

Commissioner Cunniff moved, seconded by Commissioner McBride that the following bills be approved for payment.

031647	224.50	01/15/13	ASBURY PARK PRESS
031648	249.47	01/15/13	AVAYA FINANCIAL SERVICES
031649	17.00	01/15/13	BULLET LOCK & SAFE CO., INC.
031650	97.23	01/15/13	COMCAST
031651	81477.02	01/15/13	COUNTY OF MONMOUTH
031652	91.15	01/15/13	DYNA SYSTEMS
031653	313.00	01/15/13	GALLS, AN ARAMARK COMPANY
031654	1770.47	01/15/13	HOME DEPOT CREDIT SERVICES
031655	300.00	01/15/13	JACKI VAN WAGNER
031656	556.33	01/15/13	JEFFREY GODWIN
031657	549.85	01/15/13	JERSEY CENTRAL POWER & LIGHT
031658	100.00	01/15/13	JOYCE ESCALANTE, CUSTODIAN PETTY CASH
031659	1430.00	01/15/13	KAY PRINTING
031660	3888.50	01/15/13	LAWES COAL COMPANY, INC.
031661	314.00	01/15/13	MGL PRINTING SOLUTIONS
031662	50.00	01/15/13	MON & OCEAN COUNTY INTELLIGENCE BUREAU
031663	58.80	01/15/13	MONTEFORTE ARCHITECTURAL STUDIO, LLC
031664	1575.00	01/15/13	NEW JERSEY EMERGENCY VEHICLES
031665	230.28	01/15/13	PAUL CONWAY SHIELDS
031666	396.80	01/15/13	POSTMASTER
031667	50.00	01/15/13	REGISTRAR'S ASSOCIATION OF NJ
031668	524.00	01/15/13	SELECT TECHNOLOGY GROUP
031669	1264.27	01/15/13	SPECTROTEL
031670	27.79	01/15/13	STAPLES BUSINESS ADVANTAGE
031671	299.90	01/15/13	STAPLES CREDIT PLAN
031672	45.00	01/15/13	SUNNY COMMUNICATIONS INC
031673	83.69	01/15/13	THE HOLLANDER COMPANY
031674	125.00	01/15/13	TREASURER, STATE OF NEW JERSEY
031675	34.51	01/15/13	VERIZON COMMUNICATIONS
031676	3447.57	01/15/13	WRIGHT EXPRESS FSC

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

The Clerk read the following Ordinance by title only:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXXII TITLED
"FLOOD DAMAGE PREVENTION" OF THE CODE OF THE BOROUGH OF
MONMOUTH BEACH**

Commissioner Cunniff moved, seconded by Commissioner McBride that the hearing on the ordinance be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Mayor Howard said that this would amend the borough's floodplain management ordinance, which had been developed several years ago and had been based upon FEMA's model ordinance. She explained that the ordinance was being modified to reflect recent changes to the federal base flood elevations promulgated by FEMA (Federal Emergency Management Agency.)

Mayor Howard said that the new ABFE's (Advisory Base Flood Elevations) were not developed as a result of Hurricane Sandy but had been in the works long before the storm but had not been released until December 15th.

Mayor Howard explained that there would normally be an 8 month period before towns would adopt the new elevations, but she said that FEMA was asking the town to adopt an additional three feet (3'), called "freeboard." She said that the additional 3' provided added protection and the more stringent regulation would better protect everyone.

Mayor Howard said the ordinance would also require V Zone construction standards to be applicable to the A and AE zones also.

Mayor Howard noted that the town as a whole could get lower insurance rates and individuals could get credit also. She said that if a homeowner did not want to build above the ABFE recommended by FEMA, there was an appeal process built into the ordinance. The Mayor said that future construction would be protected and the town would have lower rates by adopting the ABFE +3 in the ordinance. She said the if the town did not put it in the ordinance now then homeowners trying to rebuild would not be able to make an informed decision as to how they want to proceed.

