

REGULAR MEETING – DECEMBER 28, 2015 – 7:30 P.M.

Pledge of Allegiance.

Roll Call: Commissioner McGovern, Commissioner Gorman, Mayor Mahon

Borough Clerk reads the following statement:

This is a regular meeting of the Board of Commissioners of the Borough of Avon-By-The-Sea and notice of time, date and place has been transmitted to the area newspapers, Avon Board of Education, Avon Public Library and the Avon Post Office in compliance with the rules and regulations of the Open Public Meetings Law.

Fire Exits are located in the direction I am indicating. In case of fire, you will be notified by an alarm bell. If so notified, please move in a calm, orderly manner to the nearest smoke free exit. Thank you.

Mayor announces that this is the time advertised for second reading and hearing on Bond Ordinance No. 14-2015 entitled:

**“ AN ORDINANCE REAPPROPRIATING \$100,000 -
PROCEEDS OF OBLIGATIONS NOT NEEDED FOR
THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE
FOR CONTINUED CONSTRUCTION OF THE DPW
BUILDINGS IN AND BY THE BOROUGH OF AVON-BY-
THE-SEA, COUNTY OF MONMOUTH, NJ.”**

BE IT ORDAINED by the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$100,000 of the proceeds of obligations originally made available pursuant to Bond Ordinance No. 7-2003 finally adopted September 22, 2003 of the Borough of Avon-By-The-Sea, in the County of Monmouth, New Jersey are no longer necessary for improvements for which the obligations previously were authorized. \$100,000 of the said proceeds are hereby reappropriated to provide for continued construction of the DPW Buildings destroyed in Superstorm Sandy.

SECTION 2. The Capital Budget of the Borough of Avon-By-The-Sea is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith.

SECTION 3. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Would anyone like to be heard on the above ordinance? No one.

Motion by Mahon seconded by McGovern that the above Bond Ordinance No. 14-2015 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 15-2015 entitled:

“AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 104, ENTITLED “FLOOD DAMAGE PREVENTION” OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, MONMOUTH COUNTY.”

104.5 Definitions.

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

Best Available Flood Hazard Data — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

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

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

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirement of 44 CFR Section 60.3.

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

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

104.7 Basis for Establishing the areas of special flood hazard.

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

104.16 General standards for flood hazard reduction.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required.

104.17 Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 104-7 or 104-14B, the following standards are required:

A. Residential construction.

- (1) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, , elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus one foot;**
- (2) Within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive. 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 located in an A or AE zone shall:

(1) Either have the lowest floor, including basement together with the attendant utilities and sanitary facilities, Elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation whichever is more restrictive, plus one foot; and

(2) Within any AO Zone on the municipality's FIRM that all new construction and substantial improvement of any commercial, or other nonresidential structure shall either have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood hazard data elevation plus one foot, whichever is more restrictive; or

(a) Be flood proofed so that below the base flood level plus one foot, or the best available flood hazard data elevation plus one foot, (whichever is more restrictive), level the structure is watertight with walls substantially impermeable to the passage of water;

C. Manufactured homes.

(1) Manufactured homes shall be anchored in accordance with Section 104-16A (2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus one foot (whichever is more restrictive).

104.18 Coastal high-hazard areas.

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 base flood elevation (published FIS/FIRM), the best available flood hazard data elevation or as required by the Uniform Construction Code (NJAC 5:23), whichever is more restrictive, with all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in Subsection B (4) herein.

104.19 Severability.

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

Would anyone like to be heard on the above ordinance? No one.

Motion by Mahon seconded by McGovern that the above Ordinance No. 15-2015 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that,

WHEREAS, there exists a need for a Municipal Judge, and

WHEREAS, funds will be available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the appointments without competitive bidding must be publicly advertised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Borough Clerk is hereby authorized and directed to engage the services of the following person:

Paul J. Capotorto

For a term of three (3) years effective January 1, 2016. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.

A copy of the resolution will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by McGovern that,

WHEREAS, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,

NOW, THEREFORE, BE IT RESOLVED that the following 2015 appropriation transfers be authorized:

FROM: Beach Streets S&W	275.00
TO: Beach Landfill	275.00

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorizes the cancellation of 2015 water/sewer charges for the following accounts:

Block 26 Lot 1	435 Sylvania Ave.	Exempt	\$394.25
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The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Mahon that the Board of Commissioners hereby authorizes the cancellation of one water/sewer unit (Going from two units to one unit) from 25 Norwood Avenue, Block 21 Lot 5.02, effective January 1, 2016.

The Vote:

Aye: All

No: None

RESOLUTION offered by McGovern seconded by Gorman that the demolition of the Baptist Church on Sylvania Avenue be authorized and a best case effort be made to sell, donate or keep the stained glass windows and bell.

The Vote:

Aye: All

No: None

Motion by McGovern seconded by Gorman that the bills in the amount of \$84,775.66 be approved for payment.

The Vote:

Aye: All

No: None

The Re-organization meeting will take place Monday, January 4, 2016 at 7:00 p.m. at the Avon Marina Building.

Mayor thanked Commissioner McGovern for his 8 years of service to the Borough.

Mayor asks if anyone would like to be heard? No one.

Motion by McGovern seconded by Mahon that being there is no further business, the meeting is adjourned.

The Vote:

Aye: All

No: None

Robert Mahon, Mayor

Robert P. McGovern, Commissioner

Francis E. Gorman, Commissioner

Timothy M. Gallagher, RMC
Borough Clerk