

Regular Meeting called to order, Mayor Vaccaro in the chair, at Kathryn E. Flynn Civic Center on Thursday August 22nd, 2019 at 7:08 P.M.

Mayor called for Pledge of Allegiance to the Flag.

C/Bauer- wished C/Cirillo a belated Happy Birthday.

ROLL CALL: Bauer, Cirillo-present, Kinsella-not present, Martinez-present,
Surak, Wende-not present
Administrator- T. Ciannamea-present, Attorney- F. Migliorino-present

Borough Clerk stated that notice of the meeting was announced in accordance with the Open Public Meeting Act.

Motion by C/Bauer and second by C/Cirillo to approve the Minutes of Regular Meeting of July 25th, 2019.

ROLL CALL: Bauer, Cirillo, Martinez
All ayes. So ordered.

COMMUNICATIONS:

Public Service electric and Gas Company- notice of filing and Notice of public hearings on the matter of the Petition of PSE&G for approval of Electric Base Rate Adjustments.

Public Service electric and Gas Company- notice of filing and Notice of public hearings on the matter of the Petition of PSE&G for approval of Gas Base Rate Adjustments.

New Jersey Sports Exposition Authority- public hearing notice on Draft Hackensack Meadowlands District Master Plan Update 2020.

Dewberry Engineers Inc.- legal notice on submission of combined Flood Hazard Area Individual Permit application, Freshwater Wetlands General Permit application, Section 401 Water Quality Certificate and Hackensack Meadowlands Commission Water quality Certificate to NJDEP for Storm Drainage system Rehabilitation –Phase II at Teterboro Airport.

Whitman- notification of environmental investigation and cleanup at former DMW&H facility, 120 Asia Place, Block 126, Lot 78, in the Borough of Carlstadt.

Bergen County Board of Chosen Freeholders- notice of adoption of a Bond Ordinance amending Section 3 of Bond Ordinance No. 19-17 in order to revise the project description.

NJ Transit- notice of public hearing on Senior Citizen & Disable Residents transportation Assistance Program.

Motion by C/Cirillo and second by C/Martinez to file communications.

ROLL CALL: Bauer, Cirillo, Martinez
All ayes. So ordered.

FORMAL ACTION TAKEN AT THE EXECUTIVE MEETING ON AUGUST 8, 2019:

Motion by C/Kinsella and second by C/Cirillo to approve following Resolution:

RESOLUTION #19-218

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that Raymond Tognella and Joseph Kaplan be and is hereby appointed as Crossing Guards at the hourly rate of \$17.38.

ROLL CALL: Cirillo, Kinsella, Martinez
All ayes. So ordered.

Motion by C/Kinsella and second by C/Cirillo to approve Resolution #19-219 to go into closed session

RESOLUTION#19-219

WHEREAS, N.J. S.A. 10:4-12 allow for a public body to go into closed session during a public meeting, and

WHEREAS, the Mayor and Council of the Borough of Moonachie has deemed it necessary to go into closed session to discuss certain matters which are exempt from the public, and

WHEREAS, the regular meeting of this governing body will reconvene,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Moonachie will go into closed session for the following reason as outlined in N.J.S.A. 10:4-12:

- Any pending or anticipated litigation or contract negotiation.

ROLL CALL: Cirillo, Kinsella, Martinez
All ayes. So ordered.

REGULAR MEETING OF AUGUST 22, 2019:

NEW BUSINESS:

CONSENT RESOLUTIONS:

Motion by C/Bauer and second by C/Cirillo:

All matters listed bellows are considered to be routine in nature and will be enacted by one motion and second.

RESOLUTION #19-220

WHEREAS, Tricon Enterprises, Inc. submitted Change Order No. 6 in the amount of \$15,209.80 for Moonachie DPW Topography and DPW Building; and

WHEREAS, Arcari+Iovino Architects, P.C. has approve Change Order No. 6 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that Change Order No. 6 in the amount of \$15,209.80 be and is hereby approved.

