

HOLLAND TOWNSHIP COMMITTEE
REGULAR MEETING AGENDA
December 5, 2023

MEETING CALLED TO ORDER

If you haven't already done so, please turn off or silence all electronic equipment.

Roll Call: when your name is called, please respond with "present"

Committeeman Duane Young
Committeewoman Lisa Pezzano
Deputy Mayor Scott Wilhelm
Committeeman Robert Thurgarland
Mayor Dan Bush
Attorney Matthew Lyons
Municipal Clerk Melissa Tigar

FLAG SALUTE

"At this time, I would like to invite the audience to join the Committee in reciting the Pledge of Allegiance"

CLERK READS OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was given pursuant to the open public meeting act, by the Municipal Clerk on **December 8, 2022** and re-published with the zoom information on **January 12, 2023** by:

- 1) posting such notice on the bulletin board at the municipal building and on the Township website
- 2) mailing the same to the Hunterdon County Democrat and the Express-Times.

ZOOM INFORMATION

Township Committee is inviting you to a scheduled Zoom meeting.

Topic: Township Committee

Time: December 5, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/7480301411?pwd=dWgzaU91TXhjdFk5eWJNZmNPcGUxdz09&omn=88205339311>

Meeting ID: 748 030 1411

Passcode: 951148

One tap mobile

+13052241968,7480301411#, *951148# US

APPROVAL OF MINUTES OF THE: November 21, 2023 Regular Meeting

APPROVAL OF BILLS AS SUBMITTED

Holland Township
Bill List
5-Dec-23

Check#	Vendor	Description	Payment	Check Total
34786	Monmouth County Sheriff's Office	Field Training Officer Oct 26-27 DeCatal	\$ 100.00	\$ 100.00
34787	ADR TOWING, INC.	Command Bus	\$ 279.88	\$ 279.88
34788	ALLEGRO ENTERPRISES, INC.	Water Bottle Services	\$ 32.06	\$ 32.06
34789	AMAZON CAPITAL SERVICES	Shower Curtains & Shower Heads	\$ 86.45	
		Pickleballs	\$ 103.01	
		Eureka Lightweight Vacuum	\$ 93.18	
		Television Historical	\$ 1,040.13	
		Ornaments Red White & Blue 112-975136	\$ 32.98	
		Warm White Lights 66ft 112-7558414-8	\$ 298.74	
		Christmas Tree for RRCC (replace broken	\$ 99.99	\$ 1,754.48
34790	AMAZON CAPITAL SERVICES	Christmas Ornament Hangers & File Folder	\$ 18.02	
		Pressure Washer Pump Water Seal Kit 112-	\$ 18.98	\$ 37.00
34791	AQUA NEW JERSEY	RRCC Pool 8797	\$ 47.80	\$ 47.80

