANCES TO REPEAL CHAPTER 28 (FLOOD DAMAGE PREVENTION); TO ADOPT A NEW CHAPTER 28; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

SECOND READING

R-128-25 Re-Introduce Ord. #25-01
AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO ESTABLISH THE WATER DEPARTMENT OF THE BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY, TO FIX THE RATES AND PRICES TO BE CHARGED FOR THE USE OF WATER AND ESTABLISH RULES AND REGULATIONS FOR THE DISTRIBUTION, SUPPLY, USE AND PROTECTION OF SAID WATER AND PENALTIES FOR THE VIOLATION OF CERTAIN SAID RULES AND REGULATIONS.

R-129-25 Introduce Ord. #25-07
BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$285,000 FOR THE INSTALLATION OF A SYNTHETIC TURF ATHLETIC FIELD AT BOROUGH PARK IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

R-130-25 Introduce Ord. #25-08
AN ORDINANCE AMENDING SECTION 7-19 (“THROUGH STREETS”) TO ADD STOP SIGNS TO EAST 55TH STREET.

8. CONSENT AGENDA:

R-131-25	Approval of Payroll
R-132-25	Approval of Bills List
R-133-25	Pump Station Emergency
R-134-25	Resolution Authorizing Tax Exemption for Disabled Veteran 42 Donor Avenue AKA Block 208 Lot 22
R-135-25	Resolution to Redeem Third Party Tax Lien
R-136-25	Resolution to Refund Tax Exempt Veteran
R-137-25	Authorize Release of Escrow
R-138-25	Authorize Recreation Department Refund
R-139-25	Authorizing the Mayor to Execute an Agreement with Somerset County Cooperative Pricing System
R-140-25	Award of Contract for Fire Department Consultant Services
R-141-25	Resolution for Firearm Permit Investigations Stipend
R-142-25	Award of Bid – 2024 Road Program
R-143-25	Grantee Authorizing Resolution Bergen County Open Space – Borough and English Avenue: Dugouts, Chain-Link Fencing & Benches
R-144-25	Hold Harmless for Parking of Borough Vehicles at 179 Market Street
R-145-25	Continued Maintenance of 30 Cole Street
R-146-25	Elected Officials’ Revised Participation at Public Meetings Using Electronic Device

- R-147-25 Removal of Inderpreet Singh from the Elmwood Park Fire Department
- R-148-25 Removal of Robert Bruce, SR. From the Elmwood Park Fire Department
- R-149-25 Removal of Evan Tart from the Elmwood Park Fire Department
- R-150-25 Approve Handicap Parking Space - Orchard Street
- R-151-25 Approve Handicap Parking Space – Palsa Avenue
- R-152-25 Authorize Coin Toss Events - Defender Company no.4
- R-153-25 Hiring Employees to Staff the Elmwood Park Emergency Medical Service Unit
- R-154-25 Resolution to Approve the Consent Agenda

9. DEPARTMENTAL REPORTS:

A motion was made by Council President Pellegrine and seconded by Councilman Fasolo to accept the Library Board Meeting Minutes from January 27, 2025 & February 24, 2025 and the Board of Health Meeting Minutes from February 10, 2025. Motion carried unanimously.

10. COUNCIL REPORTS:

11. MAYOR’S REPORT:

12. PUBLIC HEARING:

13. EXECUTIVE:

14. ADJOURNMENT:

A motion was made by Council President Pellegrine and seconded by Councilman Saimson to open the floor for public comment. Motion carried unanimously. No one from the public wished to be heard. Mayor Colletti closed the public portion.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-123-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN SAIMSON
INTRODUCE ORDINANCE #25-06
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

**CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

WHEREAS, said ordinance was introduced and passed at a meeting held on Thursday, March 20, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

**CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

pass on final reading.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo		X			Sheridan	X			
Golabek		X			Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-06**

**CALENDAR YEAR 2025 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

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

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

WHEREAS, the Mayor and Council of the Borough of Elmwood Park in the County of Bergen finds it advisable and necessary to increase its CY 2025 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$925,617 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Elmwood Park in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2025 budget year, the final appropriations of the Borough of Elmwood Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$925,617, and that the CY 2025 municipal budget for the Borough of Elmwood Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

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

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

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

APPROVED: _____

Introduced: March 20, 2025
Adopted: April 17, 2025

Councilman Fasolo mentioned the change being made because of the few Councilmembers that voiced their concern. The Mayor and Council had a brief discussion.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-124-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN SAIMSON**

AMEND THE 2025 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2025 was approved on the 17th day of April, 2025, and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Elmwood Park, Bergen County, that the following amendments to the approved budget of 2025 be made:

	<u>From</u>	<u>To</u>
General Revenues		
1. Surplus Anticipated		
Surplus Anticipated	\$ 5,185,000	\$ 5,285,000
2. Total Surplus Anticipated	5,185,000	5,285,000
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated With Prior Consent of Director of Local Government Services Other Special Items:		
Utility Operating Surplus of Prior Year	2,300,000	2,381,000
Total Section G: Special Items of General Revenue Anticipated With Prior Consent of Director of Local Government Services Other Special Items	5,193,314	5,274,314
6. Amount to be Raised by Taxation for Support of Municipal Budget:		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	23,802,407	23,621,407
Total Amount to be Raised by Taxes for Support of Municipal Budget	24,879,580	24,698,580
General Appropriations		
(A) Operations - within "CAPS"		
Solid Waste Collection:		
Contract - Collections - Solid Waste/Tipping Fees	1,529,891	1,373,846
Total Operations {Item8(A)} within "CAPS"	23,666,796	23,510,751
Total Operations Including Contingent - within "CAPS"	23,666,796	23,510,751
Total Operations Including Contingent - within "CAPS"		
Detail:		
Other Expenses (Including Contingent)	10,764,855	10,608,810
(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	27,588,970	27,432,925
(A) Operations - Excluded from "CAPS"		
Garbage Contract	270,109	426,154
Total Other Operations - Excluded from "CAPS"	6,015,337	6,171,382
Total Operations - Excluded from "CAPS"	6,646,152	6,802,197
Detail:		
Other Expenses	6,262,709	6,418,754
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	9,714,529	9,870,574
(O) Total General Appropriations - Excluded from "CAPS"	9,714,529	9,870,574

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of the Division of Local Government Services for certification of the 2025 local municipal budget so amended.

