



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • MAY 21, 2019

Regular Meeting

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

1. Call to Order

2. Statement of Compliance with Open Public Meetings Act: *This meeting complies with the Open Public Meetings Act by notification on January 9, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.*

3. Flag Salute

4. Invocation

5. Roll Call

6. Mayor's Proclamation

Michael Lippolis, Kyle Crochet, Jack Donohoe

April 14, 2019 Emergency Assistance at Oceanport Gardens

7. Administrators Report

8. Consent Agenda

- #2019-115 1. Resolution authorizing payment of BILL LIST 05-21-2019
- #2019-116 2. Resolution authorizing waiver of Budget Reading in Full
- #2019-117 3. Resolution authorizing permits for Facility Use - Spring 2019
- #2019-118 4. Resolution Setting the Fees for 2019 Summer Action Camp
- #2019-119 5. Resolution rescinding Resolution #2019-056
- #2019-120 6. Resolution authorizing games of chance for the Strawberry Festival
- #2019-121 7. Resolution awarding Contract to Maser Consulting - 2019 Road Program
- #2019-122 8. Resolution authorizing Tax Sale Redemption #18-00014
- #2019-123 9. Resolution amending the Personnel Policy and Employee Handbook
- 10. Receipt & Acceptance of Monthly Captain's Report, Hook & Ladder, Jan. 2019
- 11. Receipt & Acceptance of Monthly Captain's Report, Hook & Ladder, Feb. 2019
- 12. Receipt & Acceptance of Monthly Captain's Report, Hook & Ladder, March 2019
- 13. Receipt & Acceptance of Minutes, Historical Committee, Jan. 10, 2019
- 14. Receipt & Acceptance of Minutes, Historical Committee, Jan. 31, 2019
- 15. Receipt & Acceptance of Minutes, Historical Committee, Feb. 28, 2019
- 16. Receipt & Acceptance of Minutes, Historical Committee, March 28, 2019
- 17. Receipt & Acceptance of Minutes, Environmental Commission, Jan. 14, 2019
- 18. Receipt & Acceptance of Minutes, Environmental Commission, Feb. 11, 2019
- 19. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Jan. 9, 2019
- 20. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Feb. 13, 2019
- 21. Receipt & Acceptance of Minutes, Parks & Recreation Committee, March 13, 2019

9. Minutes

1. Approval of Workshop Minutes, April 4, 2019
2. Approval of Regular Minutes, April 16, 2019
3. Approval of Executive Session, April 16, 2019

10. Resolutions

- #2019-124** Resolution requesting waiver of 390-17(F) - 523 Port Au Peck Ave
#2019-125 Resolution requesting waiver of 390-17(F) - 19 Oneida Ave
#2019-126 Resolution rescinding Resolution #2019-114, Authorization to Bid for Fencing
#2019-127 Resolution granting temporary waiver of Noise Ordinance for Landscape Services

11. 2019 Municipal Budget

- #1000** Ordinance Establishing a CAP Bank for CY2019
Public Hearing - Municipal Budget as Introduced April 16, 2019
#2019-128 Resolution Adopting the 2019 Municipal Budget

12. Second Reading & Public Hearing Ordinances

- #1001** 2nd Reading and PUBLIC HEARING of 2019 Capital Bond Ordinance
#1002 2nd Reading and PUBLIC HEARING of Ordinance to establish Shore Little League as a Borough-approved recreation sports association

13. Committee Reports

1. Councilman Proto, Planning and Development Liaison
2. Councilman Irace, Finance and Administration Liaison
3. Councilman Gallo, Public Works and Engineering Liaison
4. Councilman O'Brien, Health and Human Services Liaison
5. Council President Solan, Public Safety Liaison
6. Councilman Deerin, Parks and Recreation Liaison

14. Mayor Coffey's Report**15. Petitions from the public****16. Executive Session**

#2019-129 Resolution authorizing an Executive Session

Litigation, Negotiations and Attorney Client Privilege - N.J.S.A. 10:4-12(b)(7)
Update on Oceanport Section of Fort Monmouth including Plan Amendment #14 update
Fair Share Housing Center Settlement Agreement
NJTHA vs. Borough of Oceanport, Tax Appeal (Monmouth Park)

17. Adjournment



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • MAY 21, 2019

Regular Meeting

Maple Place School

7:00 PM

2 Maple Place, Oceanport, NJ 07757

1. **Call to Order:** Mayor Coffey called the meeting to order at 7:00 p.m.
2. **Statement of Compliance with Open Public Meetings Act:** Mayor Coffey stated "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 9, 2019, and by the posting of same on the municipal bulletin board and Borough Web Site."
3. **Flag Salute:** Mayor Coffey led the audience and members of the Council in the flag salute.
4. **Invocation:** Borough Chaplain Stacy Deerin gave the invocation.
5. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Joseph A. Irace	Councilman	Present	
Michael O'Brien	Councilman	Late	7:22 PM
Robert Proto	Councilman	Present	
Stephen Solan	Council President	Present	
Jeanne Smith	Borough Clerk	Present	
Donna M. Phelps	Borough Administrator	Present	
Scott Arnette	Board Attorney	Present	
Catherine D. LaPorta	Chief Financial Office	Present	

6. **Mayor's Proclamation:**

Michael Lippolis, Kyle Crochet, Jack Donohoe

April 14, 2019 Emergency Assistance at Oceanport Gardens

Mayor Coffey read the following Proclamation for the record:

WHEREAS, on April 14, 2019, in conjunction with the Oceanport Hook and Ladder's Annual Ham Dinner, volunteer fire fighter **Michael Lippolis** and two young Fire Explorers, **Jack Donohoe** and **Kyle Crochet**, were delivering ham dinners to senior citizens at Oceanport Gardens at about 2:15 pm; and

WHEREAS, in the course of their deliveries they knocked on a locked apartment door and, in turn, heard someone in the apartment crying out for help; and

WHEREAS, the person crying out for help was in the locked apartment, had fallen close to three hours earlier and was unable to get up; and

WHEREAS, realizing this individual's life could be in danger, **Firefighter Mike Lippolis**, **Fire Explorer Donohoe** and **Fire Explorer Crochet** immediately sprang into action; and

WHEREAS, **Firefighter Lippolis** made a call to EMS and stayed at the door talking to the individual who was in need of help; and

WHEREAS, at the same time, **Fire Explorer Donohoe** began knocking on other doors in the building looking for somebody with an extra key so that they could gain entry to the locked apartment; and

WHEREAS, **Fire Explorer Crochet** ran downstairs to ensure that the building's entrance door would be open for EMS personnel upon their arrival; and

WHEREAS, because of their combined efforts a building superintendent was alerted to the situation and opened the locked door; and

WHEREAS, once inside the apartment **Firefighter Lippolis** stayed with the individual until EMS arrived, rendered care and helped transport the individual to Monmouth Medical; and

WHEREAS, the individual who had fallen has recovered from her injuries; and

WHEREAS, this story could have had a much different ending if these selfless volunteers were not out doing good deeds for the people of Oceanport; and

WHEREAS, **Michael, Jack and Kyle** have downplayed their roles in this incident, but people need to know that our Police Department, Fire Department, First Aid Squad, Fire Police, OEM and all emergency service providers do things like this for Oceanport EVERY SINGLE DAY; and

WHEREAS, Oceanport is built and runs on the backs of volunteers of volunteers like **Michael Lippolis, Jack Donohoe and Kyle Crochet**; and

WHEREAS, **Michael Lippolis, Jack Donohoe and Kyle Crochet** collectively and individually serve as shining examples to all of Oceanport what community service and commitment to others is all about; and

WHEREAS, **Michael Lippolis, Jack Donohoe and Kyle Crochet** have made the Borough of Oceanport very, very proud; now, therefore, be it

RESOLVED, that the Governing Body of the Borough of Oceanport hereby recognizes and applauds the actions of **Michael Lippolis, Jack Donohoe and Kyle Crochet** and, on behalf of the entire Borough, extends its deepest appreciation and respect for all they do to make Oceanport a better and safer place in which to live.

Mayor Coffey then presented the Proclamation to Michael Lippolis, Jack Donohoe and Kyle Crochet. There was a brief period of congratulations and photo taking. First Aid Capt. Kathy Kenny provided an update on the individual's injuries and passed along the woman's thanks. Mayor Coffey distributed envelopes to the recipients from Oceanport Gardens.

7. **Administrators Report:** Ms. Phelps reported on items including the re-notice for bids for Evergreen Park due to an error in the notice, new date for receipt of bids is May 30th; fencing projects at Community Center tennis courts, Evergreen and Trinity Parks; resurfacing tennis and basketball resurfacing at Community and Blackberry Bay; inclement weather has affected the progress of these projects; also due to the extensive rains, landscapers in the Borough have requested extended hours of operation; JCP&L will be conducting their annual vegetation management aerial patrol between May 20 and May 21.

Ms. Phelps, OEM Director Buzz Baldanza and Construction official John Johnson attended an information session presented by Monmouth County OEM and Monmouth County Building Officials Association. These organizations will partner to create regional damage assessment teams to coordinate, obtain and record damages due to storm or other events causing widespread damage within the County. Ms. Phelps expressed her thanks to Mr. Baldanza for all his efforts to keep residents safe and to secure mitigation funding. A lighted flag is now on display outside the Police Dept.

Ms. Phelps provided follow up information regarding the Second Chance Toys program. Ms. Phelps stated that OPRA requests have become problematic and requiring an inordinate amount of time by Borough staff. Ms. Phelps, Mayor Coffey, members of the Police Dept. and Borough Dept. heads met with the Borough's architect to continue work on finalizing bid documents for the new municipal complex.

8. Consent Agenda:

- #2019-115** 1. Resolution authorizing payment of BILL LIST 05-21-2019
- #2019-116** 2. Resolution authorizing waiver of Budget Reading in Full
- #2019-117** 3. Resolution authorizing permits for Facility Use - Spring 2019
- #2019-118** 4. Resolution Setting the Fees for 2019 Summer Action Camp
- #2019-119** 5. Resolution rescinding Resolution #2019-056
- #2019-120** 6. Resolution authorizing games of chance for the Strawberry Festival
- #2019-121** 7. Resolution awarding Contract to Maser Consulting - 2019 Road Program
- #2019-122** 8. Resolution authorizing Tax Sale Redemption #18-00014
- #2019-123** 9. Resolution amending the Personnel Policy and Employee Handbook
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- 19. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Jan. 9, 2019
- 20. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Feb. 13, 2019
- 21. Receipt & Acceptance of Minutes, Parks & Recreation Committee, Mar 13, 2019

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

9. Minutes:

1. Approval of Workshop Minutes, April 4, 2019

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Joseph A. Irace, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

2. Approval of Regular Minutes, April 16, 2019

RESULT: APPROVED [UNANIMOUS]
MOVER: William Deerin, Councilman
SECONDER: Joseph A. Irace, Councilman
AYES: Deerin, Gallo, Irace, Proto, Solan
ABSENT: O'Brien

3. Approval of Executive Session, April 16, 2019

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Deerin, Councilman
SECONDER: Joseph A. Irace, Councilman
AYES: Deerin, Gallo, Irace, Proto, Solan
ABSENT: O'Brien

10. Resolutions:

#2019-124 Resolution requesting waiver of 390-17(F) - 523 Port Au Peck Ave

RESULT: ADOPTED [4 TO 0]
MOVER: Joseph A. Irace, Councilman
SECONDER: Stephen Solan, Council President
AYES: Deerin, Irace, Proto, Solan
ABSTAIN: Gallo
ABSENT: O'Brien

#2019-125 Resolution requesting waiver of 390-17(F) - 19 Oneida Ave

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joseph A. Irace, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, Gallo, Irace, Proto, Solan
ABSENT: O'Brien

#2019-126 Resolution rescinding Resolution #2019-114, authorization to solicit fence bids

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Deerin, Councilman
SECONDER: Stephen Solan, Council President
AYES: Deerin, Gallo, Irace, Proto, Solan
ABSENT: O'Brien

#2019-127 Resolution granting temporary waiver of Noise Ordinance for Landscape Services

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Gallo, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

10. Borough Clerk Report

Ms. Smith advised the Borough has received 62 OPRA requests to date compared to 87 total for 2018. The requests involve multiple documents, research, and special charges. Councilman Deerin asked if the requests are from separate individuals. Ms. Smith stated the majority of the requests are from 2 individuals. Chief Kelly added that last year the Police Dept. had 5 requests for over 300 pieces of documentation. Mayor Coffey noted there are services who will file OPRA requests to municipalities throughout the State, which has become a growing problem. Councilman Irace asked if the Borough was charging the maximum amount allowable. Ms. Smith stated the law only allows to charge for special services for certain criteria.

