

**DISCLAIMER**

**THIS IS AN UNOFFICIAL DOCUMENT UNTIL APPROVED BY GOVERNING BODY**

**AGENDA:**

**MAYOR AND BOROUGH COUNCIL**

**MEETING NO. 5**

**DATE: 2/25/13**

**7:00 P.M.**

**BUSINESS (X)**

**REGULAR ( )**

**SPECIAL ( )**

\*\*\*\*\*

ROLL CALL:	Mayor Krenzel	( )			Atty: _____
	Clm. Guindi	( )	Clm. Jones	( )	Eng: _____
	Clm. Haussermann	( )	Clm. Roselli	( )	Adm: _____
	Clm. Hutchison	( )	Clm. Vaughn	( )	: _____

\*\*\*\*\*

Public Announcement - Chapter 231, P. L. 1975

PUBLIC COMMENTS (agenda items only)

MINUTES

Minutes of Meeting No. 4 held on February 11, 2013

REPORTS

1. CFO/Treasurer
2. Professional staff
3. Departments

LICENSES

Junkyard License – Michaelson’s Auto Wreckers, Inc. (Attachment A)  
 Precious Metals License – St. Mark Nile Grille (Attachment B)

NEW BUSINESS

Refund of water, electric consumer (Attachment C)  
 Refund of Municipal Lifeline deposits (Attachment D)  
 Accept Resignation of Christopher Rafano, Esq. as Alternate Municipal Prosecutor (Attachment E)  
 Accept Resignation of Laurie Pasternak – Environmental/Shade Tree Commission (Attachment F)  
 HCD – Transfer of Accounts (Attachment G)  
 Amend Fee Schedule/credit card convenience use fee  
 Appoint Debra A. Jones – Municipal Alliance Committee Coordinator  
 Appoint Municipal Alliance Committee members: Jaime Keith, Carol Deerson, Joseph Dezarlo,  
 Student Representative, Regis Wyluda, Cathy Miller, Amy Rafano, Darrel Pearce, Tina Martins Cruz,  
 Anthony Razzano, Diane Nale, Mark Tinitigan, John McKenna, Sheryl Nevin, Rosemarie Kulik, Thomas Acs  
 Appoint Board of Health members: Anastasia Kokinos, Larisa Kolbik, Alt. 1, Vera Adelino, Alt. 2  
 Solar Energy Project/Panels  
 Cost Savings Proposal – Verizon Services – Spectrotel Billing (Attachment H)  
 Raritan Valley Wildlife Control LLC (Attachment I)

UNFINISHED BUSINESS

Award contract for Willett Ave. Substation – Preventive Maintenance to High Energy Electric (Attachment J)  
 Advisory Base Flood Elevations (ABFE) (Attachment K)  
 Sidewalk Improvement Program  
 Electric reduction  
 Laptops/cell phones  
 55 Reid St. – Architectural Proposal/Analysis/Costs OOA Functions  
 Appoint Fire Official/Fire Marshal  
 Appoint Deputy Fire Official/Deputy Fire Marshal and Inspectors/Marshals  
 Sandy Meeting  
 Food Bank transportation

COUNCIL COMMENTS

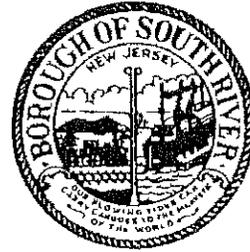
EXECUTIVE SESSION

Contracts  
 Personnel  
 Acquisition of Property

ADJOURNMENT

2/22/2013 2:29:52 PM

**BOROUGH OF SOUTH RIVER**  
**MIDDLESEX COUNTY**  
**NEW JERSEY**  
08882-1247



**Application for Junk Shop Keeper or Junk Dealer License**

Date: 1-28-13

Name of Applicant MICHAELSON AUTO WRECKERS INC

Trade Name \_\_\_\_\_

Owner, Lessee SUSAN MICHAELSON

Address 56 CAUSEWAY SOUTH RIVER NJ

Approximate Depth of Premises \_\_\_\_\_

Affidavit of Applicant:

The above information is true and correct to the best of my knowledge.

Susan Michaelson  
(Signature of Applicant)

For Borough Use Only:

Date Filed 1/31/13 Fee Paid 300 Date Referred 1/31/13

Inspection by Health Officer:

Date: Feb. 13, 2013  Approval  Denied

License No. B-102160 Dated Issued Feb. 13, 2013

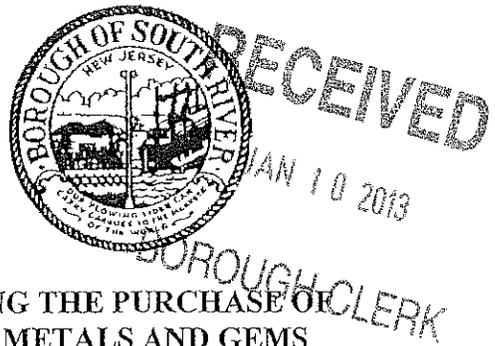
License Period will be from January 1st through December 31st of any year.

License Fee: \$300.00/year

cc: EDWIN - HEALTH DEPT.

B

**BOROUGH OF SOUTH RIVER**  
**MIDDLESEX COUNTY**  
**NEW JERSEY**  
08882-1247



**APPLICATION FOR LICENSE REGULATING THE PURCHASE OF**  
**GOLD, SILVER, AND OTHER PRECIOUS METALS AND GEMS**  
(Ord. 2009-26)

Submit with Application:  
Fee payable to Borough of South River  
Surety Bond as per Ordinance  
Copy of Drivers License  
\$18.00 Money Order payable to  
Div. of State Police SBI

Initial License Fee - \$200.00 \_\_\_\_\_  
Annual Renewal Fee - \$25.00 ✓ AMC ✓

All Licenses shall expire on December 31 of the year in which issued

The undersigned hereby makes application for a license under the above entitled ordinance and makes the following representations:

- Applicant's name and permanent home address:  
Amal Azer  
53 Peach Orchard Dr  
East Brunswick NJ 08816
- Home Telephone Number: 732 390-6047 Cell Number: (732) 904-1347
- Birth date: ' ' Sex: Height: Weight:  
Complexion: white Color of Hair: Brown Color of Eyes: Brown  
Place of Birth: EGYPT Social Security #: \_\_\_\_\_  
Driver's License #: \_\_\_\_\_
- Name and Address of Business:  
ST. Mark  
52 Main St. South River NJ 08882
- Telephone Number of Business: 732-651-0075
- Name and addresses of three references in Middlesex County or attach, hereto, other acceptable evidence of the applicant's character and business responsibility:  
Me Ky Accounting  
Perth Ambay Image  
Ramada Inn

7. Have you ever been convicted of any crime, misdemeanor, disorderly person's statute or violation of any municipal ordinance? NO If so, what was the nature of the offense and penalty imposed? \_\_\_\_\_

N/A

8. List the names of each municipality in New Jersey in which you have been licensed to operate a business, within the past six (6) months:

South River

9. Set forth in full detail all experience of Applicant in the business of purchase and sale of gold, silver, or other precious metals and gems.