It is hereby certified that this is a true copy of a resolution amending the budget, approved by the Governing Body on the 17th day of April, 2025.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo		X			Sheridan	X			
Golabek		X			Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

Councilman Golabek made a statement in reference to the time spent on discussing the budget and how things are usually done. The Mayor and Council then briefly discussed.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-125-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN SAIMSON**

ADOPTION OF THE 2025 MUNICIPAL BUDGET

BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park, in the County of Bergen, State of New Jersey hereby adopt the 2025 Municipal Budget set forth herein and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization in the amount of \$23,621,407.00 for municipal purposes:

RESOLUTION

Borough

COUNCIL MEMBERS

Be it Resolved by the

of ELMWOOD PARK, County of BERGEN, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$	23,621,407.00	(Item 2 below) for municipal purposes, and
(b) \$	-	(Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) \$	-	(Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in

Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \$ _____ - _____ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

(c) \$	-
(e) \$	-

(f) \$	1,077,173.00	(Item 5 Below) Minimum Library Tax
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RECORDED VOTE

(Insert last name)

Ayos

Nays

Abstained

Absent

1. General Revenues

Summary of Revenues					
	Surplus Anticipated			08-100	\$ 5,285,000.00
	Miscellaneous Revenues Anticipated			13-099	\$ 9,159,919.00
	Receipts from Delinquent Taxes			15-499	\$ 550,000.00
2.	AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)				
3.	AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:				
	Item 6, Sheet 42		07-185 \$	-	
	Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)		07-191 \$	-	
4.	TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:				
	To Be Added to the Certificate for the Amount To Be Raised by Taxation for Schools in Type II School Districts Only:				\$ -
5.	AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX				
	Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)			07-191	\$ 1,077,173.00
	Total Revenues			07-192	\$ 39,693,499.00
				13-299	\$

Sheet 41

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:		XXXXXX	XXXXXXXXXXXXXX
Within "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent		34-201	\$ 23,510,751.00
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	\$ 3,922,174.00
(g) Cash Deficit		46-885	\$ -
Excluded from "CAPS"		XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"		34-305	\$ 6,802,197.00
(c) Capital Improvements		44-999	\$ 360,000.00
(d) Municipal Debt Service		45-998	\$ 2,484,112.00
(e) Deferred Charges - Municipal		46-999	\$ 224,265.00
(f) Judgments		37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)		29-405	\$ -
(g) Cash Deficit		46-885	\$ -
(k) For Local District School Purposes		29-410	\$ -
(m) Reserve for Uncollected Taxes		50-899	\$ 2,390,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)		07-195	
Total Appropriations		34-499	\$ 39,693,499.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 17th day of April, 2025. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2025 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 17th day of April, 2025, _____, Clerk
Signature

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer
April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo		X			Sheridan	X			
Golabek		X			Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-126-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILWOMAN TROISI**

**RE-INTRODUCE ORDINANCE #25-09
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE AMENDING SECTION 7-20 (“STOP INTERSECTIONS”) TO ADD STOP SIGNS ON GROVE STREET AT VIVINEY STREET.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, May 15, 2025 at 7:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT FURTHER RESOLVED, that the Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-09**

AN ORDINANCE AMENDING SECTION 7-20 (“STOP INTERSECTIONS”) TO ADD STOP SIGNS ON GROVE STREET AT VIVINEY STREET.

BE IT ORDAINED by the Mayor and Council of the Borough of Elmwood Park, in the County of Bergen,
as follows:

SECTION 1. Amendment to Code Section 7-20 (“STOP INTERSECTIONS”)

Borough Code Section 7-20 (“STOP INTERSECTIONS”) be and hereby is amended and supplemented to add the following language:

Intersection	Stop sign(s) on:
Grove Street and Viviney Street	Grove Street

SECTION 2. Repealer

All Ordinances and parts thereof conflicting herewith be, and the same hereby are, repealed.

SECTION 3. Severability

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

SECTION 4. Effective Date

This Ordinance shall be effective upon passage and publication as required by law.

ATTEST: _____

Shanee Morris, RMC, CMR
Borough Clerk

APPROVED: _____

Robert Colletti, Mayor

Introduced: April 17, 2025

Adopted:

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-127-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN FASOLO**

**INTRODUCE ORDINANCE #25-10
FIRST READING**

BE IT RESOLVED, that an ordinance entitled:

AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF ELMWOOD PARK CODE OF ORDINANCES TO REPEAL CHAPTER 28 (FLOOD DAMAGE PREVENTION); TO ADOPT A NEW CHAPTER 28; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

be passed and adopted on first reading; and

BE IT RESOLVED, that a final hearing on said ordinance will be heard in the Municipal Building on Thursday, May 15, 2025 at 7:00PM or as soon thereafter as same can be heard, at which time any persons interested in said ordinance can be heard;

BE IT FURTHER RESOLVED, that the Borough Clerk be, and she is hereby authorized to advertise in a legal newspaper a notice of introduction and final hearing as required by law.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-10**

AN ORDINANCE BY THE MAYOR AND COUNCIL AMENDING THE BOROUGH OF ELMWOOD PARK CODE OF ORDINANCES TO REPEAL CHAPTER 28 (FLOOD DAMAGE PREVENTION); TO ADOPT A NEW CHAPTER 28; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

WHEREAS, the Borough of Elmwood Park was accepted for participation in the National Flood Insurance Program on November 15, 1979 and the Mayor and Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of

Borough of Elmwood Park that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS

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

SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s): CHAPTER 28 (FLOOD DAMAGE PREVENTION)

SECTION 101 SCOPE AND ADMINISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 102 APPLICABILITY

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

102.2 Establishment of Flood Hazard Areas. The Borough of Elmwood Park was accepted for participation in the National Flood Insurance Program on November 15, 1979.

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

restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the Construction Official, 182 Market Street, Elmwood Park, NJ.

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

1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study – Bergen County, New Jersey (All Jurisdictions)” dated August 28, 2019 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose top level document (appendix map) effective date is August 28, 2019 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34003C0167	2019-08-28	H			
34003C0169	2019-08-28	H			
34003C0186	2019-08-28	H			
34003C0188	2019-08-28	H			

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

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34003C0169J	2014-08-29		
34003C0188J	2014-08-29		

3) **Other Best Available Data.** The Borough of Elmwood Park shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Elmwood Park. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as

identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Passaic River	AB000027p	27P
Passaic River	AB000201p	
Passaic River	FA000050p	02P
Passaic Rv Trib	AB000018	54
Passaic Rv, Wabash Bk, Weasel Bk	FA000012	1
Passaic Rv	FA000018	21
Passaic Rv	FA000019	22
Passaic Rv	FA000027	22
Saddle Rv	SUPPXIII07	4

102.3 Establishing the Local Design Flood Elevation (LDFE).

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

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

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

0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

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

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

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

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

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.

- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
- (13) Cite violations in accordance with Section 108 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of Borough of Elmwood Park have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

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

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

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

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

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

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

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-

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

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

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

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

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

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

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

103.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of

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

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

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 101.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

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

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

SECTION 104 PERMITS

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

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

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

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

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

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

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

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

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

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

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

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

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

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

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

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

SECTION 106 INSPECTIONS

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

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

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

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

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

SECTION 107 VARIANCES

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

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

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

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

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

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.

- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8)
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (10) 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.
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

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

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

SECTION 108 VIOLATIONS

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

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

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

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

SECTION 201 DEFINITIONS

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

201.2 Definitions

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

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

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

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

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

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

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

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary

storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

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

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

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

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

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

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

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

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

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

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in

the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

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

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

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

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

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

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

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

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

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

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

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

FLOOD OR FLOODING

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

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

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

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

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

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

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

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

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

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

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

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

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved State program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in States without approved programs.

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

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

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

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

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

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

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

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

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

LOCAL DESIGN FLOOD ELEVATION (LD FE) – 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 LD FE 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 tax assessor’s office, or (3) established by a qualified independent appraiser.

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

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

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

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a

light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

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

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

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

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

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

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of

the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

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

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

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

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

SECTION 401 SITE IMPROVEMENT

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

401.1.1 Prohibited in floodways. The following are prohibited activities:

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

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

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

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

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

401.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the

requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

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

SECTION 501 MANUFACTURED HOMES

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

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

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

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

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

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

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

SECTION 601 RECREATIONAL VEHICLES

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

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

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

SECTION 701 TANKS

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

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

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

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities,

elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or

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

1. Meets the requirements of ASCE 24 Chapters 2 and 7; and

2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.

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

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

iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;

v. Be constructed to meet the requirements of ASCE 24 Chapter 2;

vi. Have openings documented on an Elevation Certificate; and

vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C. 7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.

2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;

3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

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

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

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

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

801.7 Roads and watercourse crossings.

(1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.

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

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

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

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

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

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

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

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

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

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

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

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

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

SECTION 3. SEVERABILITY.

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

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as required by law.

ATTEST: _____	APPROVED: _____
Shanee Morris, RMC, CMR	Robert Colletti, Mayor
Borough Clerk	

Introduced: April 17, 2025

Adopted:

A motion was made by Council President Pellegrine and seconded by Councilman Saimson to open the floor for public comment. Motion carried unanimously. No one from the public wished to be heard. Mayor Colletti closed the public portion.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-128-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN SAIMSON**

**INTRODUCE ORDINANCE #25-01
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO ESTABLISH THE WATER DEPARTMENT OF THE BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY, TO FIX THE RATES AND PRICES TO BE CHARGED FOR THE USE OF WATER AND ESTABLISH RULES AND REGULATIONS FOR THE DISTRIBUTION, SUPPLY, USE AND PROTECTION OF SAID WATER AND PENALTIES FOR THE VIOLATION OF CERTAIN SAID RULES AND REGULATIONS.

was re-introduced and passed at a meeting held on Thursday, March 20, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO ESTABLISH THE WATER DEPARTMENT OF THE BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY, TO FIX THE RATES AND PRICES TO BE CHARGED FOR THE USE OF WATER AND ESTABLISH RULES AND REGULATIONS FOR THE DISTRIBUTION, SUPPLY, USE AND PROTECTION OF SAID WATER AND PENALTIES FOR THE VIOLATION OF CERTAIN SAID RULES AND REGULATIONS.

pass on final reading.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo		X			Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-01**

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE TO ESTABLISH THE WATER DEPARTMENT OF THE BOROUGH OF ELMWOOD PARK, BERGEN COUNTY, NEW JERSEY, TO FIX THE RATES AND PRICES TO BE CHARGED FOR THE USE OF WATER AND ESTABLISH RULES AND REGULATIONS FOR THE DISTRIBUTION, SUPPLY, USE AND PROTECTION OF SAID WATER AND PENALTIES FOR THE VIOLATION OF CERTAIN SAID RULES AND REGULATIONS.

WHEREAS, due to an aggregate 10% increase in water consumption from bulk water supplier, Passaic Valley Water Commission, the following is necessary;

BE IT ORDAINED, by the Mayor and Council, of the Borough of Elmwood Park as follows:

Section 1: A fixed charge known as “the service charge,” will be made to each Consumer for each meter based on the size of the meter or connection regardless of the amount of water consumed as follows:

5/8 in. Meter (average 1 and 2 family homes)	\$68.48
¾ in. Meter	\$77.08
1 in. Meter	\$82.16
1 ½ in. Meter	\$88.98
2 in. Meter	\$90.71
3 in. Meter	\$129.99
4 in. Meter	\$153.92
6 in. Meter	\$198.29
Flush tank connection	\$63.32

Section 2: The following water rates and changes are hereby established for water supplied by the Department.

The minimum quarterly bill for metered service shall be “the service charge” entitling the consumer to 5,000 gallons of water per quarter. All water supplied through meters in excess of the minimum quarterly bill, shall be charged to each consumer at the rate of:

- \$7.57 per 1,000 gallons over 5,000 gallons
- \$8.94 per 1,000 gallons over 70,000 gallons
- \$9.29 per 1,000 gallons over 150,000 gallons
- \$9.99 per 1,000 gallons over 300,000 gallons

3 in. Service	\$273.83
4 in. Service	\$427.19
6 in. Service	\$783.13
8 in. Service	\$1229.99
10 in. Service	\$1533.44
12 in. Service	\$2053.74

The above schedule for stand by fire line and/or sprinkler connections shall be quarterly charges upon presentation of proper bills from the Water Department of the Borough of Elmwood Park.

Section 3:

The following are hereby established as charges for the installation, repair, replacement and other charges in connection with the operation of the Water Department of the Borough of Elmwood Park:

Turn on charge for non-payment of Water Bill \$200.82

Water Meter Test (if meter found defective, waive fee)

Depends on meter size and fees shall be charged at actual current cost for labor and material incurred by the Water Department of the Borough of Elmwood Park and/or Passaic Valley Water Commission.

- A. Construction Water:
 - One family dwelling per day.....\$75.37
 - Two family dwelling per day.....\$87.93
 - B. Water Connection.....\$402.59
 - C. Hydrant Water:
 - Flat rate per day.....\$75.37
 - D. Certified mailing, each occurrence.....\$25.00
 - E. Residential Meters: (5/8 in. – 1 in.)
 - Re-install meter
 - Register face
 - New dial
 - Broken glass
 - New bottom
 - New disc
 - New register
- Installation, replacement, and repair of existing meters shall be charged at actual current cost for labor and material incurred by the Water Department of the Borough of Elmwood Park and/or Passaic Valley Water Commission.
- F. All commercial users having meters in excess of 3/4” must have them in working order at all times. In the event said meter is inoperative, and no attempt is made for repair/replacement of same, the existing estimated bill shall be tripled the existing estimated rate, upon the effective date of this ordinance. In the event no meter in excess of 3/4” exist, in addition to the tripled estimated bill, the landlord shall be required to purchase and install same upon written order of the Superintendent of Public Works.

