



**Minutes**  
**Borough of Union Beach**  
**Thursday, January 16, 2014, 8:00 p.m.**  
**Council Meeting Room, Municipal Building**  
**650 Poole Avenue, Union Beach, NJ**

**CALL TO ORDER:** Meeting called to order by Mayor Paul J. Smith, Jr. at 8:00 P.M.

**SALUTE TO THE FLAG:** Mayor Paul J. Smith, Jr.

**ANNOUNCEMENT:** By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

**SUNSHINE LAW NOTICE:** Announced by Clerk.

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L. 1975, chapter 231, "open public meetings act."

**ROLL CALL: Council Members**

Mr. Mascilak  
Mr. Wicki  
Ms. Roche  
Mr. Williams  
Mr. Andreuzzi  
Mr. Cocuzza

**Also Present:**

Mayor Paul J. Smith, Jr.  
John T. Lane, Jr., Attorney  
Jennifer Maier, Borough Administrator  
Anne Marie Friscia, Municipal Clerk

**APPROVAL OF MINUTES:** December 19, 2013– Council Meeting  
January 3, 2014 –Reorganization Meeting

Motion offered by Councilman Wicki, seconded by Councilman Cocuzza to approve the minutes of the December 19, 2013 Council Meeting and the January 3, 2014 Reorganization meeting approved by unanimous voice vote.

**PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:** None

**UNFINISHED BUSINESS:** None

**HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:** None

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

**Councilman Mascilak: Library, Drug Alliance, EMS and Seniors**

Reports that Councilman Andreuzzi attending the Library Meeting since he met with the Drug Alliance at the same time. The Drug Alliance reports expenditures of \$300 for both upcoming dances including Valentines. They are putting together ideas for the April Awareness month and they have an ending balance of \$1,584.83.

Seniors: They had expenditures of \$4,141.39 and an income of \$1,070.00 – ending balance of \$9, 291.85. They had concerns about the parking lot on Tuesdays when they have their meetings is still and issue and the use of their room.

EMS – no report as of this date.

**Councilman Wicki: Finance, Personnel and Administration**

Discusses that on the Agenda tonight we are authorizing our Engineers to conduct a survey and prepare specifications for repairs to the roadways damaged during Hurricane Sandy, specifically over Spruce Street, Center Street, Fifth Street and the Intersection of Third and Pine. FEMA paid us \$347,000 for these repairs. We are trying to be proactive and not just repair but actually improve these areas which are prone to flooding at any high tide. Our plan is to actually raise those areas to prevent any future flooding there as best we can. This will cost the Borough some money, so we want to get some firm prices on this. It is money that we hope will be available for reimbursement through some Agencies in the State. We are in contact with some Agencies in the State. We have applied for the reimbursements for the funding for that recovery. We are hoping that in the end it would not cost us anything to mitigate those repairs. We do want to get this moving because we have to be using this money by April or we lose it. We don't want to have to give the Government back \$347,000. They gave it to us and we want to spend it.

Also on the Agenda, is the payment of the two trucks for Public Works. Last year, when he was Chairman of the Public Works Committee, it was something we had discussed. They had prepared it, the money is in the budget, but it has to be carried over to the new year. This is why you see it again on the Agenda. It has to appear for two consecutive months. This expenditure that you see had been included in the budget.

We are also having some electrical work being done at Borough Hall, as we are upgrading some of our facilities here to become more modern day with a server and other computer systems at Borough Hall. We had previously maxed out our electrical service and it has to be upgraded also.

As the Finance Committee closes out our 2013 Budget, in the next weeks we will be starting work as a Committee on the 2014 budget. He hopes to have the time frame for introduction of this budget at the next meeting. We are also working on the Salary Ordinance and the Personnel Contracts during the next month.

The Edmunds System for our Financial System is not up and running yet. We are hoping to get this up and running which will expedite the payment of bills and actually change the way we purchase. We are one of the few Municipalities in the State not using a computerized payment system.

NJSEM – Last year we joined NJSEM. This is for commercial electric service for the lowest rate possible. This year we plan to join for Gas services. We just received notice this week about an application to join this company. The due date is January 21<sup>st</sup> so if everyone is in agreement we will approve the Administrator to apply for the NJSEM for Gas services.

Motion made by Councilman Cocuzza, seconded by Councilwoman Roche and approved by unanimous voice vote to authorize the Borough Administrator send application to NJSEM for Gas services.

**Councilwoman Roche: Public Works & Building and Grounds**

Discusses the DPW report for the month of December. DPW continues to pick up Christmas trees on an as needed basis. The repairs on the Mechanics Garage continue. They expected to have the two new garage doors in by January 6<sup>th</sup> (one has been installed). Property clean ups for the abandoned and foreclosed properties continue. A lien is then placed on the property involved seeking reimbursements for the costs involved and Robert Parsells was here last meeting, and we are going to try to increase the fees. The DPW continues with the vegetation, brush and debris clean up. They continue to pick up small piles of debris, branches, and vegetation as a result of hurricane Sandy through late December into early January. Potholes are being filled weather permitting. There were multiple meetings held in November with FEMA and the other Borough representatives and preparation of paperwork for eligible reimbursements. Hockey Rink repairs and renovations are continuing at Scholer Park. The galvanized steel piping has been installed around the perimeter of the complex at regulation height and we are awaiting the plastic coated galvanized steel fence to be added. The penalty boxes are currently being rebuilt and new regulation type goals with nets that were delivered to Public Works last fall will be installed when the rink is safe and complete. The outfall and catch basin cleaning is continuing as weather permits per DEP regulations and requirements. They are inspecting catch basins and pipes for any damage. Many of these were cleaned in the months of September and October to prepare for any northeasters.

Councilwoman Roche thanks all the DPW workers who were called out to the water main break on Henry Street. They did a wonderful job.

The Public Works Committee held its preliminary negotiation meeting with the Teamsters Union and James Kilkenny.

The American Legion does have a meeting on January 22<sup>nd</sup> with the Planning Board and they are asking for the Mayor to be present at that meeting. They have booked a hotel in Wildwood if any veterans would like to go down with them. For more information on this, please see Bill Schultz.

**Councilman Jeffrey Williams Public Safety & Health (OEM, PD, Fire & Court**

Board of Health - December Report:

Dog Licenses 1 spayed/neutered @ \$7.00 – Less \$1.20 sent to the State = \$5.80

Inspections 12 @ \$50.00 = \$ 600.00

Total for month of December \$605.80.

Municipal Court Report – December

Fines, Contempt, Costs \$8,269.54

Public Defender Fees - \$4.00

**Councilman Andreuzzi: Education, Recreation and Special Grants**

**Recreation:**

Winter is normally a slow time for Recreation in the aftermath of a busy holiday season. Basketball is currently underway. The shirts have been ordered for the players. The basketball season runs through March. The Recreation Commission discussed future opportunities for a children's holiday party to be held December 21<sup>st</sup>. It was felt that the turnout was a little less than expected (50 attendees) was caused by a short shopping season because Thanksgiving fell later as well as other activities scheduled around the same time. The next major event for Recreation is Sunday, April 13<sup>th</sup>. This is the Easter Party.

**Board of Education:**

Reorganization Meeting on Tuesday, January 8, 2014. Congratulations to Ms. Jean Watson who was selected as the Board President and Ms. Angela Cocuzza who was selected as the Board Vice President. Aside from the numerous appointments and confirmation of Professional Services that occur at every reorganizational meeting, presentation was made to the Board by Ms. Kelly Baldwin of Hope Worldwide, which is affiliated with the Red Cross and funded partially by the Red Cross and sponsors a Saturday Academy. This is a Sandy Program in Arts and Resiliency for children. The emphasis of the program is three prong, theater, arts and sports recreation. The slated kickoff of the program is slated for February 8<sup>th</sup> at Memorial School. More information will be available from the Board of Education and information will be sent home with the students.

**Planning Committee:**

The Planning Committee met on Wednesday, January 16<sup>th</sup> to discuss the next steps in developing land use plans in the aftermath of the storm last year, 2012. The Borough received a \$30,000 grant. This is free money to develop this plan in tandem with T&M Associates. It is anticipated that a draft of the strategic recovery planning report is expected in March. Acceptance by the DCA will open the door up for the Borough for up to about \$150,000 in grants. We are actively going after the money that is available to us.