RESOLUTION #19-221

WHEREAS, Ordinance No. 2006-5 allows for a cost of Living Adjustment to the maximum LOSAP contribution that the Borough may make on behalf of each qualify member of its Fire Department; and

WHEREAS, the current maximum LOSAP contribution amount is \$1,298.02 for each qualify member of the Fire Department; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that the maximum LOSAP contribution amount hereby be adjusted by the Cost of Living Adjustment of 1.6% to \$1,318.79 for each qualify member of the Fire Department.

RESOLUTION #19-222

WHEREAS, Borough of Moonachie Ordinance No. 2002-3 provides for the members of the Moonachie Fire Department to participate in a Length of Service Awards Program whereby members are rewarded for their volunteer service through a contribution from the Borough; and

WHEREAS, those members who qualify in accordance with the established criteria shall receive a contribution of up to \$1,318.79 per member,

NOW THEREFORE, BE IT RESOLVED, that the 30 members who qualified for an award in 2018 be hereby approved to receive a contribution in the amount of \$1,318.79 per member and that said contribution be paid to Lincoln Financial Services, Corp. for investment in their personal accounts on approval of this Resolution by the Mayor & Council of the Borough of Moonachie.

RESOLUTION #19-223

BE IT RESOLVED that the below listed Life Members of the Moonachie Fire Department be and are hereby authorized to attend the New Jersey Firemen's Association Convention at the expense of the Borough of Moonachie at \$175.00 per member:

Life Members:

Louis Cappadonna
Anthony Chiodo
Salvatore DeAlessandro
William G. Hunt, Jr.
William D. Humt
James O'Neill
Ryan O'Neill
Victor Migliorino
David Mulvaney
Steven Rozansky
Franklin Smith

pending confirmation of their attendance and \$500.00 for Fire Department Convention expenses; and

BE IT FURTHER RESOLVED that verification and adjustment of such expenses and advances and the repayment of any excess advance shall be by means of a detailed bill of items on demand in conformance with N.J.S.40A:5-16; and

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized to issue checks to the above named individuals as payment of advances to members towards their expenses for authorized official travel and expenses incident thereto, and charge same to appropriate Budget Accounts; and

BE IT FURTHER RESOLVED that the detailed bill of items on demand and the certification of affidavit required by N.J.S. 40A:5-15 shall be submitted in writing 10 days after the completion of the travel for which an advance was made.

RESOLUTION #19-224

BE IT FURTHER RESOLVED by the Mayor and Council that the payment in the amount of \$9,150.00 for month of July, 2019 to Millennium Strategies, LLC for professional services for the FEMA grants Management and Administration be and is hereby approved.

RESOLUTION #19-225

WHEREAS, 3rd quarter tax bills were due on August 1st, 2019; and

WHEREAS, the billing process has been delayed due to the delay in receiving the certified tax rate from the County for the year of 2019; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council that the extension of the Grace period for 3rd quarter tax bills is hereby confirmed from August 10th, 2019 to September 13th, 2019.

RESOLUTION #19-226

WHEREAS, Two Brothers Contracting, Inc., submitted Change Order No. 19 (Revision to Evidence Locker Equipment at the Police Department) in the amount of \$7,260.00 for work performed and material furnisher for the construction of new Municipal Building; and

WHEREAS, L+C Design Consultants PA and the Borough Attorney have approve Change Order No. 19 as presented; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that approval of Change Order No. 19 in the amount of \$7,260.00 be and is hereby confirmed.

RESOLUTION #19-227

Re: Cancellation of Grant Receivable Balances in Current Fund

WHEREAS, certain grant receivable balances remains uncollected for purposes which have been completed, and

WHEREAS, it has been determined that the Borough has received all the funds eligible to be received and desires to cancel the remaining balances,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie, County of Bergen, New Jersey, that the following balances are canceled of record:

Grant Receivable Balances – Current Fund

	<u>Balance Cancelled To Operations</u>
Municipal Alliance	\$ 749
Non-Federal Cost Share Match Program	58,937
Post Sandy Assistance Grants	<u>10</u>
	<u>\$59,696</u>