We have 26 years of business  
selling Jewelry - Precious  
metals

10. State the particular type of operation to be conducted by Applicant and whether the business of Applicant is to be operated from a fixed location or conducted at a location primarily devoted to the purchase and sale of gold, silver, or other precious metals and gems. State the exact location of the business to be operated by Applicant.

Repair - buy and sell

11. Have you ever been licensed under this Ordinance? NO  
If so, when: \_\_\_\_\_

  
\_\_\_\_\_  
Signature

C, D

Request for Council Action

Date: 2/21/13

Resolution: ✓

Ordinance: \_\_\_\_\_

**Other Reason for Request (Attach Back-up)**

UTILITY REFUNDS  
MUNICIPAL LIFE LINE REFUNDS

Funds Appropriated: yes no not applicable

[Signature] Paul Duda  
Department Head

[Signature] 21 Feb 2013  
Approval/Disapproved Administrator



RES: 2013

MARCH 11, 2013

**RESOLUTION**

*WHEREAS, the official utility records of the Borough of South River, New Jersey show certain refunds which include electric, water and consumer deposits (CD); and*

*WHEREAS, the Collector of Utility Revenue recommends that the following refunds should be made to the consumer noted herein below listed; and*

*NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of South River that the Collector of Utility Revenue is hereby authorized to make the following refunds and adjustments indicated below and any attached list.*

<u>ACCOUNT #</u>	<u>PAYABLE TO:</u>	<u>AMOUNT OF CHECK</u>
65-999-887-393 CD	DAVID AMENDOLA 31B LINCOLN SET SOUTH RIVER, NJ 08882	\$138.62
66-999-976-239 WTR PREV	RUSSELL BLOODGOOD C/O GEORGE COYLE – POA 54 PRICE SET SAYREVILLE, NJ 08872	\$390.34
65-999-860-091 CD	WESLEY & CYNTHIA BRITO 23 WINDING WOOD DR APT 3A SAYREVILLE, NJ 08872	\$227.33
65-999-989-275 CD	CECELIA CHESTNUT 2609 HOLLAND DR SOMERSET, NJ 08873	\$116.60
66-999-984-357 WTR PREV	ELIZAETH FIGUEROA PO BOX 5187 NEW BRUNSWICK, NJ 08903	\$521.30
65-999-883-191 CD	M GARCIA & R BENTURA 60 MAIN ST APT B SOUTH RIVER, NJ 08882	\$113.98
65-999-000-226 CD	JESSICA GREINER & ADAM SILVER 7804 WATERFORD LAKES DR APT 1515 CHARLOTTE, NC 28210	\$263.48
65-999-862-423 CD	FAYE HAFF	\$281.12
65-999-862-423 ELEC CURRENT	340 WHITEHEAD AVE APT 206 SOUTH RIVER, NJ 08882	\$36.78
65-999-862-368 CD	CHARLES HALPERN 303 KENNINGTON DR LAFAYETTE, LA 70508	\$300.88

66-999-992-541	WTR PREV	JOSEPH HRANOWSKI 655A YALE WAY MONROE TOWNSHIP, NJ 08831	\$142.39
65-999-858-023	CD	YADIRA JIMENEZ & ANGEL OLIVER 852 US HIGHWAY 1 UNIT 37 EDISON, NJ 08817	\$136.82
65-999-947-420	CD	FRANCIS KOWALSKI 33 OBERT SET APT 2 SOUTH RIVER, NJ 08882	\$121.28
65-999-947-420	ELEC CURRENT		\$41.59
65-999-987-614	CD	CARMEN MARTINEZ 15 LISA DR APT D18 SOUTH RIVER, NJ 08882	\$79.48
66-999-948-321	WTR CURRENT	MAE MAZELLA P O BOX 45 SOUTH RIVER, NJ 08882	\$25.76
65-999-882-091	ELEC PREV	MORGAN PROPERTIES P O BOX 182585 COLUMBUS, OH 43218	\$270.78
65-999-896-567	CD	GRAZIELLE PINTO 107 WHITEHEAD AVE APT 4 SOUTH RIVER, NJ 08882	\$110.09
66-999-968-440	WTR PREV	ELISA POPLAWSKI 45473 BLUEMONT JUNCTION SQ STERLING, VA 20164	\$130.34
65-999-878-571	CD	MARIO RAMOS PO BOX 1027 SAYREVILLE, NJ 08872	\$63.15
65-999-873-907	ELEC CURRENT	GERALDINE SARGENTE 15 FIRST ST SOUTH RIVER, NJ 08882	\$146.43
65-999-877-779	CD	YUNWU SHI & WEN MEI ZHANG 88 ALBERT DR CLINTON, NJ 08809	\$187.38
65-999-876-888	CD	DAWN TRAEGLER & KEVIN OCONNOR 590 STATE ROUTE 18 EAST BRUNSWICK, NJ 08816M	\$66.59

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

D

RES: 2013

MARCH 11, 2013

RESOLUTION

*WHEREAS, the official utility records of the Borough of South River, New Jersey show certain adjustments, recessions, amendments, cancellations, corrections, refunds and uncollectibles should be made on certain accounts due to various reasons; and*

*WHEREAS, the Utility Collector recommends these changes as listed; and*

*NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED that the Borough Utility Collector be and he is authorized to make the necessary adjustments, indicated below and any attached list.*

<u>UTILITY CUSTOMER</u>	<u>REASON</u>	<u>AUTH</u>	<u>YEAR</u>	<u>AMOUNT</u>
<u>ACCOUNT NUMBER</u>				

