

City Issues 182 Summonses for Flood Venting Violations Holds Meeting with Concerned Property Owners



On August 12th the City conducted a meeting for property owners who received summonses regarding putative inadequate flood venting of their properties.

As background, the City would like its property owners to receive discounts of 10% to 20% on their annual flood insurance premiums on policies sponsored by the Federal Emergency Management Association (FEMA). To help in obtaining these discounts, FEMA representatives did a review of properties in Sea Isle City and provided the City with a list of 353 properties that did not comply with current flood venting standards. These had been updated based on experience from Hurricane Katrina. Subsequent to this:

- In 2009, the City sent letters to property owners explaining the non-compliance issues delineated by FEMA. In 2010, City Council passed an ordinance raising flood venting requirements to post Katrina standards.
- In June 2011, the City mailed summonses requiring 182 property owners to appear in court. Recipients were faced with either having to make costly alterations to their properties or, under a 1982 ordinance, paying \$500 for each day of non-compliance or spending 90 days in jail.

The meeting was held at Council Chambers in the Public Safety Building before an over-

flow audience. The City was represented by City Solicitor Paul Baldini, City Business Administrator George Savastano and City Building Inspector Neil Byrne. Mr. Baldini explained the City's actions and provided a listing of approximately 88 properties which had been further reviewed and for which the City would recommend the summonses be dismissed. This reduced the number of required court appearances to approximately 94. Also, citizens were able to schedule a further inspection of their property with Mr. Byrne.

Following his comments, Mr. Baldini conducted a very extensive question and answer period. Every person that wanted to ask a question or submit a comment was allowed to do so, some more than once.

Questions generally focused on the following:

- Certificates of Occupancy (CO) were received before properties were occupied and people believed that if the City missed something, it should be the City's problem. Mr. Baldini explained that if the City did miss something, it would not be precluded from citing a violation if such violation was noted after the issuance of the CO.
- Some of the summonses apparently were issued for either inadequate flood vents and/or "bonus rooms" that had either been fitted out with non flood resistant materials or were being used for habitation. Habita-

(continued on page 2)

Flood "Venting" (continued from page 1)

tion is not permitted for space below flood level. This space is only to be used for storage. The venting requirements and types of vents were also discussed.

- Retroactive application of a new ordinance to properties that were in compliance with the law at the time of first occupancy. Some suggested that their properties be "grandfathered." Except to state that the City will stay its course, these questions were not adequately addressed by Mr. Baldini. It appeared that some of the properties removed from the list were due to being "grandfathered" but this was not clearly stated.
- The singling out of certain citizens for a costly endeavor that would provide benefit to all property owners. Some of these individuals stated that other buildings in their vicinity had identical flood venting but no summonses were issued.
- The thoroughness of the FEMA review.
- The possibility of future City endeavors to retroactively fit the building code. "What's next?" was commonly heard.
- Many never received the 2009 warning letter or thought that the letter was nothing but a suggestion. Should signed receipts have been requested?

Many of the attendees were put on a list for further meetings and review by Neil Byrne to hopefully result in more recommendations for dismissal.

An analysis by SICTA did not show any favoritism to year-round residents as the percentage of year-round residents was at or about 10% under the FEMA list, the initial list, and the final list of required court appearances.

At the first court hearing on September 15, 2011, the following occurred on behalf of the owners who appeared:

1. Most significantly, the City agreed to accept compliance with FEMA regulations on the date each house was issued a Certificate of Occupancy (C/O) and will not require compliance with the current Ordinance incorporating the newer FEMA guidelines of 1 square inch of venting per each square foot of enclosed space below flood level and will not require the newer style pressure vents. This should mean that most houses which were lawfully issued a C/O when constructed will comply and the City will dismiss the summons applicable to it.
2. There will be several sets of guidelines that will control depending on the date each house was constructed. Neil Byrne will provide copies of all applicable FEMA regulations for review within 2 weeks of September 15, 2011.
3. After these regulations are reviewed by SICTA and affected property owners, Mr. Byrne will perform a visual inspection of the exterior of each house to determine if it complied with the then effective FEMA regulations at the time of construction. He will not re-



(continued on page 3)

Flood “Venting” (continued from page 2)

quest to enter the interior of any property he inspects and will not issue any citations for other violations not listed on the original summons. The property owner need not be present.