RESOLUTION#19-228

Resolution Re: Cancellation of Sewer Utility Capital Fund

WHEREAS, certain Sewer Utility Capital Fund Grant Receivable balance remains uncollected for purposes which have been completed, and

WHEREAS, it has been determined that the Borough has received all the funds eligible to be received and desires to cancel the remaining balance,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Moonachie, that the following balance be canceled of record:

	<u>Reserve</u>
<u>Sewer Utility Capital Fund</u>	
Community Development Block Grant	<u>\$11,510</u>

Administrator Ciannamea- mentioned that the cancellation came up at the time of Audit, there are some outstanding grants receivable in Current funds, there are outstanding Community Development Grant, and these cancellation is to get them off the books.

RESOLUTION#19-229

RESOLUTION TO REDEEM
THIRD PARTY TAX TITLE LIEN

WHEREAS, Frank J. Santora, Tax Collector advised that payment has been received in the amount of \$13,817.19 to redeem TTL (s) #18-00001, and subsequent Taxes on Block 14 Lot 2, located at 56 Moonachie Road within the Borough; and

WHEREAS, U.S. Bank-Cust/Actlien Holding, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102 is holder of Certificate(s) TTL #18-00001, and is therefore entitled to payment of \$13,817.19; and

WHEREAS, the lienholder did not pay a premium at the time of purchase therefore there is no refund due of said premium; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Moonachie, County of Bergen, State of New Jersey be and is hereby authorized to issue a check in the amount of \$13,817.19 payable to U.S. Bank-Cust/Actlien Holidng representing the redemption amount of said Certificate.

RESOLUTION #19-230

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that Scott Romano be and is hereby appointed as Intern for Department of Public Works, effective September 2nd, 2019 at the hourly rate of \$10.00 for 14 hours a week; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Moonachie that the hourly rate of \$11.00 for Scott Romano be and is hereby approved as Intern for Department of Public Works for 14 hours a week, effective January 1st, 2020 through May 31st, 2020.

RESOLUTION #19-231

BE IT RESOLVED, by the Mayor and Council of the Borough of Moonachie that purchase of Utility Truck from Borough of Wood-Ridge be and is hereby authorized at the cost not to exceed \$2,000.00.

RESOLUTION #19-232

WHEREAS, Two Brothers Contracting, Inc. submitted an invoice for Payment Application No. 33 for work performed and material furnished in the construction of Moonachie Municipal Building in the amount \$447,008.46 and

WHEREAS, L+C Design Consultants PA reviewed and proposed payment in the amount of \$321,764.46; and

WHEREAS, Borough Attorney reviewed and recommended for the partial payment in the amount of \$200,000.00 upon receipt of Maintenance Bond for Landscaping; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council that the payment in the amount \$200,000.00 to Two Brothers Contracting, Inc.be and is hereby approved upon receipt of Maintenance Bond for Landscaping.

ROLL CALL: Bauer, Cirillo, Martinez
All ayes. So ordered.

BILLS:

CHECK	CURRENT ACCOUNT	AMOUNT
3665	HARRIS UNIFORMS	550.00
3666	LEXIS NEXIS RISK SOLUTIONS	8.00
3667	MARY ELLEN LYONS	47.63
3668	LOWE'S HOME CENTER INC.	119.35
3669	COMMERCIAL TIRE SERVICE & SALE	430.00
3670	VERIZON	6.55
3671	PRAXAIR DISTRIBUTION	78.27
3672	C&C TIRE	1,069.16
3673	ALL COVERED	101.00
3674	THREE STAR TOURS INC.	900.00
3675	LOWE'S HOME CENTER INC.	208.92
3676	PORT AUTHORITY OF NY AND NJ	211.50
3678	RACHLES/MICHELE'S OIL CO.	519.44
3679	HARRIS UNIFORMS	394.00
3680	HARRIS UNIFORMS	146.00
3681	HARRIS UNIFORMS	140.00
3682	HARRIS UNIFORMS	278.00
3683	HARRIS UNIFORMS	160.90
3684	HARRIS UNIFORMS	191.00