SHI, YUNWU & ZHANG, WEN 20 Wojie Way Apt 322 South River, NJ 08882 #65-999-877-779	Elec Credit	Refund	2012	\$131.25
	MUNICIPAL LIFELINE			

DATED:

/s/ \_\_\_\_\_  
Councilmember

/s/ \_\_\_\_\_  
Councilmember

E

# RAFANO & WOOD

A PROFESSIONAL LAW CORPORATION

129 Main Street, P.O. Box 545  
South River, New Jersey 08882-0545  
Email: info@rafanoandwood.com

(732) 257-2200  
Fax: (732) 257-0287

February 8, 2013

Mayor John Krenzel  
Borough of South River  
48 Washington Street  
South River, NJ 08882

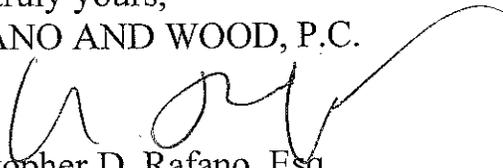
Dear Mayor:

This letter is to advise you that I have had the honor to be nominated to the position of Superior Court Judge in the State of New Jersey. My name has been approved by the Judiciary Committee and released to the State Senate.

Regrettably, once my name has been released, I can no longer practice law and as such I have to resign as your alternate municipal prosecutor.

I truly have enjoyed the opportunity and can say without hesitation that you have an outstanding Court staff which is something you should be proud of.

Very truly yours,  
RAFANO AND WOOD, P.C.

  
Christopher D. Rafano, Esq.  
CDR/pcp

cc: Councilman, Jim Hutchison  
Councilman, Matthew M. Vaughn  
Councilman, Shawn Haussermann  
Councilman, Peter Guindi  
Councilman, Jim Jones  
Councilman, Thomas Roselli

Robert C. Rafano  
Christopher R. Wood  
Christopher D. Rafano  
Thomas F. Dominiecki

Of Counsel

RECEIVED

FEB 21 2013

BOROUGH CLERK

F

**From:** Laurie Pasternak [mailto:lpasternak@verizon.net]  
**Sent:** Tuesday, February 12, 2013 5:47 PM  
**To:** Sheryl Nevin  
**Subject:** Re: Shade Tree Mail

Hi Sheryl,  
I resigned from the Commission before Christmas. Can you please remove my name from your list.  
Thank you  
Laurie

Sent from my iPad

G

JOHN H. ALLGAIR, 1983-01  
DAVID J. SAMUEL, P.E., P.P.  
JOHN J. STEFANI, P.E., L.S., P.P.  
JAY B. CORNELL, P.E., P.P.  
MICHAEL J. McCLELLAND, P.E., P.P.  
GREGORY R. VALES, P.E., P.P.



TIMOTHY W. GILLEN, P.E., P.P.  
BRUCE M. KOCH, P.E., P.P.  
LOUIS J. PLOSKONKA, P.E.  
TREVOR J. TAYLOR, P.E., P.P.  
BEHRAM TURAN, P.E.

**MEMO TO:** Mayor and Borough Council, Borough of South River

**FROM:** Bruce M. Koch, P.E., P.P., C.M.E., Borough Engineer's Office 

**DATE:** February 21, 2013

**RE:** HCD Citizen's Advisory Committee and  
Public Participation Meeting of February 11, 2013  
South River, New Jersey  
Our File: PSR00056.01

In accordance with the requirements of the Housing and Community Development Program, a combination HCD Citizen Advisory Committee meeting and public input meeting was held at 6:00 p.m. on February 11, 2013. The meeting was conducted in the meeting room adjacent to the Council Chambers with the following Committee Members and citizens in attendance:

<u>Name</u>	<u>Address</u>
Bruce M. Koch, P.E., P.P., C.M.E.	Borough Engineer's Office
Pat O'Connor, Borough Clerk	48 Washington Street
Frederick Carr, Borough Administrator	48 Washington Street
Councilman Shawn Hausserman	218 Willet Avenue
Joseph Zanga, CFO	48 Washington Street
Walter Woronowicz	44 Johnson Place
Laura Lipkin	23 Grand Avenue
Sergio Labrego	65 Foothills Drive
Tele Koukourdelis	93 James Street

I opened the meeting with a discussion of the Housing and Community Development Program, the intent of the legislation, present program operations, and past and future activities.

Those in attendance were advised that the Borough's 2013 allotment figure will be approximately \$62,701.00. The scope of eligible activities listed as "Basic Eligible Community Activities" was reviewed at the meeting.

Previous amendments, revisions and procedures for future transfers were reviewed, as well as the outstanding account balances. I explained the need to draw down old accounts, transfer unused balances and choose projects that can be implemented quickly.

I also discussed the Timeliness Plan and the need to spend money in old accounts.

The meeting was next opened for comments from the Committee members and the public. The following recommendations were discussed:

- There was a general discussion concerning how the previous funds were utilized, the status of projects funded in previous years and existing account balances.
- Mr. Koukourdelis asked if the funds could be utilized at the Borough's Municipal Building located at 48 Washington Street. He also asked if they could be utilized to help fund the repairs to the Jackson Street Sewer Pump Station.





Mayor and Borough Council  
February 21, 2013  
Page 2

- Mr. Woronowicz asked if the funds could be utilized to replace the picnic tables and benches in Grekoski Park that were damaged by SuperStorm Sandy.
- Mr. Koukourdelis asked if additional play equipment in the parks is eligible.
- There was a general conversation about the Community Garden Proposal, where to build it and it's funding.

In the end, the Committee made the following recommendations:

- To allocate one-half (1/2) of the anticipated funding, which would be approximately \$31,350.50, toward Various Park Improvements.
- To allocate one-half (1/2) of the anticipated funding, which would be approximately \$31,350.50, toward repairs to the Senior Center due to SuperStorm Sandy.

If the funding from the Federal Government is lowered or raised, the adjustment shall be made to the Various Park Improvements.

The meeting was adjourned.

