

DRAFT #1 (09/26/13)

THE BOROUGH OF MANTOLOKING
MAYOR AND COUNCIL

MINUTES OF THE REGULAR BUSINESS MEETING
July 16, 2013

The regular monthly meeting of the Mayor and Council was held this day in the Mantoloking Yacht Club, Mantoloking, New Jersey with the following actions:

- 1. CALL TO ORDER:** Mayor Nebel called the meeting to order at 4:30 p.m.

- 2. OPEN PUBLIC MEETING STATEMENT:** Mayor Nebel read the following statement:
In compliance with the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting of the Mantoloking Borough Council has been advertised in the manner provided by law.

- 3. ROLL CALL**
Present: Mayor George C. Nebel, Council President Steve Gillingham, Councilmen Donald S. Ness, Peter R. Strohm, James J. Brown and Councilwoman Ann Elizabeth Nelson
Absent: Robert S. McIntyre, Jr.

Also Present: Municipal Clerk Irene H. Ryan, Borough Attorney Edwin J. O'Malley, Jr. and Special Consultant Christopher Nelson

- 4. PLEDGE OF ALLEGIANCE:** The Mayor led the assembly in the Pledge of Allegiance.

- 5. PRIVILEGE OF THE FLOOR:** The Mayor opened the meeting for public comment and questions about the agenda. No comments were made.

- 6. MINUTES OF PREVIOUS MEETINGS:**
RESOLUTION NO. 07/16/2013 – 01: APPROVAL OF COUNCIL MEETING MINUTES
Councilman Gillingham moved that the minutes of the Special Meeting of May 6, 2013 and Regular Meeting of May 20, 2013 be approved as distributed.

7. COMMITTEE REPORTS AND RECOMMENDATIONS

FINANCE COMMITTEE, COUNCILMAN STEVE GILLINGHAM

- A. Councilman Gillingham presented the monthly finance**

report.

B. Action Items:

Councilman Gillingham moved the following four (4) resolutions. The motion was seconded by Councilwoman Nelson and approved by unanimous voice vote.

RESOLUTION NO. 07/16/2013 – 02: ACCEPTANCE OF THE REPORT OF THE MUNICIPAL FINANCE OFFICER May 31, 2013

WHEREAS, the Chief Finance Officer has presented a report on the status of the 2013 municipal budget as of May 31, 2013; and

WHEREAS, that report indicates the following status as of that date:

<u>ACCOUNT</u>	<u>ORIGINA L 2012</u>	<u>2013 BUDGET</u>	<u>EXPENDED YEAR TO DATE</u>	<u>ENCUMBERED</u>	<u>BALANCE</u>
2013 Current Yr. Appropriation		\$2,148,350.00	\$1,355,935.19	\$ 65,870.65	\$ 726,544.16
2012 Appropriation Reserves	\$4,034,728.78	\$ 440,086.77	\$ 74,609.06	\$ 1,165.78	\$ 364,311.93
Sandy Emergency #1	2,000,000.00				
Sandy Emergency #2	2,000,000.00				
Sandy Emergency #3	3,100,000.00				
Sub-Total 5 Yr. Sandy Emer.		<u>\$6,454,059.22</u>	<u>\$1,795,160.41</u>	<u>\$3,650,864.15</u>	<u>\$1,008,034.66</u>
Total 2012 Approp Reserve		\$6,894,145.99	\$1,869,769.47	\$3,652,029.93	\$1,372,346.59

Capital		\$ 734,242.74	\$ 0.00	\$ 734,242.74
CASH RECEIPTS		<u>REVENUE</u>		
		<u>REVENU</u>		
		<u>E</u>		
		<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	
		\$1,899,991.10	\$5,626,027.97	

now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey accept the above referenced and summarized report and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 07/16/2013 – 03: PAYMENT OF BILLS FOR THE MONTH OF JULY 2013

WHEREAS, the Municipal Finance Officer has presented a list of bills in the total amount of \$ 1,102,248.25 and recommended that they be paid, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approve payment of the above referenced bills and directs that a copy be attached to and made part of the minutes of this meeting.