3685	FUN TIME ENTERTAINMENT	2,625.00
3686	PARTY MAGIC	1,161.00
3687	NATURE'S CHOICE CORPORATION	5,737.66
3688	VERIZON	224.99
3689	IRON MOUNTAIN	1,167.81
3690	HARRIS UNIFORMS	77.10
3691	EVANS CATERING SERVICE	175.80
3692	BOSWELL ENGINEERING	280.00
3693	BOARD OF EDUCATION	720,502.08
3694	PORT AUTHORITY OF NY AND NJ	217.70
3695	EVANS CATERING SERVICE	28.03
3696	STAPLES BUSINESS ADVANTAGE	268.78
3697	NORTH JERSEY MEDIA GROUP	130.90
3698	NATURE'S CHOICE CORPORATION	525.45
3699	STAPLES BUSINESS ADVANTAGE	118.24
3700	NATURE'S CHOICE CORPORATION	944.10
3701	BOROUGH OF MOONACHIE PAYROLL A	155,159.90
3702	BOROUGH OF MOONACHIE PAYROLL A	11,261.93
3703	PHILIP A. FACENDOLA	163.38
3704	PHILIP A. FACENDOLA	43.64
3705	PHILIP A. FACENDOLA	667.21
3706	SUEZ WATER NEW JERSEY	528.88
3707	SUEZ WATER NEW JERSEY	96.36
3708	MUNICIPAL RECORD SERVICE	406.00
3709	RAPID RESTORATION USA, LLC	2,200.00
3711	ALTONA BLOWER & SHEET METAL	600.00
3712	STAPLES BUSINESS ADVANTAGE	8.99
3713	LERCH, VINCI & HIGGINS	12,800.00
3715	DG & SONS LLC	2,160.74
3716	SUEZ WATER NEW JERSEY	10,540.14
3717	VIP CAR WASH	126.00
3718	C&C TIRE	212.80
3719	C&C TIRE	619.84
3720	COMMERCIAL TIRE SERVICE & SALE	1,346.16
3721	MARY ELLEN LYONS	92.71
3722	SUEZ WATER NEW JERSEY	125.85
3723	VERIZON	593.88
3724	TRAP FIND, LLC	300.00
3725	SUEZ WATER NEW JERSEY	122.23
3726	VERIZON	110.64
3727	VERIZON	41.04
3728	VERIZON	649.09
3729	TRAFFIC SAFETY AND EQUIPMENT C	375.00
3730	GLEN BUSINESS MACHINES	53.50
3731	BOROUGH OF MOONACHIE TRUST ESC	1,245.91
3732	TRITEC OFFICE EQUIPMENT	147.00
3737	PIA, INC.	605.00
3733	DELAGE LANDEN FINANCIAL SERVIC	195.00
3734	DELAGE LANDEN FINANCIAL SERVIC	195.00
3735	DELAGE LANDEN FINANCIAL SERVIC	245.00
3736	VERIZON	209.09
3738	VERIZON WIRELESS	1,143.40
3739	VIP CAR WASH	86.00
3740	MILLENIUM STRATEGIES	1,500.00
3741	LERCH, VINCI & HIGGINS	731.25
3742	LERCH, VINCI & HIGGINS	840.00
3743	LERCH, VINCI & HIGGINS	10,400.00
3744	PITNEY BOWES GLOBAL FINAN.SERV	584.10