Ms. Smith reported that the Borough is close to transitioning to new software vendor SDL, which has a module to allow the public to observe property records on line, including open/closed status of permits.

11. 2019 Municipal Budget:**#1000** Ordinance Establishing a CAP Bank for CY2019

Councilman Proto called for the 2nd reading and Public Hearing of the CAP Bank ordinance and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **""AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ESTABLISHING A CAP BANK FOR 2019 CALENDAR YEAR (N.J.S.A. 40A:4-45.14)""**.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Irace, which was seconded by Council President Solan.

Councilman Proto made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman Irace. Ms. Smith noted that Councilman O'Brien entered at 7:22 p.m. and will be included in the roll call.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Joseph A. Irace, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

2. Public Hearing - Municipal Budget as Introduced April 16, 2019, Publication in LINK News April 25, 2019, Posting on Borough Website and filed with the Oceanport Library

Mayor Coffey opened the Public Hearing on the 2019 Municipal Budget and invited the public to appear with any comments or questions.

Stuart Briskey, Oceanport, asked Councilman Irace about the 2% increase. Councilman Irace stated it was a true 2% using the State mandate. Mr. Briskey asked if the increase would be used to pave roads, park improvements, vehicle purchases. Councilman Irace stated the biggest driver is increased police salary and wages. Other costs include 2 police vehicles, fingerprinting machine, software for the Clerk's office and Building Dept. and equipment for First Aid, increased tipping fees, debt. There was discussion regarding a proposed 6% increase by the Mayor. Mayor Coffey explained that was a projection for the next 3, 5 or 7 years. Mr. Briskey stated the Borough bought new truck for Public Works last year, but has a used garbage truck for leaf pick up. Mr. Briskey stated the Governing Body needs to do more due diligence.

Mark Patterson, 40 Ithaca Ave., asked Councilman Irace about responsibilities of committees, who were to be the "boots on the ground". Councilman Irace disagreed with Mr. Patterson's statements.

As no one else from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Irace, seconded by Councilman Proto and approved by Council.

#2019-128 Resolution Adopting the 2019 Municipal Budget

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Robert Proto, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

12. Second Reading & Public Hearing Ordinances:

#1001 2019 Capital Bond Ordinance

Councilman Proto called for the 2nd reading and Public Hearing of the CAP Bond ordinance and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **"BOND ORDINANCE PROVIDING FOR VARIOUS 2019 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,132,000 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$200,000) AND AUTHORIZING THE ISSUANCE OF \$875,400 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF".**

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Deerin, which was seconded by Councilman Gallo.

Councilman Proto made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman Irace.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Joseph A. Irace, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

#1002 Ordinance to establish Shore Little League as a Borough-approved recreation sports association

Councilman Proto called for the 2nd reading and Public Hearing of the ordinance and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. **"AN ORDINANCE**

OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 279 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "PARKS AND RECREATION AREAS" PASSED AND APPROVED ON AUGUST 7, 2014 FOR THE RECOGNITION OF SHORE REGIONAL LITTLE LEAGUE BASEBALL AND SOFTBALL AS A BOROUGH-APPROVED RECREATION SPORTS ASSOCIATION"

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public wished to be heard, Mayor Coffey closed the public hearing on a motion by Councilman Proto, which was seconded by Councilman Deerin.

Councilman Proto made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman Irace.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Joseph A. Irace, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

13. Committee Reports:

1. Councilman Proto, Planning and Development Liaison

Councilman Proto reported that the Borough is in discussion with the developer for Squier Hall for NJCU to work out a financial agreement for the Borough to retain approval rights over additional development in Phase 2 or 3. Secondly, FMERA will be discussing Plan Amendment #14, which the Council is opposed to, as proposed.

2. Councilman Irace, Finance and Administration Liaison

Councilman Irace had no report.

3. Councilman Gallo, Public Works and Engineering Liaison

Councilman Gallo had no report.

4. Councilman O'Brien, Health and Human Services Liaison

Councilman O'Brien reported on the Monmouth County Health Dept.'s inspection of recycling and solid waste sites, eye screenings, and testing gardens for lead. The Water Watch Committee reported that overall water quality is good, although some elevated levels and lower than expected dissolved oxygen levels and unusual bearings in temperature. Councilman O'Brien advised of several events including River Eco Fest Rally on June 8th in Rumson; July 11th through 15th, sailings available on the AJ Merwalls on the Delaware Bay.

5. Council President Solan, Public Safety Liaison

Council President Solan reported on the NJ Marathon, Opening Day at Monmouth Park/Kentucky Derby with no serious issues reported by the Police Dept. during those events. He congratulated Police Chief Kelly for completing the Police Unity tour, which is a bike ride from Trenton to Washington, D.C. Fire, Police and First Aid responded last night to a structure fire and prevented the explosion of 5 nearby propane tanks. Council President Solan stated the Police Dept. has a prescription drop off box for outdated and unused prescriptions for residents.

6. Councilman Deerin, Parks and Recreation Liaison

Councilman Deerin thanked Ms. Phelps for her report on the fencing and resurfacing issues at various parks. 75 players participated in the Bluegrass Mini Golf Tournament, Todd Barfield placed 1st, tied for 2nd Rob Donohue, Mike O'Brien and Mike MacStudy. Councilman Deerin reminded everyone of the upcoming Memorial Day Parade, including 14 classic cars and trucks. Councilman Deerin stated that converting the former hockey rink into a pickleball court was under consideration and requested opinions or advice.

14. Mayor Coffey's Report:

Mayor Coffey reported that the Mini Golf Tournament was well attended and a great night. The US Pro Miniature Golf Tournament will return to Bluegrass Mini Golf next year and talked about the previous world-class participants in the tournament. Mayor Coffey and Councilman Gallo have received numerous complaints regarding overgrowth of grass at the old borough hall location and explained that because of excessive amounts of rain, equipment is unable to get through to mow. He encouraged everyone to attend the Memorial Day Parade and post-parade facilities at the Port-Au-Peck firehouse. Monmouth Park's opening day had 21,500 in attendance on Kentucky Derby Day. Other upcoming events: Food Truck Festival at Monmouth Park, Lions Club Strawberry Festival and 2 car shows at Ft. Monmouth, June 9th and June 15th.

15. Petitions from the public: Mayor Coffey opened the meeting to petitions from the public.

Annie DeDomenico, 1 Leeward Ct., asked if there was a report on the status of repairs and maintenance of the playgrounds. Ms. Phelps advised new equipment has been ordered, but has not all been delivered.

Ron Sickler, Morris Pl., asked if slot machines at Monmouth Park was still a possibility. Councilman Irace replied that chances were slim and none as long as Sen. President Sweeney was in charge. Mr. Sickler congratulated the Governing Body for keeping the Borough's budget intact over the past few years, but services were being lost such as the recycling center, bulk pickups, increased road improvements and asked the Council to consider an increase that would address services lost. Councilman Irace commented that they would be reconsidering the recycling center once the Borough was at the new complex but would not be paying \$200,000 to build a road there for a recycling center, he also addressed the 1.6 miles of roads but in recent years the Borough has faced many challenges and they are working to keep it balanced and maintain quality of life while some residents are no longer able to stay in town.

Hugh Sharkey, Oceanport, asked questions about the money the borough was supposed to get for the sports betting at the track and was advised that the State had not yet developed the mechanism to get that funding distributed. Mr. Sharkey suggested filing an OPRA request to which Mayor responded the legislature is exempt from OPRA. Discussion ensued on the reports the track was supposed to be filing and was the Borough getting the financials. Mr. Sharkey asked Ms. LaPorta, CFO, if she was tracking all this but was redirected that the Administrator was handling that. Mr. Sharkey asked questions about OPRA, redaction process and responsible party and was advised that the Statute directs the Clerk as the responsible party to determine which items are redacted. Ms. Smith added that there are items related to litigation and attorney client privilege that she consults with the attorney as needed.

Debbie Peterson, 164 Comanche Drive, women's league tennis coordinator, asked questions about the tennis court resurfacing improvements, the delays in the projects and they are no longer able to use the courts due to the neglect. She continued that they are playing at Blackberry and asked what happened with the wind screens. Ms. Phelps commented that she would reach out to Recreation. Ms. Peterson also asked about the trees being taken down at Community Center as

now there's no shade. Councilman Deerin responded that the tree roots were affecting the courts and that's why they were removed. Councilman Irace asked while she was there what colors would they like on the courts and was told blue and green.

Rosanne Letson, 37 Morris Place, gave a report on Historical Committee's work towards antique cars for the Memorial Day parade, prior mayors will be attending and will be giving out candy common in the 1920s, they will have a booth at the Strawberry Festival, and the big kick off event is being held at the Shrewsbury Sailing & Yacht Club on June 14th and invited everyone to attend. Ms. Letson then commented on her personal issue with disposal of furniture that the town did not take this week when previous years they had taken the bulk and without a recycling center no where to bring items without paying someone to take it away. Ms. Letson also commented on the 21% tax increase in Belmar in the newspaper and urged that the Borough consider increasing in smaller amounts each year in order to avoid that type of tax hike.