4. The next hearing is set for Thursday, October 27 at 1:00 pm. The owners of all houses determined to be compliant under the terms of this settlement arrangement will not be required to attend and the related summonses will be dismissed.

5. This agreement was recorded into the Court record in front of Judge Morrison so it is legally binding on all parties who attended and agreed to this arrangement, including the other property owners and the City officials. Every property owner also consented to the inspection of their premises as part of the agreement.

6. The City was not able to disclose during the hearing what the applicable FEMA requirements for flood venting have been over the years, but they felt that all houses with properly issued C/O's should comply unless someone modified or blocked their existing vents. They also believed that the FEMA inspectors did not know what year most of the houses were built and the regulations then applicable when they compiled their list of violators, which caused many houses to be on the list which should not have been included. These issues should all be clarified as a result of this settlement.

7. If anyone feels that the older applicable FEMA regulations are too restrictive and will require the modification or alteration of their current venting system, that property owner can refuse to settle with the City and proceed to trial.



National Flood Insurance Program
Increased Cost of Compliance Coverage
 Creating a Safer Future



In light of this settlement agreement, no hearings on the issue of flood venting violations occurred. Another hearing is slated for October 27th. This settlement agreement does not forgo property owners' rights to ultimately defend against the summons in Court or otherwise negotiate a resolution with the City if the settlement proposal is not acceptable. It does present the opportunity for most property owners to have these summonses dismissed if their houses were built in compliance with FEMA regulations at the time of construction, without the need to go to court and without the need to modify or improve their existing vent system.

Subsequent to the hearing on September 15th, affected owners have informed SICTA of an issue which has arisen regarding implementation of the settlement agreement with Sea Isle. It is their understanding that the City Solicitor, Mr. Baldini, is taking the position that the effective date of the more restrictive requirement of 1 square inch per square foot of vent relief was adopted in January of 2004 by the State of New Jersey. Affected owners say that FEMA issued a technical bulletin explaining this stan-

(continued on page 4)

FLOOD FACTOIDS:

“To qualify for Flood Insurance a community must join the National Flood Insurance Program (NFIP) and agree to enforce sound floodplain management standards.”

If a community goes beyond the minimum standards and documents their efforts they may be eligible for premium discounts.

Currently, Sea Isle City does not receive a discount. Below is a chart of Community Rating System (CRS) discounts enjoyed by nearby communities.

In Sea Isle, most properties are in an A Zone, where the cost for \$250,000 of Building and \$100,000 of Contents Coverage is **\$2,734**. But property owners on the east side of much of Pleasure Avenue and all property owners north of 28th Street live in a V zone where the cost is **\$5,903** per year. Many homeowners pick up excess coverage in the private market place at an additional cost from carriers like Lloyds of London. Some homeowners in Sea Isle City have chosen to go without any flood coverage.



Flood “Venting” (cont’d from page 3)

dard in August 2008 and officially adopted the regulation in April 2009. Mr. Baldini’s interpretation of the effective date will significantly affect the number of houses required to modify their vents under the agreement. Absent this interpretation, it is believed that very few property owners, if any, will be affected.

CHAMBER AND REVITALIZATION

Most people know about the Chamber of Commerce, but many may not be aware of Sea Isle Revitalization. The Revitalization group was organized approximately 5 years ago by a group of citizens who thought applying to the State for a ‘Main Street’ designation would help the City improve. An application was submitted to the State and the City was named a finalist prior to the State program being put ‘on hold’. At the same time, this group attended State seminars to better promote the city.