3745	VERIZON	268.46
3746	HERBERT & WEISS ATT. AT LAW	1,401.06
3748	MCI COMM SERVICE	351.68
3749	EVANS CATERING SERVICE	7.43
3750	GAETA RECYCLING	3,150.33
3751	BERGEN COUNTY CLERK	2,441.11
3752	ALL COVERED	1,201.00
3753	GAETA RECYCLING	3,150.33
3754	JOSEPH LICATA, ARBITRATOR	3,150.00
3755	LOWE'S HOME CENTER INC.	119.72
3756	STANDARD INSURANCE	1,433.49
3757	JOSHUA H. REINITZ, ESQ.	500.00
3758	EVANS CATERING SERVICE	29.08
3759	PRAXAIR DIST. MID-ATLANTIC	56.16
3760	PRAXAIR DISTRIBUTION	60.95
3761	LOWE'S HOME CENTER INC.	34.16
3762	EARTHLINK BUSINESS	323.59
3763	LOUIS CAPPADONNA	175.00
3764	DAVID MULVANEY, SR.	175.00
3765	ANTHONY CHIDO	175.00
3766	MOONACHIE FIRE DEPT.	500.00
3767	RYAN O NEILL	175.00
3768	VICTOR MIGLIORINO (SON)	175.00
3769	STEVEN ROZANSKY	175.00
3770	WILLIAM D. HUNT	175.00
3771	SAL DEALESSANDRO	175.00
3772	WILLIAM G. HUNT, JR.	175.00
3773	FRANK SMITH	175.00
3774	JAMES O NEILL	175.00
3775	BERGEN COUNTY UTILITIES AUTHOR	5,990.37
3776	WOOD-RIDGE POST OFFICE	220.00
3777	PITNEY BOWES-RESERVE ACCT.	500.00
3778	EVANS CATERING SERVICE	110.70
3779	EVANS CATERING SERVICE	28.03
3780	CERTIFIED SPEEDOMETER	205.00
3782	AGE'S AUTO LLC.	558.46
3783	COMMERCIAL TIRE SERVICE & SALE	430.00
3784	LOWE'S HOME CENTER INC.	109.04
3785	VANDINE	649.95
3786	JOSEPH SMENTKOWSKI INC.	9,860.83
3787	LITTLE FERRY PUBLIC LIBRARY	100.00
3788	NEW JERSEY FIRE EQUIPMENT	389.24
3789	BEN SHAFFER RECREATION INC.	8,165.00
3790	LOWE'S HOME CENTER INC.	318.92
3791	AGE'S AUTO LLC.	26.00
3792	AGE'S AUTO LLC.	210.00
3793	AGE'S AUTO LLC.	264.60
3794	AGE'S AUTO LLC.	586.00
3795	SAL'S EQUIPMENT SERVICE & REPA	517.50
3796	LOWE'S HOME CENTER INC.	68.37
3797	MONROE SYSTEMS	181.10
3798	TERMINEX	62.00
3799	BOROUGH OF MOONACHIE PAYROLL A	171,814.74
3800	BOROUGH OF MOONACHIE PAYROLL A	13,204.44
3801	AGE'S AUTO LLC.	109.00
3802	AGE'S AUTO LLC.	235.62
3803	MILLENIUM STRATEGIES	9,150.00
3804	MANSFIELD OIL COMPANY	4,275.12

3805	VERIZON	87.85
3806	LOWE'S HOME CENTER INC.	133.10
3807	SAL'S EQUIPMENT SERVICE & REPA	838.25
3808	NORTH JERSEY MEDIA GROUP	12.65
3809	HOMETOWN AUTO PARTS	47.83
3810	AGE'S AUTO LLC.	65.00
3811	VERIZON	6.55
3812	EVANS CATERING SERVICE	7.43
3813	AGE'S AUTO LLC.	121.00
3814	AGE'S AUTO LLC.	885.86
3815	STAN KERSNOWSKI	32.13
3816	PHILIP A. FACENDOLA	269.46
TOTAL		1,210,227.71

CHECK	CURRENT ACCOUNT	AMOUNT
3710	LERCH, VINCI & HIGGINS	VOID
3677	COMMERCIAL TIRE SERVICE & SALE	VOID
3714	GLEN BUSINESS MACHINES	VOID
3781	AGE'S AUTO LLC.	VOID
TOTAL		

NON-CHECK PAYMENT	CURRENT ACCOUNT	AMOUNT
NON-CHECK PAYMENT	JP MORGAN CHASE	145,000.00
NON-CHECK PAYMENT	JP MORGAN CHASE	2,950.00
NON-CHECK PAYMENT	PRIMEFLEX	154.50
TOTAL		148,104.50