Mark Patterson, 40 Itaska Place, commented that he hadn't been up to speak as he had been told that he should keep quiet as represents a volunteer organization and he disagrees as a resident he has the right to be up there and made it clear that he was there as a taxpayer. Mr. Patterson asked questions about the Verizon Channel 28 and why it had a black screen for weeks now and for people like Buddy Brocklebank who don't use YouTube. Councilman Solan advised that he was working with a Verizon engineer to resolve the issues as he makes due with the home equipment he has until we get into the new building. Mr. Patterson asked Ms. Phelps if there had been any responses to the ads for seasonal public works and was told 2, one selected but never heard back from the person as they think he, being a marine may have been deployed. Mr. Patterson commented he was not surprised that no one wanted the job. Mr. Patterson asked questions about the janitorial services bill on the bill list which amounts to \$24-28 thousand a year and why not hire a DPW worker and have them handle the janitorial duties. Mr. Patterson asked about the mistake for the bid notice for Evergreen. Councilman Solan responded that the notice referenced another project in one of the lines. Mr. Patterson asked whose mistake that was to which Ms. Phelps answered the Engineer. Mr. Patterson next commented on FMERA and the proposed development by Somerset for about 180 units, the grouping of all the affordable units into 2 buildings and questioned how that differed from the development the Borough arranged at 222 Monmouth Blvd and the 3 required units being put at a location on E. Main Street, the ability of the elected officials to tell the developer what they can and cannot do as a result of the declaration of the site as an area in need of rehabilitation. Councilman Proto responded the developer was responsible for providing the 3 affordable units because for the Borough to provide it would have been very expensive and defeated the purpose of selling the former borough hall lot. The developer found a location, they're not being segregated, the 3 affordable units are part of 8 units to be built, the rest being market rate and by definition is inclusionary. Mr. Patterson then asked about the 400 area and what was the will of the Council for there. Councilman Irace said he would want it all open space but it wasn't up to him. Mr. Patterson heard senior housing and asked why the old borough hall site wasn't put out to bid for that. Comments from the governing body included, too small and that wasn't what came in. Discussion ensued about townhouses being put there. Mr. Patterson next commented on the recycling services, 2x a month at the curb, and his experience with furniture cardboard that has to wait for the next recycling day and if the recycling center was still there he could run it down there. Discussion included other possible sites and costs.

Chris Macio, 12 Burnt Mill Circle, asked about the mistake with the bid for Evergreen Park, has gone out to bid and asked questions on the process, due dates and when contract would be awarded, had any bids been received on the defective notice (no), and that there had been requests for the bid package who were notified of the date change. Mr. Macio asked where the funding was coming from and was told from Oceanport's Open Space Fund, no other funding sources to wait for.

Jeff Oakes, 60 Pemberton Ave, commented on last meeting's discussion on mail items, the Governing Body's arguing and that he was not the one behind the heinous act as he would have put his name on it. Mr. Oakes thought the Council would be equally upset when his family was going through but heard nothing. He further expressed disgust on the politics being played regarding medical cannabis.

16. Executive Session:

At 8:36 pm, the Mayor asked for a motion to approve Resolution #2019-129, authorizing the Governing Body to enter Executive Session.

#2019-129 Resolution authorizing an Executive Session

Litigation, Negotiations and Attorney Client Privilege - N.J.S.A. 10:4-12(b)(7)

Update on Oceanport Section of Fort Monmouth including Plan Amendment #14 update

Fair Share Housing Center Settlement Agreement

NJTHA vs. Borough of Oceanport, Tax Appeal (Monmouth Park)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

At 9:16 pm, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Council President Solan, seconded by Councilman Gallo and approved by Council.

17. Action from Executive Session:

#2019-130 Resolution authorizing a Settlement Agreement with Fair Share Housing Center

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

18. Adjournment: As there was no further business, the meeting was adjourned at 9:19 PM on a motion by Councilman Irace, seconded by Council President Solan and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR MAY 21, 2019**

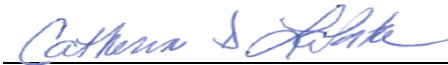
**Resolution #2019-115
05/21/19**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of May 21, 2019.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated May 21, 2019 totaling \$363,763.55.

CERTIFICATION OF FUNDS

I, Catherine D. LaPorta, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.



Catherine D. LaPorta, CFO

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-115 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



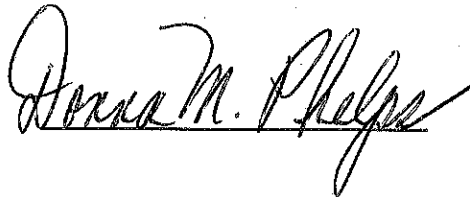
JEANNE SMITH, RMC
BOROUGH CLERK

**BOROUGH OF OCEANPORT
BILL LIST**

21-May-19

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$130,586.65 9TH PAY
DCRP	\$176.04
CAPITAL TRUST TOTAL	\$43,290.50
DOG REGISTRY TOTAL	\$207.60
TRUST OTHER TOTAL	\$81.00
ESCROW TRUST TOTAL	\$5,286.25
OPEN SPACE TRUST TOTAL	\$528.87
SUI	\$0.00
UCC TRUST	\$197.94
2018 VOUCHERS PAID THIS MEETING	\$77,966.01
2019 VOUCHERS PAID THIS MEETING	\$105,442.69
TOTAL	\$363,763.55

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED
TO THE MAYOR AND COUNCIL FOR PAYMENT


Anna M. Phelps

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
Current Fund			
1004 - ACME LOCKSMITH SERVICE	PO 3286 LOCKS - DOG KENNEL	60.00	60.00
1013 - ALL TURF POWER	PO 3204 PARTS FOR GRASSHOPPER - MOWER	485.91	485.91
1017 - AMERICAN WEAR, INC	PO 3377 APRIL UNIFORMS 2019	269.50	269.50
1582 - ANNE O. HEDDE	PO 3177 LIEN 18-00005, RESOLUTION # 2019-99	2,504.85	2,504.85
1116 - ASBURY PARK PRESS	PO 3287 Legal Advertising - Notice to Bidde	144.44	144.44
1472 - BOROUGH OF EATONTOWN	PO 3210 BRUSH COMPOST SERVICE - 3/19	399.00	399.00
1038 - BOROUGH OF SHREWSBURY	PO 3241 SHARED COURTROOM FACILITIES	12,000.00	12,000.00
1525 - BOUND TREE MEDICAL LLC	PO 3157 FIRST AID SUPPLIES - QUOTE AS OF 3/	611.70	611.70
1516 - CANON FINANCIAL SERVICES, INC	PO 3269 IMAGE RUNNER ADVANCE 400if LEASE 4/	57.00	57.00
1044 - CAROL SMITH	PO 3355 MCAA LUNCHEON/TRAINING	15.00	15.00
1555 - CDW GOVERNMENT LLC	PO 2444 3 GETAC Mobile Data Terminals (MDT)	12,468.18	
	PO 3244 Replace battery in Tripplite for co	151.04	12,619.22
1049 - CERTIFICATION UNIT - DLGS	PO 3359 CMFO RECERTIFICATION - LAPORTA	50.00	50.00
1050 - CERTIFIED SPEEDOMETER, INC	PO 3182 Calibrate patrol vehicles for radar	192.50	192.50
1054 - CITY OF LONG BRANCH	PO 3227 GASOLINE & DIESEL 3/19	3,790.93	3,790.93
1055 - CLARKE CATON HINTZ CORP	PO 3346 HOUSING PLAN ELEMENT/FAIR SHARE 3/2	1,573.99	
	PO 3347 HOUSING PLAN ELEMENT 3/29/19	326.25	1,900.24
1058 - COMCAST * DPW	PO 3417 INTERNET/PHONE 05/08-06-07	129.56	129.56
1068 - CRITERION CHOCOLATES	PO 3208 CHOCOLATE - EASTER EGG HUNT	201.60	201.60
1069 - CRYSTAL SPRINGS	PO 3385 WATER SERVICE - 4/5/19 & 4/19/19	93.46	93.46
1446 - DIRECT ENERGY BUSINES	PO 3384 2 PEMBERTON 3/19/19 - 4/16/19	209.44	209.44
1084 - DYNAMIC TESTING SERVICE LLC	PO 3309 BREATH & URINE SCREENING- 4/2/19	160.00	160.00
1099 - EUROFINS QC INC	PO 3320 WATER WATCH COMMITTEE TESTING - 3/2	465.00	465.00
1109 - FMERA	PO 3400 STREET LIGHTS ROUTE 537 - 02/19	273.26	
	PO 3402 282 HILDRETH WATER & ELECTRIC 02/19	963.40	
	PO 3405 BLD 900 WATER & ELECTRIC 02/19	608.03	
	PO 3404 BLD 900 WATER & ELECTRIC- 04/19	608.03	
	PO 3403 282 HILDRETH WATER & ELECTRIC 04/19	963.42	
	PO 3401 STREET LIGHTS ROUTE 537 04/19	273.26	3,689.40
1114 - G&M TROPHY COMPANY	PO 3373 Nameplate	15.00	15.00
1124 - GEORGE WALL	PO 3247 VEHICLE MAINTENANCE - FIRE CHIEF TR	1,897.38	
	PO 3248 PARTS FOR TRUCK 122- WIPER	61.12	1,958.50
1128 - GOODYEAR AUTO SERVICE CENTER	PO 3322 Replaced damage tire unit 4	164.00	
	PO 3324 TIRES - DRAWDOWN UNIT-12	598.00	762.00
1436 - Government Purchasing Ass'n of NJ I	PO 3304 LAPORTA - MEMBERSHIP	100.00	100.00
1506 - GRANICUS, LLC	PO 3212 MINUTE TRACK - 3/19 & 4/19	830.00	830.00
1143 - I.D.M. MEDICAL SUPPLY INC	PO 3307 REFILL OXYGEN 4/16/19	140.17	140.17
1518 - IDEMIA IDENTITY & SECURITY	PO 2699 2019 Maintenance and support agreem	440.00	440.00
1153 - JERSEY CENTRAL POWER & LIGHT	PO 3381 JCPL #007 - 3/2/19 - 4/1/19	99.31	99.31
1499 - KEVIN E KENNEDY, ESQ	PO 3327 PLANNING BOARD MTG 3/19	500.00	
	PO 3328 PLANNING BOARD MTG 2/19	500.00	
	PO 3329 KELLY/BUCKLEY VS OP UNITED PLANNING	345.00	
	PO 3330 KELLY/BUCKLEY VS OP UNITED PLANNING	60.00	
	PO 3331 FT MONMOUTH PLAN AMENDMENTS #13 & #	1,275.00	2,680.00
1182 - LAURA McCRAE	PO 3415 MAY/JUNE 2019 BULLETIN	425.00	425.00
1190 - LINCOLN NAT'L LIFE INSURANCE	PO 2032 Blanket for LOSAP Contributions for	52,900.00	52,900.00
1196 - MAURO BALDANZA	PO 3399 REIMBURSE - SUPPLIES FOR MAILING OF	33.97	33.97
1200 - McMANIMON*SCOTLAND*BAUMANN LLC	PO 3305 REDEVELOPMENT 3/19	6,483.12	6,483.12
1218 - MONMOUTH COUNTY POLICE ACADEMY	PO 3178 Training for Fagliarone, Petrucelli	150.00	150.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 2654 GARBAGE TRUCK REPAIR	1,289.77	1,289.77
1228 - MONMOUTH COUNTY TREASURER	PO 3251 SHREWSBURY FLOOD WARNING SYS SERV 2	1,500.00	1,500.00
1241 - NAPA AUTO PARTS (#15456)	PO 3372 GREASE FOR FOR LAWN EQUIPMENT	77.27	77.27
1245 - NJ AMERICAN WATER CO	PO 3357 136 HYDTS FIREH 3/26/19 - 4/23/19	6,256.00	6,256.00
1251 - NJ NATURAL GAS CO	PO 3348 315 E MAIN - OLD WHARF - 3/18/19 -	130.85	
	PO 3349 282 HILDRETH (PD) 3/19/19 - 4/17/19	438.50	
	PO 3350 900 MURPHY DRIVE (DPW) 3/19/19 - 4/	269.15	