RESOLUTION NO. 07/16/2013 – 04: REQUESTING THE REFUND OF TAX OVERPAYMENTS

WHEREAS, Mr. William T. Fairbairn made prepayments to his tax account over a period of years and as a result, an overpayment has occurred on tax accounts for the Borough of Mantoloking, and

WHEREAS, Mr. William T. Fairbairn has since sold the property located at 1029 Ocean Ave., the overpayment(s) will be refunded to the party responsible for the overpayment.

NOW THEREFORE BE IT RESOLVED, that the Chief Financial Officer be authorized to refund the following:

BLOCK/

<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>REFUND NAME</u>	<u>AMOUNT</u>
BLK 23			
LT 5	1029 Ocean Avenue	William T. Fairbairn	\$18,556.04

RESOLUTION NO. 07/16/2013 – 05: ESTABLISHMENT OF EMPLOYEE SALARIES FOR 2013

WHEREAS, the Mayor has recommended annual salaries for borough employees for 2013, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey approves the following schedule of salaries for 2013:

<u>2013 REGULAR EMPLOYEES</u>		
<u>NAME</u>	<u>TITLE</u>	<u>SALARY</u>
Anderson, James (1/1/13-7/1/13)	Tax Assessor	14,430.00
	Tax Appeal Agent	520.00
Barcus, John	Police Lt.	121,270.29
Boettger, Elizabeth	Court Administrator	18,000.00
	Court Call Out Incidents (3 Hr. Minimum)	20.00/Hr.
	Admin. Asst. to Tax Assess (1/1/13 -6/30/13)	
DalCorso, Gary		14,950.00
After 7/1/13	Tax Assessor & Tax Appeal Agent	
Dillon, Barbara Woolley-	Zoning & Land Use Official	25,000.00
Dryburgh, Scott	Police Officer	84,877.82
Eaton, Jennifer (1/1/13-1/25/13)	Court Administrator	21,253.70
	Court Call Out Incidents (3 Hr. Minimum)	20.00/Hr.
	Planning Board Administrative Assistant	22,026.94
	Planning Bd Recording Sec. (3 Hr. Minimum)	25.00/Hr.
Ferris, Stacy	Police Officer	98,076.19
Giblin, Michael (1/1/13 – 5/1/2013)		4,500.00
	Fire Subcode Official (OT, 3-8 Hrs/Wk)	35.00/Hr.

Gilman, Laurence	Public Works Manager	60,758.67
	Janitor Services	43.82/Hr.
Hazelet, Lynne	Deputy Borough Clerk/Registrar	5,410.08
	Tech. Assistant to the Construction Official	34,227.39
	Planning Bd Recording Sec. (3 Hr. Minimum)	25.00/Hr.
Heckman, William	Public Works Superintendent	76,833.90
	Deputy Zoning and Land Use Official	0.00
Hulse, Paul Scott	Public Works Laborer	55,921.00
Konopada, Beverley	Police Dispatcher/Administrative Assistant	29,702.40
Leuck, Priscilla	Administrative Assistant	35,596.48
	Administrative Asst. (Planning Bd., Engineer, Zoning Officer) & Tech. Asst. to Construction Official	38,000.00
Malvasio, Colleen	Planning Bd. Recording Sec. (3 Hr. Minimum)	25.00/Hr.
Meyer, Jon	Police Officer	98,076.19
		4,500.00
Murray, Jr., Thomas	Fire Subcode Official (OT, 3-8 Hrs/Wk)	35.00/Hr.
Popaca, Gregory	Police Officer	59,378.96
Ryan, Irene	Municipal Clerk	94,067.90
	Assessment Search Officer	0.00
	Public Agency Compliance Official	0.00
	Insurance Commissioner	0.00
	Purchasing Agent	0.00
	Archives and Records Manager	0.00
	Contract Administrator	0.00
	Registrar of Vital Statistics	200.00
Saccone, Eugene	Police Sergeant	113,336.22
Shewan, William	Police Officer	103,960.76
	Construction Official & Acting Building Subcode Official	72,500.00
		4,500.00
Sudia, Eric	Electrical Subcode Official (OT, 3-8 Hrs/Wk)	35.00/Hr.
Swisher, Michelle	Chief Financial Officer	78,986.27
	Tax Collector	12,171.21
Wardell, V. John (1/1/13-6/1/13)	Construction/Subcode Off. & Building Subcode Inspector	13,690.95
		4,500.00
West, S. Charles	Plumbing Subcode Official (OT, 3-8 Hrs/Wk)	35.00/Hr.
Wills, Charles	Fire Official	3,435.90
Wright, Mark	Police Chief	130,960.50