Ronnie Enzman, 29 Mann Court, asked if those who did not raise their homes the additional 3' would pay more for their insurance. She also asked if a home had to be deemed substantially damaged to qualify for the \$30,000 in FEMA funding.

Mayor Howard said that the \$30,000.00 was ICC money and the home was required to be substantially damaged to qualify for those funds. She said that if a home was not substantially damaged was not being raised then this would not apply. Mayor Howard explained that if a home was deemed to be substantially damaged the homeowner would be required to raise the house.

Carl Gross, 30 Lori Road, asked if there had been a change to the coastal high area. He asked if the new elevations only applied to new construction or those being substantially improved. Mr. Gross noted that his home was located in a V Zone.

Dennis Collins, Borough Attorney, said that the new elevation requirements only applied to those homes that were substantially damaged or those having significant substantial improvements.

Mr. Gross quoted section 22-5.3 of the proposed ordinance. He pointed out that the ordinance did not clearly state that it only applied to new construction or substantially damaged homes.

Mr. Collins said that the ordinance was promulgated by the federal government. He told Mr. Gross that the ordinance only applied to new or substantially damaged homes.

Mr. Collins explained that when a homeowner applied for a building permit, Don Clare would determine whether or not the proposed construction qualified as a substantial improvement. He said that if construction costs were below 50% of the equalized assessed value of the home, it was not a substantial improvement and this ordinance would not apply.

Mitchell Daitz 7Cottage Road, pointed out that this ordinance would require homeowners to build above the federal guidelines and that even though FEMA only recommended V Zone construction, the Borough would require it.

Mr. Collins said that he was correct at this time. He said there was an appeal process built into the ordinance but he pointed out that there were no guarantees.

Mayor Howard said that many homes who were at the ABFE's had gotten water and she said that clearly FEMA believes that this is what the town should be doing.

Mr. Collins explained that if the Commissioners were to deny relief from V Zone construction regulations, that decision could not be ambiguous or capricious. He said any appeals would go before the Commissioners. He said that variances would be granted by the Commissioners and it was an internal process.

John Rotundo, 16 Cook Street, asked at what point homes would receive the substantially damaged designation. He asked if it would be determined prior, during, or after construction.

Don Clare, the borough's construction official and floodplain manager, said that the cost of construction estimates, and knowing the equalized assessed value of your home should tell you if you fall into the substantially damaged category. Mr. Clare said that if the figure was over 50% then a home would be deemed substantially damaged.

Darren Weinstein, 7 Griffin Street, asked what might happen if a homeowner requested and was granted a variance by the Commissioners.

Mr. Collins said that on FEMA's website there were examples of the recommendation of the ABFE +3. He said that if a homeowner chose to build below that, they could pay more in insurance.

Mr. Weinstein noted that those in the Coastal A Zone would now be required to build to V Zone construction standards.

Mr. Collins said that it was possible that the NFIP (National Flood Insurance Program), which was a federal program, would charge someone who did not build to the V Zone requirement more for insurance than they would charge someone who did build to the V Zone standards.

Mr. Collins said that it was better for the community as a whole to have the maximum protection required by law but he said that it would be a homeowner's individual decision based on their own circumstances.

Karen Talerico, 32A Riverdale Avenue, said that if you went to one of the Regional Resource Centers and requested to speak to an NFIP specialist, they would take you to a phone and put you through to them.

Susan Ellsweig, 4 Monmouth Place, asked questions regarding construction regulations and related issues.

Don Clare distributed handouts and spoke about construction requirements and standards in the Coastal "A" and "V" zones.

Earl Buchmann, 3 Cottage Rd., questioned the effect on height and grading if homes were raised to the new requirements.

Mayor Howard said that homeowners would not be permitted to simply fill their properties to reach the required height.

Commissioner McBride noted that he had raised his house in 1985. He said there were several options available to homeowners, such as staggered decking, patios, etc., that would not create a flooding problem for surrounding properties.

Roberta Jennings, 4 Cook Street, asked what effect the new regulations would have on building height.