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
	PO 3351 901 MURPHY - 3/19/19 - 4/17/19	483.49	
	PO 3352 918 MURPHY 3/19/19 - 4/17/19	26.37	
	PO 3353 977 MURPHY (NEW PD) 3/19/19 - 4/17	26.37	
	PO 3354 PAP FIRE HOUSE 3/18/19 - 4/16/19	167.55	
	PO 3358 FIRST AID - 3/18/19 - 4/16/19	314.00	1,856.28
1251 - NJ NATURAL GAS CO	PO 3360 21 MAIN STREET - 3/18/19 - 4/16/19	200.48	200.48
1520 - PASHMAN STEIN WALDER HAYDEN, PC	PO 3356 AFFORDABLE HOUSING COUNCIL 3/19	1,646.50	1,646.50
1279 - PL CUSTOM BODY & EQUIPMENT INC	PO 3313 EMERGENCY AMBULANCE REPAIR	186.25	186.25
1482 - PREMIERE PRODUCTIONS	PO 3243 MOVIES IN THE PARK - DEPOSIT	600.00	600.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 3380 CLEANING SERVICES - 4/19	1,735.00	1,735.00
1406 - SAFE-T	PO 1996 Turnout PPE	12,457.66	12,457.66
1315 - SEABOARD WELDING SUPPLY, INC.	PO 3371 OXYGEN ACETYLENE	131.07	131.07
1325 - SHREWSBURY AUTO PARTS	PO 3365 DIESEL FLUID	19.98	19.98
1334 - STAVOLA ASPHALT COMPANY, INC	PO 3258 HOT PATCH 3/27 & 4/11	360.75	
	PO 3369 HOT PATCH	114.21	474.96
1337 - SUBURBAN DISPOSAL	PO 3420 DISPOSAL FEE & RECYCLING & CONTAINERS	21,891.25	
	PO 3408 COLLECTION FEES - 4/19	17,400.00	39,291.25
1341 - TARGETED TECHNOLOGIES LLC	PO 3413 MAIL ARCHIVING 6/19	216.00	216.00
1346 - THE ARNETTE LAW FIRM LLC	PO 3364 BOROUGH ATTORNEY FEES - 3/19	7,013.75	7,013.75
1348 - THE HOME DEPOT	PO 3376 PLANTS FOR BORO HALL	82.13	82.13
1349 - THE LINK NEWS, INC	PO 3325 Legal Advertising - Ordinances & Co	41.91	
	PO 3326 Legal Advertising - Notice of RFP f	37.22	
	PO 3367 Legal Advertising - Ordinances	27.80	
	PO 3366 Legal Advertising	30.36	137.29
1414 - THERESE WOLLMAN	PO 3345 COSTUME/CANDY - EGG HUNT	163.25	163.25
1387 - VERIZON	PO 3407 OEM (732-389-9801) 4/23/19 - 5/22/1	226.38	226.38
1389 - VERIZON WIRELESS (OEM)	PO 3397 OEM AIR CARD 04/02/19 - 05/01/19	38.01	38.01
1392 - W.B. MASON CO, INC	PO 3225 SUPPLIES FOR VARIOUS DEPT.	684.56	
	PO 3267 SUPPLIES ADM SUPPLIES	59.04	743.60
Capital Fund			
1129 - GOOSE CONTROL TECHNOLOGY	PO 3393 CONSULTATION FOR CAFERA PERMIT / AP	150.00	150.00
1138 - HALE TRAILER BRAKE & WHEEL INC	PO 3383 OFFICE TRAILER FOR 900 MURPHY DR -	340.00	340.00
1347 - THE GOLDSTEIN PARTNERSHIP	PO 3395 ARCHITECT SERVICE 4/19	42,800.50	42,800.50
DOG TRUST FUND			
1367 - TREASURER:STATE OF NJ HEALTH	PO 3409 DOG REPORT - APRIL 2019	207.60	207.60
OPEN SPACE TRUST			
1032 - BOB JENSEN PLUMBING, INC	PO 3303 CLEAR TOILET AT BLACKBERRY BAY PARK	100.00	100.00
1157 - JOHNNY ON THE SPOT INC	PO 3306 MARIA GATTA PARK - RESTROOMS - 4/1	311.20	311.20
1310 - RYSER'S LANDSCAPE SUPPLY INC	PO 3161 STONE DUST FOR MARIA GATTA PARK	116.00	116.00
1348 - THE HOME DEPOT	PO 3374 STAINLESS STEEL CHAIN - BLACKBERRY	1.67	1.67
UCC Trust			
1559 - Verizon Wireless	PO 3416 AIR CARD 5/2/19-06/01/19	180.06	180.06
1392 - W.B. MASON CO, INC	PO 3225 SUPPLIES FOR VARIOUS DEPT.	17.88	17.88
OTHER TRUST			
1300 - RED BANK RECYCLING	PO 3368 TIRE DISPOSAL	81.00	81.00
DEVELOPERS ESCROW TRUST			
1499 - KEVIN E KENNEDY, ESQ	PO 3333 MARTELLI DEV 222 MONMOUTH BLVD	60.00	
	PO 3337 275 PORT AU PECK ASSOC	1,260.00	
	PO 3343 TETHEVEW PROPERTY MGT	60.00	1,380.00
1195 - MASER CONSULTING, P.A.	PO 3332 282 E MAIN ST, MARTELLI DEV	3,217.50	
	PO 3335 28 REVERE DR, HARVEY	247.50	
	PO 3336 6 RELWOF AVE, BODNAR	165.00	
	PO 3340 FT MONMOUTH FITNESS CTR	165.00	

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
	PO 3344 OPC 110 ITHACA AVE	111.25	3,906.25

TOTAL			233,000.86

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT

01-101-01-000-011	CASH OPERATING			0.00	183,408.70
01-113-04-000-026	TAX SALE PREMIUMS			1,500.00	
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,425.24			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	159.72			
01-201-20-155-200	LEGAL SERVICES OE	16,823.37			
01-201-21-180-200	PLANNING BOARD OE	2,975.33			
01-201-25-240-200	POLICE OE	1,985.70			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	1,571.98			
01-201-25-255-200	FIRE HYDRANT SERVICE OE	6,256.00			
01-201-25-260-200	FIRST AID ORGANIZATION OE	1,321.39			
01-201-25-265-209	REPAIRS & MAINTENANCE	1,897.38			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	530.07			
01-201-26-300-271	REPAIRS	1,350.89			
01-201-26-300-273	SUPPLIES	583.16			
01-201-26-300-277	BITUMINOUS CONCRETE	474.96			
01-201-26-300-281	UNIFORM RENTAL	269.50			
01-201-26-305-200	SANITATION-TRASH REMOVAL OE	14,566.67			
01-201-26-306-200	RECYCLING OE	2,833.33			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	1,817.13			
01-201-26-310-252	REPAIRS & EQUIPMENT	60.00			
01-201-27-335-200	WATERWAYS COMMITTEE OE	465.00			
01-201-28-371-200	PARKS AND PLAYGROUNDS OE	964.85			
01-201-31-430-201	ELECTRICITY	2,560.16			
01-201-31-430-203	TELEPHONE/INTERNET	355.94			
01-201-31-430-204	WATER/SEWER	582.72			
01-201-31-430-205	NATURAL GAS	1,742.76			
01-201-31-430-207	STREET LIGHTING	4,436.76			
01-201-31-465-200	SANITATION DUMPING FEES	21,891.25			
01-201-43-490-200	MUNICIPAL COURT OE	12,036.58			
01-203-25-240-200	(2018) POLICE OE		12,468.18		
01-203-25-260-200	(2018) FIRST AID ORGANIZATION OE		140.17		
01-203-25-262-200	(2018) LOSAP		52,900.00		
01-203-25-265-200	(2018) FIRE DEPARTMENT OE		12,457.66		
01-214-55-000-003	DUE 3RD PARTY LIEN HOLDERS			1,004.85	

TOTALS FOR	Current Fund	102,937.84	77,966.01	2,504.85	183,408.70
=====					
04-101-01-100-011	CAPITAL CASH - TD			0.00	43,290.50
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970			43,290.50	

TOTALS FOR	Capital Fund	0.00	0.00	43,290.50	43,290.50
=====					
05-101-00-100-011	CASH - TD			0.00	207.60
05-161-00-500-040	DUE TO STATE OF NJ			207.60	

TOTALS FOR	DOG TRUST FUND	0.00	0.00	207.60	207.60
=====					

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	528.87
06-270-00-500-020	RESERVE FOR OPEN SPACE			528.87	

TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	528.87	528.87
=====					
18-101-01-100-101	CASH UCC TRUST			0.00	197.94
18-270-55-600	RESERVE FOR UCC TRUST			197.94	

TOTALS FOR	UCC Trust	0.00	0.00	197.94	197.94
=====					
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	81.00
60-270-55-600-206	RES FOR RECYCLING			81.00	

TOTALS FOR	OTHER TRUST	0.00	0.00	81.00	81.00
=====					
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	5,286.25
61-270-55-600-205	RES.FOR DEV.ESCROW			5,286.25	

TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	5,286.25	5,286.25
=====					

Total to be paid from Fund 01 Current Fund	183,408.70
Total to be paid from Fund 04 Capital Fund	43,290.50
Total to be paid from Fund 05 DOG TRUST FUND	207.60
Total to be paid from Fund 06 OPEN SPACE TRUST	528.87
Total to be paid from Fund 18 UCC Trust	197.94
Total to be paid from Fund 60 OTHER TRUST	81.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	5,286.25

	233,000.86

Pending Payments (*Not Finalized*) - (.) ALL FUNDS

From 05/14/2019 to 05/31/2019 With a Line Amount > 10,000

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
5/14/2019	3420			01-201-31-465-201 01-201-31-465-201	DISPOSAL, RECYCLING & ROLL-OFF CONTAINER NJ Recycling Enhancement Act Fee SUBURBAN DISPOSAL	21,215.02 676.23	21,891.25	01-101-01-000-011
5/14/2019	3395			04-215-55-474-006	ARCHITECT SERVICES - NEW MUNICIPAL COMPLEX THE GOLDSTEIN PARTNERSHIP	42,800.50	42,800.50	04-101-01-100-011
5/14/2019	3408			01-201-26-305-201 01-201-26-306-201	SOLID WASTE COLLECTION RECYCLING COLLECTION SUBURBAN DISPOSAL	14,566.67 2,833.33	17,400.00	01-101-01-000-011

MAY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
01-101-01-000-011	CASH OPERATING				39,291.25
04-101-01-100-011	CAPITAL CASH - TD				42,800.50
01-201-26-305-201	SANITATION-TRASH REMOVAL		14,566.67		
01-201-26-306-201	OTHER EXPENSES		2,833.33		
01-201-31-465-201	SANITATION DUMPING FEES		21,891.25		
04-215-55-474-006	ARTHITECTURAL SERVICES			42,800.50	
MAY TOTALS (FOR RANGE):			39,291.25	42,800.50	82,091.75
		=====	=====	=====	=====

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				39,291.25
04-101-01-100-011	CAPITAL CASH - TD				42,800.50
01-201-26-305-201	SANITATION-TRASH REMOVAL		14,566.67		
01-201-26-306-201	OTHER EXPENSES		2,833.33		
01-201-31-465-201	SANITATION DUMPING FEES		21,891.25		
04-215-55-474-006	ARTHITECTURAL SERVICES			42,800.50	
TOTALS (FOR RANGE):			39,291.25	42,800.50	82,091.75
		=====	=====	=====	=====

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF READING IN FULL THE 2019 MUNICIPAL
BUDGET**

**Resolution #2019-116
05/21/19**

WHEREAS, the public hearing for 2019 Municipal Budget is scheduled for May 16, 2019; and

WHEREAS, the Governing Body of the Borough of Oceanport desires to read the 2019 Municipal Budget by title only at the time of the public hearing and adoption of said budget; and

WHEREAS, the Governing Body of the Borough of Oceanport has caused the 2019 Municipal Budget to be posted in a public place in the Borough Hall of the Borough of Oceanport and in the Free County Library at least seven (7) days prior to the date of the public hearing; and

WHEREAS, said budget was made available to any person requesting to review same at least seven (7) days prior to the public hearing scheduled for the 2019 budget; and

WHEREAS, the Municipal Clerk, Jeanne Smith, has certified she has complied with N.J.S.A. 40A:4-8.1a and 1b. (copy of Certification below as Exhibit A);

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council shall read the 2019 Municipal Budget by its title only at the public hearing at the time of the adoption of the budget and hereby declares that the conditions set forth in N.J.S.A. 40A:4-8, Subsection 1.a and 1.b have been met therewith.