**Library:**

Mr. Mascilak was unable to attend and as the liaison to the success center, he attended the meeting. On January 9<sup>th</sup> the meeting was held and the Library is planning several community events; family game night on January 25<sup>th</sup> from 5-8 p.m., a free tax assistance program on Thursday, January 30<sup>th</sup> and February 27<sup>th</sup> from 1-7p.m. is also planned; a dinner and a movie (adult night) is scheduled for February 22<sup>nd</sup> from 7-9 p.m. This event is scheduled to be catered by DeMarco's and a Jazz Musician has been

booked. A nominal fee will be charged. Check out the Library's Website or Facebook for more information or better yet stop in at the library and take a look at what is going on- we have new computers there and it is constantly being upgraded.

**Councilman Cocuzza**

**Public Affairs, Shared Services, Construction & Code Enforcement**

Code Enforcement Report: 2013

Number of Complaints Received: 288  
Number of Letters sent out to Residents: 209  
Number of Complaints Resolved: 279  
Number of Water Shut Off's: 2  
5 Court Cases: \$1,369.00 Fees Collected.  
Total Number Certificates of Occupancy Issued: 137  
Total Number of Change of Title 15  
One Family Dwellings 85  
Two Family Dwellings/Multi/Commercial 35  
Total Income from Certificate of Occupancies \$14,525.00

Total Landlord/Tenant Registrations done for this year 85 - \$4,250.00  
Amendments 4 = \$80.00  
Total Income from Tennant Landlord Registrations \$4,330.00

Total Income from all Sources \$20,224.00

Construction Report – December 2013:

Permits Issued: 2,142  
Total Estimated Cost of Work Complete to Date: \$33,285,434.00  
Permit Payments Received to date: \$662,544.00  
Permit Payments Received Dec.: \$19,838.00  
Substantial Letters Issued: 727  
Homes Demolished: 259  
Remaining Homes to be Demolished: 90  
Homes being Raised: 98  
New Home Construction: 102  
Bank Foreclosures: 104  
Visitors on Average to Construction Office: 45 per day

Shared Services: Mr. Cocuzza met with Keyport School Superintendent, Lisa Savoia who has requested that the Keyport High School Soccer Team be allowed to practice on our fields from September 1<sup>st</sup> through November. He has a call in to the Union Beach Soccer Association to confirm that there will not be a conflict in schedules. He has not heard back as of this meeting. Once he does he will contact Keyport and he will let them know. He asks if anyone has a problem with this. They would need to apply for an Activity Permit with DPW Director. All permit fees would be waived.

Point of Order: Mayor Smith states that it shouldn't be a problem because it would be during the day right after school and soccer doesn't start till later at night.

**Borough Administrators Report – Jennifer Maier**

A Code Red Message went out today, January 16<sup>th</sup>, regarding the RREM Program. \$100,000,000 additional were moved from the NJ Economic Development Association to the DCA. This will help 1,000 families across the Jersey Shore who have been wait listed. Right now there is 8,000 families on that list, so it won't help everyone, however; she has been told that based on Union Beach being a low to moderate income community, and the fact that we have a lot of substantially damaged properties that we will hopefully get a little bit higher percentage than the remainder of the Jersey Shore. The Grant is not re-opened, so additional people cannot apply, it is only for those people who did apply and were wait listed and RREM will contact the homeowners directly.

We have a last-minute add to the Agenda regarding an Escrow Account for Homeowner contribution for the 15 grant supplemented prefab homes. Council will see that there is a Resolution that has been reviewed by the Attorney to set up the account and there is also an Escrow Agreement that has been vetted by Attorneys and also an attachment for each of the 15 homeowners with no personal information given to show what portion they are contributing to their own project. This is necessary just to make sure that the money is set aside for the program. There is no Borough expenditure here. It is strictly a pass through of homeowner money coming into the Borough and then going back out to their contractors. The Resolution also includes a provision that, the Borough Administrator/QPA, Jennifer Maier, would be able to make those checks out based on tonight's approval vs. needing to come before Council each time she writes a check from the Homeowner's money. The payment of those amounts will be supervised not only by Ms. Maier, but by the Project Manager and the Grant Agencies and the Homeowner will be notified prior to any checks are sent out.

The Electrician, as Albin mentioned, will be starting on Monday working on wiring for the building for our new server, for an air conditioning unit for the server room and for a new outlet for the Verizon Fiber Optics that will be coming into the building. She did put out a request to John Haines, to get a price for the fence for the full length of this building along the soccer field to prevent soccer balls from hitting the Police vehicles.

After months of trying to get in touch with Ameri Corp, we were finally able to reach a representative and we have received thousands of hours which Ameri Corp had logged in which Ms. Maier and her staff are now logging into spreadsheets to add to the donated resources PW for FEMA. We currently have about 3.8 million just the Borough's share from those donated hours and we will actually have well over our 10% match through this effort.

Ms. Maier thanks the Council for permitting her to file the application with NJSEM Gas bid. The electric really did reduce our overall bills so this should be a good thing also.

We have spoken about at the Agenda Meeting regarding the 28 hour restriction on part-time employees. There is a Resolution on the Agenda tonight to table this Resolution until such time we know how it will affect our employees who are part time who also have their own health insurance benefits, whether there is any restriction on their hours.

Ms. Maier thanks the Borough Clerk and the Deputy Clerk who have begun preparing for the Spring Auction by taking photos and creating a list.

We are not on the Edmunds System yet as we are still awaiting an Edmunds staff member to meet with the Union Beach Employees. They are currently working on Municipal roll-overs right now. They did set up our temporary budget numbers, our roll-over, user ID's and our sub-accounts.

Electric baseboard heat has been installed in the Construction Department because it got so cold that we would have had to shut down the building. The Building Staff would not have been able to work, so we put this in and it would be a back-up for them if anything goes down or if the boiler doesn't quite warm up the room.

The Clerk has been reaching out to Times Management to do a conference call with the trainer just for a refresher for the different departments to enter in their portion of the time cards. Cablevision came in and installed the drops for the four times scan kiosks.

She spoke to the Engineer (Dennis Dayback) regarding the grant from the DCA for the staffing for the Construction Office. He sent her the information he had and she is preparing it. She is just waiting for Bob Burlew and Manuela to return tomorrow so that she can get all the information she needs in order to prepare this grant request. They told us at the Workforce Investment Board that even though the limit of the Grant request is \$60,000 they told her to apply for whatever we needed, whether that is \$200,000, or whatever that is to get us through 2014 and into 2015. They really want to help us to keep the office running.

She is seeking a second quote on the air conditioning unit for the Finance Office because the first quote seemed to be too high.

**Announcement by: Mayor Paul J. Smith:**

Council has our Public Officials Risk Seminar in front of them. The closest one is in Tinton Falls on February 4<sup>th</sup>. We have three people who need to go, Charlie, Larry and Jeff. The Borough gets \$250 credit for each one off of our insurance invoice for attending. The rest of the Council has already gone to the Seminar.

United Way Build Day is on Sunday, Martin Luther King's Birthday. We will have Lt. Governor, Kim Guadagno here at 9:30 a.m. and Senator Cory Booker at 2:30 we have five possible addresses where work will be performed by the volunteers.

**MEETING OPEN FOR PUBLIC DISCUSSION:**

Meeting opens for Public Discussion at **8:26 p.m.**

**Bart Sutton, 110 Herbert Street**

He discusses the first Ordinance on the Agenda for tonight – He notices in definitions we have measurements for height, beginning at base flood elevation all construction requirements are base flood elevations plus two free boards. To him it would make more sense to measure height from that same place. By restricting the height by that extra two free boards, you flatten out a roof and actually make more a structural problem because now the flatter the roof, the less it can handle a heavy show, wet snow now you are looking at a weight problem – just a thought. We might want to revise that to match the rest of the Ordinance.

**Carl Williamson, Gateway Church of Christ**

Invites the Mayor and Council members and homeowners of the Borough of Union Beach to the Spoonful of Hope which is a Community Kitchen that Gateway Church of Christ has worked with Jake-a-bobs to open up on Monday and Tuesday nights. It is less like a soup kitchen and much more like what you would expect it to normally be when you go to Jake-a-bobs. The other night they had tilapia and chicken and a pasta dish. There were several great choices. It has been mostly Union Beach residents that have come to the four nights that it has been open. There have been over 375 meals served. They have had about ten (10) volunteers working each of those nights. He invites the Council and Mayor to come out and volunteer one night if that suits us. It is from 4-8 p.m. on Monday and Tuesday nights. Just let Carl or GiGi Dorr know to set it up.

Gateway has been working with Jersey Shore United on a project that is a Hope Chest. It is basically a start up for people moving into their homes. They are planning on doing 50 of these Hope Chests in Union Beach. They are bringing these Chests to families as they move back in. He invites the Mayor and Council to come and be a part of this. He will give the list to the Clerk so that she can sent it out with the dates and times that they will be doing the Hope Chests.

