



**Agenda**  
**Borough of Union Beach**  
**Thursday, February 27, 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 \_\_\_\_\_ P.M.

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

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

**MOMENT OF SILENCE:** Honoring Mr. William Marinella and Mr. Peter Konopko

**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

**SET ASIDE THE REGULAR ORDER OF BUSINESS: (If Necessary)**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**BACK TO THE REGULAR ORDER OF BUSINESS:**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**APPROVAL OF MINUTES:** January 16, 2014 Council Meeting - (Regular Meeting)

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:**

1. Letter of Alicia Maresco requesting approval of holding a 5K race on June 21, at 9:00 a.m.

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

2. Letter requesting approval of Clean Ocean Action Beach Sweep dates of April 26 & October 25.

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

3. Acceptance of a Letter of Resignation for Mr. Joseph Russo\_full time Dispatcher and Special II Police Officer

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

4. Acceptance of Application of New Firefighter Harris Gardens Fire Company,  
Mr. Yasser K. Attia, 705 Beachview Avenue

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

5. Application for Raffle Licenses:  
St. Francis Feline  
Holy Family Alter Rosary Society  
Memorial School PTA

6. Application for Taxi Driver (pending Police Approval) & Taxi Cab  
Unique Taxi

7. Application for Beachfront Vendors  
Tina Gaidus  
Ronald Gaidus

8. Bill McQuire – Bills Hot Dog House – Car Wash on Rt. 36.

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

## HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:

### ORDINANCES: 2014-199:

AN ORDINANCE ENTITLED:

#### ***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 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 floodproofed, 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 its 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.
- or. "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.
- os. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- ot. "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.
- uy. "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".
- vy. "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.
- aabh. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- bbcc. "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.
- eedd. "Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.
- deee. "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.
- eeff. "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".
- ffgg. "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.
- gghh. "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.~~
- d. Elevation in relation to mean sea level to which any structure has been floodproofed.
- 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,
- 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.

#### 10-5.16 Provisions for Flood Hazard Reduction.

- 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.

THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS DULY ADVERTISED IN THE ASBURY PARK PRESS, ON JANUARY 27, 2014, IN ACCORDANCE WITH LAW.

MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

### **RESOLUTION NO 2014-47 : Authorizing an Amendment to Ordinance 2014-199**

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

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 amended as follows:

Section 10-5.17 Specific Standards

a. Residential Construction, (1.) and

b. Nonresidential Construction. (1)

Be amended to include the wording "including mechanicals" be passed and adopted as an Ordinance of the Borough of Union Beach, and;

Be it further resolved, that the amended version of Ordinance 2014-199 is available for the public on the website and here at the meeting and at the clerk's office.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**Public Hearing on Ordinance No. 2014-199:**

Mayor Smith opens the Meeting to the Public Hearing on Amended Ordinance No. 2014-199 at \_\_\_\_\_ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Amended Ordinance No. 2014-199 at \_\_\_\_\_ p.m.

**RESOLUTION NO 2014-48 :** *Authorizing Final Adoption of Ordinance No.'s . 2014-199 as Amended by Resolution No. 2014-47A*

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

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 passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of March 6, 2014.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ORDINANCE: 2014-200:**

AN ORDINANCE ENTITLED:

***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 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.

THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS DULY ADVERTISED IN THE ASBURY PARK PRESS, ON JANUARY 27, 2014, IN ACCORDANCE WITH LAW.

MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

**Public Hearing on Ordinance No. 2014-200:**

Mayor Smith opens the Meeting to the Public Hearing on Ordinance No. 2014-200 at \_\_\_\_ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Ordinance No. 2014-200 at \_\_\_\_ p.m.

**RESOLUTION NO 2014-49 :** Authorizing Final Adoption of Ordinance No. 2014-200,

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

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.**

Be passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of March 6, 2014.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ORDINANCE: 2014-201:**  
AN ORDINANCE ENTITLED:

**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

**SECTION 6:** THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION.

THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS DULY ADVERTISED IN THE ASBURY PARK PRESS, ON JANUARY 27, 2014, IN ACCORDANCE WITH LAW.

MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

**Public Hearing on Ordinance No. 2014-201:**

Mayor Smith opens the Meeting to the Public Hearing on Ordinance No. 2014-201 at \_\_\_\_\_ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Ordinance No. 2014-201 at \_\_\_\_\_ p.m.

**RESOLUTION NO 2014-50:** *Authorizing Final Adoption of Ordinance No. 2014-201,*  
Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

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 passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of March 6, 2014.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ORDINANCE: 2014-202:**

AN ORDINANCE ENTITLED

***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
TOTAL	\$102,500.00

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.

THE CLERK PRESENTS AFFIDAVIT OF PUBLICATION SHOWING THAT THE ORDINANCE WAS DULY ADVERTISED IN THE ASBURY PARK PRESS, ON JANUARY 27, 2014, IN ACCORDANCE WITH LAW.

MAYOR SMITH DIRECTS THE CLERK TO READ THE ORDINANCE BY TITLE ONLY, ADVISING THAT SAID ORDINANCE WAS POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING AT LEAST ONE WEEK IN ADVANCE OF THIS PUBLIC MEETING, AND THAT COPIES OF SAID ORDINANCE WERE MADE AVAILABLE TO THE GENERAL PUBLIC UPON REQUEST.

**Public Hearing on Ordinance No. 2014-202:**

Mayor Smith opens the Meeting to the Public Hearing on Ordinance No. 2014-202 at \_\_\_\_\_ p.m.

Mayor Smith closes the Meeting to the Public Hearing on Ordinance No. 2014-202 at \_\_\_\_\_ p.m.

**RESOLUTION NO 2014- 51:** *Authorizing Final Adoption of Ordinance No. 2014-202,*  
Be it Resolved, by the Mayor and Council of the Borough of Union Beach that;

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 passed and adopted as an Ordinance of the Borough of Union Beach and;

Be it further resolved, that the Clerk be and she is hereby authorized to advertise notice of final passage on the foregoing Ordinances in the Asbury Park Press in the issue of March 6, 2014.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

Councilman Mascilak: Library, Drug Alliance, EMS and Seniors

Councilman Wicki: Finance, Personnel and Administration

Councilwoman Roche: Public Works & Building and Grounds

Councilwoman Williams: Public Safety & Health (OEM,PD, Fire & Court

Councilman Andreuzzi: Education, Recreation and Special Grants

Councilman Cocuzza: Public Affairs, Shared Services, Construction & Code Enforcement

Borough Administrators Report – Jennifer Maier

**MEETING OPEN FOR PUBLIC DISCUSSION:**

Meeting opens for Public Discussion at \_\_\_\_ p.m.

Meeting closes for Public Discussion at \_\_\_\_ p.m.

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

**ORDINANCES:**

**Bond Ordinance No. 2014- 203 Bond Ordinance- Various Capital Improvements**

***BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,377,000.00\*FOR VARIOUS IMPROVEMENTS BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$930,450.00 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.***

***\*( \$330,000.00 is expected to be reimbursed by FEMA for this project)***

Ordinance No. 2014-204 was introduced on First Reading by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**\*\*Clerk announces that she did receive a Supplemental Debt Statement from the Chief Financial Officer for the above Bond Ordinance and it is on file in her office.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1:**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Union Beach, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,377,000, such sum includes the sum of (a) \$177,571 expected to be received as a Community Development Block Grant from the County of Monmouth in connection with the improvement described in Section 3(a)(i); (b) \$220,000 expected to be received as a grant from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(ii) and (c) \$48,979 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

**SECTION 2:**

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$930,450 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$930,450 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

**SECTION 3:**

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bond or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvement of Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(i) Reconstruction of 7 <sup>th</sup> Street; including as required, drainage improvements, and including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	\$275,000	\$ 92,550	20 years
(ii) Reconstruction of Harrison and Orange Avenues; including as required, drainage improvements, and including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.	442,000	210,900	20 years
(iii) Reconstruction of Spruce and Center Streets and Spruce and Fifth Streets; including as required, drainage improvements, and including all structures	660,000	627,000	20 years

and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk. This improvement is eligible for reimbursement from the Federal Emergency Management Agency.