Exhibit A

CERTIFICATION

I, Jeanne Smith, Borough Clerk of the Borough of Oceanport do hereby certify that I have caused to be posted in the Borough Hall and delivered to the Free County Library a copy of the 2019 Municipal Budget at least seven days prior to the public hearing of May 16, 2019. I further certify that I have made the 2019 Municipal Budget available to any person requesting same at least seven days prior to the public hearing of May 16, 2019.

JEANNE SMITH
BOROUGH CLERK

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-116 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING USE OF BOROUGH ATHLETIC FACILITIES**

**Resolution #2019-117
05/21/19**

WHEREAS, the Parks and Recreation Committee has recommended the following group(s) be approved for use of a Borough athletic facility as follows:

Oceanport PTO, Whiffle Ball Game, fee exempt

WHEREAS, as required by ordinance the Borough Council has considered the recommendations of said committee.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that facility usage by the aforementioned group(s) is hereby approved on the dates, fields and times so indicated on the application(s) submitted.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-117 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
SETTING THE FEES FOR 2019 SUMMER ACTION CAMP**

**Resolution #2019-118
05/21/19**

WHEREAS, each year the Borough of Oceanport and the Oceanport Recreation Program sponsors a summer "Action Camp", a playground-based program consisting of games, crafts and sports campers attending grades K to 7; and

WHEREAS, pursuant with Borough Code § 204-16(C), the fee for each year's program shall be set by resolution of the Borough Council; and

WHEREAS, the Parks and Recreation Committee has made a recommendation for the setting of fees for the 2019 session:

NOW THEREFORE BE IT RESOLVED, that the Borough Council hereby sets the fees for the 2019 Summer Action Camp as follows:

EARLY REGISTRATION May 1 - June 15	
Resident	\$200.00
Non-Resident	\$235.00
REGISTRATION AFTER June 15th	
Resident	\$225.00
Non-Resident	\$260.00

BE IT FURTHER RESOLVED that the Borough Clerk shall provide a copy of this resolution to the Recreation Coordinator and Chief Financial Officer.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-118 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
RESCINDING RESOLUTION 2019-056 AUTHORIZING CANCELLATION OF
TAX LIEN**

**Resolution #2019-119
05/21/19**

WHEREAS, resolution 2019-056 provided for a redemption amount that is no longer valid and is requested by the Tax Collector to be rescinded.

WHEREAS, Resolution 2019-098 provides for the appropriate redemption of Tax Sale Certificate #17-00012.

BE IT RESOLVED that Resolution 2019-056 to cancel tax sale certificate 17-00012 is hereby rescinded.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-119 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING GAMES OF CHANCE FOR THE LION'S CLUB STRAWBERRY
FESTIVAL MAY 29, 2019 THROUGH JUNE 2, 2019**

**Resolution #2019-120
05/21/19**

WHEREAS, the Amusement Games Licensing Law (N.J.S.A. 5:8-100 et seq.) provides that owners and operators of any amusement games, as that term is defined by New Jersey law, must be licensed by the municipality within which such games are to be operated and conducted.

WHEREAS, applications for various games of chances have been filed with the Borough Clerk by Richard Collins of Amusement Games of America; and

WHEREAS, pursuant with Borough Code §121-16(B), an investigation has been conducted by the Oceanport Police Department; and

WHEREAS, pursuant with N.J.A.C. 13:3-1.13, the Borough of Oceanport has been determined, declared, found and is a seashore resort for purposes of issuing licenses with regard to games of chance, any municipality wishing to issue licenses of this nature to a licensee other than an amusement park or agricultural fair and exhibition must be a designated seashore resort.

NOW THEREFORE, BE IT RESOLVED by the Oceanport Mayor and Council that the following Games of Chance are approved for the Lions Club Strawberry Festival to be held at Monmouth Park from May 29, 2019 thru June 2, 2019:

Richard Collins
George Goetz

Cork Gun Game, Balloon Bust, Ring a Bottle
Circle of Science, Mini-Basketball, Balloon Dart

BE IT FURTHER RESOLVED that the applications for the above Games of Chance will be forwarded to the Legalized Games of Chance Control Commission, who will issue the appropriate licenses to the vendors.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-120 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AWARDING CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
TO MASER CONSULTING FOR THE 2019 ROAD PROGRAM**

**Resolution #2019-121
05/21/19**

WHEREAS, the Borough of Oceanport is a duly organized Municipal Corporation (hereinafter referred to as "Borough") having principal offices at 315 E. Main Street, Oceanport, New Jersey 07757; and

WHEREAS, there is a need for the Borough to obtain engineering services for the 2019 Road Program;
and

WHEREAS, the services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A 11-1, et seq.) and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a Contract for "professional services" without public advertising for bids, provided that the Resolution authorizing the Contract and the Contract itself, are available for public inspection in the Office of the Borough Clerk and that notice of the awarding of the Contract is published in a newspaper of general circulation in the Municipality; and

WHEREAS, Maser Consulting, P.A. has submitted a proposal dated April 23, 2019 in the amount of \$170,350.00 and having considered the matter, the Borough now wishes to authorize the Borough Engineer, Maser Consulting, PA to perform the engineering services for the 2019 Road Program.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport as follows:

1. That the Borough of Oceanport has awarded a Professional Service Contract to Maser Consulting as Borough Engineer for 2019 and the work to be performed will be consistent with their existing contract and the attached proposal for engineering services for the purpose of the 2019 Road Program
2. That the compensation associated with the proposal shall not exceed \$170,350.00
3. That the within Resolution shall be subject to the Borough CFO confirming that funds are available for the stated purpose.
4. That the Borough Clerk shall publish a notice of the award in the LINK News and the resolution and contract shall remain on file in the Borough Clerk's office.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport certify that funds are available subject to funding of Bond Ordinance #1001, not to exceed \$170,350.00 for the above referenced professional services contract.



Catherine D. LaPorta, CFO

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-121 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

April 25, 2019

VIA EMAIL

Mayor and Council Members
Borough of Oceanport
315 E. Main Street
Oceanport, NJ 07757

Re: Proposal for Professional Services
2019 Road Program
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPB-001

Dear Mayor and Council Members:

Maser Consulting P.A. is pleased to submit the following proposal for professional engineering, surveying and construction observation services associated with the rehabilitation of the following Roadway Improvements:

Streets

Main Street
Bridgewaters Drive
Hedge Drive
Winhar Place
Relwof Avenue
Milton Avenue

Improvement Limits

Brookview Drive to Center Street
East Main Street to 300' east of Relwof Avenue
Entire road
Werah Place to Seneca Place
Bridgewaters Drive to Asbury Avenue
Asbury Avenue to Belmar Avenue

Our proposal is divided into four sections as follows:

- Section I – Scope of Services
- Section II – Business Terms and Conditions
- Section III – Technical Staff Hourly Rate Schedule and Reimbursable Expenses
- Section IV – Client Contract Authorization

The following Scope of Services has been separated into phases so that it may be more easily reviewed. The order in which the phases are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Maser Consulting to meet project schedules.



SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:

PHASE 1.0 TOPOGRAPHIC SURVEY AND BASE MAP PREPARATION

Our office shall provide topographic survey services including the establishment of baselines and benchmarks associated with the improvements to Winhar Place. The remaining improvements will utilize existing survey information that we currently have on file or the County GIS data, and will be supplemented with field survey as needed.

The Topographic Survey shall include all features within the right-of-way extending 20 feet into the adjacent properties, as needed. The right-of-way will be established based by tax map overlay as the improvements will not change the limits and location of the existing roadway. The topographic information obtained will be used to generate base maps. These base maps will then be utilized for the preparation of appropriate construction plans.

Phase 1.0 – Lump Sum Fee

\$24,200.00

PHASE 2.0 CONSTRUCTION PLANS/TECHNICAL SPECIFICATIONS

Bid Documents will be prepared for the improvements to the six (6) roadways listed above.

- 2.1 Maser Consulting will prepare plans and technical specifications for the improvements discussed in the scope of work.

The construction plan set shall consist of the following drawings:

- Cover Sheet
- Quantities Notes, Legend and Typical Sections
- Construction Plans
- Soil Erosion and Sediment Control Plans and Details
- Maintenance and Protection of Traffic (if needed)
- Construction Details

In addition to preparing plans and specifications, Maser Consulting will perform the following project associated activities:

- 2.2 Meet with Traffic Safety Officer to review traffic control and protection measures to be implemented during the construction phase.
- 2.3 Prepare a construction cost estimate.



- 2.4 Submit plans to the NJDOT for review and approval with regard to the Main Street and Bridgewaters Drive improvements.
- 2.5 Submit plans to utility companies having services within project limits for review and comment.
- 2.6 Furnish one (1) bound copy of the construction plans and technical specifications to the Borough.

Phase 2.0 – Lump Sum Fee

\$53,250.00

PHASE 3.0 BIDDING SERVICES

During this phase, Maser Consulting will:

- 3.1 Prepare all forms required for project advertisement, bid and contract execution, review, analyze and tabulate bids, and recommend award of contract.
- 3.2 Respond to questions from prospective bidders during the review period and issue appropriate addenda to contract documents, if required.
- 3.3 Review references, qualifications and prices submitted by the low bidder, and submit a recommendation of award of contract to the Borough.