Gateway is working on two grants. One is a foundations grant. This is all from personal funds that Gateway has raised and they are looking at giving approximately \$5,000 to families to help them to start their building process. To encourage them to start building. They are looking to start with at least 20 of these \$5,000 grants. They are also working on a furniture grant. Where they can help homeowners as they finish their homes to refurnish their houses, especially those that cannot afford to do so.

**POINT OF ORDER:**

Mayor Smith thanks Carl Williamson. Councilwoman Roche announces that she did volunteer and helped serve about 81 people that night. It was a great experience. Councilman Williams also announced that he was there on Monday night and came away with the same great feeling. It is open to all to come.

Mr. Williamson states that it gets better and better. More families come, they feel more comfortable. It is designed not only for those who are impoverished but those who really need to relax and maybe save some money for other bills that they are paying right now.

Meeting closes for Public Discussion at **8:31 p.m.**

**NEW BUSINESS AND INTRODUCTION OF ORDINANCES:  
ORDINANCES:**

**ORDINANCE: 2014-199:**

**AN ORDINANCE AMENDING SECTION XIII (LAND USE AND DEVELOPMENT REGULATIONS) OF THE GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING THE HEIGHT OF PRINCIPAL STRUCTURES.**

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section XIII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

**The purpose of this ordinance is to amend or add certain definitions, general provisions, design standards and general zoning provisions to incorporate changes to building height of principal structures and R-8 Residential Zone as recommended by the Borough of Union Beach Planning Board.**

*Chapter XII (Land Use and Development Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

**SECTION 1**

***Chapter XII (Land Use and Development Regulations), Section 13-2 (Definitions), Subsection 13-2.3 (Definitions) shall be amended as follows:***

**13-2.3 Definitions.**

a. As used in this chapter:

*1. "Accessory use or building" to 13. "Building area" (No Change)*

*14. "Building height" shall mean the vertical distance measured to the collar tie of a building or to the bottom of the rafters for a flat roof (subject to the exceptions listed in subsection 13-5.12) from the average elevation of the original lot grade or any revised lot grade shown on a site plan, subdivision plan, or plot plan approved by the Borough Engineer. Such revised lot grade shall not include mounding, terracing, or other devices designed to allow increased building height. **Building height for all structures located in the Special Flood Hazard as set forth on the National Flood Insurance Rate Maps (FIRM) shall be measured from the Base Flood Elevation or the Advisory Base Flood Elevation, whichever is greater.** The height of accessory structures shall be measured to the peak of the structure.*

*15. "Building line" to 153. "Zoning Officer" (No Change)*

**SECTION 2**

***Chapter XII (Land Use and Development Regulations), Section 13-5 (General Provisions), Subsection 13-5.5 (Yard Areas) shall be amended as follows:***

**13-5.5 Yard Areas.**

- a. No yard or other open space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- b. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located, except as otherwise provided in this chapter and that for purposes of swimming pools and accessory buildings the yard upon which the principal building faces shall be considered the front yard and the yard to the rear of the principal building shall be considered a rear yard.
- c. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than 24 inches unless otherwise permitted by this chapter. **Unroofed entrance porches, ~~or~~ terraces, stairs and landings which do not rise above the height of the floor level of the ground floor may extend into any yard providing the total area of all such porches, terraces, stairs and landings which extend into such yards, does not exceed 1,000 square feet.**
- d. The total lot coverage of the square footage of the ground floors of all buildings located on a lot in any residential zone shall not exceed 25 percent of the total square footage of the lot as shown by an accurate survey. The total lot coverage of the square footage of the ground level of all buildings and structures combined located on a lot in any residential zone shall not exceed 50 percent of the total square footage of the lot. The purpose of this limitation is to ensure a water permeable surface within the residential zone sufficient to absorb and diffuse rain and other surface water in order to prevent or alleviate flooding.

**SECTION 3**

**Chapter XII (Land Use and Development Regulations), Section 13-10 (Zone District Regulations), Subsection 13.10.4 (R-8 Residential Zone) shall be amended to read as follows:**

13-10.4 R-8 Residential Zone.

a. through e. (No Change)

f. Single Family Dwellings – Area, Yard and Building Requirements.

1. through 7. (No Change)

8. Maximum building height: 30 feet to the collar tie subject to the provisions of subsection 13-5.12. In any event, the building shall contain not more than two usable floor levels counted vertically at any point in the building above the grade as determined by the average grade elevations on the corners of the building. **Building height for all structures located in the Special Flood Hazard as set forth on the National Flood Insurance Rate Maps (FIRM) shall be measured from the Base Flood Elevation or the Advisory Base Flood Elevation, whichever is greater.** Attics space shall be for storage only and shall not have stairs other than pull down stair cases.

9. (No Change)

**SECTION 5**

**If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.**

**SECTION 6**

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

**SECTION 7**

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.



Ordinance 2014-199 introduced on first reading by Councilman Wicki, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**ORDINANCE: 2014-200:** AN ORDINANCE AMENDING SECTION X (BUILDING AND HOUSING) OF THE GENERAL ORDINANCES THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING FLOOD INSURANCE REGULATIONS AND FLOOD DAMAGE PREVENTION.

**14-0**\_\_\_\_

**AN ORDINANCE AMENDING SECTION X (BUILDING AND HOUSING) OF THE GENERAL ORDINANCES THE BOROUGH OF UNION BEACH TO AMEND CERTAIN PROVISIONS REGARDING FLOOD INSURANCE REGULATIONS AND FLOOD DAMAGE PREVENTION.**

BE IT ORDAINED by the Borough Council of the Borough of Union Beach, County of Monmouth, and State of New Jersey that Section X (Building and Housing), Section 10-5 (The National Flood Insurance Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows:

PURPOSE

**The purpose of this ordinance is to amend or add certain provisions of the regulations regarding construction in flood hazard areas to enact changes to the Borough Flood Damage Prevention Ordinance to require a minimum 2 feet of freeboard above the Base Flood Elevation (BFE) or the Advisory Base Flood Elevation (ABFE) whichever is greater.**

*Section X (Building and Housing), Section 10-5 (The National Flood Insurance Regulations) of the General Ordinances of the Borough of Union Beach is hereby amended or supplemented as follows (new text is double underlined, text to be deleted is ~~struck through~~ and notations to the reader and changes in subparagraph designations either with or without changes to content are italicized):*

**SECTION 1**

***Section X (Building and Housing), Section 10-5 (The National Flood Insurance Regulations) shall be amended, as follows:***

**10-5 THE NATIONAL FLOOD INSURANCE REGULATIONS STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

10-5.1 Statutory Authorization. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Union Beach, in the County of Monmouth, State of New Jersey does ordain as follows:

10-5.2 Findings of Fact

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

10-5.3 Statement of Purpose. It is the purpose of this section to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

10-5.4 Methods of Reducing Flood Losses. In order to accomplish its purposes, this section includes methods and provisions for:

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

10-5.5 **Definitions. Unless specifically defined below, words or phrases used in this section be interpreted so as to give them the meaning they have in common usage and to give this section it's most reasonable application.**

- a. "Advisory Base Flood Elevation (ABFE)" means those elevations promulgated by the Federal Office of Emergency Management on December 12, 2012 which more accurately reflect the true 1% annual change flood hazard elevations as a result of a large storm event.
- b. "Appeal" means a request for a review of the local administrator's interpretation of any provision of this section or a request for a variance.
- c. "Area of shallow flooding" means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet; where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- d. "Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.



- e "Areas of special flood related erosion hazard" is the land within a community which is most likely to be subject to severe flood related erosion losses. After a detailed evaluation of the special flood related erosion hazard area will be designated a Zone E on the Flood Insurance Rate Map.
- f "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- g "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- h "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.
- i "Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources including V, VE and Coastal A Zones.
- j "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.
- k "Digital Flood Insurance Rate Map" (DFIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- l "Elevated building" means a non-basement building (i) built in the case of a building in a coastal high hazard area to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In areas of coastal high hazard "elevated buildings" shall also include a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.
- m "Erosion" means the process of the gradual wearing away of landmasses.
- n "Freeboard" means the vertical distance measured between the lowest floor of a building for structures located in the Special Flood Hazard Area (or between the lowest horizontal structural member of the lowest floor for structures located in a Coastal High Hazard Area) and the Base Flood Elevation (BFE) or Advisory Base Flood Elevation (ABFE) whichever is greater.
- no. "Flood," or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland or tidal waters and/or
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- op. "Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood. oq. "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by unusually high water level in a natural body of water, accompanied by a severe storm, or by unanticipated force of nature, such as a

flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

- qr. "Flood plain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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.
- rs. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- st. "Historic Structure" means any structure that is:
1. 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;
  2. 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;
  3. 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
  4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (a) By an approved State program as determined by the Secretary of the Interior; or
    - (b) Directly by the Secretary of the Interior in States without approved programs.
- tu. "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements.
- uv. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" shall not include a "recreational vehicle".
- vw. "Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- wx. "New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.
- xy. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.
- yz. "Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent

to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

- zaa. "Recreational vehicle" means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the longest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- aab. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- bbc. "Start of Construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start shall mean either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- eed. "Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.
- dee. "Substantial Damage" means 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.
- eef. "Substantial Improvement" shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which 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".
- ffg. "Variance" means a grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by this section.
- ggh. "Mobile Home." Mobile Homes are not permitted by Section XIII, "Land Use and Development Regulations Ordinance of the Borough of Union Beach, Monmouth County, New Jersey."