CHECK	TRUST ACCOUNT	AMOUNT
1614	L & C DESIGN CONSULTANTS	65.00
TOTAL		65.00

CHECK	TRUST ACCOUNT	AMOUNT
1613	L & C DESIGN CONSULTANTS	VOID

CHECK	CAPITAL ACCOUNT	AMOUNT
182	EXECUTIVE LIQUIDATION	6,945.00
183	L & C DESIGN CONSULTANTS	23,023.00
184	BOSWELL ENGINEERING	945.00
185	BOSWELL ENGINEERING	661.50
186	PROCOMM SYSTEMS INC.	9,800.00
187	BOSWELL ENGINEERING	1,828.00
188	TWO BROTHERS CONTRACTING	200,000.00
TOTAL		243,202.50

CHECK	SEWER OPERATING ACCOUNT	AMOUNT
433	VERIZON	41.85
434	NATIONAL WATER MAIN CLEANING C	11,824.26
435	BOROUGH OF MOONACHIE PAYROLL A	1,341.23
436	BOROUGH OF MOONACHIE PAYROLL A	18,478.58
437	LERCH, VINCI & HIGGINS	3,200.00
439	VERIZON	41.04
440	LERCH, VINCI & HIGGINS	2,600.00
441	SUEZ WATER NEW JERSEY	204.01
442	BOSWELL ENGINEERING	567.00

443	LERCH, VINCI & HIGGINS	368.00
444	BOROUGH OF MOONACHIE PAYROLL A	17,828.44
445	BOROUGH OF MOONACHIE PAYROLL A	1,370.17
446	CLEARWATER SERVICES	10,364.75
447	W.E. TIMMERMAN	71.87
448	NASSOR ELECTRICAL SUPPLY CO.	5,444.37
449	W.E. TIMMERMAN	253.48
450	W.E. TIMMERMAN	1,443.96
TOTAL		75,443.01

CHECK	SEWER OPERATING ACCOUNT	AMOUNT
438	NASSOR ELECTRICAL SUPPLY CO.	VOID

NON-CHECK PAYMENT	SEWER OPERATING ACCOUNT	AMOUNT
NON-CHECK PAYMENT	JP MORGAN CHASE	45,000.00
NON-CHECK PAYMENT	JP MORGAN CHASE	1,962.50
TOTAL		46,962.50

CHECK	DOG ACCOUNT	AMOUNT
34	N.J. DEPT. OF HEALTH AND SENIO	24.00
TOTAL		24.00

CHECK	SUMMER REC ACCOUNT	AMOUNT
122	FIRST STUDENT BUS COMPANY	225.00
123	FIRST STUDENT BUS COMPANY	225.00
124	FIRST STUDENT BUS COMPANY	250.00
125	FIRST STUDENT BUS COMPANY	225.00
126	FLAGHOUSE	1,583.32
127	FUN TIME ENTERTAINMENT	1,600.00
128	PHILIP A. FACENDOLA	39.96
129	KRISTEN WARES	80.00
130	FUN TIME ENTERTAINMENT	175.00
131	FIRST STUDENT BUS COMPANY	250.00
132	AMAZING ESCAPE ROOM MONCLAIR	220.00
133	PHILIP A. FACENDOLA	74.85
TOTAL		4,948.13

Motion by C/Cirillo and second by C/Bauer to approve the payment of bills.

ROLL CALL: Bauer, Cirillo, Martinez
All ayes. So ordered.

FINAL PASSAGE OF ORDINANCE:

ORDINANCE #2019- 3

AN ORDINANCE AMENDING CHAPTER XIX "FLOOD HAZARD AREAS" OF THE REVISED GENERAL ORDINANCE OF THE BOROUGH OF MOONACHIE, COUNTY OF BERGEN AND STATE OF NEW JERSEY" AND ALSO DESIGNATED AS ORDINANCE NO. 95-16 AND ANY ALL PRIOR AND SUBSEQUENT AMENDATORY ORDINANCE THERETO FOR FLOOD DAMAGE PREVENTION.

