



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • MAY 19, 2022

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Statement of Compliance with Open Public Meetings Act:

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Roll Call

V. Administrators Report

VI. Clerk's Report

VII. Consent Agenda

- #2022-102** 1. Resolution authorizing payment of BILL LIST 05-19-2022
- #2022-103** 2. Resolution authorizing Tax Sale Redemption #21-00002
- #2022-104** 3. Resolution authorizing refund of overpayment- Block 136 Lot 27
- #2022-105** 4. Resolution authorizing an Escrow Agreement with Oport Partners, LLC
- #2022-106** 5. Resolution authorizing waiver of the 2022 Budget Reading in Full
- #2022-107** 6. Resolution authorizing release of performance guarantee to RPM Development
- 7. Approval of First Aid Membership Application, Susan Borden
- 8. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 03/09/2022

VIII. Minutes

- 1. Workshop Minutes, March 3, 2022
- 2. Regular Meeting Minutes, March 17, 2022
- 3. Workshop Minutes, April 7, 2022
- 4. Regular Meeting Minutes, April 21, 2022

IX. 2022 MUNICIPAL BUDGET

- #1052** Ordinance Establishing a CAP Bank for CY2022
- 2. OPEN PUBLIC HEARING - 2022 INTRODUCED MUNICIPAL BUDGET
- 3. CLOSE PUBLIC HEARING - 2022 INTRODUCED MUNICIPAL BUDGET
- #2022-108** Resolution Adopting the 2022 Municipal Budget

X. Second Reading & Public Hearing Ordinances

- #1051** 2nd Reading and PUBLIC HEARING of Ordinance for Electrical Vehicles
- #1053** 2nd Reading and PUBLIC HEARING of BOND Ordinance for Various 2022 Capital Improvements
- #1054** 2nd Reading and PUBLIC HEARING of BOND Ordinance for Maria Gatta Park Improvements Phase II (Turf Fields)

XI. First Reading Ordinances

- Introduction of Amendment to Flood Damage Prevention Ordinance 2022
- 2. Introduction of an Ordinance Amending Salary Ranges

XII. Resolutions

- #2022-109** Resolution authorizing release of performance guarantees to Affordable Housing Alliance
- #2022-110** Resolution appointing an Administrative Assistant for the Court Office
- #2022-111** Resolution awarding contract for installation of turf fields in Maria Gatta Park

XIII. Committee Reports

- 1. Councilman Deerin, Parks & Recreation
- 2. Councilman Gallo, Public Works & Engineering
- 3. Councilman Keeshen, Public Safety
- 4. Councilman O'Brien, Finance & Administration
- 5. Councilman Tvrdek, Planning & Development
- 6. Councilwoman Walker, Health & Human Services

XIV. Mayor Coffey's Report

- 1. Renewal of Shared Service with OPBOE for lawn maintenance

XV. Petitions from the public**XVI. Executive Session**

- #2022-112** Resolution authorizing an Executive Session

Personnel Matters - N.J.S.A. 10:4-12(b)(8)
Construction Department

XVII. Adjournment

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING PAYMENT OF BILL LIST
FOR MAY 19, 2022**

**Resolution #2022-102
05/19/22**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of May 19, 2022.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated May 19, 2022 totaling \$2,815,092.51.

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.



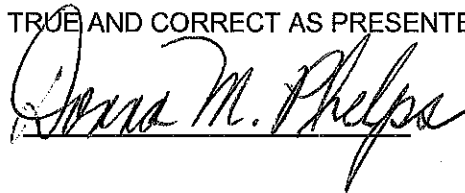
Catherine D. LaPorta, CFO

BOROUGH OF OCEANPORT BILL LIST

19-May-22

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$124,392.02 10TH PAY \$142.82 DCRP
GRANT FUND	\$0.00
CAPITAL	\$24.98
DOG REGISTRY TOTAL	\$491.60
OPEN SPACE TRUST TOTAL	\$10,163.39
SUI	\$0.00
UCC TRUST	\$148.08
TRUST OTHER TOTAL	\$0.00
ESCROW TRUST TOTAL	\$5,594.80
NON BUDGETARY	\$2,154,475.34
2021 VOUCHERS PAID THIS MEETING	\$10,033.92
2022 VOUCHERS PAID THIS MEETING	\$509,625.56
TOTAL	\$2,815,092.51

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED



List of Bills - (All Funds)

7.1.b

Vendor	Description	Payment	Check Total
Current Fund			
1009 - ADP, INC	PO 10982 PAYROLL SERVICES - PERIOD ENDING 03/31	342.70	342.70
1658 - AMAZON CAPITAL SERVICES, INC	PO 10736 OEM SUPPLIES	29.97	
	PO 10941 PLANTERS FOR MUNICIPAL COMPLEX	222.38	
	PO 10985 VARIDESK PRO	374.00	
	PO 10986 frames for awards	111.95	738.30
1029 - BEATRIZ C CRANEY	PO 10879 INTERPRETING - 01/10/22	100.00	
	PO 10904 INTERPRETING - 04/25/22	100.00	200.00
1033 - BOB'S UNIFORM SHOP, INC	PO 10966 Uniform Purchase	60.00	60.00
1910 - DEERE & COMPANY	PO 10008 LAWN EQUIPMENT	10,033.92	10,033.92
1446 - DIRECT ENERGY BUSINES	PO 10973 433 MYRTLE AVE - 03/18-04/19/22	203.37	
	PO 10974 21 MAIN STREET - 03/18-04/22	194.06	
	PO 10975 FAS UTILITIES - 03/18-04/19/22	165.78	
	PO 11021 900 MURPHY - 03/19-04/19/22	62.41	625.62
1927 - EXTRA SPACE STORAGE	PO 11069 Records Storage	1,274.00	1,274.00
1105 - FIREFIGHTER ONE LLC	PO 10587 Annual bench/flow testing for all depart	945.00	945.00
1109 - FMERA	PO 11013 BLDG 901 - APR 2022	981.32	
	PO 11014 RT 537 - APR 2022	273.26	
	PO 11015 BUILDING 977 - APR 2022	2,577.15	
	PO 11016 BLDG 900 - APR 2022	458.06	4,289.79
1141 - HOFFMAN RADIO NETWORK, LLC	PO 10876 Unication Pager repair	195.00	195.00
1143 - I.D.M. MEDICAL SUPPLY INC	PO 10884 FAS OXYGEN - APR 2022	268.30	268.30
1144 - IPD	PO 11064 RECORDS & INFORMATION MANAGEMENT	50.00	50.00
1428 - JERSEY AUTO SPA CAR WASH	PO 10970 CAR WASH - 2ND QTR 2022	450.00	
	PO 10971 CAR WASH - 1ST QTR 2022	450.00	900.00
1153 - JERSEY CENTRAL POWER & LIGHT	PO 11025 200-000-857-007 03/19-04/19/22	5,015.07	
	PO 11051 MAIN & INTERSECTION - MAY 2022	49.08	5,064.15
1529 - JOHN GUIRE SUPPLY LLC	PO 10898 Replacing malfunctioning saw on 3876.	1,154.99	1,154.99
1499 - KEVIN E KENNEDY, ESQ	PO 11040 PB - 2022 MEETINGS	500.00	
	PO 11041 PB Legal - General Services	360.00	860.00
1184 - LAW OFFICE OF ROBERT J. HOLDEN	PO 10911 2022 PUBLIC DEFENDER for JAN - MAR 2022	1,000.00	1,000.00
1185 - LAWES COAL CO INC	PO 10964 GM241212 TIRE	184.50	184.50
1814 - LEAF	PO 11052 OEM COPIER	82.32	82.32
1215 - MONMOUTH COUNTY ASSESSORS	PO 11003 MEMBERSHIP DUES 2022 - JOHN BUTOW	150.00	150.00
1222 - MONMOUTH COUNTY TREASURER	PO 10972 2022 MONMOUTH COUNTY SHARED SERVICES -	115,022.00	
	PO 10993 2022 2ND QUARTER COUNTY OPEN SPACE TAXES	97,206.89	
	PO 10994 2022 2ND QUARTER COUNTY HEALTH TAXES DUE	16,556.59	
	PO 10995 2022 2ND QUARTER COUNTY LIBRARY TAXES DU	60,651.23	
	PO 10996 2022 2ND QUARTER COUNTY TAXES DUE	807,984.82	
	PO 11070 PILOT PAYMENT TO COUNTY	1,300.00	1,098,721.53
1232 - MONMOUTH MUNICIPAL JIF	PO 10990 MMJIF INSURANCE - SECOND INSTALLMENT 202	116,464.00	116,464.00
1245 - NJ AMERICAN WATER CO	PO 11024 HYDRANT SERVICE - 03/23-04/25/22	7,349.92	7,349.92
1248 - NJ LEAGUE OF MUNICIPALITIES	PO 10897 NJLM Mini Conference	115.00	115.00
1251 - NJ NATURAL GAS CO	PO 10976 920 OCEANPORT WAY - 03/18-04/19/22	147.44	
	PO 10977 910 OCEANPORT WAY - 03/22-04/19/22	1,210.62	
	PO 10978 930 OCEANPORT WAY - 03/18-04/19/22	1,153.83	
	PO 10999 FAS UTILITIES - 03/17-04/19/22	322.08	
	PO 11000 433 MYRTLE AVE - 03/17-04/19/22	385.52	
	PO 11001 21 MAIN STREET - 03/17-04/19/22	369.86	
	PO 11002 315 E. MAIN - 03/17-04/19/22	202.76	3,792.11
1261 - OCEANPORT BOARD OF EDUCATION	PO 10992 MAY 2022 TAX REMITTANCE	859,084.00	859,084.00
1267 - ONSOLVE, INC	PO 10913 CODE RED RENEWAL - APRIL 2022	5,510.00	5,510.00
1282 - POSTMASTER	PO 11059 POSTAGE FOR BULLETIN - JUN/JUL 2022	500.00	500.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 11020 CLEANING SERVICE - APR 2022	3,400.00	3,400.00
1791 - READY FRESH	PO 11038 WATER DELIVERY - APR 2022	47.45	47.45
1303 - RESERVE ACCOUNT	PO 10877 POSTAGE METER REFILL	2,000.00	2,000.00
1310 - RYSER'S LANDSCAPE SUPPLY INC	PO 10920 DPW	1,210.00	1,210.00
1318 - SEMCORE RENTAL CENTER II	PO 10969 SHORE ROAD	560.00	560.00
1320 - SHORE BUSINESS SOLUTIONS, INC	PO 10981 CONTRACT RENEWAL	27.80	27.80
1323 - SHORE REGIONAL HIGH SCHOOL	PO 10991 MAY 2022 TAX REMITTANCE	310,727.00	310,727.00
1326 - SIPS PAINT & HARDWARE	PO 10936 RECREATION AND KEY RINGS	65.93	65.93