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34792	AQUA NEW JERSEY	Pool (8796)	\$ 194.90	\$ 194.90
34793	AQUA NEW JERSEY	Lawn Irrigation (9078)	\$ 27.51	\$ 27.51
34794	AQUA NEW JERSEY	910 Milford Warren Glen Rd Seasonal Yard	\$ 16.50	\$ 16.50
34795	Bedard Kurowicki & Co CPA's PC	Budget Preparation	\$ 7,500.00	\$ 7,500.00
34796	CLEMENS UNIFORM	Shop Towels / Floor Mat service	\$ 23.35	
		Mats for Municipal Building	\$ 41.98	\$ 65.33
34797	COLLIERS ENGINEERING & DESIGN INC	HLT046 MRSP ANNUAL STORMWATER REPORT	\$ 2,575.23	
		HLT0095 2023 ROADWAY IMPROVEMENTS OCT 20	\$ 262.50	
		HLT090 SPRING GARDEN ROAD	\$ 645.15	
		HLT056A Water Use and Conservation Plan	\$ 131.25	\$ 3,614.13
34798	COUNTY OF HUNTERDON	PUBLIC SAFETY/ POLICE SYMPATHY CARDS (25	\$ 13.00	\$ 13.00
34799	COUNTY OF HUNTERDON	BUSINESS CARDS CFO, COMMITTEE, DEP. TAX	\$ 15.00	\$ 15.00
34800	Dana Wiatroski	Pickleball Lessons 11/19/2023	\$ 830.00	
		Pickleball Clinics December 2023	\$ 960.00	\$ 1,790.00
34801	DIRECT FLOORING	FLOORING FIRE DEPARTMENT	\$ 46,625.00	\$ 46,625.00
34802	EDMUNDS GOVTECH	Conversion 16 hours training	\$ 950.00	\$ 950.00
34803	Elite Vehicle Solutions	REPLACE HANDLE ON SPOTLIGHT	\$ 155.06	\$ 155.06
34804	ELIZABETHTOWN GAS	Meter 01061655 Account 93404665351 RRCC UNIFORMS COSTELLO, DUGAN, SPULER, DIESSO	\$ 435.18	\$ 435.18
34805	EPPEC Uniforms		\$ 3,078.90	\$ 3,078.90
34806	FEDIGAN LLC	TAX SALE REDEMPTION BLOCK 7.04 LOT 13	\$ 2,693.20	\$ 2,693.20
34807	GEBHARDT & KIEFER, P.C.	Tax Appeal Oct 2023	\$ 68.00	\$ 68.00
34808	GEBHARDT & KIEFER, P.C.	GENERAL-OCT 2023	\$ 4,046.00	\$ 4,046.00
34809	GRAINGER	Misc. Items for Building and Maintenance	\$ 320.73	
		Glue Card Replacement for Fly Traps	\$ 11.37	\$ 332.10
34810	GRIFFITH-ALLIED TRUCKING	DIESEL FUEL FOR DPW	\$ 841.64	
		DULSD - Diesel DPW/Gasoline-Police	\$ 1,322.24	
		DIESEL FUEL FOR DPW	\$ 1,170.16	\$ 3,334.04
34811	J C Ehrlich Co Inc	Commercial Pest Maintenance Service NOV	\$ 75.10	\$ 75.10
34812	Jeff Modica	2023 Clothing Allowance per Union Contra	\$ 550.00	\$ 550.00
34813	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 595 Street Lights MV	\$ 23.71	\$ 23.71
34814	JERSEY CENTRAL POWER & LIGHT	Acct 100 060 952 585 Street Lights Holla	\$ 61.85	\$ 61.85
34815	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 652 Street Lights 10	\$ 1,383.33	\$ 1,383.33
34816	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 858 Baseball 09/21/2	\$ 276.46	\$ 276.46
34817	JERSEY CENTRAL POWER & LIGHT	Account 100 003 579 271 Library 10/20/23	\$ 43.14	\$ 43.14
34818	JERSEY CENTRAL POWER & LIGHT	Account 100 077 061 016 - 09/19/23 - 11/	\$ 143.35	\$ 143.35
34819	JERSEY CENTRAL POWER & LIGHT	100 070 503 212 Pool Storage Garage 09/1	\$ 3.40	\$ 3.40
34820	JERSEY CENTRAL POWER & LIGHT	100 029 305 644 - 10/20/23 - 11/17/23	\$ 836.84	\$ 836.84
34821	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 932 Case Field 10/20	\$ 96.38	\$ 96.38
34822	JESSICA DULIN-SOTO	Yoga November 2023	\$ 550.00	\$ 550.00
34823	JOHN P GALLINA, ESQ	LUB Misc General Matters	\$ 270.00	\$ 270.00
34824	KOCHES REPAIRS, INC.	Towing 15-13 from RRCC to Rossi Washington	\$ 163.50	\$ 163.50
34825	LAURA KNOTT	Yoga Classes November 2023	\$ 385.00	\$ 385.00
34826	LMR DISPOSAL	Recycling Dumpster	\$ 1,140.00	\$ 1,140.00
34827	LMR DISPOSAL	Recycling Dumpster	\$ 570.00	\$ 570.00
34828	MELANIE WORO	Fitness Class November 2023	\$ 840.00	\$ 840.00
34829	MELISSA TIGAR	Mileage to NJLM	\$ 220.57	\$ 220.57
34830	MILFORD/FRENCHTOWN AUTO PARTS, INC.	Truck-Equipment Parts/Tools/Truck Equipmen REQUEST FOR PROPOSAL - LUB PROFESSIONALS	\$ 752.04	\$ 752.04
34831	NJ Advance Media	Ordinance Special Meeting	\$ 44.13	
		Ordinance 2023-16,-17,-18	\$ 209.43	\$ 288.61
34832	NRG BUSINESS	SERV LOC ID 776745 61 CHURCH ROAD	\$ 448.78	\$ 448.78
34833	ODP BUSINESS SOLUTIONS, LLC	HAND SOAP/PAPER	\$ 111.87	
		BATH TISSUE JUMBO	\$ 64.48	
		CALC WATCH BATTERY	\$ 2.99	\$ 179.34
34834	PenTeleData	11/24/23 - 12/24/23	\$ 196.85	\$ 196.85
34835	PRESERVATION NEW JERSEY, INC.	PNJ Commission Membership	\$ 250.00	\$ 250.00
34836	Quadient Leasing USA Inc	Lease Period -12/8/23-3/7/24	\$ 510.75	\$ 510.75
34837	RJ'S DIESEL AND AUTO REPAIR	2016 F550 Repair	\$ 893.75	
		Vehicle Maintenance	\$ 111.79	
		Vehicle Maintenance	\$ 111.79	\$ 1,117.33
34838	SCHOLL & WHITTESEY	Oct-23	\$ 420.00	\$ 420.00
34839	SERVICE ELECTRIC CABLE TV, INC.	Internet Service	\$ 98.90	\$ 98.90
34840	SHAMMY SHINE CAR WASH, INC.	Patrol Car-car wash cards	\$ 500.00	\$ 500.00
34841	STEM BROTHERS, INC.	Propane for Recycling Center	\$ 41.61	\$ 41.61
34842	TAMATHA ISENBERG	Yoga November 2023	\$ 165.00	\$ 165.00
34843	THERESA VERDI	Cleaning RRCC 11/1-11/15/2023	\$ 520.00	
		Cleaning services at Municipal Building	\$ 500.00	\$ 1,020.00
34844	TRIFLEX IT SOLUTIONS, LLC	Billable Services Travel, OnSite	\$ 1,451.25	
		500 GB SOLID STATE DRIVE 2.5" INTERNAL OFFSITE BACKUP BARRACUDA BACKUP SERVICE	\$ 78.53	
			\$ 399.00	
		Email Protection	\$ 154.00	
		Offsite Backup	\$ 122.50	\$ 2,205.28

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34845	VERIZON	NOVEMBER 2023 BILLING	\$ 254.42	\$ 254.42
34846	WB Mason Co Inc	Cleaning Supplies	\$ 34.97	\$ 34.97
			TOTALS:	\$ 93,321.58
			\$ 93,321.58	\$ 93,321.58