BE IT ORDAINED by the Mayor and Council of the Borough of Moonachie that an Ordinance for Flood Damage Prevention be adopted to amend the Ordinance#95-16"An

Ordinance to Control Flood Hazard Areas in the Borough of Moonachie County of Bergen and State of New Jersey.

Amending Section 19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, OBJECTIVES

19-1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Borough of Moonachie 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 hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance 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 to:

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

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance 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 floodplains, 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.

Amending Section 19-2 DEFINITIONS:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“AH Zone”- means areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

AO Zone”- means areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

“Appeal” — means a request for a review of the Construction Official/Zoning Officer interpretation of any provision of this ordinance or a request for a variance.

“Area of Shallow Flooding” — means a designated AO or AH zone on a community's Flood Insurance Rate Map 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.

“Area of Special Flood Hazard” —means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

“Base Flood”— means a flood having a one percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” – means the flood elevation shown on a published Flood Insurance

Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A130 the elevation represents the water surface elevation resulting from a flood that has a 1percent 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 ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

“Basement” — means any area of the building having its floor subgrade (below ground level) on all sides.

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

“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.

“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.

“Elevated Building” — means a non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard 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.

“Erosion” — means the process of gradual wearing away of land masses.

“Existing 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 before the effective date of the floodplain management regulations adopted by a community.

“Flood or Flooding” — means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” — 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.

“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.

“Floodplain Management Regulations” — means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain 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.

“Floodproofing” — means 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.

“Freeboard” — means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

“Highest Adjacent Grade” — means the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

“Historic Structure” — means any structure that is:

- a) 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;
- b) 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;
- c) 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
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

“Lowest Floor” — means 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 nonelevation design requirements of 44 CFR Section 60.3.

“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" does not include a "recreational vehicle".

“Manufactured Home Park or Manufactured Home Subdivision” — means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

“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.

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 floodplain management regulations adopted by the municipality.

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

“Recreational Vehicle” — means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be selfpropelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of Construction” — means 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 means 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 pilings, 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 or 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.

“Structure” — means a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

“Substantial Damage” — means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

“Substantial Improvement” — means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (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".

“Variance” — means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

“Violation” — means 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.

Amending Section 19-3 GENERAL PROVISION:

19-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Moonachie, County of Bergen, New Jersey.

19-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Moonachie, Community No. 340053, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report “Flood Insurance Study, County of Bergen, New Jersey (All Jurisdictions)” dated September 30, 2005.
- b. Flood Insurance Rate Map for Bergen County, New Jersey (All Jurisdictions) as shown on Index 34003CINDOB and panels 34003C0256H, 34003C0258H, whose effective date is August 28, 2019.
- c. Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at Borough of Moonachie, 70 Moonachie Road, Moonachie, New Jersey.

19-3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand (\$1,000) or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the construction official of the Borough of Moonachie from taking such other lawful action as is necessary to prevent or remedy any violation.

19-3.4 ABROGATION AND GREATER RESTRICTIONS

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

19-3.5 INTERPRETATION

In the interpretation and application of this ordinance, 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.

19-3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the Borough of Moonachie, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Amending Section 19-4 ADMINISTRATION:

19-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in subsection 19- 3.2. Application for a Development Permit shall be made on forms furnished by the Borough 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. Elevation in relation to mean sea level to which any structure has been floodproofed.
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 19-5.2b; and,
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

19-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Borough Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

19-4.3 DUTIES AND RESPONSIBILITIES OF THE BOROUGH CONSTRUCTION OFFICIAL

Duties of the Borough Construction Official shall include, but not be limited to:

a. PERMIT REVIEW

1. Review all development permits to determine that the permit requirements of this ordinance 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.

b. USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with subsection 19-3.2,

BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Borough

Construction Official shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer subsections 19-5.2a, **SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION**, and subsection 19-5.2b, **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:
 - i. Verify and record the actual elevation (in relation to mean sea level); and
 - ii. Maintain the floodproofing certifications required in section 19-4.1 c.
3. Maintain for public inspection all records pertaining to the provisions of this ordinance.

d. ALTERATION OF WATERCOURSES

1. Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control 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. SUBSTANTIAL DAMAGE REVIEW

1. After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
2. Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
3. Ensure substantial improvements meet the requirements of subsections 19-5.2a, **SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION**, 19-5.2b, **SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION** and 19-5.2c, **SPECIFIC STANDARDS, MANUFACTURED HOMES**.

f. 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 section 19-4.4.