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List of Bills - (All Funds)

7.1.b

Vendor	Description	Payment	Check Total
1334 - STAVOLA ASPHALT COMPANY, INC	PO 10836 GOOSENECK	413.27	413.27
1337 - SUBURBAN DISPOSAL	PO 11055 DISPOSAL FEE - APR 2022	23,036.65	
	PO 11056 COLLECTION - MAY 2022	31,750.00	54,786.65
1346 - THE ARNETTE LAW FIRM LLC	PO 11068 BOROUGH ATTORNEY - APR 2022	2,325.00	2,325.00
1348 - THE HOME DEPOT	PO 11006 SUPPLIES	66.80	66.80
1580 - THE TWO RIVER TIMES	PO 10881 LEGAL NOTICES - Ordinance 1052	17.05	
	PO 10882 LEGAL NOTICES - Ordinances	73.78	
	PO 10910 Legal Notice - Budget Intro	34.41	125.24
1883 - US BANK CUST/PC8 FIRST TRUST BANK	PO 10643 REDEMPTION 21-00009 RESOLUTION #2022-	964.81	964.81
1380 - US BANK OPERATIONS CENTER	PO 10925 2019 DEBT SERVICE	67,000.00	
	PO 10984 2013 DEBT SERVICE	4,875.00	
	PO 11018 2014 BOND/OPEN SPACE DEBT SERVICE	5,500.00	
	PO 11019 2021 DEBT SERVICE	95,046.11	172,421.11
1383 - V&B AUTO REPAIR LLC	PO 10740 Repairs to Unit 12	2,714.54	
	PO 10781 Repairs, Service & Daily Checks	883.26	3,597.80
1387 - VERIZON	PO 10980 PD 732- 542-1410 - MAY 2022	301.19	301.19
1388 - VERIZON WIRELESS	PO 11049 FIRE BUREAU - 05/02-06/01/22	28.17	
	PO 11054 POLICE WIRELESS - 04/27-05/26/22	685.20	713.37
1559 - Verizon Wireless	PO 11057 UCC/CLER WIRELESS - 05/02-06/01/22	24.21	24.21
1558 - Verizon Wireless	PO 11058 FIRE - 05/02-06/01/22	114.03	114.03
1389 - VERIZON WIRELESS (OEM)	PO 11048 OEM WIRELESS - 05/02-06/01/22	38.01	38.01
1571 - William White	PO 11045 CERTIFIED PUBLIC WORKS MANAGER 1st QTR 2	250.00	250.00
Capital Fund			
1658 - AMAZON CAPITAL SERVICES, INC	PO 10942 FLASH DRIVE	24.98	24.98
DOG TRUST FUND			
1445 - Monmouth County SPCA	PO 10880 MAR 2022 - ANIMAL CONTROL SERVICES	425.00	425.00
1367 - TREASURER:STATE OF NJ HEALTH	PO 10987 MONTHLY DOG REPORT - MAY 2022	55.20	
	PO 11022 STATE DOG REPORT - APRIL	11.40	66.60
OPEN SPACE TRUST			
1348 - THE HOME DEPOT	PO 11006 SUPPLIES	32.88	32.88
1617 - UNITED SITE SERVICES	PO 10885 MARIA GATTA PARK - 04/13-05/10/22	342.50	342.50
1380 - US BANK OPERATIONS CENTER	PO 11018 2014 BOND/OPEN SPACE DEBT SERVICE	9,750.00	9,750.00
1388 - VERIZON WIRELESS	PO 11050 BBB SECURITY MONITORING - 05/02-06/01/22	38.01	38.01
UCC Trust			
1559 - Verizon Wireless	PO 11057 UCC/CLER WIRELESS - 05/02-06/01/22	148.08	148.08
DEVELOPERS ESCROW TRUST			
1807 - COLLIERS ENGINEERING & DESIGN	PO 10504 CO INSPECTION - CATALOG #7764520001	125.00	
	PO 10905 PB Engineering - Arce	42.50	
	PO 11004 PB Engineering - MPCCII	425.00	592.50
1499 - KEVIN E KENNEDY, ESQ	PO 10855 PB Legal - Arce	420.00	
	PO 11039 PB Legal - Dalton	285.00	
	PO 11043 PB Legal - Barker's Circle	60.00	
	PO 11044 PB Legal - 199 Comanche LLC	420.00	
	PO 11046 PB Legal - Ranieri	105.00	
	PO 11047 PB Legal - Tennenbaum	165.00	1,455.00
1908 - ROBERT A CARPENITO	PO 11066 REFUND ESCROW BALANCE	237.56	237.56
1580 - THE TWO RIVER TIMES	PO 10998 Legal Notice - Galvao Investments	7.75	7.75
1952 - THOMAS TVRDIK	PO 11065 REFUND ESCROW BALANCE	1,558.00	1,558.00
1950 - WEST END - KB, LLC	PO 11031 REFUND ESCROW BALANCE	1,743.19	1,743.19
TOTAL			2,690,557.67