TOTAL	\$1,377,000	\$930,450
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(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$930,450.

(c) The estimated cost of the Improvements is \$1,377,000 which represents the initial appropriation made by the Borough.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements are within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$930,450 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$930,450.

#### SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ORDINANCE: 2014-204:**

**ORDINANCE AMENDING THE  
"REVISED GENERAL ORDINANCES BOROUGH OF UNION BEACH 1980" CHAPTER X, ENTITLED  
"PROPERTY MAINTENANCE REGULATIONS" ARTICLE 10, ENTITLED  
TO BE ENTITLED "MAINTENANCE OF VACANT / ABANDONED PROPERTIES"**

**WHEREAS**, the Borough of Union Beach (the "Borough") contains structures which are vacant in whole or large part; and

**WHEREAS**, in many cases, the owners or responsible parties of these structures are neglectful of them, are not maintaining or securing them to an adequate standard or restoring them to productive use; and

**WHEREAS**, it has been established that vacant and abandoned structures cause severe harm to the health, safety and general welfare of the community, including diminution of neighboring property values, increased risk of fire and potential increases in criminal activity and public health risks; and

**WHEREAS**, the Borough incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls and property inspections; and

**WHEREAS**, it is in the public interest for the Borough to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Borough; and

**WHEREAS**, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

**SECTION 1.**

**10-11 MAINTENANCE OF VACANT / ABANDONED PROPERTIES**

**10-11.1 DEFINITIONS.**

**OWNER-** shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions C.46:10B-51 (P.L. 2008, c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Union Beach to have authority to act with respect to the property.

**VACANT PROPERTY-** any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

**10-11.2 REGISTRATION REQUIREMENTS.**

Effective June 1, 2014, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- a. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same

or different persons. Both entities shown on the statement must maintain offices in the state of New Jersey or reside within the state of New Jersey.

- c. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15-21.5 of this ordinance, for each vacant property registered. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15-21.5 of this ordinance, for each vacant property registered.
- d. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- e. The owner shall notify the Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Clerk for such purpose.
- f. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

#### **10-11.3 ACCESS TO VACANT PROPERTIES.**

The owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 am and 4:00 pm, or such other time as may be mutually agreed upon between the owner and the Borough.

#### **10-11.4 RESPONSIBLE OWNER OR AGENT.**

- a. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- b. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough of Union Beach in writing of a change of authorized agent or until the owner files a new annual registration statement.
- c. Any owner who fails to register vacant property under the provisions of this Article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Union Beach by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

#### **10-11.5 FEE SCHEDULE.**

The initial registration fee for each building shall be five-hundred dollars (\$500.00). The fee for the first renewal is one-thousand-five hundred dollars (\$1,500.00), and the fee for the second renewal is three-thousand dollars (\$3,000.00). The fee for any subsequent renewal beyond the second renewal is five-thousand dollars (\$5,000.00).

##### **Vacant Property Registration Fee Schedule.**

Initial Registration	\$ 500.00
First Renewal	\$1,500.00
Second renewal	\$3,000.00
Subsequent renewal	\$5,000.00

#### **10-11.6 REQUIREMENTS OF OWNERS OF VACANT PROPERTY.**

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

- (1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes; and
- (2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to subsection 145-45 of this Article), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- (3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (4) Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and
- (5) Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repair and/or rehabilitation of the building is complete.

**10-11.7 VIOLATIONS.**

- a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than \$100.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property.
- b. For purposes of this section, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

**SECTION 2.**

Should any section, paragraph, sentence, clause, or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable.

**SECTION 3.**

All ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only. This ordinance shall take effect twenty (20) days after passage and publication, as required by law.

Ordinance No. 2014-204 was introduced on First Reading by: \_\_\_\_\_ Seconded by: \_\_\_\_\_.

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTIONS:**

**RESOLUTION NO. 2014-52 :**

**AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARINGS ON ORDINANCE NUMBERS  
2014-203, 2014-204,**

Paper: The Asbury Park Press,

Hearing Date: Thursday, March 20, 2014

Time: Commencing at 8:00 p.m.