33847	DELAWARE ELECTRIC, INC.	VOID CHECK	105	105
33847	DELAWARE ELECTRIC, INC.	VOID CHECK	-105	-105
34145	General Plumbing Supply	VOID CHECK	811.93	811.93
34145	General Plumbing Supply	VOID CHECK	-811.93	-811.93
34267	AMAZON CAPITAL SERVICES	VOID CHECK	532.23	532.23
34267	AMAZON CAPITAL SERVICES	VOID CHECK	-532.23	-532.23
34268	AMAZON.COM - RRCC	VOID CHECK	185.99	185.99
34268	AMAZON.COM - RRCC	VOID CHECK	-185.99	-185.99
11282023	NJ STATE HEALTH BENEFIT	HEALTH BENEFITS RETIREE DEC 23	3,674.62	3,674.62
11292023	NJ STATE HEALTH BENEFIT	HEALTH BENEFITS ACTIVE DEC 23	32,717.19	32,717.19
12012023	GUARDIAN	DENTAL DEC 23	3,035.14	3,035.14
			TOTALS:	\$ 39,426.95
			\$ 39,426.95	\$ 39,426.95

REMINDER/ANNOUNCEMENT

Holland Fire Company will host the township Holiday Tree Lighting at Whispering Pines Banquet Hall on Sunday December 10th at 5:30 pm.

OLD BUSINESS FROM TOWNSHIP COMMITTEE

ORDINANCE 2023-16- Flood Plain Management Regulations - Public Hearing/Final Adoption

At the November 8, 2023 meeting the Township Committee adopted the Ordinance on First Reading. It was then referred to the Land Use Board for review for consistency with the Master Plan and Elements. In a memo dated November 14, 2023, Land Use Board Administrator, Maria Elena Kozak advised that the Land Use Board had reviewed Ordinance 2023-16 at their November 13, 2023 meeting and determined that the proposed ordinance is consistent with either document with the Master Plan and Elements. This Ordinance will become effective upon publication on December 14, 2023.

ORDINANCE AMENDING THE FLOODPLAIN MANAGEMENT REGULATIONS OF THE TOWNSHIP OF HOLLAND (CHAPTER 100, SECTIONS 92 TO 98)

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

WHEREAS, the Township of Holland was accepted for participation in the National Flood Insurance Program on March 16, 1981, and the Township Committee desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, pursuant to Ordinance 2023-04 adopted on February 21, 2023, the Township of Holland (the “Township”) adopted a revised Floodplain Management Ordinance in order to conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, the Township desires to amend such ordinance in order to provide clarity by amending the following:

1. Reordering the provisions of the Floodplain Management Ordinance to place the title, purpose, and definitions sections at the beginning.

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2. To clarify the purpose of the Floodplain Management Ordinance.
3. To clarify the penalties for violation of the Floodplain Management Ordinance.
4. To require submission of a completed Floodplain Development Permit Application with a Zoning Permit Application.
5. To require the granting of a Floodplain Development Permit (where applicable) for the issuance of a Certificate of Occupancy.
6. To amend Land Use Board Checklists to require a flood elevation certificate and inclusion of all information required by the Floodplain Management Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holland that the following floodplain management regulations are hereby amended as follows:

SECTION 1. Section 100-92, entitled “Preamble” is hereby deleted in its entirety and replaced with the following section, entitled “Title:”

Section 100-92. Title.

This ordinance, in combination with the flood provisions of the Uniform Construction Code, N.J.A.C. 5:23, et seq., consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the Floodplain Management Regulations of the Township of Holland.

SECTION 2. Section 100-93, entitled “Recitals,” is hereby deleted in its entirety and replaced with the following, entitled, “Purpose:”

100-93. Purpose.

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. The Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of Holland 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.

The Township of Holland was accepted for participation in the National Flood Insurance Program on March 16, 1981, and the Township Committee desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation. The Township of Holland 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. The Township of Holland 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).

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.

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- 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.

SECTION 3. Section 100-94, entitled “Repealer,” is hereby deleted in its entirety and replaced with the following, entitled “Definitions:”

Section 100-94. Definitions.

A. 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.

B. 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

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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.

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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 of other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

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

FLOOD OR FLOODING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORIC STRUCTURE – Any structure that is:

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

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- 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.

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

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

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

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

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

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

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

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

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

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living

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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 six (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.

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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.

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SECTION 4. Section 100-95, entitled "Scope and administration," is hereby amended as follows (deletions noted in strikethrough ~~thus~~ and additions noted in bold italic *thus*):

~~**A. 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 Township of Holland (hereinafter "these regulations").~~

AB. 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 100-96 of these regulations.

~~**C. 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:~~

- ~~13) Protect human life and health.~~
- ~~14) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.~~
- ~~15) Manage the alteration of natural floodplains, stream channels and shorelines;~~
- ~~16) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.~~
- ~~17) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.~~
- ~~18) Contribute to improved construction techniques in the floodplain.~~
- ~~19) Minimize damage to public and private facilities and utilities.~~
- ~~20) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.~~
- ~~21) Minimize the need for rescue and relief efforts associated with flooding.~~
- ~~22) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.~~
- ~~23) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.~~
- ~~24) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.~~

B. Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of Holland administer and enforce the State Building Codes, the Township Committee of Township of Holland 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.