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING	0.00			2,674,134.82

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ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-192-09-000-008	SEN CIT HOUSING IN LIEU OF TAX			1,300.00	
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,999.25			
01-201-20-120-200	MUNICIPAL CLERK OE	1,399.24			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	457.70			
01-201-20-150-200	ASSESSMENT OF TAXES OE	150.00			
01-201-20-155-200	LEGAL SERVICES OE	2,325.00			
01-201-21-180-200	PLANNING BOARD OE	860.00			
01-201-23-210-200-1	GENERAL LIABILITY	63,609.00			
01-201-23-210-200-2	WORKMEN'S COMPENSATION	52,855.00			
01-201-25-240-200	POLICE OE	5,354.95			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	5,660.30			
01-201-25-255-200	FIRE HYDRANT SERVICE OE	7,349.92			
01-201-25-260-200	FIRST AID ORGANIZATION OE	756.16			
01-201-25-265-200	FIRE DEPARTMENT OE	2,409.02			
01-201-25-265-400	FIRE BUREAU OE	28.17			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	710.00			
01-201-26-300-271	REPAIRS	184.50			
01-201-26-300-273	SUPPLIES	100.00			
01-201-26-300-277	BITUMINOUS CONCRETE	1,213.27			
01-201-26-305-200	SANITATION-TRASH REMOVAL OE	25,500.00			
01-201-26-306-200	RECYCLING OE	6,250.00			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	4,165.11			
01-201-31-430-201	ELECTRICITY	4,016.53			
01-201-31-430-203	TELEPHONE/INTERNET	325.40			
01-201-31-430-205	NATURAL GAS	3,929.87			
01-201-31-430-207	STREET LIGHTING	5,337.41			
01-201-31-465-200	SANITATION DUMPING FEES	23,036.65			
01-201-41-726-200	DISPATCH SHARED SERVICES	115,022.00			
01-201-43-490-200	MUNICIPAL COURT OE	200.00			
01-201-43-495-200	PUBLIC DEFENDER-OTHER EXPENSE	1,000.00			
01-201-45-920-200	DEBT SERVICE OE	172,421.11			
01-203-26-310-200	(2021) PUBLIC BUILDINGS & GROUNDS OE		10,033.92		
01-206-55-000-046	REGIONAL SCHOOL TAX			310,727.00	
01-207-55-000-045	LOCAL SCHOOL TAX			859,084.00	
01-208-55-000-039	COUNTY TAX PAYABLE			807,984.82	
01-208-55-000-041	COUNTY OPEN SPACE TAX			97,206.89	
01-208-55-000-042	COUNTY HEALTH TAX			16,556.59	
01-208-55-000-043	COUNTY LIBRARY TAX			60,651.23	
01-214-55-000-003	DUE 3RD PARTY LIEN HOLDERS			964.81	
TOTALS FOR	Current Fund	509,625.56	10,033.92	2,154,475.34	2,674,134.82
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04-101-01-100-011	CAPITAL CASH - TD			0.00	24.98
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970			24.98	
TOTALS FOR	Capital Fund	0.00	0.00	24.98	24.98
=====					
05-101-00-100-011	CASH - TD			0.00	491.60
05-161-00-500-040	DUE TO STATE OF NJ			66.60	
05-270-00-500-020	RESERVE FOR EXPENDITURES			425.00	
TOTALS FOR	DOG TRUST FUND	0.00	0.00	491.60	491.60
=====					
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	10,163.39
06-270-00-500-020	RESERVE FOR OPEN SPACE			10,163.39	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	10,163.39	10,163.39
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18-101-01-100-101	CASH UCC TRUST			0.00	148.08
18-270-55-600	RESERVE FOR UCC TRUST			148.08	
TOTALS FOR	UCC Trust	0.00	0.00	148.08	148.08
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7.1.b

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	5,594.80
61-270-55-600-205	RES.FOR DEV.ESCROW			5,594.80	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	5,594.80	5,594.80

7.1.b

Total to be paid from Fund 01 Current Fund	2,674,134.82
Total to be paid from Fund 04 Capital Fund	24.98
Total to be paid from Fund 05 DOG TRUST FUND	491.60
Total to be paid from Fund 06 OPEN SPACE TRUST	10,163.39
Total to be paid from Fund 18 UCC Trust	148.08
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	5,594.80
	=====
	2,690,557.67

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

From 05/01/2022 to 05/31/2022 With a Line Amount > 10000.00

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
5/12/2022		10972		01-201-41-726-202	MONMOUTH COUNTY SHARED SERVICES - 911 MONMOUTH COUNTY TREASURER	115,022.00	115,022.00	01-101-01-000-011
5/12/2022		10990		01-201-23-210-200-2 01-201-23-210-200-11	WORKERS COMPENSATION MONMOUTH MUNICIPAL JIF	52,855.00 63,609.00	116,464.00	01-101-01-000-011
5/12/2022		10008		01-203-26-310-254 01-203-26-310-254 01-203-26-310-254	ZTRAK MOWER DECK SUSPENSION SEAT DEERE & COMPANY	9,226.62 421.20 386.10	10,033.92	01-101-01-000-011
5/12/2022		10996		01-208-55-000-039	2022 2ND QUARTER COUNTY TAXES MONMOUTH COUNTY TREASURER	807,984.82	807,984.82	01-101-01-000-011
5/12/2022		10995		01-208-55-000-043	2022 2ND QUARTER LIBRARY TAXES MONMOUTH COUNTY TREASURER	60,651.23	60,651.23	01-101-01-000-011
5/12/2022		10994		01-208-55-000-042	2022 2ND QUARTER HEALTH TAXES MONMOUTH COUNTY TREASURER	16,556.59	16,556.59	01-101-01-000-011
5/12/2022		10993		01-208-55-000-041	2022 2ND QUARTER OPEN SPACE TAXES MONMOUTH COUNTY TREASURER	97,206.89	97,206.89	01-101-01-000-011
5/12/2022		10992		01-207-55-000-045	MAY 2022 TAX REMITTANCE OCEANPORT BOARD OF EDUCATION	859,084.00	859,084.00	01-101-01-000-011
5/12/2022		10991		01-206-55-000-046	SHORE REGIONAL HIGH SCHOOL	310,727.00	310,727.00	01-101-01-000-011
5/12/2022		10925		01-201-45-930-213	INTEREST ON BOND US BANK OPERATIONS CENTER	67,000.00	67,000.00	01-101-01-000-011
5/12/2022		11019		01-201-45-930-213	US BANK OPERATIONS CENTER	95,046.11	95,046.11	01-101-01-000-011
5/12/2022		11056		01-201-26-305-201 01-201-26-306-201	SOLID WASTE 05/22 RECYCLING 05/22 SUBURBAN DISPOSAL	25,500.00 6,250.00	31,750.00	01-101-01-000-011
5/12/2022		11055		01-201-31-465-201 01-201-31-465-201 01-201-31-465-201	DISPOSAL RECYCLING ENHANCEMENT ACT RECYCLING FEE SUBURBAN DISPOSAL	18,762.59 681.45 3,592.61	23,036.65	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				2,610,563.21
01-201-23-210-200-11	MJIF		63,609.00		
01-201-23-210-200-2	WORKMEN'S COMPENSATION		52,855.00		
01-201-26-305-201	SANITATION-TRASH REMOVAL		25,500.00		
01-201-26-306-201	OTHER EXPENSES		6,250.00		
01-201-31-465-201	SANITATION DUMPING FEES		23,036.65		
01-201-41-726-202	DISPATCH SHARED SERVICES OE		115,022.00		
01-201-45-930-213	INTEREST ON BONDS		162,046.11		
01-203-26-310-254	(2021) LONG TERM MAIN/EQUIP REPLACE	10,033.92			
01-206-55-000-046	REGIONAL SCHOOL TAX			310,727.00	
01-207-55-000-045	LOCAL SCHOOL TAX			859,084.00	
01-208-55-000-039	COUNTY TAX PAYABLE			807,984.82	
01-208-55-000-041	COUNTY OPEN SPACE TAX			97,206.89	
01-208-55-000-042	COUNTY HEALTH TAX			16,556.59	
01-208-55-000-043	COUNTY LIBRARY TAX			60,651.23	
MAY TOTALS (FOR RANGE):		10,033.92	448,318.76	2,152,210.53	2,610,563.21

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

7.1.c

From 05/01/2022 to 05/31/2022 With a Line Amount > 10000.00

MAY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
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SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
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01-101-01-000-011	CASH OPERATING				2,610,563.21
01-201-23-210-200-11	MJIF		63,609.00		
01-201-23-210-200-2	WORKMEN'S COMPENSATION		52,855.00		
01-201-26-305-201	SANITATION-TRASH REMOVAL		25,500.00		
01-201-26-306-201	OTHER EXPENSES		6,250.00		
01-201-31-465-201	SANITATION DUMPING FEES		23,036.65		
01-201-41-726-202	DISPATCH SHARED SERVICES OE		115,022.00		
01-201-45-930-213	INTEREST ON BONDS		162,046.11		
01-203-26-310-254	(2021) LONG TERM MAIN/EQUIP REPLACE	10,033.92			
01-206-55-000-046	REGIONAL SCHOOL TAX			310,727.00	
01-207-55-000-045	LOCAL SCHOOL TAX			859,084.00	
01-208-55-000-039	COUNTY TAX PAYABLE			807,984.82	
01-208-55-000-041	COUNTY OPEN SPACE TAX			97,206.89	
01-208-55-000-042	COUNTY HEALTH TAX			16,556.59	
01-208-55-000-043	COUNTY LIBRARY TAX			60,651.23	
TOTALS (FOR RANGE):		10,033.92	448,318.76	2,152,210.53	2,610,563.21

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REDEMPTION OF TAX
SALE CERTIFICATE #21-00002 FOR BLOCK 4 LOT 15 KNOWN AS 25 COMANCHE DRIVE**

**Resolution #2022-103
05/19/22**

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 4 Lot 15 otherwise known as 25 Comanche Drive; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00002 was sold to Christiana T C/F CE1/Firsttrust at an interest rate of 0%; and

WHEREAS, the owner has redeemed certificate 21-00002 in the amount of \$19,753.84.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$19,753.84 payable to Christiana T C/F CE1/Firsttrust, PO Box 5021, Philadelphia, PA 19111-5021 for the redemption of Tax Sale Certificate 21-00002.