Phase 3.0 – Lump Sum Fee

\$2,900.00

PHASE 4.0 CONSTRUCTION OBSERVATION & ADMINISTRATION

Maser Consulting will perform construction administration and construction observation services during the period of both construction contracts. It is anticipated that the contracts will have a time period of three (3) months each. Full-time and part-time construction observation services will be provided on an as needed basis throughout construction activities up to and including final inspections. Maser Consulting will check on the Contractor's compliance with the contract documents and provide monthly status reports and recommendations regarding payment applications. The following scope is included in this proposal:

- 4.1 Attend and chair the pre-construction meeting and prepare and distribute the minutes of that meeting.
- 4.2 Manage all submittals and develop and maintain a shop drawing log. Maser Consulting shall review for approval/disapproval all shop drawings, schedules and other submittals.



- 4.3 Perform full-time and part-time construction observation services as required during construction of the proposed improvements. Construction observation services will be provided throughout the duration of construction with a full-time resident construction project manager and other personnel as required. Maser Consulting shall provide observation of construction for conformance with the Contract Documents and approved shop drawings and report any deviations to the Borough and the Contractor.
- 4.4 Review and recommend for approval to the Borough, Contractor's quantities, measurements, and requests for payment on a monthly basis.
- 4.5 Maintain pertinent job records including Contract Drawings, Addenda, Change Orders, Payment Estimates, and Daily Inspection Reports.
- 4.6 Maintain copies of all files related to this project including, but not limited to, all correspondence, permits, Requests for Information, shop drawings/reviews, design modifications, payment estimates, change orders, cost estimates, inspection reports, record plans and specifications, etc.
- 4.7 Negotiate and prepare change orders approved by the Borough as required. Independent cost estimates will be prepared during review of the change orders in order to advise the Borough on the validity of the change orders.
- 4.8 Prepare a punch list of remaining work near completion of the project.
- 4.9 Witness required and authorized equipment, material and performance testing.
- 4.10 Prepare final estimate and closeout project as per the Contract Specifications and NJDOT requirements (where applicable).

Phase 4.0 – Hourly/Estimated Fee **\$90,000.00**

SCHEDULE OF FEES

PHASE 1.0	TOPOGRAPHIC SURVEY AND BASE MAP PREPARATION	\$ 24,200.00
PHASE 2.0	CONSTRUCTION PLANS/TECHNICAL SPECIFICATIONS	\$ 53,250.00
PHASE 3.0	BIDDING SERVICES	\$ 2,900.00
	SUBTOTAL FOR LUMP SUM PHASES 1.0 THRU 3.0	\$ 80,350.00
PHASE 4.0	CONSTRUCTION OBSERVATION & ADMINISTRATION HOURLY/ESTIMATE	\$ 90,000.00
	TOTAL FOR PHASES 1.0 THRU 4.0	\$170,350.00

This Contract and Fee Schedule are based upon the contract for Engineering Services for 2019.



EXCLUSIONS AND UNDERSTANDINGS

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement:

1. Construction testing services. Expenses incurred for services, equipment, and facilities not furnished by Maser Consulting are charged to the Borough at cost plus, an up-charge not to exceed 25 percent of the invoice for said work.
2. This proposal does not include exploratory or testing services, interpretations, or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on site.
3. Printing and reproduction costs in excess of that contained in the contract. Such additional costs are not anticipated since contractors will be purchasing sets of the plans and technical specifications directly from this office.
4. Permit and application fees, which are to be paid directly by the Borough.

If an item not listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra services.

SECTION II – BUSINESS TERMS & CONDITIONS

The Business Terms and Conditions are in accordance with the original contract agreement.

SECTION III - 2019 TECHNICAL STAFF HOURLY RATE SCHEDULE AND REIMBURSABLE EXPENSES

The Rate Schedule is on file with the Borough.

BOROUGH OBLIGATIONS

1. The Borough shall provide Maser Consulting with access to files and allow relevant documents to be utilized.
2. The Borough shall provide application fees for any permits that may be required for the completion of the work.



SECTION IV – CLIENT CONTRACT AUTHORIZATION

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

If you find this proposal acceptable, **please sign where indicated above in Section IV, and return one signed copy to this office.** This proposal is valid until July 30, 2019.

Maser Consulting shall comply with requirements of the State of New Jersey Affirmative Action Program. We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink, appearing to read 'W.H. White, III'.

William H. White, III, P.E., P.P., C.M.E.
Oceanport Borough Engineer

WHW/nb

cc: Jeanne Smith, RMC, Borough Clerk

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**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #18-00014 FOR
BLOCK 129, LOT 3 KNOWN AS 1198 EATONTOWN BLVD**

**Resolution #2019-122
05/21/19**

WHEREAS, at the Borough Tax Sale held on August 23, 2018, a lien was sold on Block 129 Lot 3 otherwise known as 1198 Eatontown Blvd; and

WHEREAS, this lien, known as Tax Sale Certificate 18-00014 was sold to Anne O Hedde at an interest rate of 0% and;

WHEREAS, the owner's representative has redeemed certificate 18-00014 in the amount of \$ 805.81.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$805.81 payable to Anne O Hedde, 785 South Dr, Brick NJ 08724 for the redemption of Tax Sale Certificate 18-00014.

BE IT FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$1,400 (Premium) to the aforementioned lienholder.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-122 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AMENDING THE PERSONNEL POLICY AND EMPLOYEE HANDBOOK**

**Resolution #2019-123
05/21/19**

WHEREAS, the Governing Body of the Borough of Oceanport has determined that certain revisions are needed to the Borough's Personnel Policy and Employee Handbook for administrative and compliance items as last revised and passed on August 16, 2018; and

WHEREAS, the Borough Administrator has recommended that both be updated to designate the Borough Administrator as the official to implement said policy where previously designated the Borough Clerk, unless otherwise designated by law; and

WHEREAS, the Governing Body has complied with the changes to Sick Leave Policy enacted by the State since the Law was enacted; and

WHEREAS, the Governing Body wishes to amend its Sick Leave Policy to reflect those changes made by the State so as to have its Employee Handbook advise its employees of the Law in New Jersey and the current policy in place within the Borough of Oceanport,

NOW THEREFORE BE IT RESOLVED, the Borough of Oceanport hereby amends the Personnel Policy and Employee Handbook of the Borough of Oceanport, as follows:

- I. All Sections shall be amended as appropriate to designate the Borough Administrator as the official to implement said policies where previously designated the Borough Clerk, unless otherwise designated by law.
- II. Section Three: Sick Leave Policy

The entirety of the Sick Leave Policy section is hereby deleted and replaced with:

SICK LEAVE POLICY:

Sick leave is the absence from work of an Employee for the reasons permitted by State and Borough Law. This policy is to be read in concert with P.L.2018, Chapter 10, which is incorporated herein by reference.

Borough employees are entitled to sick leave benefits as follows:

1. New full-time employees will accrue one hour of sick leave for every 30 hours worked during the First calendar year.
2. After the First calendar year and through the Fifth calendar year, 12 days of sick leave will be accrued each year.
3. After the Sixth calendar year and thereafter, sick leave is accrued at 15 days per year.
4. Part-time employees shall receive sick days accruing from the commencement of their employment as follows:
 - a. Part-time employees accrue one hour of sick leave for every 30 hours worked and are allowed to accrue at least up to 40 hours of sick leave each year. A "year" means the period of 12 consecutive months from the date of employment or per calendar year on a pro-rated basis from the date of hire.
 - b. Part-time employees are eligible to use their paid sick leave beginning on the 120th calendar day after the employee commences employment for usage as set forth in P.L. 2018, Chapter 10. Nothing herein prohibits the employee and employer from mutually agreeing to allow the employee to choose to work additional hours during the same pay period in lieu of sick leave.

Unused sick leave can be accumulated from year to year.
Sick Leave Procedure:

1. Employees wishing to take sick leave must notify their department head as soon as possible but not later than 30 minutes after their scheduled work starting time each day of the required absence. Employees are permitted to use their paid sick leave for various reasons, including:

- a. for diagnosis, care, treatment, or recovery related to the employee's own adverse health conditions or for preventive medical care;
- b. to care for a family member during diagnosis, care, treatment, or recovery related to the family member's adverse health condition or during preventive medical care for the family member;
- c. for certain absences resulting from the employee or a family member being a victim of domestic or sexual violence;
- d. for time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, in connection with a public health emergency or a determination that the presence of the employee or child in the community would jeopardize the health of others; or
- e. to attend school-related conferences, meetings, or events requested or required by a school professional staff member responsible for the employee's child's education, or to attend other meetings regarding care provided to the employee's child in connection with the child's health conditions or disability.

2. A medical certificate may be required of the employee stating illness or of the need for the employee's attendance upon a member of his/her immediate family member, including civil union partner. A medical certificate will be required after absences from work of three or more consecutive days. Medical certificates will be given to the department head who will in turn forward it to the Borough Administrator for inclusion into the employee's personnel file.

BE IT FURTHER RESOLVED that the Borough Clerk shall incorporate the proposed amendments to the Borough's Personnel Policy and Employee Handbook which will be effective immediately upon passage by the Governing Body and forward same to the Borough Administrator.

BE IT FURTHER RESOLVED that the Borough Administrator shall distribute updated copies of the Personnel Policy and Employee Handbook to all department heads for distribution to its employees and/or volunteers.

BE IT FURTHER RESOLVED, that each Department Head shall provide the Borough Administrator with an executed copy of the Receipt of Employee Handbook for each employee/volunteer for inclusion in Personnel files.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-123 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF §390-17(F) ACCESSORY STRUCTURES FOR
523 PORT AU PECK AVENUE**

**Resolution #2019-124
05/21/19**

WHEREAS, residents Lindsey & Joseph Gallo of 523 Port Au Peck Avenue desire to install 53' of Belgium block curbing along a portion of their property fronting on Oneida Avenue in order to deter motorists from driving on their lawn; and

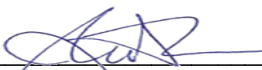
WHEREAS, Mrs. Gallo applied for Zoning approval for the project and received a denial from the Zoning Officer based on §390-17(F) *Improvements shall not be placed or constructed within the Borough's right-of-way, i.e., sprinkler heads, decorative mailbox columns, pillars, fencing and any curbing, specialty or otherwise, such as Belgian block, not part of an approved development plan, a Borough road-improvement program or a right-of-way not having curbing without written permission from the Borough Council. Such items that are placed in the Borough rights-of-way shall not be the responsibility of the Borough should they be damaged, whether it be by snow plowing or otherwise; and*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport that the proposed 53' of Belgium block curbing proposed for 523 Port Au Peck Avenue along the Onedia Avenue side of their property is hereby authorized subject to the following conditions:

1. Property Owners accepting full responsibility for the construction maintenance or failure of the proposed improvement and all existing improvements currently placed within the Borough's right of way.
2. The Property Owners entering into a hold harmless agreement with the Borough of Oceanport agreeing to release, indemnify and hold the Borough harmless from any loss damage or liability, including Attorney Fees and expenses of litigation or otherwise stemming from the performance, installation, maintenance, failure or existence of the work to be performed at that site.
3. Subject to the application and issuance of a Street Opening Permit from the Borough Clerk's Office.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Irace, Proto, Solan
ABSTAIN:	Gallo
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-124 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF §390-17(F) ACCESSORY STRUCTURES FOR
19 ONEIDA AVENUE**

**Resolution #2019-125
05/21/19**

WHEREAS, residents Edward and Tara Ward of 19 Oneida Avenue desire to install Belgium block curbing along the full frontage of their property in order to deter motorists from driving on their lawn; and