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

RESOLUTION OFFERED BY: \_\_\_\_\_ SECONDED BY: \_\_\_\_\_

ROLL CALL: MR. MASCILAK \_\_\_\_\_ MR. WICKI \_\_\_\_\_ MS. ROCHE \_\_\_\_\_

MR. WILLIAMS \_\_\_\_\_ MR. ANDREUZZI \_\_\_\_\_ MR. COCUZZA \_\_\_\_\_

**RESOLUTION NO. 2014-53 :**

***Authorizing Change Order No. 1 and Final for 2013 Sanitary Sewer Cleaning Program.***

Be it Resolved, by the Governing Body of the Borough of Union Beach that;  
Change Order No. 1 and Final: For the Project, 2013 Sanitary Sewer TV Inspection  
Contractor: Oswald Enterprises, Inc. 161 East Road, P.O. Box 126, Belford, NJ 07718 as follows:

Original Contract Bid Price        \$101,025.00

Change Orders to Date:                -4,370.90

Revised Contract Price:                \$ 96,654.10

The same is hereby approved, and;

Be it Further Resolved, that the Mayor is hereby authorized to execute said change order on behalf of the Borough of Union Beach.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-54 :**

Resolution #: \_\_\_\_\_

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR  
AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH  
COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2014  
COMMUNITY DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for **FY 2014** from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for **FY2014** to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as **Borough of Union Beach** with a grant allocation of **\$177,571.00**

WHEREAS, the **Borough of Union Beach** hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the **Borough of Union Beach** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk of the **Borough of Union Beach** authorized to execute with the County of Monmouth the attached Project Agreement.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

In the Affirmative:
In the Negative:
Abstained:
Absent:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

2014

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-55 : CDBG Block Grant Resolution -**

Resolution #: \_\_\_\_\_

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR  
TO SIGN A CERTIFICATION PROHIBITING THE USE  
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING  
THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for **FY 2014** and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Union Beach execute a project agreement with Monmouth County to undertake a project known as Reconstruction of Seventh Street and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Union Beach sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Union Beach has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Union Beach has met the conditions of receiving a **FY 2014** allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Union Beach is hereby authorized to sign the attached certifications which will become part of the **FY 2014** Project Agreement.

Seconded by \_\_\_\_\_ and adopted on roll call by the following vote:

In the Affirmative:
In the Negative:
Abstained:
Absent:

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

2014

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-56 :-**

**Monmouth County Municipal Joint Insurance Program  
Safety and Compliance Program  
Acceptance Resolution**

**RESOLUTION ACCEPTING AND ADOPTING THE MONMOUTH COUNTY MUNICIPAL JOINT INSURANCE FUND'S  
2014 SAFETY AND COMPLIANCE PROGRAM**

WHEREAS, the Borough of Union Beach is a member of the Monmouth County Municipal Joint Insurance Fund (MONMOUTH JIF); and

WHEREAS, it is the policy of the MONMOUTH JIF to achieve the best and most practical degree of freedom from accidents an/or injuries; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their members' employees, volunteers and public are provided with a safe and healthy environment, free from any recognized hazards; and

WHEREAS, the MONMOUTH JIF endeavors to ensure that all of their members are in compliance with applicable safety and health requirements; and

WHEREAS, the MONMOUTH JIF's Safety Committee is made up of volunteers representing many of the Fund's Municipalities, along with the professionals employed by the Fund; and

WHEREAS, over the past year, the MONMOUTH JIF'S Safety Committee has worked hard to develop a new Safety and Compliance Program like none other in the State that will better represent the members of the Fund's needs; and

WHEREAS, the new Program will assist all the Monmouth JIF's members in becoming or maintaining compliance with all Public Employees Occupational Safety and Health (PEOSH) Requirements; and

WHEREAS, the MONMOUTH JIF has adopted the new 2014 SAFETY AND COMPLIANCE PROGRAM which should succeed in providing a safe, healthful and pleasant environment; and

WHEREAS, the Administrator of Borough of Union Beach has reviewed this SAFETY AND COMPLIANCE PROGRAM and has recommended its adoption by the Governing Body; and