C. 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.

D. 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.

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

F. 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 \$1,250 imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (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 thirty (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 thirty (30) day period, ***the above-referenced penalties may be imposed and the abatement must be completed.*** ~~a fine greater than \$1,250 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 (1) 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.~~

G. 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 ***pursuant to N.J.S.A. 40:49-5 a minimum penalty of \$2,500 up to a maximum penalty of \$10,000.*** ~~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.~~

H. 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 5. Section 100-98.5, entitled "Definitions," is hereby deleted in its entirety and left intentionally blank.

SECTION 6. Section 100-118 of the Code of the Township of Holland, entitled "Zoning Permit" is hereby amended as follows (deletions noted in strikethrough ~~thus~~ and additions noted in bold italic ***thus***):

A. Prior to any change in the use of any land or structure or expansion of existing use of land or expansion of a structure or construction of an additional structure, where the changed or expanded use, or expansion or construction of a structure, is affected by the requirements of this Part 1, the owner or his authorized agent shall apply for a zoning permit, unless a site plan or subdivision approval or variance has been finally granted by the applicable approving authority and the proposed changed or expanded use, or expansion of the structure or construction of the additional structure, has been approved along with or as part of the site plan, subdivision or variance so granted. ***For land or structures located within the Flood Hazard District, an elevation certificate and completed Floodplain Development Permit Application pursuant to Chapter 100, Article XII of the Township Code.***

B. The application for a zoning permit shall be on forms to be supplied by the Zoning Officer and shall contain such information, sketches, plans and data as may be required by regulations of the Planning Board which would be applicable to determine that said use or structure complies with the requirements of this Part 1 ***and the Township's Floodplain Management Regulations (Chapter 100,***

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Article XII of the Township Code), and no zoning permit shall be issued unless and until the Zoning Officer has determined that said change or expansion in use or expansion of structure or construction of additional structure complies with said requirements. The fee for said zoning permit will be as established in Chapter 83, Fees. Also, prior to the issuance of any zoning permit, the Zoning Officer shall be presented by the applicant with a certificate from the appropriate Township official that no real estate taxes or assessments for local improvements are delinquent as to any lot or lots involved in the application for the zoning permit.

C. Any change in use of land or structure, or expansion of a structure or construction of any additional structure for which a zoning permit has been issued shall, be accomplished in accordance with such permit and the requirements of said Part 1, and with the provisions of any applicable industrial use permit theretofore granted.

SECTION 7. Section 100-119 of the Code of the Township of Holland, entitled “Certificates of Occupancy” is hereby amended as follows (deletions noted in strikethrough ~~thus~~ and additions noted in bold italic *thus*):

It shall be unlawful to use or permit the use of any land or structure, the use of which has been changed in such manner as to require the issuance of a zoning permit, industrial use permit, *Floodplain Development Permit*, or special exception use permit hereunder, and it shall be unlawful to use any building hereinafter located, relocated, erected, constructed, reconstructed, enlarged or structurally altered so as to require the issuance of a building permit, until a certificate of occupancy shall have been issued therefor by the Construction Official. Such certificate of occupancy shall be issued by the Construction Official if said land or structure, so changed in use or building so located, relocated, erected, constructed, enlarged or structurally altered, as the case may be, conforms with all the requirements of this Part 1, Part 2, Development Regulations, and applicable provisions of the New Jersey State Uniform Construction Code. Such certificate of occupancy shall be issued or denied by the Construction Official within 10 days of application for it.

SECTION 8. Chapter 100, Attachment 14, entitled “Checklists for Applications for Development,” is hereby amended as follows:

For all development within the Flood Hazard District

- a. a flood elevation certificate, and
- b. the plans must show or include all information required by the Floodplain Management Regulations of the Township of Holland, specifically Township Code Section 100-98.1

SECTION 9. 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 10. EFFECTIVE DATE

This ordinance shall take effect after notice and publication required by law.

PUBLIC HEARING -

RESOLUTION – Floodplain Development Permit Application

ADOPTING A REVISED APPLICATION FORM

WHEREAS, Section 100-98(B) requires Floodplain Development permit applications to be on a form provided by the Floodplain Administrator; and

WHEREAS, the Floodplain Administrator, Township Attorney, and the Township Committee have reviewed the attached Floodplain Development permit application form and desires to adopt such for use by the Township.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Holland, County of Holland as follows:

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1. The attached Floodplain Development application is hereby approved and adopted for use by the Township.
2. The Township Clerk is authorized to post such on the Township website and keep copies in the Township Municipal Building to provide to potential applicants.
3. This Resolution shall take effect immediately.

ORDINANCE 2023-17- Revising Chapter 32 “Police and Public Safety, Department of” Public Hearing/Final Adoption. This Ordinance will become effective upon publication on December 14, 2023

AMENDING ORDINANCE 2021-10, REVISING CHAPTER 32, SECTION 13, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF HOLLAND, AND CHAPTER 32 ENTITLED “POLICE AND PUBLIC SAFETY, DEPARTMENT OF,” OF THE CODE OF THE TOWNSHIP OF HOLLAND

WHEREAS, the Mayor and Committee of the Township of Holland have determined that certain amendments and additions are needed regarding Ordinance 2021-10 and Chapter 32 of the Code of the Township of Holland regarding outside employment of law enforcement officers are necessary.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Holland, in the County of Hunterdon and State of New Jersey, that the following provisions of the Code of the Township of Holland is amended as follows:

SECTION 1. Chapter 32 of the Township Code of the Township of Holland, entitled “Police and Public Safety, Department of,” is hereby amended and supplemented as follows (Additions indicated in boldface and italics *thus*; deletions indicated with strike-through ~~thus~~):

§ 32-15. *Outside employment of law enforcement officers.*

Police Officers may work for outside private contractors and entities and other government entities on their off-duty hours with the approval of and provided the Chief of Police determines, in his discretion that there are sufficient police personnel available , that the outside employment assignment will not interfere with the needs of the Township, and that sufficient funds have been deposited in advance in an escrow account with the Township’s Chief Financial Officer, or the assignment is for a government entity that has executed a Shared Services Agreement with the Township, to cover the anticipated costs of such off-duty assignments. The Township’s Chief Financial Officer shall remit invoices to all outside private contractors and entities and government entities upon notification from the Police Chief on all outside employment.