2013 PART TIME/SEASONAL EMPLOYEES SALARY

<u>NAME</u>	<u>TITLE</u>	
Applegate, Douglas	Deputy Construction Official	28.00/Hr.
	Deputy Building Inspector	28.00/Hr.

	Deputy Building Subcode Inspector	28.00/Hr.
Boettger, Elizabeth (1/1/13-1/21/13)	Deputy Court Administrator	15.00/Hr.
	Court Call Out Incidents (3 Hrs. Min.)	15.00/Hr.
	Court Violations Clerk	133.00/Court Session
Clayton, Michael	Acting Fire Official	28.00/Hr.
Marinaccio, Vito (1/1/13-1/29 /13)	Zoning and Land Use Official	21.64/Hr.
Morris, Samuel	Magistrate	1,462.89/Court Session
Nelson, Robert	Acting Plumbing Subcode Official	35.00/Hr.
Newton, Lisa	Deputy Court Administrator	15.00/Hr.
	Court Call Out Incidents (3 Hrs. Min.)	15.00/Hr.
	Court Violations Clerk	100.00/Court Session
Safeer, Stuart	Acting Electrical Code Official	35.00/Hr.
Tilton, Lisa	Administrative Asst. (Planning Bd., Zoning Officer, Engineer) Planning Bd. Rec. Sec. (3 Hr. Min)	25.00/Hr
Torrance, Robert	Acting Fire Subcode Official	35.00/Hr.

PUBLIC SAFETY COMMITTEE, COUNCILMAN ROBERT MC INTYRE: (Absent)

- A. **Reports of the Public Safety Committee:** Councilman Gillingham presented the reports of the Police Department, Municipal Court, Fire Company and Emergency Management.
- B. **Action Items:** Councilman Gillingham moved the following resolution:

RESOLUTION NO. 07/16/2013 – 06: INTRODUCTION OF BOND ORDINANCE NO. 627 – AUTHORIZING THE PURCHASE OF EMERGENCY SERVICES RADIO SYSTEM

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

ORDINANCE NO.: 627

BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING, OCEAN COUNTY, NEW JERSEY, PROVIDING FOR

PURCHASE OF EMERGENCY SERVICES RADIO SYSTEM AT A COST OF \$60,000.00, AUTHORIZING THE ISSUANCE OF BONDS AND NOTES IN THE PRINCIPAL SUM OF \$57,000.00, AND APPROPRIATING THE SUM OF \$3,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR SAID PURPOSE

and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained

on file for public examination at the office of the Borough Clerk, published on the Borough’ s Website, www.mantoloking.org,

and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council' s direction to the contrary upon introduction.

The motion was seconded by Councilman Brown and approved by unanimous voice vote.

PUBLIC WORKS COMMITTEE, COUNCILWOMAN BETH NELSON

A. Reports of the Public Works: Councilwoman Nelson presented reports from the Public Works Superintendent, Construction Official and Land Use Officer.