10-5.6 **Lands to Which This Section Applies** This section shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Union Beach, Monmouth County, New Jersey.

10-5.7 **Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard for the Borough of Union Beach, Community No. 340331, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated September 25, 2009.
- b. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 34025C0029F, 34025C0033F, 34025C0034F, 34025C0041F; whose effective date is September 25, 2009
- c. Advisory Base Flood Elevations (ABFE) promulgated on December 12, 2012 by the Federal Emergency Management Agency.

The above documents and designations are hereby adopted and declared to be a part of this section. The Flood Insurance Study and maps are on file at Borough Hall, 650 Poole Avenue, Union Beach, New Jersey 07735.

10-5.8 **Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations. Violation of the provisions of this section 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 section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than 30 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 from taking such other lawful action as is necessary to prevent or remedy any violation.

10-5.9 **Abrogation and Greater Restrictions.** This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

10-5.10 **Interpretation.** In the interpretation and application of this section, all provisions shall be:

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

10-5.11 **Warning and Disclaimer of Liability.** The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the borough, any officer or employee thereof or the federal insurance administration, for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

10-5.12 **Establishment of Development Permit.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 10-5.7. Application for a development permit shall be made on forms furnished by the construction official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. The advisory Base Flood Elevation made applicable to the subject property by this Ordinance.
- c The freeboard provided as set forth in subsection 10-5.5.n above.
- e d Elevation in relation to mean sea level to which any structure has been floodproofed.
- e e Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 10-5.17b; and,
- e f Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

10-5.13 Designation of the Local Administrator. The Construction Official or in his absence the code enforcement officer is hereby appointed as the local administrator to administer and implement this section by granting or denying development permit applications in accordance with its provisions.

10-5.14 Duties and Responsibilities of the Local Administrator of the Borough of Union Beach. Duties of the local administrator shall include, but not be limited to:

- a. Permit Review.
  - 1. Review all development permits to determine that the permit requirements of this section have been satisfied.
  - 2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
  - 3. Review all development permits to determine if the proposed development is located in the floodway.
  - 4. Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters vegetation or sand dunes so as to increase potential flood damage.
  - 5. Review plans for walls to be used to enclose space below the greater of the advisory base flood elevation or base flood level in accordance with subsection 10-5.18.b.4.
- b. Use of other Base Flood and Floodway Data. When base flood elevation, advisory base floor elevation and/or floodway data has not been provided in accordance with subsection 10-5.7, "Basis for Establishing the Areas of Special Flood Hazard", the local administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer subsection 10-5.17a "Specific Standards", Residential Construction, and 10-5.17.b "Specific Standards", Nonresidential Construction.
- c. Information to be Obtained and Maintained.
  - 1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - 2. For all new or substantially improved floodproofed structures:
    - (a) Verify and record the actual elevation (in relation to mean sea level); and

- (b) Maintain the floodproofing certifications required in subsection 10-5.12c.
  - 3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of subsection 10-5.18.b, 1 and 2 (a) and (b) are met.
  - 4. Maintain for public inspection all records pertaining to the provisions of this section.
- d. Alteration of Watercourses.
  - 1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
  - 2. Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.
- e. Interpretation of Firm Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 10-5.15

10-5.15 Variance Procedure.

- a. Appeal Board.
  - 1. The zoning board of adjustment as established by the Borough of Union Beach shall hear and decide appeals and requests for variances from the requirements of this section.
  - 2. The zoning board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this section.
  - 3. Those aggrieved by the decision of the zoning board of adjustment, or any taxpayer, may appeal such decision to the mayor and council, as provided for in subsection 13-5.7 of the “Land Use and Development Regulations Ordinance of the Borough of Union Beach” and from the Superior Court of New Jersey.
  - 4. In passing upon such applications, the zoning board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this section, and:
    - (a) The danger that materials may be swept onto other lands to the injury of others;
    - (b) The danger to life and property due to flooding or erosion damage;
    - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    - (d) The importance of the services provided by the proposed facility to the community;
    - (e) The necessity to the facility of a waterfront location, where applicable;
    - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    - (g) The compatibility of the proposed use with existing and anticipated development;

- (h) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors of subsection 10-5.15a4 and the purposes of this section, the zoning board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.
  6. The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
- b. Conditions for Variances.
1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level or advisory base flood level plus minimum required freeboard, providing items (a) through (k) in subsection 10-5.15.a.4 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  5. Variances shall only be issued upon:
    - (a) A showing of good and sufficient cause;
    - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
    - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection 10-5.15a4 or conflict with existing local laws or ordinances.
- c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



- a. General Standards. In all areas of special flood hazards the following standards are required:
  1. Anchoring.
    - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
    - (b) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
  2. Construction Material and Methods.
    - (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - (b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  3. Utilities.
    - (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
    - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
    - (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
    - (d) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  4. Subdivision Proposals.
    - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
    - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
    - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
    - (d) Advisory Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).
  5. Enclosure Openings. For all new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other

covering or devices provided that they permit the automatic entry and exit of floodwaters.

10-5.17 Specific Standards. In all areas of special flood hazards where base flood elevation data or advisory base flood elevation data have been provided as set forth in subsection 10-5.7, “Basis for Establishing the Areas of Special Flood Hazard” or in subsection 10-5.14b, “Use of Other Base Flood Data”, the following standards are required:

a. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities elevated to or above the greater of the base flood elevation or the advisory base flood elevation, plus a minimum of 2 feet of freeboard as set forth in subsection 10-5.5.n;

2. Within any AO zone on the Borough of Union Beach’s FIRM or the Advisory Base Flood Elevation Data that all new construction and substantial improvement of any residential structure shall have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

b. Nonresidential Construction. In an area of Special Flood Hazard , all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall:

1. either have the bottom of the lowest horizontal structural member of the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated to the level of the greater of the base flood elevation or the advisory base flood elevation, plus a minimum of 2 feet of freeboard as set forth in subsection 10-5.5.n; and

2. Within any AO zone on the municipality's FIRM or the Advisory Base Flood Elevation Data that all new Construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the bottom of the lowest horizontal structural member of the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet (at least two feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

1. Be floodproofed so that below the greater of the base flood elevation or the ABFE, the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 10-5.14.c.2.

c. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with subsection 10-5.16.a.1.

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 bottom of the lowest horizontal structural member of the of the lowest floor

is at or above the greater of the base flood elevation or the advisory base flood elevation, plus a minimum of 2 feet of freeboard as set forth in subsection 10-5.5.n.

10-5.18 Coastal High Hazard Area. Coastal high hazard areas (V or VE and Coastal A\_Zones) are located within the areas of special flood hazard established in subsection 10-5.7. 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.

1. Elevation. 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 greater of the base flood elevation or the ABFE base flood level, plus a minimum of 2 feet of freeboard as set forth in subsection 10-5.5.n, 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 for in subsection 10-5.18.b.4(b).
2. Structural Support
  - (a) All new construction and substantial improvements shall be securely anchored on piling or columns.
  - (b) The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
  - (c) There shall be no fill used for structural support.
3. Certification. A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of subsections 10-5.18.b.1 and 10-5.18.b.2 (a) and (b).
4. Space below the Lowest Floor.
  - (a) Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this section shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
  - (b) Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading of twenty (20) pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered

professional engineer or architect certifies that the designs proposed meet the following conditions.

- (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood: and
  - (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- (c) If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.
  - (d) Prior to construction, plans for any breakaway wall must be submitted to the construction official for approval.
- c. Sand Dunes. There shall be no man-made alteration of sand dunes, within Zones VE and V on community's DFIRM, which would increase potential flood damage.

## SECTION 2

**If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.**

## SECTION 3

The Municipal Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S. 40:49-2.1.

## SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Ordinance 2014-200 introduced on first reading by Councilman Wicki, seconded by Councilman Andreuzzi and approved by the following roll call vote:

### Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

### **ORDINANCE: 2014-201:**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF UNION BEACH TO CONTIGUOUS PROPERTY OWNERS AS AUTHORIZED BY N.J.S.A 40A:12-13.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH AS FOLLOWS:**

**SECTION 1:** IT IS HEREBY ESTABLISHED THAT THE FOLLOWING DESCRIBED PROPERTY, OWNED BY THE BOROUGH OF UNION BEACH, SHALL BE DECLARED SURPLUS PROPERTY.

**SECTION 2:** THE PROPERTY BEING SOLD IS LESS THAN THE MINIMUM SIZE REQUIRED FOR DEVELOPMENT UNDER THE BOROUGH ZONING ORDINANCE, AND IS WITHOUT ANY CAPITAL IMPROVEMENT THEREON. THIS PROPERTY IS NOT A BUILDABLE LOT AND SHOULD BE SOLD PURSUANT TO N.J.S.A. 40A:12-13(b) (5) TO THE HIGHEST BIDDER AMONG THE CONTIGUOUS OWNERS. THE OWNER OF A CONTIGUOUS PROPERTY OWNER HAVING NOTIFIED EACH CONTIGUOUS PROPERTY OWNER BY CERTIFIED MAIL SETTING FORTH HIS INTEREST IN THE PROPERTY AND ADVISING THEM TO CONTACT THE BOROUGH CLERK IF THEY HAD ANY INTEREST. SINCE NONE OF THE OTHER CONTIGUOUS PROPERTY OWNERS HAVING COME FORWARD, THE BOROUGH NOW SEEKS TO SELL THESE UNDERSIZED LOTS AT THE MINIMUM PRICE \$5,000.00. THE MINIMUM BID PRICE WAS SET BY THE BOROUGH TAX ASSESSOR.

**SECTION 3:** THE FOLLOWING PERSON IS THE SOLE CONTIGUOUS PROPERTY OWNER TO HAVE SUBMITTED A BID IN THE AMOUNT DETERMINED TO BE THE FAIR MARKET VALUE.

<u>BIDDER</u>	<u>BLOCK &amp; LOT</u>	<u>SIZE</u>	<u>PRICE</u>
SCOTT COLSON 717 BEACHWAY AVENUE UNION BEACH, N.J.	BLOCK 186, LOTS 8 & 9	100 X 50	\$5,000.00

**SECTION 4:** IT IS THEREUPON ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH OF UNION BEACH CONVEY THE ABOVE PROPERTY TO THE BIDDER FOR THE SUM LISTED.

**SECTION 5:** THE ENTIRE TRACT OR PLOT, INCLUDING THE BIDDER'S BLOCK 68, LOT 10, SHALL BE CONSIDERED ONE TRACT FOR THE PURPOSE OF ZONING AND MAY NOT BE SUBDIVIDED EXCEPT IN COMPLETE AND FULL COMPLIANCE WITH THE LAND USE AND DEVELOPMENT REGULATIONS OF THE BOROUGH OF UNION BEACH, WITHOUT ANY VARIANCES, AND THE BOROUGH ATTORNEY SHALL PLACE A RESTRICTIVE COVENANT IN THE DEED FROM THE BOROUGH TO THE BIDDER, WHICH COVENANT SHALL RUN WITH THE LAND IN PERPETUITY

Ordinance 2014-201 introduced on first reading by Councilman Wicki, seconded by Councilwoman Roche and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza  
Nays: None  
Absent: None  
Abstain: None

**ORDINANCE: 2014-202:**

**AN ORDINANCE TO PROVIDE FOR ITEMS AS ENUMERATED WITHIN FOR THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH AND TO PROVIDE FOR THE FUNDING THEREOF**

**BE IT ORDAINED** by the Governing Body of the Borough of Union Beach, County of Monmouth that the following general capital items be properly authorized:

Public Works	
2014 Ford F-350 4X4 Pick-up Truck	\$38,500.00
2014 Ford F-550 4X4 Chassis Cab	\$64,000.00
<b>TOTAL</b>	<b>\$102,500.00</b>

**BE IT FURTHER ORDAINED** that the financing for the above projects be as follows:  
Capital Surplus \$102,500.00

**BE IT FURTHER ORDAINED** that the period of usefulness of the capital projects are in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Borough for this authorization. The Borough's Financial Officer has certified that the funds for these projects are available. This Ordinance shall take effect after final passage and publication according to law.

Ordinance 2014-2002 introduced on first reading by Councilwoman Roche, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTIONS:**

**RESOLUTION NO. 2014-33 :**

**AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARINGS ON ORDINANCE NUMBERS  
2014-199, 2014-200, 2014-201 AND 2014-202**

Paper: The Asbury Park Press, Hearing Date: Thursday,  
February 20, 2014

Time: Commencing at 8:00 p.m.

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ

Motion to approve Resolution 2014-33 offered by Councilman Wicki, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2014-34 :**

**A RESOLUTION OF BOROUGH OF UNION BEACH AUTHORIZING THE BOROUGH ADMINISTRATOR TO PREPARE AND  
SUBMIT AN APPLICATION TO OBTAIN  
A ZONING CODE ENFORCEMENT GRANT FROM THE NJ DEPARTMENT OF COMMUNITY AFFAIRS**

**WHEREAS**, the Governing Body of Union Beach Borough, Monmouth County desires to apply for and obtain a Zoning Code Enforcement Grant from the New Jersey Department of Community Affairs (DCA); and

**WHEREAS**, Borough of Union Beach intends to apply for a Zoning Code Enforcement Grant for one or more of the activities listed below to assist in our Superstorm Sandy recovery efforts:

1. Extend the hours of existing municipal staff.
2. Hire additional technical and administrative staff.
3. Procure experts if needed for application hearings.
4. Pay for additional office space.

**NOW THEREFORE BE IT RESOLVED** that the Governing Body of Union Beach Borough, Monmouth County does hereby authorize the application for the above grant; and

**BE IT FURTHER RESOLVED** that Union Beach Borough has experienced a reduction in property assessments, in accordance with N.J.S.A. 54:4-35.1, on 100 or more properties or has seen a 10 percent increase in zoning application filings since November 1, 2012 that can be ascribed to Superstorm Sandy; and

**BE IT FURTHER RESOLVED** that Union Beach Borough authorizes the execution of the grant agreement in the amount offered and approved by DCA and further authorizes the expenditure of funds pursuant to the terms of the grant agreement entered into by Union Beach Borough and DCA; and

**BE IT FURTHER RESOLVED** that Union Beach Borough agrees to comply with all CDBG-DR regulations, Zoning Code Enforcement Grant Program procedures and also accepts that the proposed use(s) of CDBG-DR funds are not reimbursable by FEMA, SBA or other federal agencies; and

**BE IT FURTHER RESOLVED** the persons whose names appear below (and any successors and assigns) are authorized to sign the grant agreement or any other document in connection therewith.

Motion to approve Resolution 2014-34 offered by Councilman Cocuzza, seconded by Councilman Williams and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2014-35 : AUTHORIZING THE APPOINTMENT OF SPECIAL  
LEGAL COUNSEL**

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BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT:

WHEREAS, THE BOROUGH HAS A NEED TO APPOINT A “SPECIAL LEGAL COUNSEL” TO PERFORM CERTAIN LEGAL SERVICES/TAX COUNSEL; AND

WHEREAS, IN ACCORDANCE WITH N.J.S.A. 40A:11-5, THE AGREEMENT TO PERFORM LEGAL SERVICES IS FOR PROFESSIONAL SERVICES/TAX COUNSEL AND MAY BE AWARDED WITHOUT PUBLIC ADVERTISING FOR BIDS; AND

WHEREAS, THIS RESOLUTION AND THE AGREEMENT WITH SPECIAL LEGAL COUNSEL/TAX COUNSEL SHALL BE ON FILE AND AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE BOROUGH CLERK; AND

WHEREAS, THE COMPENSATION FOR SUCH LEGAL SERVICES/TAX COUNSEL SHALL BE \$250.00 PER HOUR, PLUS ANY OTHER EXTRA EXPENSES INCURRED NOT TO EXCEED \$15,000.00; AND

WHEREAS, IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ. A FAIR AND OPEN PROCESS FOR THE APPOINTMENT OF SUCH SPECIAL LEGAL COUNSEL IS NOT REQUIRED.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH ENTER INTO AN AGREEMENT WITH JOHN R. LLOYD, ESQ. OF THE FIRM NOWELL, AMOROSO, KLEIN, BIERMAN, P.A. OF 155 POLIFLY ROAD, HACKENSACK, NEW JERSEY FOR THE YEAR 2014, TO PROVIDE LEGAL SERVICES/TAX COUNSEL AS SPECIAL LEGAL COUNSEL.