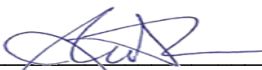
WHEREAS, Mr. Ward applied for Zoning approval for the project and received a denial from the Zoning Officer based on §390-17(F) *Improvements shall not be placed or constructed within the Borough's right-of-way, i.e., sprinkler heads, decorative mailbox columns, pillars, fencing and any curbing, specialty or otherwise, such as Belgian block, not part of an approved development plan, a Borough road-improvement program or a right-of-way not having curbing without written permission from the Borough Council. Such items that are placed in the Borough rights-of-way shall not be the responsibility of the Borough should they be damaged, whether it be by snow plowing or otherwise; and*

NOW THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Oceanport that the proposed Belgium block curbing proposed for 19 Oneida Avenue is hereby authorized subject to the following conditions:

1. Property Owners accepting full responsibility for the construction maintenance or failure of the proposed improvement and all existing improvements currently placed within the Borough's right of way.
2. The Property Owners entering into a hold harmless agreement with the Borough of Oceanport agreeing to release, indemnify and hold the Borough harmless from any loss damage or liability, including Attorney Fees and expenses of litigation or otherwise stemming from the performance, installation, maintenance, failure or existence of the work to be performed at that site.
3. Subject to the application and issuance of a Street Opening Permit from the Borough Clerk's Office.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-125 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
RESCINDING RESOLUTION 2019-114 AUTHORIZING THE PURCHASING
AGENT AND BOROUGH ADMINISTRATOR TO SOLICIT BIDS FOR FENCING
IMPROVEMENTS**

Resolution #2019-126

05/21/19

WHEREAS, resolution 2019-114 authorized the Purchasing Agent and the Borough Administrator to solicit bids for fencing improvements at Evergreen Park, Trinity Park and Community Center Park; and

WHEREAS, a contract for the tennis court surface improvement project for Community Center Park has been awarded and a decision has been made to postpone the fencing work for Community Center Park so as not to damage the new surfacing; and

WHEREAS, the cost to perform fencing improvements at Evergreen and Trinity Parks will not exceed a threshold requiring public bidding.

NOW, THEREFORE, BE IT RESOLVED that Resolution 2019-114 is hereby rescinded.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	William Deerin, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-126 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER FROM CHAPTER 267 "NOISE" OF THE CODE OF
THE BOROUGH OF OCEANPORT FOR**

**Resolution #2019-127
05/21/19**

WHEREAS, the region has experienced rainfall this spring season above typical amounts have hindered the timely upkeep of lawns; and

WHEREAS, the noise ordinance limits the hours during which properties may be maintained which causes an audible noise; and

WHEREAS, Chapter § 267-1(E), et. seq., of the Borough Code states:

Creating an audible noise by landscape, erection, excavation, demolition, alteration or repair of any building other than between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturday by a landscaper or contractor for hire, except in the case of urgent matters and the interest of public safety and health. Any of the aforementioned performed by a property owner or tenant thereof between the hours of 8:00 a.m. and 8:00 p.m. Monday through Friday, Saturday between the hours of 9:00 a.m. and 6:00 p.m. and Sunday between the hours of 11:00 a.m. and 7:00 p.m.

WHEREAS, certain landscape contractors as a result of the heavy rains have requested a temporary extension of the hours for landscapers or contractors for hire during which properties may be landscaped by means that creates an audible noise and having considered same the Council desires to act on same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that a temporary and limited extension of the hours for the purposes of landscape maintenance by a landscaper or contractor for hire are hereby set for the hours between 8:00 a.m. and 7:30 pm Monday through Friday for the period through June 21, 2019. All other hours set by ordinance remain unchanged.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the Borough Administrator, Code Enforcement Officer and Chief of Police.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Gallo, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	O'Brien

I certify that the foregoing Resolution #2019-127 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ADOPTION OF MUNICIPAL BUDGET 2019**

**Resolution #2019-128
05/21/19**

BE IT RESOLVED by the Governing Body of the Borough of Oceanport, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of \$6,354,004.63 for municipal purpose levy, and \$266,677.58 for the open space trust fund levy.

SUMMARY OF REVENUES

1. General Revenues	
Surplus Anticipated	\$1,000,000.00
Miscellaneous Revenues Anticipated	1,169,361.80
Receipts from Delinquent Taxes	208,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	6,354,004.63
TOTAL REVENUES	\$8,731,366.43

SUMMARY OF APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$6,099,325.29
Deferred Charges and Statutory Expenditures - Municipal	625,070.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	256,053.80
Capital Improvements	75,000.00
Municipal Debt Service	1,196,917.34
Deferred Charges – Municipal	44,000.00
Reserve for Uncollected Taxes	435,000.00
TOTAL APPROPRIATIONS	\$8,731,366.43

IT IS HEREBY CERTIFIED that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 21st day of May, 2019. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2019 approved budget.



JEANNE SMITH, RMC
BOROUGH CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph A. Irace, Councilman
SECONDER:	Robert Proto, Councilman
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solon

I certify that the foregoing Resolution #2019-128 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE GOVERNING BODY TO ENTER EXECUTIVE SESSION**

**Resolution #2019-129
05/21/19**

WHEREAS, the Open Public Meetings Act provides that the Borough Council may go into executive session to discuss matters that may be confidential or listed pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Borough Attorney that the Borough Council go into executive session to discuss matters set forth hereinafter which are permissible for discussion in executive session.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the Council shall go into executive session to discuss the following items:

Litigation, Negotiations and Attorney Client Privilege - N.J.S.A. 10:4-12(b)(7)

Update on Oceanport Section of Fort Monmouth including Plan Amendment #14 update
Fair Share Housing Center Settlement Agreement
NJTHA vs. Borough of Oceanport, Tax Appeal (Monmouth Park)

BE IT FURTHER RESOLVED that formal action may be taken after the Executive Session.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

I certify that the foregoing Resolution #2019-129 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPROVING THE SETTLEMENT AGREEMENT REGARDING THE
BOROUGH'S MT. LAUREL DECLARATORY JUDGMENT ACTION**

**Resolution #2019-130
05/21/19**

WHEREAS, the Borough filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Oceanport, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2528-15 (the "Mt. Laurel Litigation") following the New Jersey Supreme Court's decision in the matter of In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, wherein the Supreme Court directed that municipalities were required to file declaratory judgment actions in the Superior Court to evaluate compliance with their *Mount Laurel* obligations in order to maintain immunity from builder's remedy litigation; and

WHEREAS the Court appointed Michael P. Bolan, P.P. , AICP to serve as the Special Master in the Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, the Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in this Mt. Laurel Litigation to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Monmouth; and

WHEREAS, the Borough's fair share obligation for the time period 1999-2025 has yet to be determined by the Court and the Borough participated in a mediation process with the Judge overseeing the matter along with the assistance of the Special Master in an attempt to reach a fair and reasonable resolution of the Mt. Laurel Litigation, and the Borough Council finds it is in the best interest of the Borough to enter into a Settlement Agreement with FSHC in order to avoid the expense and risk of trial and uncertain results; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport in the County of Monmouth and State of New Jersey that the Mayor is hereby authorized to execute a Settlement Agreement with Fair Share Housing Center in a form substantially similar to the Settlement Agreement attached hereto.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Councilman
SECONDER:	Stephen Solan, Council President
AYES:	Deerin, Gallo, Irace, O'Brien, Proto, Solan

I certify that the foregoing Resolution #2019-130 was adopted by the Oceanport Governing Body at the Regular Meeting held May 21, 2019



JEANNE SMITH, RMC
BOROUGH CLERK

May 17, 2019

Andrew Bayer, Esq.
Pashman Stein Walder Hayden P.C.
Bell Works
101 Crawfords Corner Road
Holmdel, NJ 077331985

**Re: In the Matter of the Application of the Borough of Oceanport, County
of Monmouth, Docket No. MON-L-2528-15**

Dear Mr. Bayer:

This letter memorializes the terms of an agreement reached between the Borough of Oceanport (the Borough or "Oceanport"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

Background

Oceanport filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households. This settlement upon approval by the court at a duly-noticed fairness hearing will supersede the prior May 7, 2015 settlement agreement between Oceanport and FSHC except to the extent that specific terms of that agreement are specifically incorporated in this agreement.

Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. FSHC and Oceanport hereby agree that Oceanport's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report ¹)	2
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	149
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	142

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need include the following: participation in the Monmouth County rehabilitation program and funding of up to 2 units if and when Oceanport residents apply for the program. This is sufficient to satisfy the Borough's present need obligation of 2 units.
6. The municipality has a realistic development potential (RDP) of 33 units (31 units as calculated in in Exh. A. plus an additional 2 unit RDP generated by the Borough Hall property for a total of 33 units). That RDP will be satisfied as follow:

	Rental	Senior	Family	Units	Rental Bonus	Total Credits
Special Needs						
Elizabeth Drive - Existing	x			4	4	8
Inclusionary Housing						
Oceanport Village - Existing	x		x	12	0	12
Borough Hall Site – Proposed, Redevelopment Plan Adopted			x	3	0	3
100% Affordable Housing						
Oceanport Manor – Existing (5 of 12)	x		x	5	5	10
Total				24	9	33

The RDP of 33, subtracted from the Prior Round prospective need of 149 and the Third Round prospective need of 142 units, results in an unmet need of 258, which is addressed by the following mechanisms:

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016..

- (1) FORT MONMOUTH – There are 720 residential housing units in the Fort Monmouth Reuse and Redevelopment Plan in Oceanport with a mandatory twenty percent set-aside which if all built would result in at least 144 affordable housing units as follows:

Officer Housing: 116 total units (24 affordable housing units) (under construction, COs anticipated soon);

Lodging Area: 185 total units (37 affordable housing units) (under contract with Somerset Development for purchase);

Barker Circle: 75 total units (15 affordable housing units) (no designated developer at this time, but FMERA in negotiations with potential developer);

AcuteCare: 81 total age-restricted units (17 affordable housing units) (under construction)

Nurses Quarters: 34 total units (7 affordable housing units) (no designated developer at this time, but FMERA in negotiations with potential developer); and

400 Area: 229 total units (46 affordable housing units) (no designated developer at this time)

The Borough is required to review each development in Fort Monmouth within the Borough's boundaries through N.J.S.A. 52:27I-34. Through this process, the Borough will ensure that each development listed above complies with UHAC and the terms of this settlement agreement, including that in each development at least thirteen (13) percent very low-income units shall be priced at 30 percent of median income.

The Borough will include in its Housing Element and Fair Share Plan: (a) references to the applicable FMERA rules; (b) key quotations from all applicable FMERA rules; and (c) known facts at the time of adoption of the Housing Element and Fair Share Plan about the above developments. The Borough will also include in its annual updates pursuant to paragraph 17 the status of the above-referenced developments and any other developments with affordable housing units on Fort Monmouth within the Borough.

The Borough agrees for the above projects to take actions within the control of the municipality that are necessary to facilitate the developments referenced above and to enforce the requirements of this Agreement in approvals by the Borough as to the affordable units in those developments.