BMK/sm



H

**Patricia Oconnor**

---

**From:** Frederick Carr  
**Sent:** Thursday, February 21, 2013 1:48 PM  
**To:** Patricia Oconnor; Sheryl Nevin  
**Subject:** FW: Cost Savings Proposal - Verizon Services - Spectrotel Billing  
**Attachments:** Cost Savings Analysis for Boro of South River .xls; 3 Bid Exemption 001.jpg

Pat,

Cost Savings Proposal - Verizon Services - Spectrotel Billing on agenda

Thanks

Frederick C. Carr  
Borough Administrator  
Borough of South River  
48 Washington Street  
South River, NJ 08882  
(732) 257 - 1999 ext. 120  
(848) 992 - 6357 (Cell)

---

**From:** Frederick Carr  
**Sent:** Wednesday, February 20, 2013 2:06 PM  
**To:** 'James Nolan'; Eric Lange  
**Cc:** Joe Zanga  
**Subject:** FW: Cost Savings Proposal - Verizon Services - Spectrotel Billing

Greetings,

Joe Zanga and I met with a representative of D & M Enterprise Group of Spectrotel Communications. They are a firm that works on reducing the wholesale costs of phone charges, specifically in the landline or static phone lines in our public buildings. By changing the manner in which we pay our phone bill, we could save about \$1000 a month by hiring this company.

The Borough of South River will reduce our monthly phone bill from its current average of \$4500.00 per month to an estimated bill of \$3400.00 per month. We do not have to bid for this service since they fall under categories of "regulated utilities" and registered by the BPU.

We could save about \$13,000 per year.

Please review and let me know with regards to the legality.

Thanks

Frederick C. Carr  
Borough Administrator  
Borough of South River  
48 Washington Street

2/21/2013

## UNDERSTANDING THE ESSENTIAL ELEMENTS OF A PUBLIC CONTRACT

### The First Step in a Trouble-Free Project

John A. Napolitano, Esq.  
Johnson & Conway, LLP

#### I. Contract

An Agreement between two or more persons which creates an obligation to do or not to do a particular thing. Its essentials are competent parties, subject matter, legal consideration, mutuality of agreement and mutuality of obligation.

What is a public contract?

A contract for goods or services where one of the parties is a public entity.

#### II. New Jersey Local Public Contracts Law

N.J.S.A. 40A:11-1, *et seq.* The requirements of a public contract are set forth in the New Jersey Local Public Contracts Law and the New Jersey Administrative Code. The purpose of the Local Public Contracts Law is to benefit taxpayers by securing competition and guarding against favoritism, improvidence, extravagance and corruption.

How does the Local Public Contracts Law strive to meet its goals?

- a. By requiring public bidding on contracts in excess of \$17,500.00 (contracts in excess of \$25,000.00 if the contracting unit has a qualified purchasing agent);
- b. By requiring advertising of projects;
- c. Limiting restrictive specifications (or equals);

#### III. Types of Contracts

a. No-Bid Contracts. N.J.S.A. 40A:11-5 sets forth exceptions to the bidding requirement primarily for professional services, engineers, architects and lawyers. Other notable areas include the supply of any product rendered by a public utility, which is regulated by the BPU or the Federal Energy Regulatory Commission, printing of bond documents, printing of legal notices required by law, insurance, including the purchase of insurance coverage and consultant services, contract for the provision of water supply services, expenses for travel and conferences, marketing and recyclable materials. The other main area would be extraordinary, unspecifiable services, which may include equipment repair.



We make it simple. We keep it personal.

Customer:	
Agent:	
Date Prepared:	

Boro of South River
D&M Enterprise Group
2/19/2013

<b>TOTAL ESTIMATED BILLING CUSTOMER:</b>	<b>\$4,338.73</b>
Total Estimated Early Termination Fees (2)	\$0.00

<b>TOTAL ESTIMATED BILLING SPECTROTEL:</b>	<b>\$3,232.16</b>
Estimated Monthly Savings with Spectrotel (1)	\$1,106.57
% Estimated Monthly Savings (1)	25.5%
Estimated 12 Month Savings (1)	\$13,278.80
Estimated 36 Month Savings (1)	\$39,836.40

Carrier	Verizon	Service Address	Rate	Cost
		61 MAIN ST, S RIV		
BTN	732 287 4035			
Zone	2			
State	NJ			
100	Federal Access Recovery Charge	\$0.15	\$15.00	
5	Federal Access Recovery Charge	\$0.86	\$4.30	
97	CustoFlex Line	\$23.50	\$2,279.50	
3	CustoFlex Line	\$23.50	\$70.50	
1	Answer Call	\$7.00	\$7.00	
98	Carrier Cost Recovery	\$0.49	\$48.02	
97	Long Distance Access	\$1.85	\$179.45	
3	Long Distance Access	\$3.85	\$11.55	
2	Analog Ckt-Loc Chan -Types 1011,1012	\$27.26	\$54.52	
6	Message Rate Line	\$18.39	\$98.34	
5	FCC	\$6.29	\$31.45	
1	Track basic emergency	\$6.55	\$6.55	
32	Directory Listing	\$4.90	\$156.80	
7	Centrex Caller ID	\$7.50	\$52.50	
	Monthly Total		\$3,015.48	
	Usage Charges			
3543.6	Flex Distance - LD	\$0.055	\$195.68	
3379	Local Message	\$0.100	\$337.90	
3	Local Directory	\$1.500	\$4.50	
1	National Directory	\$1.500	\$1.50	
	Usage Total:		\$539.58	
	Estimated Early Termination Fees:			
	Site Total:		\$3,555.06	

Carrier	Spectrotel	Service Address	Rate	Cost
		61 MAIN ST, S RIV		
BTN	732 287 4035			
Zone	2			
State	NJ			
97	CustoFlex Line	\$18.70	\$1,813.90	
3	CustoFlex Line	\$18.70	\$56.10	
1	Answer Call	\$8.50	\$8.50	
100	CORS/RAF	\$5.93	\$593.00	
100	LCF	\$0.35	\$35.00	
1	Account Maint. Fee	\$7.56	\$7.56	
	Monthly Total		\$2,514.06	
	Usage Charges			
10137	Local	\$0.018	\$182.47	
	Regional	\$0.039	\$0.00	
	Intrastate	\$0.039	\$0.00	
3543.6	Interstate	\$0.029	\$102.76	
3	Local Directory	\$1.500	\$4.50	
1	National Directory	\$1.500	\$1.50	
	Usage Total:		\$291.23	
	Site Total:		\$2,805.29	