Motion to approve Resolution 2014-35 offered by Councilman Wicki, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2014-36 : -  
*AUTHORIZING CHANGE ORDER NO. 2 AND FINAL 2013 RECONSTRUCTION OF HECKELMAN STREET***

**WHEREAS**, the Borough of Union Beach in the County of Monmouth, State of New Jersey, has on August 15, 2013, authorized the awarding of a contract to **Pioneer General, 43 Amherst Street, South River, NJ 08882; in the amount of \$239,654.00** and,

**WHEREAS**, the Mayor and Council authorize Change Order No. 2 to the contract awarded to Pioneer General as a result of unforeseen and unanticipated problems in the amount of:

Total Reductions - \$20,860.95  
Total Extra:  
Total Supplementary -\$20,860.95 resulting in a new contract total of \$218,793.05;  
Net Change in the Contract: -20,860.95

And,

**WHEREAS**, the Chief Financial Officer has certified in writing hereon that funds are available and the Municipal Attorney has reviewed the certification of the Chief Financial Officer and is satisfied that said certification is in proper form;



**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, does hereby authorize the issuance of Change Order No. 2 to the contract with Pioneer General Contracting Co., Inc.; and

**BE IT FURTHER RESOLVED** that the Finance Committee be and he is authorized to sign said Change Order on behalf of the Borough.

Motion to approve Resolution 2014-36 offered by Councilman Cocuzza, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza  
Nays: None  
Absent: None  
Abstain: None

**RESOLUTION NO. 2014-37:** Authorizing the signing of the EMS Contract for 2014

Be it Resolved the by Governing Body, that the Mayor is hereby authorized to sign an Annual Contract with The Union Beach Emergency Medical Services (EMS) for the year 2014 in the amount of \$40,000 and clothing allowance of \$2,000.00

BE IT FURTHER RESOLVED, that the Finance Office is hereby authorized to make payment to the Union Beach Emergency Services.

Motion to approve Resolution 2014-37 offered by Councilman Wicki, seconded by Councilman Cocuzza and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza  
Nays: None  
Absent: None  
Abstain: None

**RESOLUTION NO. 2014-38:** Authorizing the signing of Contract for electrical Work – Borough Hall

Be it Resolved the by Governing Body, that the Mayor is hereby authorized to sign Contracts for electrical work at Borough Hall with Shay Weimann Electrical Contractor, Inc. in the amount of \$195, \$695, and 3,110.00.

BE IT FURTHER RESOLVED, that the Finance Office is hereby authorized to make payment to the Shay Weimann Electrical Contractor, Inc.

Motion to approve Resolution 2014-38 offered by Councilwoman Roche, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza  
Nays: None  
Absent: None  
Abstain: None

**RESOLUTION NO. 2014-39:**

*Recycling Tonnage Grant Resolution  
Authorizing the Recycling Coordinator, John K. Haines, to apply for the 2013 Tonnage Grant.*

**WHEREAS**, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987, C. 102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANT MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE

LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

**WHEREAS**, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND TO EXPAND EXISTING PROGRAMS; AND

**WHEREAS**, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROMULGATED RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND

**WHEREAS**, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND

**WHEREAS**, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR THE 2013 RECYCLING TONNAGE GRANT, WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND

**WHEREAS**, SUCH A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED TO ENSURE THAT THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED.

**NOW, THEREFORE, BE IT RESOLVED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH OF UNION BEACH HEREBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION AND DESIGNATES JOHN K. HAINES, RECYCLING COORDINATOR TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND

**BE IT FURTHER RESOLVED**, THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSE OF RECYCLING

Motion to approve Resolution 2014-39 offered by Councilwoman Roche, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2014-40:**

*RESOLUTION OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING RESOLUTION 2013-149 RE: MARGARET MONIZ AS CLERK 1 (PART TIME) FOR THE BOROUGH OF UNION BEACH*

**WHEREAS**, the Borough of Union Beach is presently in need of an Part Time Clerk in the Construction; and,

**WHEREAS**, the Mayor and Council desires to appoint Margaret Moniz as Clerk 1 (part time) for the Borough of Union Beach, effective October 30, 2013; and

**WHEREAS**, Margaret Moniz salary for the position of Clerk 1 (part time) is as authorized in the Borough of Union Beach at a rate of \$17.74 per hour not to exceed 28 hours per week.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

1. That Margaret Moniz, Prospect Avenue, Union Beach, is hereby appointed as Clerk 1 part time in the Construction Office, effective October 30, 2013.
2. That Margaret Moniz shall be compensated with a salary at the rate of \$17.74 per hour not to exceed 28 hours per week. There are no additional benefits associated with this position.

That a certified copy of this resolution be forwarded to the Margaret Moniz and the Personnel Committee reducing the hours from 30 to 28 per week.

Motion to approve Resolution 2014-40 offered by Councilwoman Wicki, seconded by Councilman Andreuzzi and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None  
Abstain: None

**RESOLUTION NO. 2014-41: (TABLED)**

*RESOLUTION OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,  
AUTHORIZING THE PART TIME POSITIONS IN THE BOROUGH OF UNION BEACH NOT TO EXCEED 28 HOURS  
PER WEEK.*

**WHEREAS**, the Borough of Union Beach presently utilizes the services of Part Time Employees; and

**WHEREAS**, the Mayor and Council desires to employ part time personnel for the Borough of Union Beach; and

**WHEREAS**, the Mayor and Council have authorized such part time employees not to exceed 28 hours per week.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

Effective immediately, all part time employees employed by the Borough of Union Beach shall not exceed 28 hours per pay period.

That a certified copy of this resolution be forwarded each Department Head in all Departments, Finance Committee and the Personnel Committee.

Motion made to table Resolution 2014-41 by Councilwoman Roche, seconded by Councilman Cocuzza and approved by unanimous voice vote.

**RESOLUTION NO. 2014-42:**

**JOINT RESOLUTION OF THE BOROUGH OF OCEANPORT AND  
THE BOROUGH OF SEA BRIGHT REQUESTING AN EXTENSION OF APRIL 1, 2014 TERMINATION  
DATE FOR FEMA HOUSING ASSISTANCE FOR FAMILIES DISPLACED AS A RESULT OF DAMAGE  
CAUSED TO THEIR HOMES BY SUPERSTORM SANDY**

**WHEREAS** numerous citizens of the Boroughs' of Union Beach, Oceanport and Sea Bright (collectively referred to as "Boroughs"), have been displaced from their homes as a result of damage sustained from Super Storm Sandy; and

**WHEREAS** many of these residents require substantial repairs or total replacement of their homes; and

**WHEREAS** delays to commencement of construction have been created by the Federal, State and local governments as a result of new flood mapping; insurance claims and new building regulations, creating an additional hardship on these displaced residents; and

**WHEREAS**, the Boroughs hereby request the support of neighboring municipalities; our local legislators; County Freeholders and the Governor, for their support in petitioning FEMA for a six (6) month extension of the April 1, 2014 termination of Federal relocation assistance to those families who are still without a residence in the aftermath of Superstorm Sandy;

**NOW THEREFORE BE IT RESOLVED** by the Governing Bodies of the Boroughs' of Union Beach, Sea Bright and Oceanport that a copy of this Resolution be provided to the following:

1. Governor Christopher Christie
2. Senator, Joseph M. Kyrillos
3. Congressman Frank Pallone
4. Assemblywoman, Amy H. Handlin
5. Assemblyman, Declan J. O'Scanlon, Jr.
6. Monmouth County Freeholders
7. The neighboring municipalities of Keyport, Hazlet, Middletown, and Keansburg Mayors.