Section 4: “In the event that payment for water charges is in arrears for 30 days from date of billing, the Borough shall send a delinquent notice regular mail, to the owner, occupier, user or responsible party being billed. After 60 days, a door tag shall be hand delivered to terminate water service. On the 67th day of non-payment from date of billing, water service will be terminated and not reinstated until all fees, penalties, are paid in full in cash.

\$200.82 turn on fee is made to the Borough of Elmwood Park.

Section 4b: “In the event that water charges are in the arrears, after 60 days, a door tag will be hand delivered to terminate water service and a fee of \$40.00 will be assessed on to the delinquent water bill.

Section 5: All unpaid water charges as of 12/31 of the present year shall become a Tax Lien on said premises

Section 6: All ordinance or parts of ordinances inconsistent with or in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. This shall take effect after final passage and publication as required by law.

Section 7: All billings as of February 1, 2025 and thereafter will be subject to said rate.

ATTEST: _____

Shanee Morris, RMC, CMR
Borough Clerk

APPROVED: _____

Robert Colletti, Mayor

Introduced: January 23, 2025

Tabled: February 20, 2025

Re-Introduced: March 20, 2025

Adopted: April 17, 2025

A motion was made by Council President Pellegrine and seconded by Councilman Fasolo to open the floor for public comment. Motion carried unanimously. No one from the public wished to be heard. Mayor Colletti closed the public portion.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-129-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN FASOLO**

**INTRODUCE ORDINANCE #25-07
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$285,000 FOR THE INSTALLATION OF A SYNTHETIC TURF ATHLETIC FIELD AT BOROUGH PARK IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

was introduced and passed at a meeting held on Thursday, March 20, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$285,000 FOR THE INSTALLATION OF A SYNTHETIC TURF ATHLETIC FIELD AT BOROUGH PARK IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

pass on final reading.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-07**

BOND ORDINANCE TO APPROPRIATE AN ADDITIONAL SUM OF \$285,000 FOR THE INSTALLATION OF A SYNTHETIC TURF ATHLETIC FIELD AT BOROUGH PARK IN, BY AND FOR THE BOROUGH OF ELMWOOD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH ADDITIONAL APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

WHEREAS, the Borough Council of the Borough of Elmwood Park has heretofore authorized the installation of a synthetic turf athletic field at Borough Park in, by and for said Borough, and appropriated the aggregate sum of \$3,160,000 therefor pursuant to ordinance no. 23-07 adopted by the Borough Council of said Borough on March 16, 2023, as supplemented by ordinance no. 23-28 adopted by the Borough Council of said Borough on September 21, 2023; and

WHEREAS, the Borough Council now finds and determines that the additional sum of \$285,000 is required for such improvement, NOW, THEREFORE,

BE IT ORDAINED by the Borough Council of the Borough of Elmwood Park, in the County of Bergen, New Jersey (the "Borough"), as follows:

Section 1. The additional sum of \$285,000 is hereby appropriated to the payment of the cost of the improvement authorized by ordinance no. 23-07 adopted by the Borough Council of the Borough on March 16, 2023, as supplemented by ordinance no. 23-28 adopted by the Borough Council of the Borough on September 21, 2023 (collectively the "Prior Ordinance"). Said additional appropriation shall be met from the down payment appropriated and from the proceeds of the sale of the bonds authorized by this ordinance. Said improvement has been and shall be made as a general improvement and no part of the cost thereof has been nor shall be assessed against property specially benefited.

Section 2. It is hereby determined and stated that (1) the making of such improvement (hereinafter referred to as "purpose") is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law"), and (3) the estimated cost of said purpose authorized by the Prior Ordinance is \$3,445,000, including the sum of \$3,160,000 appropriated by the Prior Ordinance and the \$285,000 appropriated by this ordinance, and (4) \$474,000 of said sum is to be provided by the down payment, including the \$460,000 appropriated by the Prior Ordinance and the \$14,000 hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$2,971,000, including the \$2,700,000 authorized by the Prior Ordinance and the \$271,000 hereinafter authorized, and (6) the cost of such purpose includes the aggregate amount of \$320,000, including the sum of \$300,000 stated in the Prior Ordinance and the sum of \$20,000 hereby stated, which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 3. It is hereby determined and stated that moneys exceeding \$14,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purpose. The sum of \$14,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 4. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding \$271,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$271,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of ten years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$271,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by the Local Bond Law.

Section 9. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The Borough intends to issue the bonds or notes to finance the cost of the improvement authorized by the Prior Ordinance and described herein. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 11. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 12. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

APPROVED: _____
Robert Colletti, Mayor

Introduced: March 20, 2025
Adopted: April 17, 2025

A motion was made by Council President Pellegrine and seconded by Councilwoman Sheridan to open the floor for public comment. Motion carried unanimously. No one from the public wished to be heard. Mayor Colletti closed the public portion.

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-130-25**

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN FASOLO**

**INTRODUCE ORDINANCE #25-08
SECOND READING**

WHEREAS, a public notice has been given by the Borough Clerk that an ordinance entitled:

**AN ORDINANCE AMENDING SECTION 7-19 (“THROUGH STREETS”) TO ADD STOP
SIGNS TO EAST 55TH STREET**

was introduced and passed at a meeting held on Thursday, March 20, 2025 and that further consideration of this ordinance would be taken up at this meeting; and

WHEREAS, all persons interested in said ordinance were given an opportunity to be heard concerning the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that an ordinance entitled:

**AN ORDINANCE AMENDING SECTION 7-19 (“THROUGH STREETS”) TO ADD STOP
SIGNS TO EAST 55TH STREET**

pass on final reading.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO.: 25-08**

**AN ORDINANCE AMENDING SECTION 7-19 (“THROUGH STREETS”) TO ADD STOP
SIGNS TO EAST 55TH STREET**

BE IT ORDAINED by the Mayor and Council of the Borough of Elmwood Park, in the County of Bergen,
as follows:

SECTION 1. Amendment to Code Section 7-19 (“THROUGH STREETS”)

Borough Code Section 7-19 (“THROUGH STREETS”) be and hereby is amended and supplemented to
add the following language:

Name of Street	Limits
East 55th Street	Between 13th Avenue and 18th Avenue

SECTION 2. Repealer

All Ordinances and parts thereof conflicting herewith be, and the same hereby are, repealed.