BE IT FURTHER RESOLVED, that the CFO be authorized to issue a check in the amount of \$13,600 (Premium) to the aforementioned lienholder.

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REFUND FOR
OVERPAYMENT FOR BLOCK 136 LOT 27, KNOWN AS 1253 TURF DRIVE**

**Resolution #2022-104
05/19/22**

WHEREAS, the following property is due a refund due to an overpayment from the property owner and receipt of a homestead benefit; and

WHEREAS, the Tax Collector is recommending that the amount of overpayment due be refunded

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that the Tax Collector is hereby authorized to refund overpayment to the following property owner as follows:

Block 136 Lot 27
Laura Brand
37 Wyncrest Lane
Tinton Falls, NJ 07753

\$618.63

RESOLUTION OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH OPORT PARTNERS, LLC

**Resolution #2022-105
05/19/22**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") provides municipalities with broad powers to ameliorate blighted areas, including the powers to investigate whether a property constitutes an "area in need of redevelopment", to prepare and adopt a redevelopment plan for such area, to contract with redevelopers for the planning, replanning, construction or undertaking of any project or redevelopment work, and arrange by contract for the provision of professional services for the carrying out of redevelopment projects; and

WHEREAS, OPort Partners, LLC (the "Developer") is the owner of Block 110.13, Lot 1 and Block 110.14, Lot 1, (formerly a portion of Block 110, Lot 2) on the official tax maps of the Borough, and more commonly known as the "Warehouse" parcel and "District A" (including parcels formerly designated as the "Post Office" parcel, "Parking" parcel, and "Commissary" parcel) (together, the "Developer Parcels"); and

WHEREAS, Developer approached the Borough to discuss various development options for the Developer Parcels and further requested that such Developer Parcels be investigated as an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, it is in the best interest of the Borough and its residents for the costs of any investigations, planning, studies, pre-development and development activities relating to the Developer Parcels to be borne by the Developer, and not by the Borough from its general municipal budget for which there is no appropriation; and

WHEREAS, Developer understands that the Borough makes no representation, warranty, assurance or guarantee: (i) as to the outcome of any investigation, study or determination as to whether the Developer Parcels meet the criteria pursuant to the Redevelopment Law as an area in need of redevelopment; (ii) if one or more Developer Parcels are designated as an area in need of redevelopment, that a redevelopment plan will be adopted by the Borough Council; and/or (iii) that the Borough will enter into a financial agreement with the Developer; and

WHEREAS, Developer has agreed to deposit with the Borough the initial amount of Thirty Thousand Dollars (\$30,000.00) (the "Escrow Deposit"), to be deposited in an escrow account and disbursed in accordance with the provisions of the hereinafter defined Escrow Agreement to defray certain costs incurred by or on behalf of the Borough arising out of or in connection with any investigations, planning, studies, pre-development and development activities relating to the Developer Parcels, including but not limited to, an investigation and preparation of a report to determine whether the Developer Parcels constitute an area in need of redevelopment, the preparation of a redevelopment plan and the adoption of same by the applicable governing body(ies), the designation of a redeveloper, the review, negotiation and/or preparation of any necessary agreements, assistance to the Borough on any prospective project and due diligence and with the Borough's efforts to assist Developer with project development, capital formation and implementation, and the preparation of any other documents or actions related to this project (collectively, the "Municipal Undertakings"); and

WHEREAS, the Borough desires to authorize the execution of the hereinafter defined Escrow Agreement to memorialize the terms of the Escrow Deposit.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AS FOLLOWS:

- Section 1.** The foregoing recitals are incorporated herein as if set forth in full.
- Section 2.** The Mayor of the Borough is hereby authorized and directed to execute the Escrow Agreement, in the form attached hereto as Exhibit A (the "Escrow Agreement"), with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's redevelopment counsel, planning consultant and other professionals. The Clerk of the Borough is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the Borough to the Escrow Agreement. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Escrow Agreement to the other party thereto.
- Section 3.** This Resolution shall take effect immediately.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A WAIVER OF READING IN FULL THE 2022 MUNICIPAL BUDGET**

**Resolution #2022-106
05/19/22**

WHEREAS, the public hearing for 2022 Municipal Budget is scheduled for May 19, 2022; and

WHEREAS, N.J.S.A. 40A:4-8 as amended by Chapter 259, Laws of 1995, provides that the budget may be ready by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, conditioned that at least one week prior to the date of hearing a complete copy of the approved budget has been made available for public inspection; and

WHEREAS, the Governing Body of the Borough of Oceanport desires to read the 2022 Municipal Budget by title only at the time of the public hearing and adoption of said budget; and

WHEREAS, the Municipal Clerk of the Borough of Oceanport has caused the 2022 Municipal Budget to be posted in a public place in the Borough Hall of the Borough of Oceanport and on its website 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 2022 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 2022 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 on the Borough website a copy of the 2022 Municipal Budget at least seven days prior to the public hearing of May 19, 2022. I further certify that I have made the 2022 Municipal Budget available to any person requesting same at least seven days prior to the public hearing of May 19, 2022.

JEANNE SMITH
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING THE RELEASE OF
PERFORMANCE GUARANTY TO RPM DEVELOPMENT FOR THE PROJECT KNOWN AS RPM
SOUTH POST AND FURTHER DESCRIBED AS LIBERTY WALK**

**Resolution #2022-107
05/19/22**

WHEREAS, RPM Development (Developer) posted Performance Guarantees for site plan improvements of the development known as RPM South Post (aka Liberty Walk) located on Block 110.03, Lots 1 & 2, Borough of Oceanport; and

WHEREAS, the Developer has requested release of the Performance Guarantees now that the project has been completed; and

WHEREAS, Thomas Neff, Conflict Engineer, T&M Associates, has reviewed and does not object to the release of the balance of performance guarantees totaling \$363,569.31 and the cash guarantee of \$40,396.59 as well as the monument performance bond in the amount of \$2,430 and cash guarantee portion of \$270.00 in a letter report dated May 2, 2022; and

WHEREAS, the Borough Council of the Borough of Oceanport has considered the request and the report of the Borough's Conflict Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that the Performance Guaranty posted by the Developer is hereby authorized for release subject to the developer's satisfaction of the following conditions:

1. Satisfaction and payment of all outstanding escrow and inspection charges attributable to this project;
2. Developer's continued conformance with all requirements of the approvals governing the project and the directives of the Borough Engineer;

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution accompanying correspondence from the Borough Engineer to RPM Development, the Borough's Chief Financial Officer and Borough Engineer.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to issue a check to RPM Development for the total of performance guarantees posted for the project less any amounts necessary to satisfy outstanding escrow and inspection charges.



| YOUR GOALS. OUR MISSION.

7.6.a

OPRT-I0210

May 2, 2022

Via email

Jeanne Smith, Borough Clerk
Borough of Oceanport
315 East Main Street
Oceanport, NJ 07757

**Re: RPM Development
South Post (aka Liberty Walk)
Block 110.03, Lots 1 & 2
Borough of Oceanport
Performance Guarantee Release**

Dear Ms. Smith:

A request to release the performance guarantee has been made by the developer of the above-referenced project. Accordingly, this office conducted an inspection of the property for purposes of releasing the performance guarantee. Based on our observations, the bonded improvements have been completed in accordance with the approved site plan. The developer has addressed all items from our prior deficiency list dated November 9, 2020. From an engineering standpoint, I have no objection to the release of the previously posted site improvements performance bond in the amount of \$363,569.31 and the cash portion of the guarantee in the amount of \$40,396.59.

We have also received certification that all property monuments have been set. I therefore have no objection to the release of the monument performance bond in the amount of \$2,430.00 and the cash portion of the guarantee in the amount of \$270.00.