Carrier	Verizon	Service Address	Rate	Cost
		48 APPLEBY AV, S RIV		
BTN	732 287 4035			
Zone	2			
State	NJ			
1	HighSpeed Internet	\$79.99	\$79.99	
1	FCC	\$6.29	\$6.29	
1	Federal Access Charge	\$0.36	\$0.36	

Carrier	Spectrotel	Service Address	Rate	Cost
		48 APPLEBY AV, S RIV		
BTN	732 287 4035			
Zone	2			
State	NJ			
1	HighSpeed Internet 5.0M/768K Static	\$9.99	\$9.99	
1	Business Line	\$9.18	\$9.18	
1	FCC	\$6.71	\$6.71	

ETF  
TOTAL

Comments

Comments

1	Message Rate Svc.	\$20.89	\$20.89	\$20.89
1	Non-Pub. Number	\$3.78	\$3.78	\$3.78
1	FirmRate ShortFall Charge	\$40.00	\$40.00	\$40.00
1	Carrier Cost Recovery Charge	\$0.49	\$0.49	\$0.49
1	Long Distance Access Charge	\$1.85	\$1.85	\$1.85
	Monthly Total:		\$153.65	\$153.65
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Interstate		\$0.029	\$0.029
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$153.65	\$153.65

ETF  
TOTAL

Carrier	Verizon			
Service Address	126 WILLIAM ST, S RIV, 08862			
BTN	732 390 6453			
Zone	2			
State	NJ			
1	FCC	\$6.29	\$6.29	\$6.29
1	Federal Access Charge	\$0.36	\$0.36	\$0.36
1	Message Rate Svc.	\$20.89	\$20.89	\$20.89
1	Non-Pub. Number	\$3.70	\$3.70	\$3.70
1	FirmRate ShortFall Charge	\$40.00	\$40.00	\$40.00
1	Carrier Cost Recovery Charge	\$0.49	\$0.49	\$0.49
1	Long Distance Access Charge	\$1.85	\$1.85	\$1.85
	Monthly Total:		\$73.58	\$73.58
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Interstate		\$0.029	\$0.029
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$73.58	\$73.58

ETF  
TOTAL

Carrier	Verizon			
Service Address	1 BRICK PLANT RD, S RIV			
BTN	732 390 7818			
Zone	2			
State	NJ			
1	FCC	\$6.29	\$6.29	\$6.29
1	Federal Access Charge	\$0.36	\$0.36	\$0.36
1	Message Rate Svc.	\$20.89	\$20.89	\$20.89
1	FirmRate ShortFall Charge	\$40.00	\$40.00	\$40.00
1	Carrier Cost Recovery Charge	\$0.49	\$0.49	\$0.49
1	Long Distance Access Charge	\$1.85	\$1.85	\$1.85
	Monthly Total:		\$69.88	\$69.88
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$69.88	\$69.88

ETF  
TOTAL

1	CCRS/RAF	\$5.93	\$5.93	\$5.93
1	LCF	\$0.35	\$0.35	\$0.35
	Monthly Total:		\$112.16	\$112.16
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Interstate		\$0.029	\$0.029
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$112.16	\$112.16

Comments

Carrier	Verizon			
Service Address	126 WILLIAM ST, S RIV, 08862			
BTN	732 390 6453			
Zone	2			
State	NJ			
1	Business Line	\$9.18	\$9.18	\$9.18
1	FCC	\$6.71	\$6.71	\$6.71
1	CCRS/RAF	\$5.93	\$5.93	\$5.93
1	LCF	\$0.35	\$0.35	\$0.35
1	Non-Pub. Number	\$3.70	\$3.70	\$3.70
	Monthly Total:		\$25.87	\$25.87
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Interstate		\$0.029	\$0.029
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$25.87	\$25.87

Carrier	Verizon			
Service Address	1 BRICK PLANT RD, S RIV			
BTN	732 390 7818			
Zone	2			
State	NJ			
1	Business Line	\$9.18	\$9.18	\$9.18
1	FCC	\$6.71	\$6.71	\$6.71
1	CCRS/RAF	\$5.93	\$5.93	\$5.93
1	LCF	\$0.35	\$0.35	\$0.35
	Monthly Total:		\$22.17	\$22.17
	Usage Charges:			
	Local		\$0.018	\$0.018
	Regional		\$0.039	\$0.039
	Intrastate		\$0.039	\$0.039
	Usage Total:		\$0.00	\$0.00
	Estimated Early Termination Fees:			
	Site Total:		\$22.17	\$22.17

Comments

Interstate	\$0.029
Usage Total:	\$0.00
Site Total:	\$22.17

Usage Total:	\$0.00
Estimated Early Termination Fees:	\$69.88
Site Total:	\$69.88

Comments

Carrier	Service Address	Rate	Cost
Verizon	61 MAIN ST, S RIV 08882		
BTN	732 813-4374		
Zone	2		
State	NJ		
4	Carrier Cost Recovery Charge	\$0.49	\$1.96
4	Long Distance Access	\$3.85	\$15.40
3	Message Rate Svc.	\$16.39	\$49.17
1	Message Rate Svc.	\$20.89	\$20.89
4	FCC	\$6.29	\$25.16
4	Federal Access Charge	\$0.86	\$3.44
1	FirmRate ShortFall Charge	\$28.17	\$28.17
4	Carrier Cost Recovery Charge	\$0.49	\$1.96
4	Long Distance Access charge	\$3.85	\$15.40
	Monthly Total:		\$161.55
	Usage Charges		\$1.50
15	Local Message	\$0.100	\$11.83
91.1	FirmRate...LD	\$0.130	\$11.83
	Usage Total:		\$13.33
	Estimated Early Termination Fees:		\$174.88
	Site Total:		\$174.88

Carrier	Service Address	Rate	Cost
Verizon	61 MAIN ST, S RIV 08882		
BTN	732 813-4374		
Zone	2		
State	NJ		
1	FirmRate ShortFall Charge	\$50.00	\$50.00
5	Carrier Cost Recovery	\$0.49	\$2.45
3	FCC	\$6.29	\$18.87
3	Federal Access Charge	\$0.36	\$1.08
3	Basic Rate ISDN	\$13.98	\$41.94
3	Business Single Line ISDN	\$20.89	\$62.67
3	End User Port Charge	\$1.62	\$4.56
6	ISDN SW.Voice & Data	\$5.99	\$35.94
	Monthly Total:		\$217.51
	Usage Charges		\$5.04
252	Local Tol	\$0.020	\$5.04
	Usage Total:		\$5.04
	Estimated Early Termination Fees:		\$5.04
	Site Total:		\$5.04

