

**AGENDA  
BOROUGH OF CAPE MAY POINT  
BOARD OF COMMISSIONERS**

**BOROUGH MEETING – APRIL 11, 2019 – 6:00 PM**

**MEETING CALLED TO ORDER / SUNSHINE STATEMENT**

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and duly posted at the Borough Hall bulletin board.

**FLAG SALUTE**

**ROLL CALL:** Commissioner Mullock, Commissioner vanHeeswyk, Mayor Moffatt

**2019 BUDGET:**

**Presentation on Budget by Borough Auditor Mike Garcia**

**ORDINANCE FOR SECOND READING / PUBLIC HEARING**

01-2019 Calendar Year 2019 Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish a Cap Bank

**BUDGET RESOLUTIONS AND PUBLIC HEARING**

52-19 Read by Title Only and Open a Public Hearing on 2019 Municipal Budget  
53-19 Resolution to Amend the Budget  
54-19 Adoption of 2019 Municipal Budget

**COMMISSIONERS' REPORTS**

**APPROVAL OF MINUTES**

February 12, 2019 Work Session  
February 12, 2019 Closed Session  
February 14, 2019 Regular Meeting  
February 14, 2019 Closed Session  
February 26, 2019 Work Session  
March 5, 2019 Special Meeting  
March 12, 2019 Work Session  
March 14, 2019 Regular Meeting

**ORDINANCES FOR INTRODUCTION / PUBLICATION**

03-2019 Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Cape May Point, in the County of Cape May, New Jersey, Appropriating \$1,703,000 Therefor and Authorizing the Issuance of \$1,503,000 Bonds or Note of the Borough to Finance Part of the Cost Thereof (Supplemental Debt Statement - 0.463%)  
*Second Reading/Public Hearing/Consideration to Adopt – May 9, 2019*

**RESOLUTIONS**

- 55-19 Adopting Health and Wellness Policy and Workplace Wellness Best Practices
- 56-19 Supporting "Green Amendment" to the New Jersey State Constitution
- 57-19 Consenting to the Cape May County Proposed Water Quality Management Amendment
- 58-19 Approval of Bill List

**ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION**

- 02-2019 An Ordinance Amending Chapter 90 "Flood Damage Prevention", Section 5.2 "Specific Standards" and Section 5.3 "Coastal High Hazard Area and Coastal A Zone" of the Code of the Borough of Cape May Point

**PUBLIC PORTION****ADJOURNMENT**

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
NEW JERSEY**

**ORDINANCE 01-2019**

**CALENDAR YEAR 2019  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Commission of the Borough of Cape May Point in the County of Cape May finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Commission hereby determines that a 1.0% increase in the budget for said year, amounting to \$10,952.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Commission hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Commission of the Borough of Cape May Point, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Cape May Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$38,334.91, and that the CY 2019 municipal budget for the Borough of Cape May Point be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

\_\_\_\_\_  
Robert Mullock, Commissioner

\_\_\_\_\_  
Anita vanHeeswyk, Commissioner

\_\_\_\_\_  
Robert Moffatt, Mayor

ATTEST:

\_\_\_\_\_  
Elaine L. Wallace, Borough Clerk

FIRST READING: March 5, 2019

PUBLICATION: March 12, 2019

PUBLIC HEARING: April 11, 2019

PUBLICATION: April 17, 2019

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 52-19**

**READ BY TITLE ONLY AND OPEN PUBLIC HEARING  
ON 2019 MUNICIPAL BUDGET**

**WHEREAS**, N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least ten (10) days prior to the date of the hearing, a publication by summary of the budget has been advertised and copies have been made available by the Clerk to persons requesting them.

**NOW, THEREFORE, BE IT RESOLVED** that the conditions of N.J.S.A. 40A:4-8 have been met and the budget shall be read by title only.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 11, 2019.

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JESREY**

**RESOLUTION 53-19**

**RESOLUTION TO AMEND BUDGET**

**WHEREAS**, the local municipal budget for the year 2019 was approved on the 5th day of March, 2019 and  
**WHEREAS**, the public hearing on said budget has been held as advertised, and  
**WHEREAS**, it is desired to amend said approved budget, now  
**THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May that the following amendments to the approved budget of 2019 be made:

<u>Recorded Vote</u>	(	(
	(	(
Ayes(	Nays(	Abstained(
(	(	(
(	(	(
(	(	Absent(
(	(	(

**CURRENT FUND:**

**ANTICIPATED REVENUES:**

	From	To
1. Surplus Anticipated	\$ 240,807.00	\$ 243,807.00
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:		
Clean Communities Program	0.00	4,000.00
Recycling Tonnage Grant	0.00	900.58
4. Receipts from Delinquent Taxes	22,000.00	19,000.00
7. Total General Revenues	<u>\$ 1,886,983.00</u>	<u>\$ 1,891,883.58</u>