In accordance with Municipal Land Use Law regulations, as all site improvements are located within private property, a maintenance bond is not required for this development.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

THOMAS P. NEFF, P.E., C.M.E.
CONSULTING ENGINEER

TPN:

cc: Donna Phelps, Borough Administrator
John Johnson, Construction Official
Katie LaPorta, CFO
Scott Arnette, Esq., Borough Attorney
Fred Werner, RPM Development

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**OCEANPORT RECREATION COMMITTEE
MEETING MINUTES
March 9, 2022**

Minutes of the regular meeting of the Oceanport Recreation Committee held on
Wednesday evening, March 9, 2022

In attendance: Members:

Scott Marcantonio
Jay Silverman
Jackie Patterson
Beth Watkins
Joanne Hunt
Dave Walker
Bill Deerin
Greg Lockwood

Absent: Lexi Hetzel
Debbie Peterson

Also Present: Steve Briskey, DPW

Open Meeting/Flag Salute

Meeting called to order by Scott Marcantonio at 7:30pm. Motion to open the meeting was made by Jay Silverman and seconded by Greg Lockwood

Approval of Minutes

The February 9, 2022, meeting minutes were reviewed. Jay Silverman noted the correct spelling of Scott Marcantonio's name. Joanne Hunt will correct. The motion to approve the meeting minutes was made by Scott Marcantonio and seconded by Jay Silverman. All were in favor.

Correspondence:

Joanne Hunt received correspondence dealing with the purchase of memorial benches. This will be discussed under new business. Joanne Hunt also reported that Council was requesting any budget improvement estimates for Trinity Park. Joanne Hunt forwarded the 2012 Open Space application which detailed engineering reports and budget numbers.

Public Comments: Motion to open to the public was made by Jay Silverman and seconded by Greg Lockwood at 7:33 pm.

Tim Fitzpatrick, Shore Pop Warner was present. Tim was requesting the use of Blackberry Bay Park for practices as the group is quite large with many age groups from flag to older players as well as cheer. The Committee explained the field permit process and compliance requirements and directed Tim to the webpage and form which cannot be filled out until the opening date for fall programs.

In a motion made by Jay Silverman and seconded by Greg Lockwood, the meeting was closed to the public at 7:45 pm.

Council Liaison Report:

Bill Deerin reported that the Open Space grant work at Community is being delayed and that Action Camp would be moved back to Blackberry Bay Park. This was new information to the Committee who was unaware of this change. Joanne Hunt and Beth Watkins explained that budgets and plans had been made for Blackberry vs. Community Center and expressed their concern over the change. Bill explained that there was an issue with traffic and safety. Beth Watkins reported that a safe traffic pattern contingency was to be put in place to ensure camper safety.

Bill expressed concern and need for a “stager” for the Memorial Day parade. Joanne Hunt volunteered to serve as “day of” contact. They are looking to add more sports teams and community engagement. The Recreation Committee expressed an issue with sports teams so close to moving vehicles and suggested that the parade order be adjusted.

Steve Briskey report highlights:

Trinity Park- Finance Committee seeking input for improvements, DPW working on overgrowth and playground safety.

Evergreen- same as above. Slide still not delivered.

JIF- monitoring all playgrounds for compliance issues, especially safety surface

Charles-regular maintenance ongoing

BBB/Old Wharf- sprinklers repaired

Old Wharf Building- power washed, deck work, working on floors, doors, and fixtures, getting the building ready for seniors to return.

Gatta-field have been prepped and seeded

BBB-ball field- getting ready for season, issues with bathroom vandalism, Outside lights/parking lot lights fixed and thermostats replaced in building. Rock lot groomed, new stone will be added once budget is approved.

Community Center- sewer line replaced, 100 yards of soil added, ground leveled.

Boro Hall field- goose poop issue

HVAC contracts in place for all buildings

Recreation Coordinator Report- Joanne Hunt

Events/Programs: Highlights:

Egg Scramble 4/9/22- Blackberry Bay Park.

Eggs, banners, candy all received. Joanne will divide candy and eggs

Sport fields blocked off for the morning

Jackie will be the bunny and help with signage and backdrop

Prizes- \$10 gift cards-Five Below gift cards

Action Camp Report:

No returning staff

Fees and plans were based on location- storage, tent etc.... will need to be adjusted due to change to CC

Joanne working with Jeanne on staff and camp application which will be online and can accept credit card/check payments.

Revenue/New Field Requests:

2022 Field Revenue \$0

2022 Boat Revenue \$700.00

Subcommittee Reports:

Subcommittee & Officer Review Panel- Scott Marcantonio- no report

Nominations: Greg Lockwood- no report

Sonny Giordano Award- Greg Lockwood –no report

Egg Scramble- Beth Watkins- previously discussed. Committee should meet at 10:15 am.

Mini Golf- Scott Marcantonio - date has been confirmed.

Memorial Day Parade Committee- previously discussed

Movies- Joanne Hunt- suggestions are Encanto and SING 2/

Summer's End Report-Jay Silverman- Jay was optimistic that new members could assist. Joanne working on fireworks bids. Beth Watkins has suggestion for new inflatable vendor. Jay asked her to get prices and make sure they have proper documentation.

Halloween- Dave Walker – no report

Tree Lighting- Debbie Peterson/Jackie Patterson- no report

Decorating Contest- Jay Silverman- no report

Action Camp- Beth Watkins- previously discussed

Sport Organization Liaison- Dave Walker, no report. Scott will send Dave the contact list.

Grants/Parks- Joanne Hunt- reported by Bill Deerin

Park Maintenance Reports- Scott Marcantonio - Scott asked if there was any update on pickle ball. Bill Deerin reported there is no update at this time.

Finance Report- Greg Lockwood – temporary budget still in place.

Old Business:

- Open Space- previously discussed
- Action Camp- previously discussed
- Committee openings- Scott Marcantonio stated that it was disappointing that the prospective new members had not returned. Joanne stated that she sent notification to both.
- There was no additional old business

New Business:

- Bench Program- Joanne Hunt reported that there has been a request for memorial benches. After a lengthy discussion, the Committee asked Bill Deerin to work with Council to see if this is a project they will support and who/how this be done. The Recreation Committee would need to look at potential locations. This program was done in the past but due to compliance and regulations- the installation and assembly may now be an issue. It was discussed that all of this would need to be a part of the pricing structure. Jay Silverman stated that we would need clarification from Council.

In a motion made by Jackie Patterson and seconded by Greg Lockwood, the meeting was adjourned at 8:55 pm.

Next meeting: April 13, 2022, 7:30 pm at Blackberry Bay Park

Respectfully submitted, Joanne Hunt

Refreshment Schedule (Just Beverages)

Greg Lockwood	4/13/22
Beth Watkins	5/11/22
Scott Marcantonio	6/8/22
Bill Deerin	7/13/22
Dave Walker	8/10/22

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • MARCH 3, 2022****Workshop****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Meeting Called to Order:** Council President Walker called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Council President Walker led attendees and the members of Council in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Absent	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Late	7:06 PM
Michael O'Brien	Councilman	Present	
Thomas Tvrdek	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **Bill List Resolution:**
#2022-64 Resolution authorizing payment of BILL LIST 03-03-2022

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdek, Walker
ABSENT: Keeshen

- VI. **Administrator's Report:** Ms. Phelps advised at the request of Councilman O'Brien she contacted the State regarding the balance of the Borough's sports wagering tax revenue but was informed that the program is set up to only do one round of awards per fiscal year and would not be available until published in the NJ Register some time in the next couple of months; they will also be able to advise at that time what can be expected for 2022. Ms. Phelps also reported that at Council's direction she approached the County to consider sharing the cost to replace curbs and sidewalks on Oceanport Avenue and it appears they are willing and are looking for a yes or no on proceeding as it would be nice to do in conjunction with the paving being done on Oceanport Ave. Councilman O'Brien asked if the County would take the lead. Ms. Phelps responded that they would want the Borough to take the lead as they did with the Main St intersection with Oceanport Ave project. There was discussion regarding where sidewalks would be done and when paving was scheduled. Ms. Smith advised of a notice regarding paving and that it wasn't planned until next year. Ms. Phelps was unaware as she was told it would be this Spring. Ms. Phelps believes that the sports wagering funds would likely be available soon after the publication. Ms. LaPorta advised that if the Borough receives an answer in time it could be included in the Capital program and BAN it and then when County pays us back only pay the interest on that. Ms. Phelps will review Clerk's notice and get more information.

Ms. Phelps next advised of available grant application for funding of electrical vehicle charging stations, provided details of the grant and described some of the criteria including the project be shovel-ready and already coordinated with the utility company (JCP&L). Ms. Phelps expressed concern for potential success as grants are now requiring more qualifications to be eligible. Councilman O'Brien asked if it would have to be on public lands. There was discussion on what places the charging stations could be installed. Ms. Smith advised that the upcoming ordinance places the private land locations on developers and was intended for areas such as parking on Main Street by the village center or in the Borough Hall's parking lot. Councilman Tvrdik asked what about Community Center with the ballfield and library. Councilman Gallo responded it would need an electrical system to handle the power.