ETF TOTAL

ETF TOTAL

Comments

Carrier	Service Address	Rate	Cost
Verizon	61 MAIN ST, S RIV 08882		
BTN	732 813-4374		
Zone	2		
State	NJ		
3	ISDN BRI	\$16.75	\$50.25
6	ISDN SW.Voice & Data	\$6.57	\$33.42
3	FCC	\$6.71	\$20.13
3	CCRS/RAF	\$5.93	\$17.79
3	LCF	\$0.35	\$1.05
3	PICC	\$2.30	\$6.90
	Monthly Total:		\$129.54
	Usage Charges		\$9.83
252	Regional	\$0.018	\$9.83
	Intrastate	\$0.039	\$0.039
	Interstate	\$0.029	\$0.029
	Usage Total:		\$9.83
	Estimated Early Termination Fees:		\$9.83
	Site Total:		\$9.83

Carrier	Service Address	Rate	Cost
Verizon	61 MAIN ST, S RIV 08882		
BTN	732 813-4374		
Zone	2		
State	NJ		
1	FirmRate ShortFall Charge	\$50.00	\$50.00
5	Carrier Cost Recovery	\$0.49	\$2.45
3	FCC	\$6.29	\$18.87
3	Federal Access Charge	\$0.36	\$1.08
3	Basic Rate ISDN	\$13.98	\$41.94
3	Business Single Line ISDN	\$20.89	\$62.67
3	End User Port Charge	\$1.62	\$4.56
6	ISDN SW.Voice & Data	\$5.99	\$35.94
	Monthly Total:		\$217.51
	Usage Charges		\$5.04
252	Local Tol	\$0.020	\$5.04
	Usage Total:		\$5.04
	Estimated Early Termination Fees:		\$5.04
	Site Total:		\$5.04

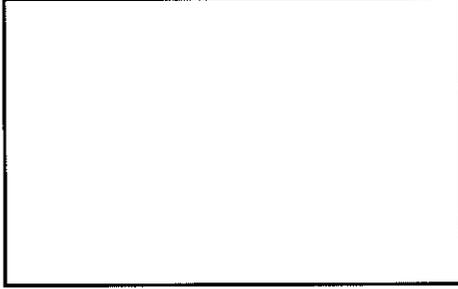
ETF TOTAL

TOTAL

Carrier		Service		Address		Zone		State		Rate		Cost	
Verizon		61 MAIN ST. S RIV 08882		61 MAIN ST. S RIV 08882		732 613-8725		NJ					
1	FCC		Federal Access Charge							\$5.29		\$6.29	
1	FCC		Message Rate Svc.							\$0.36		\$0.36	
1			Two Feat. Pkg.							\$20.89		\$20.89	
1			Caller ID							\$5.00		\$5.00	
1			Call Forward for VM							\$4.50		\$4.50	
1			Answer Call							\$2.75		\$2.75	
1			FirmRate ShortFall Charge							\$7.00		\$7.00	
1			Carrier Cost Recovery Charge							\$40.00		\$40.00	
1			Long Distance Access charge							\$0.49		\$0.49	
										\$1.85		\$1.85	
Monthly Total:											\$89.13		
Usage Charges:													
			Local									\$0.00	
			Regional									\$0.00	
			Intrastate									\$0.00	
			Interstate									\$0.00	
Usage Total:											\$0.00		
Estimated Early Termination Fees:													
Site Total:											\$222.55		

Carrier		Service		Address		Zone		State		Rate		Cost	
Spectrol		61 MAIN ST. S RIV 08882		61 MAIN ST. S RIV 08882		732 613-8725		NJ					
1	Business Line									\$9.18		\$9.18	
1	FCC									\$6.71		\$6.71	
1	CCRSRAF									\$5.93		\$5.93	
1	LCF									\$0.35		\$0.35	
1	Answer Call									\$8.50		\$8.50	
1	Two Feat. Pkg. (*69)*66 per call ctg. @ \$.75)									\$0.00		\$0.00	
1	Caller ID									\$4.50		\$4.50	
Monthly Total:											\$35.17		
Usage Charges:													
			Local							\$0.018		\$0.018	
			Regional							\$0.039		\$0.039	
			Intrastate							\$0.039		\$0.039	
			Interstate							\$0.029		\$0.029	
Usage Total:											\$0.00		
Site Total:											\$35.17		

Comments



NOTES:

- 1) This side by side comparison of your telephone bill is an estimate for one month only. Actual savings may differ depending on month over month usage patterns or changes to your services over time.
- 2) Any Early Termination Fee (ETF) estimates listed in proposal are only estimates. Spectrol assumes no responsibility for omissions or if actual ETF's differ from estimates. It is the customer's responsibility to fully understand its contract structure(s) with its current carrier(s). Spectrol will not reimburse early termination fees unless the customer receives written approval from Spectrol specifying the amount. Customer must present the bill showing the ETF charge to Spectrol to receive reimbursement credit. Early termination fees are not applicable if the customer is not on a term contract with their underlying carrier.
- 3) Pricing is valid for 30 days

ETF TOTAL

**Raritan Valley Wildlife  
Control LLC.**

I  
Raritan Valley Wildlife Control LLC. 908 331-2041  
PO Box 355  
Helmetta NJ, 08828  
E Mail Darren@rvwsinc.com

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# Proposal

December 29, 2008

Debra Jones  
Executive assistant  
Borough of South River  
48 Washington St  
South River New Jersey 08882

Dear Mrs. Jones

RARITAN VALLEY WILDLIFE CONTROL, LLC (RVWC) will provide all materials, goods, and labor required to trap and remove nuisance wildlife from the private property of the residents of South River.

RVWC will take complaints, make appointments, set traps, remove trapped animals, and maintain accurate records of the same.

RVWC in most cases will need to make appointments to service your residents. In all cases a prompt professional response will be made to your resident's complaint.