SECTION 3. Severability

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

SECTION 4. Effective Date

This Ordinance shall be effective upon passage and publication as required by

ATTEST: _____

Shanee Morris, RMC, CMR
Borough Clerk

APPROVED: _____

Robert Colletti, Mayor

Introduced: March 20, 2025

Adopted: April 17, 2025

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-131-25**

**CONSENT AGENDA
RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

APPROVAL OF PAYROLL

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the following payrolls be approved for payment:

APPROVAL OF PAYROLL						
	PAY DATE	CHECK	GROSS PAYROLL	SOCIAL SECURITY	DCRP	WC
CURRENT	3/28/2025	91666	527,990.84	\$20,721.39	2209.86	0
WATER		1774	14,646.98	\$660.00		
RAP		5265	130.31			
PUBLIC DEFENDER		106	251.77			
TOTAL PAYROLL	\$566,611.15					

	PAY DATE		GROSS PAYROLL	SOCIAL SECURITY	DCRP	WC
CURRENT	4/11/2025	91763	501,101.38	\$20,288.68	2221.28	0
WATER		1782	15,083.35	\$679.00		
RAP		5266	130.31			
PUBLIC DEFENDER		107	251.77			
TOTAL PAYROLL	\$539,755.77					

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-132-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

APPROVAL OF BILLS LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the following Bills List be approved for payment:

	BILL LIST - 4/17/25	
AS PER ATTACHED COMPUTER LIST 3/21 - 4/16/2025		
CURRENT -	\$6,026,470.44	
RECREATION -	\$5,867.28	
CAPITAL BUDGET -	\$36,130.15	
WATER BUDGET -	\$445,634.32	
RAP -	\$645.41	
LIEN REDEMPTION -	\$109,460.66	
UNEMPLOYMENT TRUST -	\$0.00	
ESCROW -	\$4,430.30	
PUBLIC DEFENDER -	\$503.54	
SUBTOTAL WITH PAYROLL -	\$6,629,142.10	
PAYROLL TOTAL -	\$1,106,366.92	
TOTAL WITHOUT PAYROLL -	\$5,522,775.18	
AS PER ATTACHED COMPUTER LIST 4/17/2025		
CURRENT -	\$347,485.00	
RECREATION -	\$1,119.95	
CAPITAL FUND	\$0.00	
WATER OPERATING	\$29,364.43	
WATER CAPITAL	\$0.00	
RAP -	\$300.52	
LIEN REDEMPTION	\$44,531.46	
DOG LICENSE BUDGET -	\$70.80	
UNEMPLOYMENT TRUST	\$495.08	
ESCROW	\$680.97	
SUBTOTAL	\$424,048.21	
TOTAL WITHOUT PAYROLL	\$5,946,823.39	

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-133-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

PUMP STATION EMERGENCY

WHEREAS, the Pump Station has failed and is in need of immediate remedy to continue to keep the residents of Elmwood Park safe, secured, and;

WHEREAS, Pumping Services Inc, 201 Lincoln Boulevard, Middlesex, NJ 08846 has submitted a written quote for the emergency work at a cost not to exceed 27,000 and;

WHEREAS the Chief Financial Officer will certify the availability of funds through a General Capital Bond Ordinance 2023-23 for the necessary repairs of the pump station and;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Elmwood Park, County of Bergen hereby authorizes Pumping Services, Inc. to immediately secure the pump station, and make necessary repair to said station.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-134-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**RESOLUTION AUTHORIZING TAX EXEMPTION FOR DISABLED VETERAN
42 DONOR AVENUE AKA BLOCK 208 LOT 22**

WHEREAS, Kevin China has submitted an application to the Tax Assessor for approval for a Tax Exemption on His Dwelling House located at 42 Donor Avenue AKA Block 208 Lot 22; and

WHEREAS, upon receipt of said application the Tax Assessor has reviewed said application and has determined that Kevin China’s application for exemption was complete in submission and has met all the requirements set forth in NJSA 54:4-30 et seq.; L.1948, c259 as amended and therefore is fully qualified and has approved Kevin China’s for exemption from property tax on his dwelling beginning 3/19/2025 subject to approval from governing body approval.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council that Kevin China’s request be approved for tax exemption on his dwelling located at 42 Donor Avenue effective 3/19/2025.

BE IT FURTHER RESOLVED that the Mayor and Council authorize the Tax Collector to cancel and refund any previously remitted payment for the 2025 tax year for a prorated amount of the 1st quarter taxes from 3/19/2025 and exempting the property going forward from that date.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-135-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**RESOLUTION TO REDEEM
THIRD PARTY TAX LIEN**

WHEREAS, Lori Sproviero, Tax Collector, has advised that payment has been received in the amount of \$28,476.46 to redeem TTL # 23-00011 and subsequent taxes on Block 1703 Lot 2, located at 200 Roosevelt Avenue, within the Borough of Elmwood Park and;

WHEREAS, Clemente Enterprises LLC is holder of said Tax Sale Certificate TTL # 23-00001 and is therefore entitled to payment of \$28,531.46, and;

WHEREAS, the lienholder also paid a premium at the time of purchase and is entitled to a refund of same in the amount of \$ 16,000.00

NOW THEREFORE BE IT RESOLVED, by the Governing Authority of the Borough of Elmwood Park, County of Bergen, State of New Jersey to issue a check in the amount of \$28,531.46 and \$16,000.00 payable to the above-named lienholder, representing the redemption amount of said Certificate.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:

Shanee Morris, RMC, CMR

Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR

Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-136-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**RESOLUTION TO REFUND
TAX EXEMPT VETERAN**

WHEREAS Tax Collector, Lori Sproviero, has been advised Joseph Filan Tax Exempt Veteran owner of Block 1105 Lot 1.263 located at 263 Cory Lane within the Borough of Elmwood Park, is due a refund in excess of the amount due for the 2025 1st quarter in the amount of \$1,872.09 and

WHEREAS, the application of this payment resulted in an overpayment in an amount of \$ \$1,872.09 for 2025 and

WHEREAS, Joseph Filan – Tax Exempt Veteran requests a refund of the over payment as the amount represents taxes beyond the amount due and therefore due a refund for the said amounts,

NOW, THEREFORE, BE IT RESOLVED by the Governing Authority of the Borough of Elmwood Park, County of Bergen, State of New Jersey that approval be granted to issue a check in the amount of \$ 1,872.09.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-137-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

AUTHORIZE RELEASE OF ESCROW

WHEREAS, Account 776 554 9440 (15-2000-06-3130-003) balance \$9,652.83.00 for a total of \$9,652.83