§ 32-16. *Escrow account; application for services.*

A. The Township has established an escrow account dedicated to the payment of off-duty police officers for outside employment by private contractors or private entities and other government entities. Any prospective contractor or private entity or government entity must apply to the Chief of police, requesting off-duty police services. The Chief of Police will then notify the Chief Financial Officer of the request and forward to them the completed application, when received. The written application shall include the following information.

- (1) The dates that off-duty police services and police vehicle(s) will be needed.*
- (2) An estimate of the number of hours the contractor or private entity anticipates using the off-duty police officer(s) and, if appropriate, police vehicles.*
- (3) A check to cover the cost of off-duty police services and use of any Township vehicles based on the estimated number of hours shall be submitted before the start of off duty employment in accordance with State and Division of Local Government Services regulations. No police officer shall work off duty for any private contractor or entity prior to clearance of the funds in the escrow account*

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- B. If the contractor's or private entity's needs exceed the estimated sum in the escrow account, the Township's Chief Financial Officer (or designee) shall immediately notify the contractor or outside entity that the funds in the escrow account are insufficient to pay for continued off-duty police services. The contractor or private entity shall then either replenish the escrow account with a check sufficient to pay for continued services or the Chief of Police shall immediately terminate provision of the off-duty police services to the contractor or private entity.**
- C. If the contractor's or private entity's estimated costs exceed the actual costs incurred, then the Township shall, upon proper notice to the Township Chief Financial Officer, refund the remainder of the escrow account.**
- D. Other government entities who have executed a Shared Service Agreement with the Township shall pay for the services within thirty (30) days of invoicing.**

§ 32-17. Timing of requests and payment.

- A. All requests for off-duty police services must be made no later than 1600 on the day prior to the request, except in an emergent situation.**
- B. In the event of an emergency situation, where written application for off-duty police services cannot be made prior to the date such service is required, payment for such service must be made to the Township within twenty-four (24) hours after the emergency situation has been resolved or concluded. For the purpose of this section, "emergency situation" shall mean any construction, maintenance or repair required to be performed as a result of an unforeseen event or act of God, whereby the private contractor had no prior notice of the condition, and off-duty police services are required for the public safety and welfare, which determination is left in the sole discretion of the Chief of Police.**

§ 32-18. Rates

- A. Rates for off-duty police services are:**
 - (1) The rate of pay for all off-duty police work shall be set each year by resolution of the Township Committee after consultation with the Chief of Police. The resolution setting the rates shall be immediately forwarded to the CFO.**
 - (2) The failure of a contractor or private entity to contact the Police Department at least twelve (12) hours in advance of the start of an assignment to cancel the request for off-duty police services will result in a two-hour minimum charge to the contractor or private entity. If an officer accepts an off-duty detail for specific hours and the detail is not worked to completion due to circumstances with the contractor, the officer may accept full compensation for the hours scheduled from the contractor. However, this does not guarantee the officer compensation for all scheduled hours.**
 - (3) In addition to the amounts noted above, a per-hour administrative fee of 15% will be charged to the contractor or private entity.**
- B. When a Township police vehicle is available and being utilized as an active traffic control device, the fee charged for use shall be set annually by Resolution.**

§ 32-19. Providing of traffic control devices.

The contractor shall be responsible for providing adequate traffic control devices (signs, cones, etc.) in accordance with the Manual on Uniform Traffic Control Devices (work zone safety). Failure to provide adequate traffic control devices will result in cancellation of the off-duty services.

§ 32-20. Insurance; indemnification.

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Whenever a contractor or outside entity contracts with the Township Police Department for the services of a police officer during his or her off-duty hours to engage in police-related activities, that outside entity must first:

- A. The employer shall hold the municipality harmless from any and all claims that may arise as the result of activities or actions of the police officers hired by the employer, which arise during the course of employment. The employer shall provide the municipality, prior to utilization of the municipality's police officer, with a certificate of insurance from an insurance company acceptable to the municipality evidencing not less than a minimum of \$1,000,000 in comprehensive general liability (including personal injury with exclusion of A & C deleted), but not less than the employer covers, and \$300,000 in property damage, as well as a "Hold Harmless" Agreement inuring to the benefit of the municipality and shall maintain said coverage at all times that a police officer of the municipality is employed by the employer. Such indemnity agreement shall be in a form acceptable to the Township Attorney.*

§ 32-21. Provision of other personnel and signage.

In the event a contractor determines not to use off-duty police officers, the contractor must provide for its own traffic control personnel and signage. If the Chief of Police determines that the contractor must utilize off-duty police officers for documented safety purposes, he will notify the contractor in writing, and will notify the Township's Chief Financial Officer. In no event does this provision preclude the Chief of Police from using on-duty police officers, at any time, to perform these functions.