**GENERAL APPROPRIATIONS:**

8. General Appropriations:		
a) Operations - Excluded from "CAPS"		
Other Operations - Excluded from "CAPS"		
Public & Private Programs Offset by Appropriations		
Clean Communities Program	0.00	4,000.00
Recycling Tonnage Grant	0.00	900.58
Total Operations - Excluded from "CAPS"	302,250.00	307,150.58
H-2 Total General Appropriations for Municipal Purposes Excluded from "CAPS"	723,309.00	728,209.58
O) Total General Appropriations Excluded from "CAPS"	723,309.00	728,209.58
I) Subtotal General Appropriations (Items (H-1) and (O))	1,828,983.00	1,833,883.58
9. Total General Appropriations	<u>\$ 1,886,983.00</u>	<u>\$ 1,891,883.58</u>

**WATER & SEWER FUND:**

**10. DEDICATED REVENUES FROM WATER & SEWER UTILITY**

Rents - Water	\$ 380,000.00	\$ 410,000.00
Rents - Sewer	320,000.00	290,000.00
Total Water & Sewer Revenues	<u>\$ 805,091.00</u>	<u>\$ 805,091.00</u>

**BE IT FURTHER RESOLVED,** that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the local municipal budget so amended.

It is hereby certified that all additions and math in this amendment are correct.

*Michael S. Garcia*

\_\_\_\_\_  
Michael S. Garcia, CPA, RMA

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 11, 2019.

\_\_\_\_\_  
Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 54-19**

**ADOPTION OF MUNICIPAL BUDGET FOR THE YEAR 2019**

**NOW, THEREFORE, BE IT RESOLVED**, this 11<sup>th</sup> day of April, 2019 by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, the governing body thereof, that the Municipal Budget for 2019 be and is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,354,250.00 to be raised by taxes for municipal purposes.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 11, 2019.

\_\_\_\_\_  
Municipal Clerk



**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE 3-2019**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF CAPE MAY POINT, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,703,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,503,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF CAPE MAY POINT, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Cape May Point, in the County of Cape May, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,703,000, and further including the aggregate sum of \$200,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,503,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation &amp; Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds &amp; Notes</u>	<u>Period of Usefulness</u>
a) Road reconstruction on Ocean, Pavilion and Central Avenues, including drainage work and further including all work and materials necessary therefor and incidental thereto.	\$385,000	\$360,000	10 years
b) Road reconstruction on Pearl, Brainard and Yale Avenues, including drainage work and further including all and materials necessary therefor and incidental thereto.	\$428,000	\$403,000	10 years
c) Improvements to Lake Lily, including construction, restoration, engineering, sidewalks and benches, including all work and materials necessary therefor			

and incidental thereto and further including all related costs incidental thereto.	\$200,000	\$150,000	10 years
d) Road reconstruction on Yale Avenue and various water/sewer improvements, including water main and lateral replacements and further including all work and materials necessary therefor and incidental thereto.	\$690,000	\$590,000	10 years
Total:	<u>\$1,703,000</u>	<u>\$1,503,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the 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 \$1,503,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$255,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure

document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the 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 real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Robert Mullock, Commissioner

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Anita vanHeeswyk, Commissioner

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Robert Moffatt, Mayor

ATTEST:

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Elaine L. Wallace, Borough Clerk

FIRST READING: March 14, 2019

PUBLICATION: March 20, 2019

PUBLIC HEARING: April 11, 2019

PUBLICATION: April 17, 2019

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 55-19**

**ADOPTING HEALTH AND WELLNESS POLICY AND  
WORKPLACE WELLNESS BEST PRACTICES**

**WHEREAS**, the Borough of Cape May Point retains its workers compensation insurance coverage through the self-funded Atlantic County Municipal Joint Insurance Fund (ACMJIF); and

**WHEREAS**, the ACMJIF provides its membership municipalities with substantial savings by continually proposing cost containing measures that reduce municipal workers compensation claims; and

**WHEREAS**, the ACMJIF recognizes that improving employee health and wellness is critical in its efforts to help municipalities more effectively control their workers compensation liabilities as well as contributing to a more productive workplace; and

**WHEREAS**, the Borough formally expresses its support in encouraging its employees to adopt a healthy lifestyle by implementing the ACMJIF recommended "Health and Wellness Policy" and its "Workplace Wellness Best Practices" guidelines.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that the attached "Health and Wellness Policy" and "Workplace Wellness Best Practices" be and are hereby adopted.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 11, 2019.