19-4.4 VARIANCE PROCEDURE:

a) APPEAL BOARD

1. The Planning Board (Joint Land Use Board) as established by Mayor and Council of the Borough of Moonachie shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. The Planning Board (Joint Land Use Board) shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Construction Official/Zoning Official in the enforcement or administration of this ordinance.
3. Those aggrieved by the decision of the Planning Board (Joint Land Use Board), or any taxpayer, may appeal such decision to the Superior Court, as provided in N.J.S.A. 45:55D-17.
4. In passing upon such applications, the Planning Board (Joint Land Use Board), shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, 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 floodplain 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 section 19-4.4a.4 and the purposes of this ordinance, the Planning Board (Joint Land use Board) may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. The Borough Construction Official 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, providing items i.-xi. in section 4.4-1 d) 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 only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. 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 section 4.4- 1 d), or conflict with existing local laws or ordinances.
5. 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.

Amending 19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION 19-5.1 GENERAL STANDARDS

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:

a. ANCHORING

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All manufactured homes to be placed or substantially improved 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.

b. CONSTRUCTION MATERIALS AND METHODS

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. UTILITIES

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. 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;
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4. For all new construction and substantial improvements the 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.

d. SUBDIVISION PROPOSALS

1. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
2. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

e. ENCLOSURE OPENINGS

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 (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) 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 (1) 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.

19-5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 19-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in subsection 19-4.3b, USE OF OTHER BASE FLOOD DATA, 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 (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
2. Require 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 together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1)

foot, above the highest adjacent grade (at least three (3) 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 have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment: either

1. Elevated at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
2. Require within any AO or AH zone on the municipality's FIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) 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; or
3. Be floodproofed so that below the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 6-1, the structure is watertight with walls substantially impermeable to the passage of water;
4. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
5. 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 19-4.3c2.b.

C. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with subsection 19-5.1a.2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive, base flood elevation (published FIS/FIRM) plus one (1) foot, the best available flood hazard data elevation plus one (1) foot, or as required by ASCE/SEI 24-14, Table 2-1.
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

Adding Section 19-5-3 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.

All Ordinances or parts inconsistent herewith are hereby repealed as to such inconsistency only. Each and every other provision of the sections and schedules not modified by this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon the passage, publications and the erection of signs as required by law.

The Borough Clerk has presented an affidavit showing that advertisement had been made according to law.

PUBLIC HEARING ON ORDINANCE#2019-3:

Nobody wished to be heard.

Motion by C/Cirillo and second by C/Bauer to close Public hearing.

ROLL CALL: Bauer, Cirillo, Martinez

All ayes. So ordered.

Motion by C/Bauer and second by C/Martinez to adopt Ordinance#2019-3.

ROLL CALL: Bauer, Cirillo, Martinez

All ayes. So ordered.

PUBLIC HEARING:

Lisa Cook, 54 Diamond Way-spoke about Airbnb in her neighborhood. She mentioned about the incident in which her son almost got hit with the car of People of Airbnb, they were speeding and there are many children playing & riding bikes in the area.

Attorney Migliorino- mentioned that it is a law regarding Airbnb and him & Mayor will discuss with the Building Inspector.

Motion by C/Bauer and second by C/Cirillo to close Public Hearing.

ROLL CALL: Bauer, Cirillo, Martinez

All ayes. So ordered.

C/Bauer- spoke about two equipment for DPW.

Motion by C/Bauer and second by C/Cirillo to adjourn the meeting at 7:25 P.M.

ROLL CALL: Bauer, Cirillo, Martinez

All ayes. So ordered.

ATTEST:

Supriya Sanyal
Borough Clerk