SECTION 2. Ordinance 2021-10 revising Chapter 32, Section 13, of the Municipal Code of the Township of Holland, is deleted in its entirety.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

PUBLIC HEARING -

RESOLUTION –

**ESTABLISHING THE RATES FOR OUTSIDE EMPLOYMENT OF
HOLLAND TOWNSHIP POLICE OFFICER**

WHEREAS, the Municipal Code of the Township of Holland, Chapter 32, speaks to Police and Public Safety; and

WHEREAS, Section 32-18 speaks specifically to fees for certain documents and services from the Police Department; and

WHEREAS, the Police Department provides Police Officers for specified outside jobs and road jobs; and

WHEREAS, it is necessary to fix the fee for the entities seeking these Police services for outside jobs and road jobs.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township Holland, County of Hunterdon in the State of New Jersey, as follows:

1. The initial rate shall be \$82 per hour, payable to the Officer for outside jobs and/or road jobs

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(minimum of 2 hours); plus an additional administrative fee of 15% per hour related to the cost of the Township for insurance, FICA and SDI. Both rates shall be subject to future adjustment by the Township Committee by adoption of the Township Salary Resolution

2. The initial rate shall be \$50 per hour payable to the officer for outside jobs for volunteer and non-profit organizations when the activity is designed to benefit the Holland Township community, plus an additional administrative fee of 15% per hour related to the cost of the Township for insurance, FICA and SDI. Both rates shall be subject to future adjustments by the Township Committee by adoption of the Township Salary Resolution.
3. If any outside job or road job entails the use of a police vehicle, there shall be an additional charge of \$20 per hour for the use of the vehicle with a minimum of 2.5 hours billed for the vehicle (\$50)

ORDINANCE 2023-18- APPROPRIATING \$300,000.00 FROM RESERVE FOR IMPROVEMENTS 802 MILFORD-WARREN GLEN ROAD

Hearing/Final Adoption. This Ordinance will become effective, December 24, 2023, 10 days after publication on December 14, 2023.

AN ORDINANCE THAT APPROPRIATED \$300,000.00 FROM RESERVE FOR IMPROVEMENTS 802 MILFORD-WARREN GLEN ROAD (BLOCK 8.06, LOT 1) IN THE TOWNSHIP OF HOLLAND, COUNTY OF HUNTERDON, STATE OF NEW JERSEY IN THE AMOUNT OF \$300,000.00.

BE IT ORDAINED, by the Township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey, as follows:

SECTION ONE: The sum of \$300,000.00 is hereby appropriated from Reserve for Improvements 802 Milford Warren Glen Road for the Improvements of office space for municipal purposes.

SECTION TWO: The period of usefulness of the Improvements of Property as defined by N.J.S.A. 40A:2-22, is at least 5 years.

SECTION THREE: The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form 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, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION FOUR: The gross debt of the Township of Holland, as defined by N.J.S.A. 40A:2-43 will not be increased by this ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect 10 days after publication, following final adoption, as provided by law.

PUBLIC HEARING –

LIAISON REPORTS

NEW BUSINESS FROM TOWNSHIP COMMITTEE

APPROVAL FOR MAYOR TO SIGN – (2) Two DJ Contracts for Dip-N-Dance for 1) Community Day and 2) Community Pool Day

APPROVAL FOR MAYOR TO SIGN – Verizon Wireless Letter regarding the agreement to install (4) wireless facilities.

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APPROVAL FOR MAYOR TO SIGN – No additional ROW is needed for the Roads that are adjacent to 100 Spring Garden Road, Block 24, Lot 6 for Farmland Preservation

APPROVAL FOR MAYOR TO SIGN – No additional ROW is needed for the Roads that are adjacent to 448 Spring Mills – Little York Road, Block 11, Lots 2 and 2.06 for Farmland Preservation

APPROVAL to allow Clerk Tigar to upgrade Amazon account to Amazon Prime Business account for \$179/per year. This will prevent the Township from paying shipping on all orders.

APPROVAL TO ATTEND CONFERENCE

-Approval for Jessica Neglia, Hether Jenkins, Amy Kucharski & Katie Murawski to attend conference:

Date	Host	Subject	Cost
3/12/2023 to 3/14/2023	American Camp Association	Tr-State Camp Conference	\$589
3/12/2023 & 3/13/2023	Hard Rock Hotel and Casino	Hotel Stay	2 Rooms/ 2 Nights = \$644

RESOLUTION – Promoting Patrolman Matthew Decataldo

**Promoting Patrolman Matthew Decataldo
 from Patrolman Eleventh Class to Patrolman Tenth Class**

WHEREAS, Patrolman Matthew Decataldo is eligible for promotion to Patrolman Tenth Class, and

WHEREAS, in a memo dated November 27, 2023, Holland Township Police Chief Sean P. Gutsick recommended that Patrolman Matthew Decataldo be promoted to Patrolman Tenth Class, effective January 1, 2024, in accordance with the agreement between the Township of Holland and the New Jersey PBA Local No. 188, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Holland in the County of Hunterdon, State of New Jersey, that Patrolman Matthew Decataldo is hereby promoted to Patrolman Tenth Class, effective January 1, 2024 in accordance to the current New Jersey PBA Local No. 188 agreement and salary listed.