NOW; THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Union Beach, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund SAFETY AND COMPLIANCE PROGRAM be adopted by the Borough of Union Beach.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-57:**  
***Authorizing Clerk to Prepare Ordinances for Codification***

WHEREAS, the Borough of Union Beach has adopted a Codification of Ordinances of the Borough of Union Beach and it desires to keep such revision current through the preparation of supplements during 2014; and

WHEREAS, the Borough of Union Beach desires that a preparation of supplementations be initiated to contain the general and permanent ordinances as adopted by the Borough;

NOW THEREFORE, IT IS RESOLVED, AS FOLLOWS:

1. The Borough will furnish the Codification Company with two (2) copies of all ordinances adopted by the Borough from the date of the last Ordinance included in the Code to current for supplementation.
2. The Borough will furnish the Codification Company with two (2) copies of all subsequent ordinances upon their adoption to be mailed to Coded Systems, LLC.
3. Coded Systems will prepare the supplements from the material as forwarded by the Borough and supply the Borough with said supplements.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-58 :**  
***RESOLUTION APPROVING TAX EXEMPTION PURSUANT TO N.J.S.S. 54:4-3.25 ET SEQ.***

WHEREAS, pursuant to N.J.S.A. 54:4-3.25 et seq., the governing body by the appropriate resolution shall allow full exemption to a Veteran's Association entitled to the same; and

WHEREAS, The American Legion, Post #321 has applied for said deduction for the property formerly known as 532 Front Street, Union Beach, New Jersey, Block #21, Lot #8; and

WHEREAS, the Borough Tax Assessor, George Lockwood as researched the American Legions' request and recommends the full exemption be allowed for said property.

**NOW, THEREFORE, BE IT RESOLVED**, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendation of the Tax Assessor, George Lockwood, in his informal letter (annexed hereto and made part of this resolution) the tax assessor is authorized to apply a full exemption status to the property formerly known as 532 Front Street, Union Beach, New Jersey, Block #21, Lot #8, for the period commencing with the August quarter 2013; and

**NOW, BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Union Beach, that the Tax Collector, Désirée Durkin, is hereby authorized to cancel taxes on the property known as Block #21, Lot #8, for 2013's third and fourth quarters as well as 2014's first and second quarters, totaling \$2,247.03.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-59 :**

***RESOLUTION APPROVING TAX EXEMPTION PURSUANT TO N.J.S.S. 54:4-3.6 ET SEQ.***

**WHEREAS**, pursuant to N.J.S.A. 54:4-3.6 et seq., the governing body by the appropriate resolution shall allow full exemption to a Religious Organization entitled to the same; and

**WHEREAS**, Gateway Church of Christ has applied for said deduction for the property known as 907 Center Street, Union Beach, New Jersey, Block #36, Lot #6.01; and

**WHEREAS**, the Borough Tax Assessor, George Lockwood as researched the Church's request and recommends the full exemption be allowed for said property.

**NOW, THEREFORE, BE IT RESOLVED**, by Mayor and Council of the Borough of Union Beach, that in accordance with the recommendation of the Tax Assessor, George Lockwood, in his informal letter (annexed hereto and made part of this resolution) the tax assessor is authorized to apply a full exemption status to the property known as 907 Center Street, Union Beach, New Jersey, Block #36, Lot #6.01, for the period commencing with the November quarter 2013; and

**NOW, BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Union Beach, that the Tax Collector, Désirée Durkin, is hereby authorized to cancel taxes on the property known as Block #36, Lot #6.01, for 2013's fourth quarter as well as 2014's first and second quarters, totaling \$3,284.48.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-60 :**

***Authorizing Change in the Sewer EDU's for Property Owner,  
Jefferson Wenzel & Luciene Souza, 211 Park Avenue***

**Whereas**, Jefferson Wenzel & Luciene Souza, property owner of 211 Park Avenue, Block 145 Lot 10, has presented evidence to the Code Enforcer's Office in the form of an inspection of the property; and,

**Whereas**, Mr. Robert Parsells, Code Enforcement Officer for the Borough of Union Beach, has inspected the premises and has recommended to the Mayor and Council that Jefferson Wenzel & Luciene Souza's property has been renovate and as of this date has the use of one Sewer unit, it is his recommendation to decrease the units billed from two (2) to one (1) unit with the understanding that if additional units be added in the future, all additional fees will be charged to owners, Jefferson Wenzel & Luciene Souza.