WHEREAS, the engineer has expressed, the project is complete and;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, Borough of Elmwood Park, County of Bergen, hereby authorizes the Chief Financial Officer to issue a check from the above escrow accounts for \$9,652.83 payable to PSE&G Plauderville Substation 91 Midland Ave Block 1810 Lot 3.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-138-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

AUTHORIZE RECREATION DEPARTMENT REFUND

WHEREAS, a request has been made by the Recreation Department to approve the following refund;

<u>Payable to:</u>	<u>Amount</u>
Melanio Bautista	\$40.00
11 Bellevue Avenue	
Elmwood Park, NJ	

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the above-listed refund be and is hereby approved.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:

Shanee Morris, RMC, CMR

Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR

Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-139-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SOMERSET COUNTY
COOPERATIVE PRICING SYSTEM**

WHEREAS, the Borough of Elmwood Park desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective April 18, 2025 and, that such membership shall be for the period ending December 31, 2028 and each renewal, thereafter of the system, unless elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Elmwood Park agrees to authorize the Mayor and Borough Clerk to execute the attached agreement for such membership.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-140-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

AWARD OF CONTRACT FOR FIRE DEPARTMENT CONSULTANT SERVICES

WHEREAS, the need has arisen for consultant services related to operations of the Elmwood Park Fire Department including advice as to Borough policy, ordinances, and related matters; and

WHEREAS, the Emerald Isle Group, Brian McDermott, President, currently provides these services to the Borough and possesses the experience and expertise to provide the Fire Department Consultant Services required by Elmwood Park under the bidding threshold; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the award of a consultant contract to the Emerald Isle Group, Brian McDermott, President, to provide 32 hours of consulting services per month, not to exceed \$3,333.33 per month and \$40,000 in aggregate during the period of April 1, 2025, to September 30, 2025; and

BE IT FURTHER RESOLVED that Mayor and Council do hereby authorize the Business Administrator to execute a professional services agreement on behalf of the Borough of Elmwood Park.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo			X		Sheridan	X			
Golabek	X				Troisi			X	
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-141-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

RESOLUTION FOR FIREARM PERMIT INVESTIGATIONS STIPEND

WHEREAS, the Elmwood Park Police Department has a need for a qualified individual to conduct firearm permit investigations due to a leave of absence during the period of May 1, 2025, through November 30, 2025; and

WHEREAS, Frank Thorpe previously performed these duties for the Elmwood Park Police Department and is willing to conduct these investigations for a \$500 per month stipend; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that Frank Thorpe shall receive a \$500 per month stipend for conducting the Elmwood Park Police Department’s firearm permit investigations for the period of May 1, 2025, through November 30, 2025.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-142-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

AWARD OF BID – 2024 ROAD PROGRAM

WHEREAS, the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey solicited bid proposals for the Elmwood Park 2024 Road Program; and

WHEREAS, the Bid Opening Committee did receive 10 bids pursuant to the advertisement for the above project; and

WHEREAS, the proposals were opened on Tuesday, March 11, 2025 and the results are as follows;

<u>Contractors</u>	<u>Bid</u>	<u>Alternate Bid</u>
D.L.S Contracting Inc.	\$774,968.75	\$809,968.75
Marini Brothers Construction Co. Inc.	\$801,508.75	\$836,508.75
D&L Paving Contractors, Inc.	\$797,690.42	\$827,690.42
AJM Contractors	\$785,512.50	\$851,762.50
4 Clean-Up	\$813,276.75	\$845,776.75
Stanzial Construction	\$859,149.50	\$884,149.50
Cifelli & Son General Contractors	\$787,994.50	\$797,994.50
KM Construction Corp	\$797,815.00	\$807,815.00
Smith Sondy	\$881,456.86	\$897,815.00
La Forza Construction LLC.	\$799,837.50	\$827,337.50

WHEREAS, the bids submitted have been reviewed by the Borough Attorney and Borough Engineer and are in compliance with the New Jersey Local Public Contract Law, and it is the recommendation of the Mayor and Council that the above-mentioned project be awarded to D.L.S Contracting Inc. in the amount of \$774,968.75; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey that the bid submitted by D.L.S Contracting Inc. in the amount of \$774,968.75 be and is hereby awarded.

BE IT FURTHER RESOLVED, that Mayor Robert Colletti and Borough Clerk are hereby authorized to execute said contract.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025

Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST:

Shanee Morris, RMC, CMR

Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-143-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**GRANTEE AUTHORIZING RESOLUTION
BERGEN COUNTY OPEN SPACE – BOROUGH AND ENGLISH AVENUE: DUGOUTS,
CHAIN-LINK FENCING & BENCHES**

BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park wish to enter into a Bergen County Trust Fund Project Contract (“Contract”) with the County of Bergen for the purpose of using a \$105,600.00 matching grant award from the 2024 Funding Round of the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund (“Trust Fund”) for the municipal park project entitled Borough and English Avenue: Dugouts, Chain-Link Fencing & Benches, located in Block 1011, Lot 4, 500 Mola Blvd & Block 503, Lot 18, on the tax maps of the Borough of Elmwood Park;

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorize Mayor Robert Colletti and Borough Clerk Shanee Morris to be signatories to the aforesaid Contract; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby acknowledge that, in general, the use of this Trust Fund grant towards this approved park project must be completed by or about November 13, 2026; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant will be disbursed to the municipality as a reimbursement upon submittal of certified Trust Fund payment and project completion documents and municipal vouchers, invoices, proofs of payment, and other such documents as may be required by the County in accordance with the Trust Fund’s requirements; and

BE IT FURTHER RESOLVED, that the Mayor and Council acknowledge that the grant disbursement to the municipality will be equivalent to fifty (50) percent of the eligible construction costs incurred (not to exceed total grant award) applied towards only the approved park improvements identified in the aforesaid Contract in accordance with the Trust Fund’s requirements. Professional Services Costs may be reimbursed from grant award’s unexpended balance, should there be a balance.

I, Roy Riggitano, Chief Financial Officer for the Borough of Elmwood Park do hereby confirm that there are sufficient funds available for this resolution.