B. Action Items:

Councilwoman Nelson moves the following three (3) resolutions. The motion was seconded by Councilman Gillingham and approved by unanimous voice vote

RESOLUTION NO. 07/16/2013 – 07: PAYMENT ESTIMATE NO. 3 – RESIDENTIAL DEMOLITION AND DEBRIS

REMOVAL PROJECT

WHEREAS, the Borough has entered into a Contract with Tricon Enterprises, Inc. (Contract No. 2013-4, FEMA PPDR Program) to provide residential demolition and debris removal: and

WHEREAS, the Contractor has submitted Payment Application No. 3 in the sum of \$528,599.01; and

WHEREAS, it is deemed to be in the public interest to accept Payment Application No. 3; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated July 11, 2013, (Exhibit A, attached) recommended Payment Application No. 3 be paid.

IT IS NOW, THEREFORE, this 16th day of July, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 3 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 07/16/2013 – 08: PROVIDING FOR PAYMENT ESTIMATE NO. 6 – EMERGENCY BYPASS PUMPING SYSTEM (CONTRACT 2013-01)

WHEREAS, the Borough has entered into a Contract with Municipal Maintenance Co. (Contract 2013-01) to provide Emergency Bypass Pumping System; and

WHEREAS, the Contractor has submitted Payment Application No. 6, in the sum of \$6,076.00; and

WHEREAS, the Borough Engineer, Lawrence Plevier, P.E. (Hatch Mott MacDonald) has, by letter dated July 11, 2013, (Exhibit B, attached) recommended Payment Application No. 6 be paid.

IT IS NOW, THEREFORE, this 16th day of July, 2013, **RESOLVED** by the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, that Payment Application No. 6 is hereby approved and shall forthwith be executed by the Mayor and Borough Clerk.

RESOLUTION NO. 07/16/2013 – 09: INTRODUCTION OF BOND ORDINANCE NO. 626 – HERBERT STREET PUMP STATION RECONSTRUCTION (PROFESSIONAL ENGINEERING SERVICES)

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey hereby adopts on first reading (title only) the following Ordinance:

ORDINANCE NO.: 626

**BOND ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, PROVIDING FOR**

**HERBERT STREET PUMP STATION RECONSTRUCTION
AT A COST OF \$1,200,000.00,
AUTHORIZING THE ISSUANCE OF BONDS
AND NOTES IN THE PRINCIPAL SUM OF \$1,140,000.00, AND APPROPRIATING
THE SUM OF \$60,000.00 FROM THE CAPITAL IMPROVEMENT
FUND FOR SAID PURPOSE**

and be it

FURTHER RESOLVED, that copies of all Ordinances introduced and all Resolutions adopted shall be maintained on file for public examination at the office of the Borough Clerk, published on the Borough' s Website, www.mantoloking.org, and provided to anyone free of charge during regular business hours, M-F 8:30am – 4:30pm, and be it

FURTHER RESOLVED, the Borough Clerk advertises and takes all other steps required by law to conduct a public hearing on the proposed ordinance at the next regular business meeting of the Mayor and Council following introduction, absent Council' s direction to the contrary upon introduction.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 624 – Amending Chapter XXX of the Revised General Ordinances Land Use Regulations

Councilwoman Nelson moved the following resolution:

RESOLUTION NO. 07/16/2013 – 10: ADOPTION OF ORDINANCE NO. 624 – AMENDING LAND USE REGULATIONS (APPENDIX B, BULK STANDARDS)

WHEREAS, on the 16th day of July, 2013 a public hearing on Ordinance No. 624 was held and one (1) comment was made by the public, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

ORDINANCE NO.: 624

**AN ORDINANCE OF THE BOROUGH OF MANTOLOKING,
OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER XXX OF THE REVISED**

GENERAL ORDINANCES LAND USE REGULATIONS

BE IT ORDAINED by the Borough Council of the Borough of Mantoloking, in the County of Ocean, State of New Jersey, as follows:

1. Appendix B, Bulk Standards, is hereby amended by the deletion of footnote #10, as adopted on April 8, 2013.
2. Appendix B, Bulk Standards, is hereby amended by the substitution of the following revised footnote #10.
“ The minimum first floor finished elevation shall be the elevation shown on the FEMA Preliminary Work maps issued on June 17, 2013, plus 1.0 foot for the Borough’ s adopted freeboard, plus an additional 2.0 feet in V Zone areas for floor supporting horizontal structural elements. The maximum first floor finished elevation shall be up to 9’ above the crown of the road for all lots or Elevation 22 for all ocean front lots, Elevation 14 for all bay front lots or Elevation 12 for all non-ocean front or non-bay front lots, plus the Vertical Building Envelope Modification Factor.”
3. All other provisions of the Ordinance to which this is an amendment shall remain in full force and effect.
4. This Ordinance shall be effective upon final adoption.

The motion was seconded by Councilman Brown and approved by unanimous voice vote.

PUBLIC HEARING: Mayor Nebel opened the meeting for a public hearing on Ordinance No. 625 – Amending Flood Damage Prevention (Ordinance No. 618) Councilwoman Nelson moved the following resolution:

RESOLUTION NO. 07/16/2013 – 11: ADOPTION OF ORDINANCE NO. 625 – AMENDING FLOOD DAMAGE PREVENTION (ORDINANCE NO. 618)

WHEREAS, on the 16th day of July, 2013 a public hearing on Ordinance No. 625 was held and no comments were made by the public, now, therefore, be it

RESOLVED, the Mayor and Council of the Borough of Mantoloking, Ocean County, New Jersey, hereby adopt the following Ordinance:

ORDINANCE NO. 625

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
MANTOLOKING, OCEAN COUNTY, NEW JERSEY,
PROVIDING FOR AMENDMENT OF ORDINANCE 525, FLOOD DAMAGE PREVENTION, AND REVISIONS OF
CHAPTER XXIII OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF MANTOLOKING,
2007 (THE CODE)**

BE IT ORDAINED that Ordinance No. 525 is hereby amended as follows:

See partial text of Ordinance 525, which has been marked to show **deletions** and **additions** to the following Articles: 23.2.2., 23-3, 23.3.3. 23.5.2, 23.5.3 and 23-6.

23-2.2 Definitions

Area of Special Flood Hazard shall mean the land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the

stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Best Available Flood Hazard Data — The most recent available 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 flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM

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

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.

Preliminary Flood Insurance Rate Map (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

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

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

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

1. 23-3 GENERAL PROVISIONS.

a) 23-3.2 Basis for Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard for the Borough of Mantoloking, Community No. 340383, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Ocean County, New Jersey (All Jurisdictions)" dated September 29, 2006;
- b. Flood Insurance Rate Map for Ocean County, New Jersey (All Jurisdictions), as shown on Index and panel numbers 0216, 0218; whose effective date is September 29, 2006.

~~e. — Advisory Base Flood Elevations and Advisory Flood Hazard Maps titled Point Pleasant SE dated December 12, 2012, with the exception of the Coastal A recommendation. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.~~

c. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail

23-3.3 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 chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of requirements shall, upon conviction, be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Mantoloking from taking such other lawful action as is necessary to prevent or remedy any violation.

23-5.2 Specific Standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 23-3.2, Basis for Establishing the Areas of Special Flood Hazard, or in subsection 23-4.3 b., Use of Other Base Flood and Floodway Data, the following standards are required:

- a. *Residential Construction.* New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation ~~or advisory base flood elevation~~ whichever is more restrictive, plus a Freeboard height as provided in Chapter XXX – Land Use Regulations.
- b. *Nonresidential Construction.* In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities: either
 1. Elevated to or above the base flood elevation (published FIS/FIRM) or the best flood hazard data elevation ~~or advisory base flood elevation~~, whichever is more restrictive, plus a Freeboard height as provided in Chapter XXX – Land Use Regulations;
 2. Be floodproofed so that below the base flood level plus a Freeboard height as provided in Chapter XXX – Land Use Regulations, or the best available flood hazard data elevation or advisory base flood elevation plus a Freeboard height as provided in Chapter XXX – Land Use Regulations, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;
- c. *Manufactured Homes.*
 2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation ~~or advisory base flood elevation~~, plus a Freeboard height as provided in Chapter XXX – Land Use Regulations (whichever is more restrictive).
- d. In an AO zone on the municipality's FIRM or DFIRM that all new construction and substantial improvement of any residential, or commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade plus a Freeboard height as provided in Chapter XXX – Land Use Regulations above the depth number specified in feet (~~at least three feet if no depth number is specified~~) or at or above the best available flood hazard data elevation ~~or at or above the advisory base flood elevation~~ plus a Freeboard height as provided in Chapter XXX – Land Use Regulations, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- e. In an AO zone on the best available flood hazard data, all new construction and substantial improvement of any residential, or commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade plus a Freeboard height as provided in Chapter XXX – Land Use Regulations above the depth number specified in feet or at or above the FIRM/DFIRM Base Flood Elevation plus a Freeboard height as provided in Chapter XXX – Land Use Regulations, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- ef. Any residential, or commercial, industrial or other nonresidential structure shall require a Freeboard height as provided in

Chapter XXX – Land Use Regulations. In A Zones, freeboard is measured from the top of the lowest floor. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) must be elevated or waterproofed to the base flood elevation or best available flood hazard data elevation plus freeboard.;

23-5.3 Coastal High Hazard Area.

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 23-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

a. *Location of Structures.*

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

b. *Construction Methods.*

Elevation.

- a. All new construction and substantial improvements shall be elevated on piling or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation (published FIS/FIRM), ~~the best available flood hazard data elevation~~ ~~advisory base flood elevation~~ or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive plus a Freeboard height as provided in Chapter XXX – Land Use Regulations and with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in subsection 23-5.3 b.,4.;
- b. Any residential, or commercial, industrial or other nonresidential structure shall require a Freeboard height as provided in Chapter XXX – Land Use Regulations. In V Zones, it is measured from the bottom of the lowest horizontal structural member. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork) must be elevated or waterproofed to the base flood elevation or best available flood hazard data elevation plus freeboard.;

23-6 VALIDITY.

23-6.1 Validity.

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

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this

The motion was seconded by Councilman Strohm and approved by unanimous voice vote.

DUNE & BEACH RENOURISHMENT COMMITTEE, COUNCILMAN PETER STROHM

A. Report of the Dune & Beach Renourishment Committee and Ocean County Block Grant Program

B. Action Items:

None

MUNICIPAL SERVICES COMMITTEE, COUNCILMAN JAMES J. BROWN

- A. Councilman Brown will present the reports of the Municipal Services Committee. B. Action Items: None

MANTOLOKING COMMITTEE, COUNCILMAN DONALD NESS

- A. Councilman Ness will present the reports of the Mantoloking Committee and the Environmental Commission.
n.
B. Action Items: None

8. MAYOR AND COUNCIL COMMENTS

Councilwoman Nelson announced that letters to homeowners will be going out from the Construction Department regarding the status of conditions on the property. A Committee for the study of the Borough Hall replacement is researching all options at this time.

9. PUBLIC COMMENTS PERIOD

Special Consultant Christopher Nelson presented the update on the progress of Superstorm Sandy recovery. Comments from the audience were made.

10. NEXT MEETING –

Regular Council Meeting, Tuesday, August 20, 2013 at 4:30 p.m. at the Mantoloking Yacht Club, 1224 Bay Ave., Mantoloking, NJ

11. ADJOURNMENT

There being no further business for this meeting, it was motioned by Councilman Strohm to adjourn. The motion was seconded by Councilman Ness and approved for unanimous voice vote at 4:42 p.m.

Respectfully submitted by,

Irene H. Ryan, R.M.C.
Municipal Clerk