RESOLUTION - Promoting Patrolman Vincent Dugan

**Promoting Patrolman Vincent Dugan
 from Patrolman Thirteenth Class to Patrolman Twelfth Class**

WHEREAS, Patrolman Vincent Dugan is eligible for promotion to Patrolman Twelfth Class, and

WHEREAS, in a memo dated November 27, 2023, Holland Township Police Chief Sean P. Gutsick recommended that Patrolman Vincent Dugan be promoted to Patrolman Twelfth Class, effective January 1, 2024, in accordance with the agreement between the Township of Holland and the New Jersey PBA Local No. 188, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Holland in the County of Hunterdon, State of New Jersey, that Patrolman Vincent Dugan is hereby promoted to Patrolman Twelfth Class, effective January 1, 2024 in accordance to the current New Jersey PBA Local No. 188 agreement and salary listed.

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RESOLUTION – Promoting Sergeant Robert Young

**Promoting Sergeant Robert Young
from Sergeant to Sergeant First Class**

WHEREAS, Sergeant Robert Young is eligible for promotion to Sergeant First Class, and

WHEREAS, in a memo dated November 27, 2023, Holland Township Police Chief Sean P. Gutsick recommended that Sergeant Robert Young be promoted to Sergeant First Class, effective January 1, 2024, in accordance with the agreement between the Township of Holland and the New Jersey PBA Local No. 188, and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee, Township of Holland in the County of Hunterdon, State of New Jersey, that Sergeant Robert Young is hereby promoted to Sergeant First Class, effective January 1, 2024 in accordance to the current New Jersey PBA Local No. 188 agreement and salary listed.

APPROVAL/ DISCUSSION for Environmental Commission to apply for a Lower Delaware Wild & Scenic 2024 Mini Grant and Mayor to sign if needed.

RESOLUTION-

**RESOLUTION REAFFIRMING HOLLAND TOWNSHIP AS A
LOWER DELAWARE RIVER WILD AND SCENIC TOWNSHIP**

WHEREAS, the Township of Holland, in the County of Hunterdon, State of New Jersey is committed to protecting historic, cultural, natural, and river-specific resources including floodplains, wetlands, steep slopes, and tributaries, creeks and aquifers that township residents, businesses, crops, horses, livestock and other farm animals, aquatic animals, wildlife such as eagles and osprey, and pets rely on for their health and well-being; and

WHEREAS, on January 3, 1992, the 102nd Congress Passed Public Law H.R. 6179-2 authorizing the preparation of a study in cooperation and consultation with appropriate Federal, State, regional, and local agencies, including but not limited to, the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection and Energy, the Delaware and Lehigh Navigation Canal National Heritage Corridor Commission, and the Delaware and Raritan Canal Commission; and

WHEREAS, the Township of Holland, in the County of Hunterdon, State of New Jersey was a participant on the study committee and the ad-hoc Lower Delaware National Wild and Scenic River Study Task Force consisting of six committees: the Advisory, Management, Local Government, Public Outreach, Resource, and Economic Development committees; and

WHEREAS, on December 2, 1997 (during the study period) the Township of Holland, in the County of Hunterdon, State of New Jersey provided the required expression of support by passing a Resolution recognizing that the Delaware River provides outstandingly remarkable natural, cultural, recreational and scenic resource values that are important for the quality of life and economic health of our community; and recognizing that the Lower Delaware River Management Plan would provide a mechanism to enhance protection of the Lower Delaware River, primarily through local action while recognizing the rights of property owners; and recognizing the benefit of forming a partnership with other municipalities and interested parties along the Lower Delaware River in protection of the Delaware River, and resolving that the Township Committee of the Township of Holland supported the Lower Delaware River Management Plan, and agreed to adopt the goals of the plan into the Township Comprehensive Plan, to take action as appropriate to implement the goals of the plan; and

WHEREAS, on November 1, 2000, the 106th Congress Passed Public Law 106-418, Lower Delaware Wild and Scenic Rivers Act designating 25 scenic miles and 42 recreational miles of the Delaware River along the border of eastern Pennsylvania and western New Jersey under the Wild and Scenic Rivers Act which *provides federal protections to certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, so*

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they can be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations; and

WHEREAS, Holland Township's entire westerly boundary from the Musconetcong National Wild and Scenic River to Milford Borough, New Jersey is included in the Lower Delaware River Wild and Scenic River Management Area; and

WHEREAS, the 1999 [Lower Delaware Wild and Scenic Rivers Act Study Report](#) noted the Hakhokake Creek (the Wetland at the Javes Road Site) tributary as having a species concern B3¹ - high biodiversity rating suggesting the resource would benefit from protections.

WHEREAS, the 2000 Lower Delaware Wild and Scenic Rivers Act designated the Delaware River segment in Holland Township from a point just south of the Gilbert Generating Station to Milford Borough, as a recreational resource²; and

WHEREAS, the 1999 [Lower Delaware Wild and Scenic Rivers Act Study Report](#) noted the following Holland Township Delaware River resources as Outstanding Remarkable Values:

- **Geological**: Milford Bluffs as having the best red shale cliff community in the state noting them as a G3 = Very rare, and B2=Imperiled thus resources in need of protection.³
- **Natural**: Milford Bluffs Species of Concern with a high biodiversity B3⁴ and as noted on the NJDEP gis NJ Natural Heritage Priority Site: "This is the best occurrence in the state for a globally rare ecological community (natural red shale cliff/rock outcrop community). Includes an excellent occurrence of a state critically imperiled plant species, as well as other state imperiled plant species"⁵