**Now therefore be it Resolved**, that the Sewer Units to be charged to property owner of 211 Park Avenue, Block 145, Lot 10 will be one (1) Unit; and

**Be it further Resolved**, that the Clerk is hereby directed to supply a copy of this Resolution to the Sewer Department, Engineer's Office and the BRSA for their records.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-61:**

***Authorizing Mayor to approve Memorandum of Agreement with the Monmouth County Mosquito Commission***

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that:

Memorandum of Agreement with the Monmouth County Mosquito Extermination Commission for aerial surveillance and treatment program to apply pesticides from an aircraft to control mosquitoes over portions of the Borough of Union Beach, commencing on April 1<sup>st</sup>, 2014 and continuing through November 30<sup>th</sup>, 2014, be and the same is hereby approved; and,

Be it further Resolved, that the Mayor be and he is hereby authorized to execute said agreement on behalf of the Borough of Union Beach.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Masciak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-62:**

***Authorizing the Borough Administrator to sign an MOU – Scott Lauer and the Princeton Area Foundation***

Be it Resolved by the Governing Body of the Borough of Union Beach that the Borough Administrator is authorized to sign a Memorandum of Understanding on behalf of the Borough of Union Beach between Princeton Area Community Foundation, and Scott Lauer as requested by our Insurance Carrier, Monmouth JIF and authorizing the Clerk to forward Resolution and MOU annexed to Resolution to Monmouth JIF, Scott Lauer and the Princeton Area Community Foundation.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-63 :**

***Authorizing Engineer of T&M Associates Solicit bids on for the project – Borough of Union Beach Turf Maintenance Plan.***

Be it Resolved, by the Mayor and Council of the Borough of Union Beach that:

The Mayor and Council hereby authorize the Borough Engineer, Edward G. Broberg, P.E. of T & M Associates to solicit bids for the project Turf Maintenance on behalf of the Borough of Union Beach.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2014-64 :**

***Authorizing appointment of Full Time Telecommunicator/Police Radio Dispatcher***

Be it Resolved by the Governing Body of the Borough of Union Beach that the following appointment of the following named person as Public Safety-Telecommunicator/Police Radio Dispatcher (full-time) effective as of March 1, 2014 in accordance with the salary and benefits as authorized in the Teamster Local 641 Contract is hereby approved.

In accordance with the recommendations of the Police Chief, Scott Woolley:

Ryan Anthony Gunsauls  
615 Park Avenue  
Union Beach, NJ 07735

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**MAYOR SMITH ADMINISTERS THE OATH OF OFFICE TO MR. RYAN GUNSAULS**

**RESOLUTION NO. 2014-65 :**

*Authorizing the waiving of Building Permit/Construction Fees for the American Legion*

Be it Resolved by the Governing Body of the Borough of Union Beach that the Borough of Union Beach Department of Building/Construction Fees will be waived for the American Legion Post 321 located at 524/532 Front Street, Block 21 , Lot 7 & 8.

Be it also Resolved, that the Clerk provide a copy of this Resolution to the Building Construction Official for his records.

Resolution Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

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

**RESOLUTION NO. 2014-66: Offered by Councilman Wicki**

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

Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Mascilak \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**EXECUTIVE SESSION: (if necessary) RESOLUTION NO. 2014-\_\_\_\_\_:**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by unanimous voice vote.  
The Governing Body retired into executive session for a matter of:

**RECONVENE MEETING:**

Motion to reconvene meeting moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by unanimous voice vote.

**ATTORNEY: PURPOSE:**

**ROLL CALL:**

**ADJOURNMENT:**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by unanimous Voice Vote.  
Mayor Smith declares the meeting adjourned at \_\_\_\_\_ p.m.