Ms. Phelps reported that she attended a zoom meeting on NJAW request to the BPU to increase rates to offset infrastructure upgrades and provided details of the potential rates and that the rates would apply to public fire hydrants and could mean a significant impact to what the Borough pays for its fire hydrants – especially with the number of new ones that will be needed on the Fort. She had an opportunity to speak and explain Oceanport's unique situation with the Fort for which a separate virtual meeting was set up to discuss further.

Ms. Phelps also reported that State OEM has advised that the 100% federal cost share for FEMA project worksheets has been extended until June 30th which gives her additional time to submit reimbursement requests. As of July 1st its reduced to 90%.

Ms. Phelps praised Public Works for their efforts on repairs at Community Center.

Ms. Phelps requested that the Clerk have a resolution extending the temp budget for the March 17th meeting.

VII. Clerk's Report:

1. Request from Comcast to Waive Road Opening Moratorium on Blackberry Drive – Ms. Smith advised of request from Comcast to open newly paved road to repair cable, arguments for permitting the waiver, work could be done by going under resident's driveway which was just redone for \$100,000. There was discussion on the request, concerns for opening the road that the residents finally got what they asked for, there are other alternatives to do the repair and consensus was to deny the request to waive the moratorium.
2. Request from Pulte Construction for Waiver of Noise Ordinance for development at Somerset/Lodging Parcel – Ms. Smith described the request to permit construction to begin earlier in the day (7AM), the reasons supporting their request including shorter construction period, improve logistics to minimize impacts on residents, typical material delivery is 7am. There was discussion on the request, concerns for East Gate residents, more daylight hours already coming with spring/summer, the number of piles to be driven and the noise associated, length of project is about 2 years. Councilman Tvrdik believes they should come with something from the East Gate residents stating they are ok with it. Council President Walker thought it was extreme to waive the noise ordinance for 2 years. She thought if they had a smaller window for specific need it could be considered. Councilman O'Brien, Keeshen, Gallo and Deerin were in agreement. Ms. Smith will advise the developer that it was discussed and unanimously agreed that the request was extreme for the period requested and would be reconsidered for a shorter time period and with a letter of approval from the East Gate community.

Ms. Smith also reported meeting with the Construction official and Borough Engineer on the ordinance amendment required by the State for flood damage prevention to update map revision dates. Ms. Smith advised that with the amendment will be additional options to gain more points for those that are expiring such as requiring a longer look-back period on permits for the 50% improvement criteria.

Ms. Smith advised that the First Aid LOSAP list was received after agenda items due date and requested that the list be added to the resolution for action along with an amended list for Port Au Peck firehouse.

Ms. Smith reported that the CFO has filed the Annual Financial Statement which would be posted to the Borough's website.

March 17, 2022 Regular Meeting Items:

3. Resolution authorizing Tax Sale Redemption #21-00007
4. Resolution authorizing Tax Sale Redemption #21-00008
5. Resolution authorizing letter to NJDOT for Monmouth Park heliport
6. Resolution authorizing aerial mosquito control operations 2022
7. Resolution authorizing option for 1-year extension of solid waste & recycling contract
8. Approval of Fire Membership Application, Sandoz, Ryan A.
9. Minutes of Feb. 3, 2022 7:00 PM

10. Mayor & Council - Regular Meeting - Feb 17, 2022 7:00 PM

Ms. Smith asked for questions, corrections, comments on the regular meeting items. Ms. Phelps requested that the Feb. 17 minutes be revised to correct spelling of tidal valves on first page. Councilman Tvrdik asked about the heliport resolution and the number of flights – was it 8 or has it always been 10. Ms. Smith advised it has been 10. Items would be moved to regular meeting consent for next meeting.

VIII. Discussion Items:

1. Resolution adopting additional cyber security best practices for JIF compliance

Ms. Smith reviewed the updated cyber security practices implemented as discussed, some of the changes including caution alerts on all external emails, Intron has certified the changes and was ready for adoption and submittal to the JIF. No objections.

2. Resolution urging the Legislature to restore Energy Tax Receipts

Ms. Phelps advised that the League of Municipalities was strongly in support of the restoration, the Borough's loss of revenue from it and support for. No objections

3. Ordinance for Electrical Vehicles

Mr. Arnette and Ms. Smith advised that the ordinance did not impact single and two-family homes were not impacted. Ms. Smith has not received any comments on the ordinance but pointed out the section regarding fees for charging sites and recommending striking that portion and add at a future date. No objections for introduction at March 17th meeting.

4. Neptune Township Request to Join Them in Opposing Extension of Governor's Executive Powers

Ms. Smith reviewed the request, received a response from Councilman O'Brien and Mayor Coffey and if there were no objections would add for action. No objections

4. Old Wharf House Improvements Update

Councilman Keeshen reported on a walk-through meeting at the building with borough officials, plan developed for getting space ready for Senior's to move back in, many repairs to sheet rock, paint and removal of floor already underway by Public Works. Need to select new flooring and estimated time is a few weeks and fixtures in bathrooms to be replaced and doors, interior and external. Councilman Tvrdik added that DPW will also be power washing the exterior of the building and the deck, staining the deck and trimming trees. Mayor Coffey arranged for space at NJCU facilities for the seniors to use until building is ready.

5. Check Valve Replacement Project

Ms. Phelps advised that 10 locations were selected, asked for Council review and looked for an agreement as to the locations. With these 10 locations and a contingency of 20%, the total cost is at \$350,400. Councilman Tvrdik asked about location on Pemberton Ave where it backs up and should it be considered. There was discussion regarding what size needed there and the cost associated with. Councilman O'Brien asked about the duck bill valves as a potential application for that. Ms. Phelps will discuss with the Borough Engineer. No objection to adding list of 10 for approval next meeting.

6. Proposed Shared Service with Monmouth Beach for Fire Bureau Vehicle

Ms. Smith stated she was asked to work with Monmouth Beach on a shared service for use of the Monmouth Beach vehicle by the Borough's Fire Official. She reviewed the costs to purchase a new vehicle (\$60,000) versus costs to share the vehicle (\$3,000 annual); consideration to use one of the retired police vehicles but the repair and maintenance costs not practical. Discussion ensued with everyone agreeing that the shared service cost was in the best interests of the Borough. Ms. Smith asked for the borough attorney to assist in preparing the document. Agreement would only be for 2022 and reconsider in 2023.

8. Police Promotion Protocols – Council President Walker stated this time would be tabled until next month.

IX. Mayor's Report: With the Mayor's absence, Ms. Smith gave statement concerning Mayor's OEM appointments.

1. Statement of OEM Appointments

Ms. Smith stated for the record that the following are currently serving in the **OFFICE OF EMERGENCY MANAGEMENT:**

Mauro Baldanza	Director	3yr Term expiring 02/21/25
Chris Baggot	1st Asst. Director	3yr Term expiring 12/31/22
Wes Sherman	2nd. Asst. Director	3yr Term expiring 12/31/23
Chief Michael Kelly	3rd Asst. Director	3yr Term expiring 02/21/23

2. Comcast Franchise Renewal Ordinance – Council President Walker advised that this item was tabled until next month.

X. Petitions from the Public: Council President Walker opened the meeting to petitions from the public.

Patty Cooper, 24 Osprey Lane, gave a statement concerning her experience with the Ukrainian culture through the school that she is employed at, the impacts of the invasion on Ukraine and requested permission to put up tree wraps

around the trees along E. Main Street in the colors of the Ukrainian flag in support of the Ukrainian people. Unanimously approved. There was discussion on the topic and ways to donate for supplies needed. Councilman Tvrdek suggested doing a banner program where people purchases Ukrainian flags to hang on the light poles.

Barbara Scerbo, 3 Whitehall Circle, asked questions about the library and the additional hours. Ms. Phelps responded that she would be contacting the County to return to the 4 days now that the sewer work was completed and Public Works has agreed to perform the additional janitorial work to cover the additional 2 days. She also asked about a completion date for the Old Wharf House and was told around mid-summer. There was discussion on ADA compliance for the bathrooms. She asked about the parking project to avoid parking across the street. Ms. Phelps responded that the Borough has a grant application in for re-doing the parking and expanding it and was waiting for County and Federal approval.

Stuart Briskey, 46 Werah Place, requested that a Public section be added to the Workshop agenda prior to item discussions so public has opportunity to comment before discussions and potential action; expressed disgrace that driving out and in of the Fort that Mr. Steadman wouldn't fly the flag, requested that the Borough Council send a letter to FMERA to get flag up and stop the excuses. Council President Walker advised that the Mayor did speak to him about it, Councilman Tvrdek added that they were waiting for parts to repair the pole as well.