Roy Riggitano, Chief Financial Officer

April 16, 2025
Dated

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-144-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

HOLD HARMLESS FOR PARKING OF BOROUGH VEHICLES AT 179 MARKET STREET

WHEREAS, the owner of the property at 179 Market Street has allowed the Borough to park municipal vehicles on its property at no cost to the Borough; and

WHEREAS, the owner of the property at 179 Market Street has asked that the Borough execute a Hold Harmless Agreement for Parking on Property for its continued use of that property;

WHEREAS, the Borough’s insurer has issued a Certificate of Liability Insurance naming the owner of 179 Market Street as an Additional Insured on its Commercial General Liability and Excess Liability Policies with respect to the Borough's use of that parking facility during the current calendar year;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park approve the Hold Harmless Agreement for Parking on Property proposed by the owner of the property at 179 Market Street; and

BE IT FURTHER RESOLVED, that Borough officials are authorized to execute the Hold Harmless Agreement for Parking on Property on behalf of the Borough of Elmwood Park.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-145-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

CONTINUED MAINTENANCE OF 30 COLE STREET

WHEREAS, the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey were notified by the Borough's Construction Code Official that the property identified as 30 Cole Street within the Borough is not being maintained in accordance with the Borough's property maintenance ordinances in 2024; and

WHEREAS, in June 2024, the Mayor and Council passed Resolution R-221-24 to authorize the Elmwood Park Department of Public Works to perform maintenance work whenever the condition of the property violates the Borough's property maintenance ordinances and to place a lien on the property for the cost of such services; and

WHEREAS, the Department of Public Works performed maintenance work at 30 Cole Street; and

WHEREAS, the Borough’s Construction Official has determined that 30 Cole Street is still not being maintained in accordance with the Borough's property maintenance ordinances in 2024; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park, County of Bergen, State of New Jersey does reaffirm and continue the authorization to the Elmwood Park Department of Public Works to:

- 1. Cut the grass and clear litter/debris whenever the condition of the property violates the Borough's property maintenance ordinances; and
- 2. To submit an invoice to the Elmwood Park Tax Office in order to place a lien on the property, in an amount equal to the invoice, so that the Borough can be reimbursed for the expenditure.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-146-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**ELECTED OFFICIALS’ REVISED PARTICIPATION AT PUBLIC MEETINGS
USING ELECTRONIC DEVICE**

WHEREAS, the Mayor and Council adopted Resolution R-97-25 to address the circumstances where an elected official unable to attend a public meeting could participate in the meeting remotely using an electronic device; and
WHEREAS, the Mayor and Council wish to revise that policy further; and
NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park that:

- 1) Resolution R-97-25 be and is hereby rescinded and replaced with the following policy.
- 2) In the event the Mayor or a Council Member has a medical condition that prohibits their attendance or a commitment that requires the them to be out-of-State during a public meeting, the individual may participate in the meeting through use of an electronic device.
- 3) The Mayor or any Council Member may participate remotely during no more than three (3) meetings during the annual term.
- 4) The Mayor or any Council Member who is participating remotely shall notify the Clerk who shall arrange to have the appropriate equipment available that will permit the member to fully participate as if physically present at the meeting.
- 5) The member requesting participation in a public meeting using an electronic device shall participate in the entire public meeting under the conditions outlined in this Resolution and shall not be permitted to participate in only selected portions of the public meeting.
- 6) Notwithstanding the provisions of this Resolution, no public meeting shall proceed unless a quorum of members is physically present at the location designated for the public meeting.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-147-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

REMOVAL OF INDERPREET SINGH FROM THE ELMWOOD PARK FIRE DEPARTMENT

WHEREAS, the Borough of Elmwood Park retained an outside investigator to conduct an administrative investigation arising out of allegations against members of the Elmwood Park Fire Department; and

WHEREAS, John Molinelli, Esq. of Price, Meese, Shulman, and D’Arminio, P.C. conducted an investigation and made certain findings and recommendations; and

WHEREAS, the Borough sought disciplinary charges seeking the removal of Inderpreet Singh from the Elmwood Park Fire Department based on the findings and recommendations of that investigation; and

WHEREAS, the Fire Board determined that the Mayor and Council should appoint an independent hearing officer to hear any appeal from those disciplinary charges; and

WHEREAS, the Borough offered Inderpreet Singh the opportunity for a hearing before an independent hearing officer; and

WHEREAS, Inderpreet Singh requested a hearing but failed to appear at the designated time and place for the hearing; and

WHEREAS, the Mayor and Council has considered the findings and recommendations of the investigation; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park that Indepreet Singh be and is hereby removed from the Elmwood Park Fire Department.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo			X		Sheridan	X			
Golabek	X				Troisi			X	
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-148-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

REMOVAL OF ROBERT BRUCE, SR. FROM THE ELMWOOD PARK FIRE DEPARTMENT

WHEREAS, the Borough of Elmwood Park retained an outside investigator to conduct an administrative investigation arising out of allegations against members of the Elmwood Park Fire Department; and

WHEREAS, John Molinelli, Esq. of Price, Meese, Shulman, and D’Arminio, P.C. conducted an investigation and made certain findings and recommendations; and

WHEREAS, the Borough sought disciplinary charges seeking the removal of Robert Bruce, Sr. from the Elmwood Park Fire Department based on the findings and recommendations of that investigation; and

WHEREAS, the Fire Board determined that the Mayor and Council should appoint an independent hearing officer to hear any appeal from those disciplinary charges; and

WHEREAS, the Borough offered Robert Bruce, Sr. the opportunity for a hearing before an independent hearing officer; and

WHEREAS, Robert Bruce, Sr. requested a hearing but failed to appear at the designated time and place for the hearing; and

WHEREAS, the Mayor and Council has considered the findings and recommendations of the investigation; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park that Robert Bruce, Sr. be and is hereby removed from the Elmwood Park Fire Department.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo			X		Sheridan	X			
Golabek	X				Troisi			X	
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-149-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

REMOVAL OF EVAN TART FROM THE ELMWOOD PARK FIRE DEPARTMENT

WHEREAS, the Borough of Elmwood Park retained an outside investigator to conduct an administrative investigation arising out of allegations against members of the Elmwood Park Fire Department; and

WHEREAS, John Molinelli, Esq. of Price, Meese, Shulman, and D’Arminio, P.C. conducted an investigation and made certain findings and recommendations; and

WHEREAS, the Borough sought disciplinary charges seeking the removal of Evan Tart from the Elmwood Park Fire Department based on the findings and recommendations of that investigation; and

WHEREAS, the Fire Board determined that the Mayor and Council should appoint an independent hearing officer to hear any appeal from those disciplinary charges; and

WHEREAS, the Borough offered Evan Tart the opportunity for a hearing before an independent hearing officer; and

WHEREAS, Evan Tart did not request a hearing; and

WHEREAS, the Mayor and Council has considered the findings and recommendations of the investigation; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park that Evan Tart be and is hereby removed from the Elmwood Park Fire Department.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo			X		Sheridan	X			
Golabek	X				Troisi			X	
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-150-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**APPROVE HANDICAP PARKING SPACE
ORCHARD STREET**