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Municipal Clerk



**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 57-19**

**CONSENTING TO THE CAPE MAY COUNTY PROPOSED  
WATER QUALITY MANAGEMENT AMENDMENT**

**WHEREAS**, pursuant to state regulations, a municipal water quality management plan must be in compliance with its regional wastewater management planning agency which, in the case of Cape May Point, requires that same be in compliance with the Cape May County Wastewater Management Plan (WMP); and

**WHEREAS**, the Cape May County Planning Department and Maser Consulting, P.A., in conjunction with Cape May Point, have developed the County WMP and Chapter 4 encompasses the Municipal Buildout Report for Cape May Point; and

**WHEREAS**, at a meeting of the Board of Commissioners on February 26, 2019, the Commissioners discussed the WMP and the Borough Engineer's comments; and

**WHEREAS**, the Borough Planning Board reviewed the amendment at its March 20, 2019 regular meeting and forwarded comments to the Board of Commissioners for consideration.

**WHEREAS**, at its work session of March 26, 2019, the Board of Commissioners considered the Planning Boards recommendation as well as the County Planning Department's responses to the Borough Engineer's initial comments.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Board of Commissioners does hereby consent to the amendment to Cape May County Wastewater Management Plan.
3. A copy of this Resolution shall be forwarded to the Cape May County Planning Department for their review and consideration.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on April 11, 2019.

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**ORDINANCE NO. 2-2019**

**AN ORDINANCE AMENDING CHAPTER 90 "FLOOD DAMAGE PREVENTION",  
SECTION 5.2 "SPECIFIC STANDARDS" AND SECTION 5.3 "COASTAL HIGH  
HAZARD AREA AND COASTAL A ZONE" OF THE CODE OF BOROUGH OF CAPE  
MAY POINT**

**WHEREAS**, the Borough previously adopted Ordinance 03-2017 on July 18, 2017, which adopted the newest New Jersey Department of Environmental Protection Model Flood Damage Prevention Ordinance regulations; and

**WHEREAS**, the Borough wishes to amend Chapter 90 "Flood Damage Prevention" to correctly reflect the requirements of Chapter 150 "Zoning", with respect to the level of the lowest floor at or above the base flood elevation plus two (2) feet.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Cape May Point that Chapter 90 ("FLOOD DAMAGE PREVENTION"), be and is hereby amended as follows (additional shown in underline, deletions shown in ~~strikethrough~~):

**SECTION 1**

**90-5.2 Specific Standards**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in subsection 90-3.2, Basis for Establishing the Areas of Special Flood Hazard or in subsection 90-4.3b, Use of Other Base Flood Data, the following standards are required:

*a. Residential Construction.*

1. For Coastal A Zone construction see subsection 90-5.3 Coastal High Hazard Area and Coastal A Zone.
2. 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 base flood elevation plus two (2) feet ~~one (1) foot~~ or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive;

3. Require within any AO or AH 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 two (2) feet ~~one (1) feet~~, 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, 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 (for Coastal A Zone construction see subsection 90-5.3 Coastal High Hazard Area and Coastal A 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:

either

1. Elevated to or above the base flood elevation plus two (2) feet ~~one (1) feet~~ or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive; and
2. Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus two (2) feet ~~one (1) feet~~, 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, 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 base flood level plus two (2) feet ~~one (1) feet~~ or as required by ASCE/SEI 24-14, Table 6-1, or the best available flood hazard data elevation, whichever is more restrictive, 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 90-4.3c,2(b).

*c. Manufactured Homes.*

1. Manufactured homes shall be anchored in accordance with subsection 90-5.1a,2.
2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - (a) Be consistent with the need to minimize flood damage,
  - (b) Be constructed to minimize flood damage,
  - (c) Have adequate drainage provided to reduce exposure to flood damage,
  - (d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus two (2) feet ~~one (1) foot~~ or as required by ASCE/SEI 24-14, Table 2-1, or the best available flood hazard data elevation, whichever is more restrictive; and,
  - (e) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**90-5.3 Coastal High Hazard Area and Coastal A Zone.**

Coastal high hazard areas (V or VE Zones) and coastal A Zones are located within the areas of special flood hazard established in subsection 90-3.2. 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 subdivision.

*b. Construction Methods.*

1. Elevation.

All new construction and substantial improvements shall be elevated on piling or columns so that:

- (a) 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 plus one (1) foot or as required by ASCE/SEI 24-14, Table 4-1, or the best available flood hazard data elevation, whichever is more restrictive,
- (b) All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated two (2) feet ~~one (1) feet~~ above the base flood elevation, or the best available flood hazard data elevation, whichever is more restrictive, and,

**SECTION 2**

All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3**

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

**SECTION 4**

This ordinance shall take effect twenty (20) days after final passage, according to law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

ATTEST:

\_\_\_\_\_  
 Elaine Wallace  
 Borough Clerk

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 Robert Moffatt, Mayor

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 Anita vanHeeswyk, Commissioner

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Robert Mullock, Commissioner

FIRST READING: March 14, 2019

PUBLICATION: March 20, 2019

FINAL RESPONSE: April 11, 2019

PUBLICATION: April 17, 2019