Mr. Briskey commented that all the old Fort Monmouth fire hydrants had out of service rings on them and asked for it to be looked into if unknown, whether the fire hydrant that the Borough was sued for from fire department damage and settled – if it had a ring on it. Did FMERA ever issue letter on the hydrants? Annual inspections report? The Borough should get their money back. There shouldn't be rings that can't be read at 2a.m. There should be an ordinance that requires when a hydrant is closed it should be covered with hydrant bag on it with a lock. There were plastic garbage bags on them that wear out and at 2 a.m. you can't see them.

Mr. Briskey asked how did the OEM appointments happen for parties that resigned and they shouldn't be let back if they did so for political reason.

As no one else from the public appeared, Council President Walker closed that portion of the meeting.

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:00 PM on a motion by Councilman Deerin, seconded by Councilman Tvrdek and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**BOROUGH OF OCEANPORT****MAYOR & COUNCIL****MINUTES • MARCH 17, 2022****Regular Meeting****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Mayor Coffey called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Boy Scout led attendees, Mayor and members of the Council in the flag salute.

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Absent	
Bryan Keeshen	Councilman	Absent	
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Absent	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey advised no one from FMERA was present, but provided an update on the flag pole issue and that the County had committed to repairing the pole and are confirming availability of a 125' ladder truck with hope to fly flag by next week.

GUEST: Bill Knauf, Vice President of Business Operations at Monmouth Park, appeared with Michael Gallagher from Collier's Engineering & Design, and presented for the Council the new capital project for a new Caesar's Sportsbook building in the planning since before COVID. Mr. Gallagher displayed aerial image of the site and described for the governing body the proposed improvements, parking, bus stands, landscaping, parking tree islands, decorative lighting, patio modifications to accommodate the new building. The project entailed less than an acre of disturbance and would actually reduce impervious surfaces, would tie into existing utilities, and proceeding with applications to Freehold Soils and Two Rivers Sewer Authority. Mathew Vargas, Architect with Studio3877, who prepared and provided a description of the architectural plans for the project. Questions and discussion covered topics such as size compared with existing facility, capacity, timeframe for construction, ingress and egress, parking modifications, landscaping, type of restaurant – upscale sports bar, operator, concessionaire/liquor license under main facility license, suitability with the surrounding neighborhood for exterior appearances – to be understated but also Caesar brand and motif with columns and arches, impacts on emergency services, appearing before the Planning Board for a capital presentation next month.

VI. Administrators Report: None

- VII. **Clerk's Report:** Ms. Smith reviewed agenda items and any changes since Workshop meeting. Ms. Smith reviewed a request by a resident for a charity tennis tournament with funds to be donated to a Borough approved organization such as recreation, fire department, etc. and seeking a waiver of the fees. Discussion included other tennis reservations with ladies tennis having priority, the need for all participants to provide hold harmless. It was not a Borough sponsored event. No objections but would need to provide a letter of commitment with acknowledgment from the organization and work out details. Mr. Arnette will review with Ms. Smith and bring back for April meetings.

- VIII. **Consent Agenda:** Ms. Smith advised that there were 14 items on consent agenda with Item #2 to be removed and taken separately. A motion and second were made to approve the remaining 13 items.

- #2022-65** 1. Resolution authorizing payment of BILL LIST 03-17-2022
separate 2. Resolution approving certified LOSAP lists for 2021
#2022-67 3. Resolution opposing extension of Governor's Executive Orders beyond Public Health Emergency
#2022-68 4. Resolution authorizing option for 1-year extension of solid waste & recycling contract

- #2022-69 5. Resolution authorizing aerial mosquito control operations 2022
 #2022-70 6. Resolution urging the Legislature to restore Energy Tax Receipts
 #2022-71 7. Resolution authorizing letter to NJDOT for Monmouth Park heliport
 #2022-72 8. Resolution adopting additional cyber security best practices for JIF compliance
 #2022-73 9. Resolution authorizing Tax Sale Redemption #21-00008
 #2022-74 10. Resolution authorizing Tax Sale Redemption #21-00007
 #2022-75 11. Resolution authorizing Collier's Engineering to proceed with Tidal Check Valve Project
 #2022-76 12. Resolution authorizing an emergency temporary appropriation to extend temp budget
 13. Approval of Fire Membership Application, Sandoz, Ryan A.
 14. Approval of First Aid Membership Application: Reger, William

RESULT: ADOPTED [UNANIMOUS]
MOVER: William Deerin, Councilman
SECONDER: Meghan Walker, Councilwoman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

IX. Minutes:

1. Mayor & Council - Workshop - Feb 3, 2022 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: William Deerin, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

2. Mayor & Council - Regular Meeting - Feb 17, 2022 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Thomas Tvrdik, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, O'Brien, Tvrdik
ABSTAIN: Walker
ABSENT: Gallo, Keeshen

X. RESOLUTIONS:

- #2022-66 Resolution approving certified LOSAP lists for 2021

RESULT: ADOPTED AS AMENDED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: Thomas Tvrdik, Councilman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

- #2022-78 Resolution accepting resignation of Milton Zarate - *Added*

RESULT: ADOPTED [UNANIMOUS]
MOVER: Meghan Walker, Councilwoman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

#2022-79 Resolution appointing Demetrio Zarate as part time labor for the Public Works Dept - *Added*

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

XI. First Reading Ordinances:

Introduction of Ordinance for Electrical Vehicles

Councilman Tvrdik called for the introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE BOROUGH'S LAND DEVELOPMENT ORDINANCE TO AUTHORIZE AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of April 21, 2022 and to advertise same in accordance with the law, which was seconded by Council President Walker.

RESULT: APPROVED OF FIRST READING [UNANIMOUS] **Next: 4/21/2022 7:00 PM**
MOVER: Thomas Tvrdik, Councilman
SECONDER: Meghan Walker, Councilwoman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

XII. Second Reading & Public Hearing Ordinances:

#1048 An Ordinance to Increase Fees for Liquor Licenses

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 115 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ALCOHOLIC BEVERAGES" FOR THE INCREASE IN FEES FOR LIQUOR LICENSES" was published one time in the Two River Times on March 10, 2022.

PUBLIC HEARING: Mayor Coffey opened the meeting for public comment for this ordinance. As no one from the public presented to be heard, the public hearing was closed on a motion by Councilman O'Brien and seconded by Council President Walker.

Councilman Tvrdik made a motion to adopt the ordinance and advertise in accordance with law, which was seconded by Councilman O'Brien.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, O'Brien, Tvrdik, Walker
ABSENT: Gallo, Keeshen

#1049 Amendment to Chapter 64 "Vehicles and Traffic"

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 AMENDING CHAPTER 64 "VEHICLES AND TRAFFIC" PROHIBITING PARKING ON THE UNIMPROVED EASTERN TERMINUS OF WERAH PLACE " was published one time in the Two River Times on March 10, 2022.

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, O'Brien, Tvrdik, Walker
ABSENT:	Gallo, Keeshen

#1050 Ordinance amending Chapter 204-17 "Development Application Fee Schedule"

Councilman Tvrdik called for the 2nd reading and Public Hearing of an ordinance creating an Environmental Commission 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 AMENDING CHAPTER 204-17, "DEVELOPMENT APPLICATION FEE SCHEDULE" MORE SPECIFICALLY THE FEE CHARGED FOR INFORMAL APPLICATIONS"** was published one time in the Two River Times on March 10, 2022.

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, O'Brien, Tvrdik, Walker
ABSENT:	Gallo, Keeshen

XIII. Committee Reports:

1. Councilman Deerin, Parks & Recreation – Councilman Deerin reported on items including field preparations, Action Camp preparations and will be held at Community Center,
2. Councilman Gallo, Public Works & Engineering – Councilman O'Brien reminded everyone that spring leaf pickup begins next month, street sweeping efforts continue and if you're street hasn't been done, contact public works for the scheduled date.
3. Councilman Keeshen, Public Safety - None
4. Councilman O'Brien, Finance & Administration – Councilman O'Brien reported on meetings with the CFO and BA on finalizing the budget and anticipated completion in next two weeks.
5. Councilman Tvrdik, Planning & Development – Councilman Tvrdik reported on Planning Board applications, and a vacancy on the Board for those interested, commended Public Works for the work done at Old Wharf House.
6. Councilwoman Walker, Health & Human Services – Council President Walker reported on items including Water Watch and Environmental Commission and plans to hold an event for water clean up involving the whole community – land based/shoreline only; both groups were super happy to hear that the check valve project has started; next water sampling date is March 24th, reminded everyone that the Statewide Plastic Reduction Act goes into effect May 4th – no more Styrofoam containers or plastic bags, straws; attendance at Senior's St Patrick's Day luncheon – they are pleased with the progress on the Old Wharf House; thanked DPW and Ms. Phelps for their efforts on getting the library back to full schedule. She also provided details on the upcoming budget hearing for the Board of Education, school referendum overall is on track to meet budget and be completed on time and live theatre is back at the schools with Legally Blonde at Shore Regional and Rock of Ages at Maple Place School.