WHEREAS, a request has been made to have a handicapped parking space located at 130 Orchard Street; and

WHEREAS, the request and the area have been inspected by the Elmwood Park Police Department; and

WHEREAS, the Elmwood Park Police Department recommends approval of the space with the following specifications: 140 feet West of the intersection of Orchard Street and Grant Street to a point 160 feet West of that same intersection on the Southern curb line of Orchard Street; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that a handicapped parking space be approved with the following specifications: 140 feet West of the intersection of Orchard Street and Grant Street to a point 160 feet West of that same intersection on the Southern curb line of Orchard Street.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-151-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**APPROVE HANDICAP PARKING SPACE
PALSA AVENUE**

WHEREAS, a request has been made to have a handicapped parking space located at 183 Palsa Avenue; and

WHEREAS, the request and the area have been inspected by the Elmwood Park Police Department; and

WHEREAS, the Elmwood Park Police Department recommends approval of the space with the following specifications: 470 feet East of the intersection of Palsa Avenue and Page Street to a point 490 feet East of that same intersection on the Northern curb line of Palsa Avenue; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that a handicapped parking space be approved with the following specifications: 470 feet East of the intersection of Palsa Avenue and Page Street to a point 490 feet East of that same intersection on the Northern curb line of Palsa Avenue.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-152-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**AUTHORIZE COIN TOSS EVENTS
DEFENDER COMPANY NO.4**

WHEREAS, a request has been made by the Elmwood Park Defender Company No. 4 to hold a Coin Toss event on the corner of Mola Boulevard and Market Street Traffic Signal on the following dates:

<u>Date (Rain date):</u>	<u>Hours:</u>
May 10, 2025	9AM-3PM
August 9, 2025	9AM-3PM
August 16, 2025	9AM-3PM
October 11, 2025	9AM-3PM
November 22, 2025	9AM-3PM
December 13, 2025	9AM-3PM
December 20, 2025	9AM-3PM

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Elmwood Park hereby authorize Elmwood Park Defender Company No.4 to conduct the Coin Toss events during the hours stated above on the Mola Boulevard and Market Street Traffic Signal corner contingent on the approval from the County which must be made available to the Clerk’s Office and the Chief of Police prior to the event; and

BE IT FURTHER RESOLVED, that the following regulations put forth by the Elmwood Park Police Department are to be followed:

- 1. No one is permitted to be in the roadway to solicit from motorists. A barrel may be placed in the center on the yellow lines for motorists to throw money into.
- 2. Placement and retrieval of the barrel may only be done by someone over the age of 18. That person must wear properly sized ANSI 107-2004 (or later) class 2 or 3 high visibility apparel. Wearing non-ANSI approved apparel will be reason for immediate cessation of the event.
- 3. Juveniles (persons under 17) may be present but must remain at a safe distance and location from the street.
- 4. At no time shall the solicitation stop or impede the flow of traffic.
- 5. Signs advertising the solicitation may be place about 500 feet in advance. Signs must be temporary, break-away, and a maximum of 16 square feet.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo			X		Sheridan	X			
Golabek	X				Troisi			X	
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-153-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

**HIRING EMPLOYEES TO STAFF THE ELMWOOD PARK
EMERGENCY MEDICAL SERVICE UNIT**

WHEREAS, the Mayor and Council of the Borough have created the Elmwood Park Emergency Ambulance Services; and

WHEREAS, the ordinance created requires qualified employees in order to provide the needed services; and

WHEREAS, the Mayor and Council wish to fill the required positions; and

WHEREAS, the Mayor and Council had directed the Borough Administrator to interview and review the qualification of the potential applicants and the Business Administrator having complied with said directive and has recommended the following qualified applicants for the positions:

<u>Name</u>	<u>Start Date</u>
Rebecca Salazar	April 9, 2025 (retroactive)
Kaitlyn DeLaro	April 18, 2025

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park, that the above named individuals are hereby hired and will make up the Roster for the EPEMS at the start dates stated above, to serve as EMT’s at a salary set forth in the Boroughs Salary ordinance.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

**BOROUGH OF ELMWOOD PARK
BERGEN COUNTY, NEW JERSEY
RESOLUTION R-154-25**

CONSENT AGENDA

**RESOLUTION BY: COUNCIL PRESIDENT PELLEGRINE
SECONDED BY: COUNCILMAN GOLABEK**

RESOLUTION TO APPROVE THE CONSENT AGENDA

BE IT RESOLVED, by the Mayor and Council of the Borough of Elmwood Park that the actions noted in the Consent Agenda, Resolutions R-131-25 through R-154-25 be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVED: April 17, 2025

Robert Colletti, Mayor

ATTEST: _____
Shanee Morris, RMC, CMR
Borough Clerk

Record of Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
Fasolo	X				Sheridan	X			
Golabek	X				Troisi	X			
Saimson	X				Pellegrine	X			

This resolution was approved by the Mayor and Council of the Borough of Elmwood Park at a regular scheduled meeting held on the 17th day of April 2025. Signed and sealed before me.

Shanee Morris, RMC, CMR
Borough Clerk

Dated

COMMITTEE REPORTS

Councilman Fasolo expressed his feelings about the tax increase.

Councilman Golabek reported progress.

Councilman Saimson gave his Planning Board update. He then announced upcoming events. Lastly, he stated the AARP meeting went great.

Councilwoman Sheridan gave her Fire report and read the quarterly report and how to become a firefighter. Lastly, she mentioned she attended the Easter egg hunt and it went great. She thanked the Recreation Department and Police Department.

Councilwoman Troisi gave her Recreation update and announced upcoming events. She then thanked everyone for their assistance with the soccer program. Lastly, she gave her Board of Education update.

Council President Pellegrine gave her Board of Health update and announced upcoming events and the next meeting date. For her Police update she announced the upcoming Clean up. For the Chamber of

Commerce, she announced the next meeting date. Lastly, she gave her RAP update and announced donations that were received as well as upcoming events.

Mayor Colletti announced that the Vietnam Memorial is being refurbished.

PUBLIC COMMENT

A motion was made by Council President Pellegrine and seconded by Councilman Fasolo to open to the public. Motion carried unanimously.

Members from the EP United team came before the Mayor and Council to express their concern about being charged for field use.

Carl Roberts, Washington Avenue asked for a flashing light sign at the crosswalk on Mola Boulevard . He then spoke about the bashing on social media of Councilmembers.

A motion was made by Councilman Saimson and seconded by Councilwoman Troisi to adjourn. Motion carried by the members present.

Respectfully submitted,

Shanee Morris, RMC, CMR
Borough Clerk