Mayor Howard said that the next Ordinance on the agenda that was scheduled for a public hearing would permit a building height of 38' instead of 35' to allow for the extra 3'.

A Valentine Street resident asked if a homeowner's insurance company could dispute the 51% assessment that allowed a house to be considered substantially damaged.

Mayor Howard said that insurance companies could dispute the assessment and come up with their own numbers.

Jennifer Hoffman, 32 Riverdale Avenue, asked if it was the insurance company who determined if the damage was above or below the 50%.

Dennis Collins explained that it was the town's determination, based upon construction costs.

Glen Partusch, 7 Sunset Lane, wanted to know how to proceed if a home was not considered substantially damaged and you were not raising the house. He asked if applications should be made to the construction office or to zoning.

Mr. Collins explained that everyone had to go to the zoning officer before doing anything.

Mayor Howard urged all residents to get on the borough email list in order to receive copies of these ordinances and to keep informed of any new information available.

Mr. Collins clarified the use of the word "variance" in this ordinance. He explained that in this ordinance, variance applicants would go before the Commissioners as this was a totally different variance procedure that had nothing to do with the Land Use Law.

Laise Grasty, 16 Robbins Street, asked if every home that was substantially damaged would have to comply with Coastal A or V Zone construction standards.

Mayor Howard responded that yes, homes that were deemed substantially damaged would have to apply those stricter standards.

Ms. Enzman, 29 Mann Court, asked how these new regulations would affect someone whose home was not substantially damaged and who chose to repair their home with their private flood insurance money.

Mr. Collins stated that this ordinance would not apply in those cases. He said this ordinance would only apply to those whose homes were substantially damaged or to those making a substantial improvement to their house.

There being no further comments or questions on this ordinance,

Commissioner McBride moved, seconded by Commissioner Cunniff that the hearing on the ordinance be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Commissioner Cunniff moved, seconded by Commissioner McBride that the ordinance be passed and adopted after a second reading and a public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

The Clerk read the following Ordinance by title only:

AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLES 30-2.3 AND 30-11.4 OF CHAPTER XXX TITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH TO AMEND CERTAIN DEFINITIONS AND BUILDING HEIGHT LIMITAITONS

Commissioner McBride moved, seconded by Commissioner Cunniff that the hearing on the ordinance be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Mayor Howard explained that this ordinance would permit a building height of up to 38' in cases where homeowners sought to comply with the regulations of the previous ordinance.

There being no further comments or questions on this ordinance,

Commissioner McBride moved, seconded by Commissioner Cunniff that the hearing on the ordinance be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Commissioner McBride moved, seconded by Commissioner Cunniff that the ordinance be passed and adopted after a second reading and a public hearing.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

The Clerk read the following Ordinance by title only:

AN ORDINANCE AMENDING AND SUPPLEMENTING CERTAIN SECTIONS OF CHAPTER XXX ENTITLED "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH TO AMEND CERTAIN STANDARDS.

Commissioner McBride moved, seconded by Commissioner Cunniff that the ordinance be passed on title only and that the Clerk be instructed to advertise the ordinance for a public hearing to be held on February 5, 2013.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Mayor Howard announced that the regular meeting date of February 12 would be moved to February 5. She said that the meeting would be held in the Parish Center.

Commissioner McBride moved, seconded by Commissioner Cunniff that the meeting be opened to the public.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Mayor Howard said that at the last meeting the Commissioners had introduced a Bond Ordinance to fund repairs to the Bathing Pavilion. She said they have decided to retract the Bond Ordinance and to fund the repairs through emergency appropriations.

There being no further business,

Commissioner Cunniff moved, seconded by Commissioner McBride that the meeting be closed.

Upon the call of the roll the foregoing motion was carried by the following vote: Ayes -3-.

Commissioner Cunniff moved, seconded by Commissioner McBride that the meeting be adjourned.

Mayor Howard

Commissioner Cunniff

Commissioner McBride

ATTEST:

Joyce L. Escalante, RMC
Borough Clerk
January 15, 2013