New shoulder season activities have been introduced such as: Harborfest, Irish Weekend and Girls Weekend. In addition to promotional issues, the group is also addressing issues such as zoning, parking and economic development.

In the past year, the decision was made to merge the Chamber of Commerce and Revitalization. This merger begins October 1st and brings more people together working for the betterment of Sea Isle City.

Visit the Chamber’s website for current activity and how to get involved.

www.seaislechamber.com

Town	CRS Discount
Avalon	20%
Ocean City	15%
Stone Harbor	15%
North Wildwood	15%
Cape May	10%
Wildwood Crest	10%

TOWN WATCH/TOWN PRIDE CONTINUES TO SERVE SEA ISLE COMMUNITY



Since its inception in 1989, Town Watch/Town Pride has had as its goal the enhancement of the quality of life in Sea Isle City to make it one of the best residential and family-oriented resort communities on the Jersey Shore. Property owners whose summers were plagued by the noise, trash and profanity of a neighborhood “animal house” have been able to turn to TW/TP for guidance and support. Representatives advise citizens who are making complaints or appearing as witnesses and TW/TP members monitor the court hearings. Over the years TW/TP has provided valuable input to the City on new and revised codes aimed at maintaining a safe family-oriented environment in Sea Isle City.

They have also worked with the police and city officials to improve public safety and reduce vandalism through the implementation of a neighborhood watch program. TW/TP volunteers patrol our town during the winter months to look for and report such things as broken water pipes, doors and windows blown open by high winds and malfunctioning transformers.

This summer has been an important transitional period for the organization. The individuals who have carried the burden of responsibilities for the organization – Bob Lynch and Carl Lingesso – are no longer available to shoulder those responsibilities on our behalf. Jerry Murphy (murphy161@gmail.com 263-2088) and Anne Organ (danorgan@verizon.net 263-8348) have stepped forward as Coordinator and Treasurer, respectively. They could be seen on the promenade at Skimmer Week-

end and Fall Family Festival giving out light bulbs to encourage property owners to keep a light on at night during the off-season. This a good deterrent against burglars and vandals, and it also makes it easier to spot the evidence of the occasional broken water pipe.


TW/TP holds up to three meetings a year during the summer to report out on the noise, trash and other violation statistics. Members of TW/TP also meet with the Mayor, Police Chief and other city officials at periodic “Quality of Life” meetings to discuss these statistics, code violations and other concerns. Membership in this organization is a very affordable \$10 per individual and \$15 per household. Town Watch/Town Pride is an organization Sea Isle City can’t afford to be without. We support them and hope you do, too.



Please join us for the
SICTA General Meeting
 on **October 29th at 10:00 AM**
 at the new **Library**

This meeting will feature:
Mayor Leonard Desiderio
 as our **Guest Speaker**

The Election of Board Members
 and a **Vote on Bylaws Revisions.**



SICTA
Sea Isle City Taxpayers Association, Inc
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Your SICTA Officers

- Joe McDevitt, President
- Ben Tartaglia, Treasurer

Board of Directors

- Seymour Burchman
- Gary Egnasko
- John Fee
- Larry Lentini
- Jim Malloy
- George Marinari
- Pete McWilliams
- John Ruzila
- Marye Ruzila
- James Sofroney
- Mike Stein
- Mike Tumolo

THE EXCURSION PARK ENTERTAINMENT COMPLEX

With the new band shell, the City has increased the free entertainment nights from four to six. Previous years had activities on the Promenade, Monday through Thursday nights.



This year, Friday and Saturday nights were added. Friday night's new "Sea Isle's Got Talent" was a phenomenal success. Thousands attended each week and everyone was impressed with the level of talent that was displayed by all age groups from not only New Jersey, but many other states.

Saturday night concerts were added and also attended by thousands and they continued into the latter part of September. Whatever your taste in music: Oldies, Rock, Country, or String Band, there has been music for everyone.

All six nights are free and designed for families. It is expected that a seventh night will be added next summer.