Motion to approve Resolution 2014-42 offered by Councilman Wicki, seconded by Councilman Cocuzza and approved by the following roll call vote:

**Roll Call Vote:**

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**RESOLUTION NO. 2014-43:**

***Authorizing Borough Engineer to Conduct Survey and Prepare Specs for Spruce Street, Center Street, 5<sup>th</sup> Street and also Pine & 3<sup>rd</sup> Street Intersection.***

Be it Resolved, by the Mayor and Council of the Borough of Union Beach the Borough Engineer, Edward G. Broberg, P.E. of T&M Associates, Middletown, New Jersey is hereby authorized to proceed with the Survey and prepare Specifications for the project, Repair of Roadways Damaged by Hurricane Sandy Roadway include the following:

- Spruce Street            5<sup>th</sup> Street
- Center Street            Pine & 3<sup>rd</sup> Intersection

Motion to approve Resolution 2014-43 offered by Councilman Cocuzza, seconded by Councilman Wicki approved by the following roll call vote:

**Roll Call Vote:**

- Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche, Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza
- Nays: None
- Absent: None
- Abstain: None

**APPROVAL OF VOUCHERS, AND PAYMENT OF BILLS:**

**RESOLUTION NO. 2014-44: Offered by Councilman Wicki**

Approval of Vouchers/Purchase Orders /Add on List  
And Payment of Bills:

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT THE FOLLOWING LISTED PURCHASE ORDERS AND VOUCHERS BE PAID TO THE PERSONS HEREINAFTER NAMED IN THE AMOUNT SET OPPOSITE THEIR NAMES AND ENDORSED AND APPROVED ON SAID PURCHASE ORDERS AND VOUCHERS, AND;

BE IT FURTHER RESOLVED THAT THE PROPER OFFICERS ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND ISSUE CHECKS OR WARRANTS FOR PAYMENT OF SAID PURCHASE ORDERS AND VOUCHERS, BUT ONLY WHEN AND IF CONDITIONS OF THE BOROUGH TREASURY PERMIT.

**PURCHASE ORDERS:**

<b>ADM &amp; EXEC</b>	20498	FAST COPY	\$	69.00
<b>COMPUTERS</b>	20426	DELL MARKETING		6,437.79
	20525	VCS		5,559.72
	20535	ULINE		271.79
	20538	CDW-G		232.76
	20539	IEI		6.47
	20540	CDW-G		7,202.33
<b>BLD &amp; GRDS.</b>	20467	KEMPTON FLAG		71.00
	20487	WATCHUNG SPRING WATER		53.46
	20502	POSTER COMPLIANCE CENTER		129.80
	20519	FAST COPY		620.00
	20522	LOWES		311.96
	20523	GRAINGER		154.14
<b>LETF</b>	20514	NJ CHIEFS OF POLICE		1,600.00
<b>POLICE</b>	20471	IDENTICARD		195.00
	20491	MARLBORO AUTO WRECKERS		425.00
	20496	WALLING LOCKSMITH		27.00
	20500	ULINE		989.30
	20501	NACOP		60.00
	20515	LANIGANS ASSOC.INC.		2,459.49
<b>CONSTRUCTION</b>	20347	THE SIGN MAKER		100.00
	20534	LIVING DIRECT		898.00
	20537	DELL MARKETING		241.00
<b>FIRE ALARMS</b>	20528	ANS SERVICE		825.00
<b>BOARD HEALTH</b>	20529	MGL PRINTING		738.00
<b>STREETS</b>	20437	FOSTER & COMPANY		113.73
	20506	TOMS FORD		755.22

<b>VARIOUS</b>	20470	EDMUNDS & ASSOCIATES		10,400.94
<b>TELEPHONE</b>	20533	VALUE ADDED VOICE		1,335.35
<b><u>VOUCHERS:</u></b>				
<b>DIST.SCHOOL TAX</b>	18519	UNION BEACH BOARD OF ED	\$	466,630.33
<b>ADM &amp; EXEC</b>	18447	LANAGAN ASSOCIATES		158.00
	18448	CAMERONS FLORIST		139.00
	18449	AWARDS UNLIMITED		712.20
	18450	GREATER MEDIA NEWSPAPER		48.08
	18451	FAST COPY		256.00
	18452	NJ LEAGUE OF MUNICIPALITIES		594.00
	18453	NJ LEAGUE OF MUNICIPALITIES		190.00
	18454	PERSON CONCEPTS		26.85
	18455	RUTGERS, STATE UNIVERSITY		812.00
	18456	KEYPORT HIGH SCHOOL		150.00
	18457	BAYSHORE CONFER.MAYORS		400.00
	18458	RICOH		321.61
	18459	STAPLES ADVANTAGE		86.85
	18460	KEVIN WATSON		19.95
	18461	STAPLES		112.98
	18462	ZUMU SOFTWARE		1,600.00
	18463	CABLEVISION		84.83
	18523	MAIL FINANCE		450.00
	18440	PAYROLL		152,037.96
	18441	PAYROLL		284,647.08
<b><u>PAYROLL</u></b>	18442	TREASURER,COUNTY OF MON.		390.00
<b><u>PAYROLL</u></b>	18465	JOSEPH VAN ORDEN		318.61
<b><u>B.S.Y.S.</u></b>	18466	ALLIED BLDG.PRODUCTS		36.30
<b><u>BLDG.&amp;GROUND</u></b>	18467	COOPER ELECTRIC & SUPPLY		215.04
	18468	STATE CHEMICAL		299.71
	18469	HOME DEPOT		333.02
	18470	ALL CLEAN JANITORIAL		402.34
	18471	SHAY WEIMAN ELECTRIC		593.38
	18472	SHAY WEIMAN ELECTRIC		295.00
	18473	WALLING LOCKSMITH BAYSHORE REGIONAL		685.00
	18474	SEWERAGE		179,919.59
	18525	ECN		6,010.00
<b><u>B.R.S.A.</u></b>	18526	AGT BATTERY SERVICE LLC		537.64
<b><u>REVERSE 911</u></b>	18548	VERIZON		41.92
<b><u>FIRE ALARMS</u></b>	18531	HOLMES & MCDOWELL,INC.		16,605.63
<b><u>ALARMS</u></b>	18443	STATE NJ/727 GSPT		2,864.73
<b><u>OTHER</u></b>				
<b><u>INSURANCE</u></b>	18444	STATE NJ/1983GT		15,545.79
<b><u>GREEN ACRES</u></b>	18500	ABERDEEN LIGHT TRUCK		659.30
<b><u>GREEN ACRES</u></b>	18501	BC TOWING		90.00
<b><u>O.E.M.</u></b>	18502	UNION BEACH FIRE DEPT.		60,000.00
	18517	EDMUNDS & ASSOCIATES		612.00
<b><u>AID TO</u></b>				
<b><u>VOLUNTEER</u></b>	18505	RICK J. DENOIA, ESQ.		730.83
<b><u>TAX COLLECT.</u></b>	18524	NJ AMERICAN WATER		19,532.80
<b><u>PLAN.BOARD</u></b>	18524	NJ AMERICAN WATER		375.00
<b><u>HYDRANTS</u></b>				
<b><u>IRRIGATION</u></b>				
	18475	JOHN ROCHE	\$	100.00
	18476	APOLLO		450.00
<b><u>SEWER</u></b>	18477	T&M ASSOCIATES		250.00
	18478	T&M ASSOCIATES		105.00
	18479	T&M ASSOCIATES		105.00
	18520	COUNTY OF MONMOUTH		3,592.68
	18521	COUNTY OF MONMOUTH		63.00
<b><u>GASOLINE</u></b>	18522	WEX BANK		3,615.33
	18549	JCP&L		8,658.66
	18551	OFFICE SOLUTIONS		245.00
<b><u>ELECTRIC</u></b>	18552	BROADVIEW NETWORKS		802.47
<b><u>TELEPHONE</u></b>	18553	CIT		599.11
	18554	SPRINT		1,306.21
	18555	VITEL GLOBAL COMMUNICATIONS		280.00