RVWC will charge a fee of seventy five dollars (\$75.00) for each trapped animal removed from a property

RVWC reserves the right to terminate trapping at a residence after a reasonable effort has been made to capture an animal.

RVWC is a licensed pesticide control business (98383A). This proposal does not include chemical applications to control household pests.

RVWC is a full service wildlife removal service. This proposal does not include animal proofing, exclusion work, repairs or modifications to resident's property.

Thank you again for allowing Raritan Valley Wildlife Control LLC the opportunity to quote on your nuisance wildlife problems.

Sincerely,  
*Darren Doran*  
Darren Doran, Owner/Operator

---

**Raritan Valley Wildlife  
Control LLC.**

Raritan Valley Wildlife Control LLC. 908 331-2041  
PO Box 355  
Helmetta NJ, 08828  
E Mail Darren@rvwsinc.com

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# Proposal

December 29, 2008

Debra Jones  
Executive assistant  
Borough of South River  
48 Washington St  
South River New Jersey 08882

Dear Mrs. Jones

I would like to thank you for the opportunity to submit this proposal for the trapping and removal of nuisance wildlife within the Borough of South River.

RARITAN VALLEY WILDLIFE CONTROL,LLC is a full service wildlife removal company licensed and insured in the state of New Jersey. We are dedicated to professional and effective solutions to your nuisance wildlife problems.

Should you have any questions or require additional information please do not hesitate to call the office at any time.

Thank you again for considering us.

Sincerely,

*Darren Doran*

Darren Doran, Owner/ Operator

---

**THOMAS J NOTO, P.E.**

Engineering Consultant

February 15, 2013

Mayor and Borough Council  
Borough of South River  
48 Washington Street  
South River, NJ 08882

**RECEIVED**  
FEB 19 2013  
BOROUGH CLERK *SN*

Re: Preventative Maintenance - Bid Results

Att: Patricia O'Connor, RMC  
Borough Clerk

Gentlemen;

The Bid opening of today produced two bidders as follows:

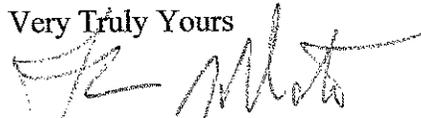
Reuter Hanney, Inc.	\$99,895.00
High Energy Electric	\$69,300.00

I recommend, pending review by the Borough Attorney, that award be made to the low bidder. High Energy Electric, as the bid represents a good competitive result.

It is requested that the Award be made as soon as possible in order to complete the work before the summer peak loads occur.

I am returning all Bids to you at this time.

Very Truly Yours



Thomas J Noto, P.E.

LAW OFFICES OF  
**JAMES P. NOLAN**  
&  
**ASSOCIATES**  
A Limited Liability Company

James P. Nolan, Jr.  
Certified Criminal Trial Attorney  
Fredrick L. Rubenstein  
Eric L. Lange  
Admitted in NJ & NY  
Sanford Rader  
Of Counsel

RECEIVED

FEB 20 2013

BOROUGH CLERK

February 19, 2013

Mayor John Krenzel  
and Borough Council  
48 Washington Street  
South River, New Jersey 08882

Attn: Patricia O'Connor  
Borough Clerk

RE: AWARDING HIGH ENERGY ELECTRIC  
CONTRACT FOR PREVENTATIVE MAINTENANCE  
AT THE WILLETT AVENUE ELECTRICAL SUBSTATION

Dear Sirs:

On behalf of the Borough of South River, I have reviewed the bid documents in the above captioned matter and concur in the assessment that the contract be awarded to High Energy Electric.

Thank you for your kind attention to this matter.

Very truly yours,

*James P. Nolan*

James P. Nolan  
Borough Attorney,  
Borough of South River

JPN:amy



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF ENGINEERING & CONSTRUCTION  
BUREAU OF DAM SAFETY & FLOOD CONTROL  
Mail Code 501-01A

PO Box 420, Trenton, NJ 08625-0420  
Telephone: 609-984-0859 Fax: 609-984-1908

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Commissioner*

February 4, 2013

Re: Local Flood Damage Prevention Ordinance  
Adoption of Advisory Base Flood Elevation Maps

Dear Mayors and Local Floodplain Administrator:

This is in reference to the Federal Emergency Management Agency (FEMA) Advisory Base Flood Elevations (ABFE) for Atlantic, Bergen, Burlington, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean and Union Counties and the Department of Environmental Protection (DEP) Statement of Imminent Peril Mandating Flood Hazard Amendments (<http://www.nj.gov/dep/docs/20130124statement-of-imminent-peril-mandating-flood-hazard-amendments.pdf>). The State of NJ has adopted emergency amendments to the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13, which incorporate the use of ABFE's in determining flood elevations. Under these amendments, flood elevations are now determined either using: (1) the higher of the ABFE, the effective BFE, or the design flood elevation shown on DEP flood maps; or (2) site-specific calculations that demonstrate a different flood elevation.

In order to ensure your residents are eligible for Increased Cost of Compliance (ICC) and other federal hazard mitigation grant funds, it is recommended that your community readopt its current Local Flood Damage Prevention Ordinance to meet or exceed the requirements of the amended Flood Hazard Area Control Act Rules (<http://www.nj.gov/dep/docs/20130124flood-hazard-emergency-rule.pdf>). In addition, your community could receive credits through the Community Rating System (CRS) program for adopting the ABFE maps.

To assist your municipality and FEMA, the DEP recommends amending your local ordinance in accordance with the Generic ABFE Model Ordinance language that can be found at the DEP flood control website: <http://www.nj.gov/dep/floodcontrol/modelords/modelde-abfe.doc>. Your amended ordinance should reference the appropriate ABFE map panels and dates (which can be accessed at the DEP flood control website for your specific community) in section 3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD to comply with federal flood insurance requirements. The model ordinance contains only the minimum requirements accepted by FEMA and the State of New Jersey.

Please forward to our office within ten (10) days a designated contact person and their contact information. Also, please forward a draft copy of any proposed ordinance to my office prior to introduction, for our review. After adoption, please forward **two (2) certified, signed and sealed** copies of the ordinance to this office so I can report to FEMA that your municipality has adopted an ordinance that implements the ABFE regulations.