WHEREAS, the following Holland Township Historic Resources are directly related to, or dependent upon the Delaware River, and have been noted as identified, eligible or listed in the National Register of Historic Places:⁶

- Thomas F. Breden Preserve at Milford Bluffs - identified.
- Spring Garden Road [Block 24, Lot 6] – identified.
- The Belvidere and Delaware Railroad Alignment near Milford listed on 6/3/2021.
- The Belvidere and Delaware Railroad Alignment near Pohatcong listed on 6/3/2021.
- Milford Historic District portion in Holland Township Listed on June 3, 2021.
- Hart Johnson House 159 Old River Road Listed on October 8, 1980.
- Purcell / Brinks House 115 Old River Road Listed on October 8, 1980.
- Pursley's Ferry Historic District listed on October 8, 1980.
- John Moore Farmhouse 82 Old River Road eligible as of August 7, 2017.
- Rieglesville Mill Complex eligible as of April 22, 1998.
- Rieglesville Company Town Historic District eligible as of April 22, 1998.
- Rieglesville Bridge Listed on March 22, 2010.

¹ [Lower Delaware Wild and Scenic Rivers Act Study Report](#): pg48

² [The Lower Delaware Wild and Scenic Rivers Act](#) Section 3(a)5,161(ii)

³ [Lower Delaware Wild and Scenic Rivers Act Study Report](#): pg48

⁴ [Lower Delaware Wild and Scenic Rivers Act Study Report](#): pg48

⁵ [NJ-GeoWeb \(arcgis.com\)](#) NJDEP Landscape Layer Natural Heritage Priority Sites

⁶ [NJ-GeoWeb \(arcgis.com\)](#) NJDEP Historic Places Layer

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WHEREAS, the boat ramp in northern Holland Township along the Delaware River is a Township outstandingly remarkable value that contributes to recreational opportunities on the Delaware River; and

WHEREAS, oversight of Lower Delaware National Wild and Scenic River is a cooperative effort between the National Park Service, the Lower Delaware River Greenway Partnership and the Lower Delaware Wild and Scenic Management Council responsible to administer the Lower Delaware River Management Plan; and

WHEREAS, the Lower Delaware River Management Plan found on: www.lowerdelawarewildandscenic.org is a cooperative management approach that recognizes the importance of the various roles of landowners, government, business and industry, and other citizens in the protection of the river corridor's important values; and

WHEREAS, the Township of Holland, in the County of Hunterdon, State of New Jersey continues to support the principles of the Memorandum of Understanding implementing the designation of the Lower Delaware and selected tributaries as a component of the National Wild & Scenic Rivers System:

1. Agree to cooperatively implement the Lower Delaware River Management Plan, along with the other signatories to this agreement, to conserve the special natural resources of the area and enhance the cultural, recreational, and economic opportunities of the watershed.
2. Agree to appoint one representative to participate on the Lower Delaware River Management Council.
3. May at our discretion contribute staff, in-kind, or financial assistance to the Council.
4. Agree to take into consideration the objectives and recommendations of the Plan in land use or water use decision-making which could impact the health and conservation of the resources of the Lower Delaware River and its tributaries.
5. Agree to work together through the Council to address funding and regulatory issues related to implementation of the national wild and scenic river designation and the Plan.
6. Agree to enforce all applicable land use, water use, or zoning regulations in such a manner to ensure that the Lower Delaware River and its tributaries are protected and that actions are consistent with the goals, objectives, and recommendations of the Plan.
7. Agree to work with the Council as appropriate to identify and address issues related to the management of the Lower Delaware River and its tributaries as a national wild and scenic river as detailed in the Plan.
8. Agree to control land and waters under their jurisdiction within the Lower Delaware River in a manner consistent with the goals, objectives, and recommendations within the Plan.
9. Agree that the Management Council can write letters of support and take other actions to help members receive grants for projects that will further the goals and objectives of the Plan.

WHEREAS, Section 11 of the National Wild and Scenic Rivers Act (P.L. 90-542, as amended) authorizes the Department of Interior to assist, advise, and cooperate with other public and private organizations to plan, protect, and manage river resources and to provide limited financial assistance for this purpose; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee, of the Township of Holland, in the County of Hunterdon, State of New Jersey that the Township Committee hereby reaffirms their commitment as a Lower Delaware National Wild and Scenic Township by reentering into a Memorandum of Understanding to participate in the cooperative implementation of the Lower Delaware River Management Plan, to protect and enhance the values that have enabled the Lower Delaware River and its tributaries to be designated by the United States Congress as a component of the National Wild and Scenic Rivers System.

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RESOLUTION-

REDEMPTION TAX SALE CERTIFICATE

WHEREAS there has been a redemption made for Tax Sale Certificate #2021-001, Block 7.04, Lot 13, 9 Clarkson Street, Milford, sold on December 16, 2021 to US Bank Cust/PC8 Firstrust Bank, and,

WHEREAS the amount of \$2,693.20 has been collected from the owner of this property, for the redemption of this Tax Sale Certificate #2021-001,

THEREFORE, BE IT RESOLVED that a check in the amount of \$2,693.20 be prepared and a separate check for \$1,600.00 for the premium. the Mayor, Treasurer and Clerk be authorized to sign this check and that this check be mailed to:

US Bank Cust/PC8 Firstrust Bank
50 South 16th Street Suite 205
Philadelphia, PA 19102

BUSINESS FROM TOWNSHIP ATTORNEY

MEETING OPEN TO PUBLIC-(speakers will be limited to 3 minutes)

ADJOURN at _____