	18556	VERIZON WIRELESS	161.24
		MONMOUTH MUNIC.JOINT	
	18480	INS.FUND	90,958.07
		MONMOUTH MUNIC.JOINT	
	18480	INS.FUND	104,735.77
<b>OTHER INSUR.</b>	18540	DELTA DENTAL	2,860.89
<b>WORKS COMP</b>	18481	TOMS FORD	1,121.84
<b>GROUP INSUR.</b>	18482	CONNELL CONSULTING LLC	525.00
<b>POLICE</b>	18483	ADVANCE AUTO PARTS	278.24
	18484	TOMS FORD	170.54
	18485	UNION BEACH EMS	750.00
	18557	LANIGAN ASSOCIATES	536.00
	18486	INSTITUTE FORENSIC	850.00
	18487	MAACO	950.00
	18488	ULTIMATE SOUND&SECURITY	90.00
	18489	BLUE WAVE AUTO SPA	54.60
	18490	CUSTOM BANDAG	566.00
	18491	TOMS FORD	221.52
	18492	STRAUB MOTORS	136.59
	18493	CHIEF ROBERT A. VERRY	50.00
	18494	LIFE SAVERS, INC.	138.88
	18495	STRAUB MOTORS	32.95
	18496	LANIGAN ASSOCIATES	269.00
	18497	KALDOR EMERG.LIGHTS	200.00
	18559	TREASURER - OCEAN COUNTY	1,600.00
	18499	M.C.A.A.	60.00
	18503	VERIZON	37.27
<b>TAX ASSESSOR</b>	18504	PATRICIA MCNAMEE	600.00
<b>COURT</b>	18527	JEAN MARIE BRADY	125.00
	18528	NJ VITAL STATISTICS REGISTRY	28.50
<b>BOARD HEALTH</b>	18529	M&S WASTE	38,767.79
	18530	NJ NATURAL GAS	3,805.40
<b>VARIOUS</b>	18541	METRIC GROUP	358.80
<b>NATURAL GAS</b>	18542	COMMUNITY YMCA	1,716.67
<b>METERS</b>	18543	SAMUEL KLEIN & COMPANY	12,075.00
<b>RESERVES</b>	18550	ASSOCIATED HUMANE SOCIETY	941.00
	18532	T&M ASSOCIATES	318.75
<b>ANIMAL</b>			
<b>CONTROL</b>	18533	T&M ASSOCIATES	26.25
<b>ESCROW</b>	18534	T&M ASSOCIATES	253.75
	18558	T&M ASSOCIATES	290.00
	18506	MONMOUTH TRUCK EQUIP.	\$ 417.95
	18507	HYDRAIR	68.94
<b>STREETS</b>	18508	NAYLORS	131.04
	18509	HYDRAIR	100.12
	18510	POST MASTER	351.48
	18511	A&R COMMUNICATIONS	770.00
	18512	INTERSTATE ELECTRONICS	55.93
	18513	A&K EQUIPMENT	1,346.84
	18514	INTERNATIONAL SALT COMPANY	5,858.57
	18515	NAYLORS	22.78
	18516	AUTO ZONE	97.37
	18535	PRECISE CONSTRUCTION INC.	290,727.29
	18536	T&M ASSOCIATES	1,809.43
<b>ORD 195</b>	18537	T&M ASSOCIATES	5,100.72
	18538	T&M ASSOCIATES	376.36
	18539	T&M ASSOCIATES	5,401.19
<b>ORD 194</b>	18546	T&M ASSOCIATES	3,368.94
	18547	T&M ASSOCIATES	6,041.10
<b>ENGINEERING</b>	18544	JOHN T. LANE JR. ESQ.	1,245.00
	18545	SCARINCI HOLLENBECK	2,030.00
<b>LEGAL</b>			
			<u>\$ 1,871,009.42</u>

**BILLS RESOLUTION NO. 2014-HS-64**

**OTHER EXPENSES**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH

THAT THE FOLLOWING LISTED PURCHASE ORDERS AND VOUCHERS BE PAID TO THE

PERSONS HEREINAFTER NAMED IN THE AMOUNT SET OPPOSITE THEIR NAMES AND ENDORSED AND APPROVED ON SAID PURCHASE ORDERS AND VOUCHERS, AND;

BE IT FURTHER RESOLVED THAT THE PROPER OFFICERS ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND ISSUE CHECKS OR WARRANTS FOR PAYMENT OF SAID PURCHASE ORDERS AND VOUCHERS, BUT ONLY WHEN AND IF CONDITIONS OF THE BOROUGH TREASURY PERMIT.

**HURRICANE SANDY**

<b><u>VOUCHERS</u></b> HS-195 DNR CARPET	\$ 1,350.00
<b>GRAND TOTAL</b>	<u>\$ 1,350.00</u>

**BILLS RESOLUTION NO. 2014-RH-08**

**OTHER EXPENSES**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH THAT THE FOLLOWING LISTED PURCHASE ORDERS AND VOUCHERS BE PAID TO THE PERSONS HEREINAFTER NAMED IN THE AMOUNT SET OPPOSITE THEIR NAMES AND ENDORSED AND APPROVED ON SAID PURCHASE ORDERS AND VOUCHERS, AND;

BE IT FURTHER RESOLVED THAT THE PROPER OFFICERS ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND ISSUE CHECKS OR WARRANTS FOR PAYMENT OF SAID PURCHASE ORDERS AND VOUCHERS, BUT ONLY WHEN AND IF CONDITIONS OF THE BOROUGH TREASURY PERMIT.

**ROBIN HOOD**

**VOUCHERS**

RH-0016 Home Depot Incentives	\$ 48,750.00
<b>GRAND TOTAL</b>	<u>\$ 48,750.00</u>

Motion moved by Councilman Wicki, seconded by Councilman Cocuzza and approved by the following roll call vote to approve the Bills Resolutions No. 2014-44, HS-64 and RH08:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche\*, Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza\*\*

\*Ms. Roche abstains on voucher number 18475

\*\* Mr. Cocuzza abstains on all Board of Education vouchers.

Nays: None

Absent: None

Abstain: None

**BUSINESS ADDED TO THE AGENDA OF THE MEETING OF JANUARY 16, 2014:**

Mayor Smith calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

**Resolution No 2014-45:** Authorizing the Borough to hold Escrow Accounts for the 15 Grant recipients and authorizing the Borough Administrator/QPA to review these respective escrow agreements as required.

Motion moved by Councilman Cocuzza, seconded by Councilwoman Roche and approved by voice vote to add Resolution 2014-45 to the Agenda of January 16, 2014



**Resolution No 2014-45 :**

**Whereas**, The Borough of Union Beach entered into an agreement with the Robin Hood Foundation and Hurricane Sandy New Jersey Relief Fund in an amount totaling \$2.25 million to construct 15 prefabricated homes. The grant funds are being held by, and will be distributed by, the fiscal sponsor Princeton Area Community Foundation and will not pass through the Borough.

Whereas, The Borough of Union Beach has created homeowner escrow accounts, under a Dedication by Rider, for the homeowners who are participants in the Prototype Prefab House Project. Pursuant to the agreement, the Borough is required to hold these homeowner funds to make periodic payments to their respective modular construction companies. A list of those specific payments and the escrow agreement are attached hereto and made a part hereof. Identifiable materials have been redacted.

**Whereas**, the agreement requires owners escrow held by the Borough to be exhausted prior to any payments made by PACF. Thru these payments the Borough can reliably represent that the escrow funds of each applicant have been exhausted prior to PACF contributing any payments.

Whereas, the payments will be reviewed and approved by the Borough Administrator and the Project Manager. The homeowner and grant agencies will also be notified 7 days in advance of disbursement of these funds and they will be listed in a separate section on the bill list not requiring approval but for information only.

**Now, therefore be it Resolved by the Mayor and Council of Union Beach** that the Borough Administrator/QPA is authorized to review these respective escrow agreements as are required in the ordinary course of business without the further approval of Mayor and Council since no Borough funds are being expended.

Motion to approve Resolution 2014-45 offered by Councilman Wicki, seconded by Councilman Cocuzza and approved by the following roll call vote:

Roll Call Vote:

Ayes: Councilman Mascilak, Councilman Wicki, Councilwoman Roche,  
Councilman Williams, Councilman Andreuzzi and Councilman Cocuzza

Nays: None

Absent: None

Abstain: None

**EXECUTIVE SESSION: RESOLUTION NO. 2014-46:**

Be it Resolved, by the Governing Body of the Borough of Union Beach that;

The Governing Body retire into Closed Session for the exclusion of public subject matter of discussion under N.J.S.A 10:4-12 (b) (7) involving a matter of

PERSONNEL ASSIGNMENT OF DUTIES TO JOB DESCRIPTIONS- INVOLVING THE WEBSITE

Same to be determined by the Governing Body as to the time when and the circumstances under which the closed session discussion of the Governing Body can be made public.

Resolution Offered by Councilwoman Roche, Seconded by Councilman Cocuzza and approved by unanimous voice vote.

The Governing Body retired into executive session at 8:40 p.m. for a matter of: PERSONNEL ASSIGNMENT OF DUTIES – INVOLVING WEBSITE

**RECONVENE MEETING: 8:48 p.m.**

**ROLL CALL: Council Members**

Mr. Mascilak  
Mr. Wicki  
Ms. Roche  
Mr. Williams  
Mr. Andreuzzi  
Mr. Cocuzza

**Also Present:**

Mayor Paul J. Smith, Jr.  
John T. Lane, Jr., Attorney  
Jennifer Maier, Borough Administrator  
Anne Marie Friscia, Municipal Clerk

**ATTORNEY: PURPOSE:** Personnel Assignment of duties regarding the upgraded website as to assignment of webmaster and access of personnel.

**ADJOURNMENT:**

Motion moved by Councilwoman Roche, seconded by Councilman Cocuzza and approved by unanimous Voice Vote. Mayor Smith declares the meeting adjourned at **8:53 p.m.**