Should you have any questions or need the model ordinance document in Microsoft Word® format, please contact A. Chris Gould at (609) 292-2296 or [alan.gould@dep.state.nj.us](mailto:alan.gould@dep.state.nj.us).

Sincerely,

John H. Moyle, P.E., Manager  
Bureau of Dam Safety & Flood Control

**THE FLOOD DAMAGE PREVENTION ORDINANCE**  
(60.3) ABFE D&E

**SECTION 1.0**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**1.1 STATUTORY AUTHORIZATION**

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

**1.2 FINDINGS OF FACT**

- [1] The flood hazard areas of the Borough of South River of Middlesex County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- [2] These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**1.3 STATEMENT OF PURPOSE**

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

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

**1.4 METHODS OF REDUCING FLOOD LOSSES**

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

- [1] Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- [2] Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- [3] Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- [4] Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- [5] Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **SECTION 2.0 DEFINITIONS**

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

**Advisory Base Flood Elevation (ABFE)** —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Advisory Flood Hazard Area (AFHA)** —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

**Advisory Flood Hazard Map** - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

**Appeal** — A request for a review of the flood administrators interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** — The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

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

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

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

**Coastal High Hazard Area** — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

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

**Elevated Building** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

**Erosion** — The process of the gradual wearing away of land masses.

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

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

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

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

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

**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.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Structure** — Any structure that is:

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

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.

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

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

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

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

**Primary Frontal Dune** — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

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

**Sand Dunes** — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of 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 or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

- [1] 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
- [2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

## **SECTION 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

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

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of South River of Middlesex County Community No. 340280 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Middlesex County, New Jersey (All Jurisdictions)" dated 10 July 2010. .
- b) Flood Insurance Rate Map for Middlesex County, New Jersey (All Jurisdictions) as shown on Index and panel(s), 34023C0134F, 34023C142F, 34023C0153F, and 34023C0161F, whose effective date is 10 July 2010.
- c) Advisory Base Flood Elevations and Advisory Flood Hazard Maps (New Brunswick NE, South Amboy NW and South Amboy SE, dated December 2012). These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 48 Washington Street, South River NJ 08882.

### **3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than as authorized in the Code of the Borough of South River or imprisoned for not more than those days as determined by a duly sworn Municipal Judge, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of South River of Middlesex County from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.4 ABROGATION AND GREATER RESTRICTIONS**

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

### **3.5 INTERPRETATION**

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

- [1] Considered as minimum requirements;
- [2] Liberally construed in favor of the governing body; and,
- [3] Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural

causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

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

## **SECTION 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 3.2. Application for a Development Permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

### **4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The floodplain administrator is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

### **4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the floodplain administrator shall include, but not be limited to:

#### **4.3-1 PERMIT REVIEW**

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 [1] are met.
- [4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- [5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2 [4].

#### **4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SECTIONS 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

#### **4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- [1] Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- [2] For all new or substantially improved floodproofed structures:
  - [i] verify and record the actual elevation (in relation to mean sea level); and
  - [ii] maintain the floodproofing certifications required in SECTION 4.1 [3].
- [3] In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2[1] and 5.4-2[2](i) and (ii) are met.
- [4] Maintain for public inspection all records pertaining to the provisions of this ordinance.

#### **4.3-4 ALTERATION OF WATERCOURSES**

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

#### **4.3-5 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

### **4.4 VARIANCE PROCEDURE**

#### **4.4-1 APPEAL BOARD**

- [1] The Zoning Board as established by Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- [2] The Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this ordinance.
- [3] Those aggrieved by the decision of the, or any taxpayer, may appeal such decision to the Court of the Borough of South River NJ, or a court as appointed as determined by statute.
- [4] In passing upon such applications, the Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger to life and property due to flooding or erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed facility to the community;

- (v) the necessity to the facility of a waterfront location, where applicable;
  - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (vii) the compatibility of the proposed use with existing and anticipated development;
  - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- [5] Upon consideration of the factors of SECTION 4.4-1 [4] and the purposes of this ordinance, the Zoning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- [6] The flood plain administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### **4.4-2 CONDITIONS FOR VARIANCES**

- [1] Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- [2] Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- [3] Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- [4] Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- [5] Variances shall only be issued upon:
- (i) A showing of good and sufficient cause;
  - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4-1[4], or conflict with existing local laws or ordinances.
- [6] Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **5.1 GENERAL STANDARDS**

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

#### **5.1-1 ANCHORING**

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

#### **5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- [1] All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- [2] All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### **5.1-3 UTILITIES**

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

#### **5.1-4 SUBDIVISION PROPOSALS**

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

#### **5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically

equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

## **5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

### **5.2-1 RESIDENTIAL CONSTRUCTION**

- [1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus two feet;
- [2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above (*optional: or more*) the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

### **5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:  
either

- [1] Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus two feet, and
- [2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above, the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures; or
- [3] Be flood proofed so that below the base flood level plus two feet, or advisory base flood elevation plus two feet, the structure is watertight with walls substantially impermeable to the passage of water;
- [4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- [5] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the

applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 [2] [ii].

### **5.2-3 MANUFACTURED HOMES**

- [1] Manufactured homes shall be anchored in accordance with SECTION 5.1-1 [2].
- [2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation, plus two feet.

### **5.3 FLOODWAYS**

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- [1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- [2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- [3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

### **5.4 COASTAL HIGH HAZARD AREA**

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in SECTION 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

#### **5.4-1 LOCATION OF STRUCTURES**

- [1] All buildings or structures shall be located landward of the reach of the mean high tide.
- [2] The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or manufactured home subdivision.

#### **5.4-2 CONSTRUCTION METHODS**

##### **[1] ELEVATION**

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (i) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation, advisory base flood elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, and,
- (ii) with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in SECTION 5.4-2 [4].

## **[2] STRUCTURAL SUPPORT**

- (i) All new construction and substantial improvements shall be securely anchored on piling or columns.
- (ii) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- (iii) There shall be no fill used for structural support.

## **[3] CERTIFICATION**

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of SECTION 5.4-2 [1] and 5.4-2 [2] (i) and (ii).

## **[4] SPACE BELOW THE LOWEST FLOOR**

- (i) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- (ii) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
  - (a) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
  - (b) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (iii) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
- (iv) Prior to construction, plans for any breakaway wall must be submitted to the Construction Official for approval.