In addition to the above-referenced developments on Fort Monmouth, the parties recognize that HabCore, by virtue of a 2008 agreement with FMERA, has the right to build 16 units of single room occupancy housing on a site that FMERA has since deemed unsuitable for such construction. That 2008 agreement indicates that the 16 units are for homeless residents as defined by HUD but HabCore currently represents it is seeking approval from FMERA for additional affordable housing rental units so that all of the units on this site will have residents who are income qualified for low and moderate housing as defined by the COAH guidelines, and this site will be deed restricted to low and moderate income residents. FMERA has identified an alternate site on Fort Monmouth for such housing but at the time of this

agreement, HabCore believes that the alternate site limited to only 16 units of SRO homeless residents is not entirely feasible and that additional units are necessary to make the site more feasible for development. Nothing in this Agreement shall preclude HabCore from seeking such additional units from FMERA and nothing in this Agreement shall preclude the Borough or FSHC from taking any position it wishes in response to HabCore's requests for additional units, provided, however, that any position asserted by either party shall not be considered to be a breach of this agreement.

- (2) The Borough will adopt overlay zoning as part of the compliance phase of this litigation on the following properties along East Main Street allowing for residential development at a density of 20 units/acre with a 15 percent rental or 20 percent for-sale set-aside, provided that any such development approved from this overlay zoning must at least create a minimum of one affordable unit:

Property	Lot Area
Block 88, Lot 34	0.46 acres
Block 88, 35	2.40 acres
Block 101, Lot 1	0.11 acres
Block 101, Lot 2	0.23 acres
Block 101, Lot 3	0.12 acres
Block 101, Lot 4	0.12 acres
Block 101, Lot 5	0.18 acres
Block 101, Lot 6	0.26 acres
Block 101, Lot 7	0.17 acres
Block 101, Lot 8	0.40 acres
Block 101, Lot 9	0.08 acres
Block 121, Lot 3.01	0.33 acres
Block 121, Lot 4	0.41 acres
Total Area	5.27 acres

- (3) The Borough will adopt overlay zoning as part of the compliance phase of this litigation on Block 122, Lot 28, a 15.2 acre unconstrained portion of the Monmouth Park Racetrack property owned by the New Jersey Sports and Exposition Authority, that permits development of that portion of the property at 12 units/acre with a 15 percent set-aside (rental) or 20 percent set-aside (for-sale). The zoning may be age-restricted and shall contain a provision only allowing the zoning to be triggered and relied upon by any developer if there is the complete cessation of live horse racing activity of any kind at the Monmouth Park Racetrack.
- (4) The remaining 7 of the 12 constructed units at Oceanport Village will address unmet need.
- (5) The Borough will maintain its existing zoning on the Old Wharf site, Block 121, Lots 1.01 and 2, in section 390-31.3 of the Oceanport Code, which allows a development

- of twenty (20) total units with a twenty percent (20%) percent set-aside of four (4) affordable units on this site.
- (6) The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.
- (7) The Borough maintains its stipulation from the May 7, 2015 Settlement Agreement with Fair Share Housing Center that the Oceanport Gardens apartments were built and occupied prior to April 1, 1980. The Borough will not utilize any claimed credits from the Oceanport Gardens apartments to satisfy its unmet need at this time, but reserves the right to seek credit for those units and/or additional affordability controls placed on those units in the Fourth Round in accordance with then-applicable law, with FSHC maintaining its right to take any position it wishes in response to any such request.
7. The Borough will provide a realistic opportunity for the development of affordable housing through the adoption or maintenance of zoning and/or the implementation of a Redevelopment Agreement as follows:
- (1) Maintenance of existing Old Wharf zoning.
- (2) As to the Borough Hall Redevelopment Plan, a Redevelopment Agreement was executed between the Borough and the designated redeveloper, Martelli at Oceanport, LLC, on May 1, 2018. That Agreement provides in relevant part at paragraph 4.01(e) that "Buyer agrees to construct and/or establish 3 affordable units of the size and type as approved by the Borough, and shall record a deed restriction (approved by the Borough) in favor of the Borough limiting the development of such property for affordable housing units." The Borough agrees to only approve a size and type of affordable units consistent with this Agreement as follows: one very-low-income, one low-income, one moderate-income unit; and either one one-bedroom unit, one two-bedroom unit, and one three-bedroom unit or three two-bedroom units, and otherwise be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation.
- (3) Overlay zoning referenced to address unmet need in paragraph 6, subparagraphs (2) and (3) and town-wide set-aside ordinance referenced in subparagraph (6) shall be adopted prior to the final compliance hearing in this matter pursuant to paragraph 14 of this Agreement.
8. The Borough will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

Oceanport Manor. The Oceanport Manor Apartments is a facility with 12 affordable family rental units located on Block 110, Lot 18.01 in the R-5 district. The property is .902 acres. The project is owned and administered by the Affordable Housing Alliance. The property has 15 year affordability controls and these will be extended to 30 years and documentation provided of that having been done during the compliance phase of this litigation, consistent with a PILOT agreement between the Affordable Housing Alliance and the Borough. Additionally, the Borough has entered into a PILOT agreement with Affordable Housing Alliance. The affordable units will be accessible and adaptable as required by the Fair Housing Act and the Barrier Free Subcode.

Elizabeth Drive Group Home. Allies Inc. is an experienced provider of supportive and special needs housing within Monmouth County and across the State. Allies Inc. is the current owner of a dwelling located at 39 Elizabeth Drive (Block 139, Lot 23) which consists of four (4) bedrooms available to low income residents. This group home is currently licensed by NJ Department of Human Services, Division of Developmental Disabilities ('DDD') and is not age-restricted. Affordability controls in the form of a 20-year affordable housing deed restriction was placed on the home in September 2007. The group home provides a total of four (4) low bedroom units.

9. The Borough agrees to require 13% of all affordable units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:
 - 2 of the 12 units at Oceanport Manor are very low income units.
 - 1 of the 3 units at Borough Hall will be very low income.
 - The Borough will require that 13 percent of the affordable units at each development within the Borough's boundaries on Fort Monmouth will be affordable to very low income households.
 - The Borough will as part of amending its general affordable housing ordinance include a requirement that 13 percent of the affordable units at each future development will be affordable to very low income households, which shall also apply to both the overlay zoning and town-wide set-aside ordinance referenced in paragraph 6.
10. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
 - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
 - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.

- e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
11. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, STEPS, OCEAN, Inc., the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP, and the Supportive Housing Association. As part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, the Borough and/or its administrative agent shall also provide notice to those organizations of all available affordable housing units. The Borough and/or its administrative agent also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
 12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
 - a. Regional income limits shall be established for the region that the Borough is located within (i.e. Region 4) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
 - b. The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median

income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
 - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.
13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
14. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
15. The parties agree that if a decision of a court of competent jurisdiction in Monmouth County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
16. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442

N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

17. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
18. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.

20. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$15,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
22. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
23. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Monmouth County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
24. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
25. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
26. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
27. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
28. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
29. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the

presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.

30. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
31. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
32. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
33. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
34. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC: Adam M. Gordon, Esq.
Fair Share Housing Center
510 Park Boulevard
Cherry Hill, NJ 08002
Phone: (856) 665-5444
Telecopier: (856) 663-8182
E-mail: kevinwalsh@fairsharehousing.org

TO THE BOROUGH: Andrew Bayer, Esq.
Pashman Stein Walder Hayden P.C.
Bell Works
101 Crawfords Corner Road, Suite 4202
Holmdel, NJ 07733-1985
Telecopier: (732) 852-2482
Email: abayer@pashmanstein.com

**WITH A COPY TO THE
MUNICIPAL CLERK:** Jeanne Smith, Borough clerk
315 E. Main Street
Oceanport, NJ 07757

Telecopier: (732) 222-0904
Email: jsmith@oceanportboro.com

Please sign below if these terms are acceptable.

Sincerely,

Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Borough of Oceanport, with the authorization
of the governing body:

Dated: _____

EXHIBIT A: VACANT LAND ADJUSTMENT

2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on

		AHPNJ.org										Max Increase		Regional Asset Limit****
		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Rents**	Sales***	
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$63,597	\$68,140	\$72,682	\$81,767	\$90,853	\$94,487	\$98,121	\$105,389	\$112,657	\$119,926	2.2%	5.52%	\$175,679
	Moderate	\$50,878	\$54,512	\$58,146	\$65,414	\$72,682	\$75,589	\$78,497	\$84,311	\$90,126	\$95,940			
	Low	\$31,798	\$34,070	\$36,341	\$40,884	\$45,426	\$47,243	\$49,060	\$52,695	\$56,329	\$59,963			
	Very Low	\$19,079	\$20,442	\$21,805	\$24,530	\$27,256	\$28,346	\$29,436	\$31,617	\$33,797	\$35,978			
Region 2 Essex, Morris, Union and Warren	Median	\$66,755	\$71,523	\$76,291	\$85,828	\$95,364	\$99,179	\$102,993	\$110,622	\$118,252	\$125,881	2.2%	1.22%	\$182,955
	Moderate	\$53,404	\$57,218	\$61,033	\$68,662	\$76,291	\$79,343	\$82,395	\$88,498	\$94,601	\$100,705			
	Low	\$33,377	\$35,762	\$38,146	\$42,914	\$47,682	\$49,589	\$51,497	\$55,311	\$59,126	\$62,940			
	Very Low	\$20,026	\$21,457	\$22,887	\$25,748	\$28,609	\$29,754	\$30,898	\$33,187	\$35,475	\$37,764			
Region 3 Hunterdon, Middlesex and Somerset	Median	\$75,530	\$80,925	\$86,320	\$97,110	\$107,900	\$112,216	\$116,532	\$125,164	\$133,796	\$142,428	2.2%	2.37%	\$205,458
	Moderate	\$60,424	\$64,740	\$69,056	\$77,688	\$86,320	\$89,773	\$93,226	\$100,131	\$107,037	\$113,942			
	Low	\$37,765	\$40,463	\$43,160	\$48,555	\$53,950	\$56,108	\$58,266	\$62,582	\$66,898	\$71,214			
	Very Low	\$22,659	\$24,278	\$25,896	\$29,133	\$32,370	\$33,665	\$34,960	\$37,549	\$40,139	\$42,728			
Region 4 Mercer, Monmouth and Ocean	Median	\$69,447	\$74,407	\$79,368	\$89,289	\$99,209	\$103,178	\$107,146	\$115,083	\$123,020	\$130,956	2.2%	5.19%	\$186,616
	Moderate	\$55,557	\$59,526	\$63,494	\$71,431	\$79,368	\$82,542	\$85,717	\$92,066	\$98,416	\$104,765			
	Low	\$34,723	\$37,204	\$39,684	\$44,644	\$49,605	\$51,589	\$53,573	\$57,541	\$61,510	\$65,478			
	Very Low	\$20,834	\$22,322	\$23,810	\$26,787	\$29,763	\$30,953	\$32,144	\$34,525	\$36,906	\$39,287			
Region 5 Camden and Gloucester	Median	\$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368	2.2%	5.05%	\$161,977
	Moderate	\$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294			
	Low	\$30,590	\$32,775	\$34,960	\$39,330	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684			
	Very Low	\$18,354	\$19,665	\$20,976	\$23,598	\$26,220	\$27,269	\$28,318	\$30,415	\$32,513	\$34,610			
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332	2.2%	0.00%	\$136,680
	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066			
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166			
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer price Index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:97-9.2(c)).