- XIV. Mayor Coffey's Report:** Mayor Coffey reported that Allison Hall parcel would be closing that month which leaves the mega-parcel and the nurses' quarters remaining to be sold; passing of Robert Lucky who was Chair of the FMERA Board and commented that he was a very nice man who had presided over the meetings so well; Bruce Steadman at FMERA would be retiring with Kara Kopach to presume those duties.

- XV. Petitions from the public:** Mayor Coffey opened the meeting to petitions from the public.

Councilman Tvrdik spoke of the upcoming blood drive by NJ City University in hopes to return to the days when the fort was active and supported the blood banks and involve the towns in supporting the blood banks today.

Mark Patterson, 40 Itaska Place, appearing as a citizen and not from a position that he holds in town, presented his concerns and bring to the Council's attention that neighbor town Sea Bright was pursuing re-district legislation that would prove detrimental to the Borough should they pull out of the Shore Regional District and move to the Atlantic Highlands district. They had previously sued to change the formula for school funding and had lost twice, thus the push to change the legislation. The new legislation leaves out the present voting rights of the district towns. Mayor Coffey provided further details on the legislation, the phasing of the funding between the former and new district, reduced school populations all around, real estate values have changed over the years. Sea Bright is looking to have their tuition/levy based on enrollment rather than tax assessment which creates an inequity on the existing towns not getting that benefit. There was discussion on the proposed legislation language and its difficulties, the significant impacts it would mean to Oceanport and next steps in the process including potential to be on November ballot which would require every sending and receiving district to vote yes.

As no one else from the public appeared, Mayor Coffey closed that portion of the meeting.

XVI. EXECUTIVE SESSION:

At 8:01 PM Councilman Tvrdik made a motion to adopt the resolution to enter Executive Session which was seconded by Councilman O'Brien and received the following roll call and no formal action to be taken.

#2022-77 Resolution authorizing an Executive Session

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

Municipal Building Contracts

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Councilman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, O'Brien, Tvrdik, Walker
ABSENT:	Gallo, Keeshen

At 8:15 PM, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Council President Walker, seconded by Councilman O'Brien and approved by Council.

XVII. Adjournment: As there was no further business, the meeting was adjourned at 8:15 PM on a motion by Councilman O'Brien, seconded by Council President Walker and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • APRIL 7, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Meeting Called to Order:** Mayor Coffey called the meeting to order at 7:00 P
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Mayor Coffey led attendees and the members of Council in the flag salute.

IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Present	
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

V. **RESOLUTIONS:**

#2022-80

Resolution authorizing payment of BILL LIST 04-07-2022

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: Bryan Keeshen, Councilman
AYES: Deerin, Gallo, Keeshen, O'Brien, Tvrdik, Walker

VI. **Administrator's Report:**

VII. **Clerk's Report:**

1. Fort Monmouth Plan Amendment #18 - Nurse's Quarters

4/21 Regular Meeting Items:

1. Resolution appointing Primepoint LLC as payroll service provider
2. Resolution amending the Tidal Check Valve Project approved locations
3. Resolution authorizing 2020 Road Program Change Order #3
4. Resolution authorizing Tax Sale Redemption #21-00009
5. Resolution awarding contract to Intron Technologies for provision of 2022 IT equipment
6. Resolution supporting municipal adoption of regulations to protect from threats of flooding
7. Resolution authorizing tree services through Monmouth County Public Works
8. Resolution awarding contract to Jersey Printing for 2022 printing services
9. Resolution appointing Milton Zarate as part time labor for the Public Works Dept
10. Mayor & Council - Workshop - Mar 3, 2022 7:00 PM
11. Mayor & Council - Regular Meeting - Mar 17, 2022 7:00 PM

RESULT: MOVED FORWARD WITH NO OBJECTIONS

VIII. Discussion Items:

1. Maria Gatta Park Project Phase II - Update
2. Ordinance Amendments for Rooming Houses and Amend Violations and Penalties sections
3. Safe Routes to School - sidewalks for S. Pemberton Ave
4. Resolution amending fees set for extra duty assignments for 2022
5. TITLE 39 Requests for Fort Monmouth Parcels
6. Shore Road and Utility Connections for Residents

IX. Proclamations:

1. Proclamation Declaring April 2022 as National Child Abuse Prevention Month

X. Mayor's Report:

XI. Petitions from the Public: Mayor Coffey opened the meeting to petitions from the public. As no one else from the public appeared, Mayor Coffey closed that portion of the meeting.

XII. Executive Session: At 8:03 PM Councilman O'Brien made a motion to adopt the resolution to enter Executive Session which was seconded by Council President Walker and received the following roll call.

#2022-81 Resolution authorizing an Executive Session

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

Affordable Housing

Personnel Matters - N.J.S.A. 10:4-12(b)(8)

Police Promotion Protocols

RESULT: ADOPTED [UNANIMOUS]

MOVER: Michael O'Brien, Councilman

SECONDER: Meghan Walker, Councilwoman

AYES: Deerin, Gallo, Keeshen, O'Brien, Tvrdik, Walker

At 9:22 PM, the Mayor & Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman O'Brien and seconded by Council President and approved by Council

XIII. Adjournment: As there was no further business, the meeting was adjourned at 9:22 PM on a motion by Councilman O'Brien, seconded by Councilman Tvrdik and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES • APRIL 21, 2022

Regular Meeting

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Mayor Coffey called the meeting to order at 7:00 PM
- II. **Statement of Compliance with Open Public Meetings Act:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 5, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Mayor Coffey led attendees and the Borough Council in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Bryan Keeshen	Councilman	Absent	
Michael O'Brien	Councilman	Present	
Thomas Tvrdik	Councilman	Present	
Meghan Walker	Councilwoman	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	
Donna M. Phelps	Administrator	Present	
Catherine D. LaPorta	Chief Financial Officer	Present	

- V. **MAYOR'S PROCLAMATION:**
1. U10 - Knights Girls Mid-Monmouth CHAMPIONS
- VI. **GUEST: FMERA Staff Monthly Update: None**
- VII. **Administrators Report:**
1. Public Safety for JIF Compliance
- VIII. **Clerk's Report:**
- IX. **Consent Agenda, 18 Items:**
- #2022-82 1. Resolution authorizing payment of BILL LIST 04-21-2022
- #2022-83 2. Resolution authorizing Tax Sale Redemption #21-00009
- #2022-84 3. Resolution appointing Primepoint LLC as payroll service provider
- #2022-85 4. Resolution awarding contract to Intron Technologies for provision of 2022 IT equipment
- #2022-86 5. Resolution supporting municipal adoption of regulations to protect from threats of flooding
- #2022-87 6. Resolution authorizing 2020 Road Program Change Order #3
- #2022-88 7. Resolution authorizing tree services through Monmouth County Public Works
- #2022-89 8. Resolution awarding contract to Jersey Printing for 2022 printing services
- #2022-90 9. Resolution amending fees set for extra duty assignments for 2022
- #2022-91 10. Resolution amending the Tidal Check Valve Project approved locations

- #2022-92** 11. Resolution appointing Milton Zarate as part time labor for the Public Works Dept
- #2022-93** 12. Resolution authorizing Facility Use - Tennis Courts for Fundraiser
13. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 01/12/2022
14. Receipt & Acceptance of Minutes, Parks & Recreation Committee, 02/09/2022
15. Receipt & Acceptance of Minutes, Historical Committee, 10/28/2021
16. Receipt & Acceptance of Minutes, Historical Committee, 11/11/2021
17. Receipt & Acceptance of Minutes, Historical Committee, 01/13/2022
18. Receipt & Acceptance of Minutes, Historical Committee, 02/10/2022

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: William Deerin, Councilman
SECONDER: Meghan Walker, Councilwoman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

X. 2022 MUNICIPAL BUDGET INTRODUCTION:

- #2022-94** Resolution Introducing & Approving the 2022 Municipal Budget

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Michael O'Brien, Councilman
SECONDER: Thomas Tvrdik, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

XI. First Reading Ordinances:

- #1052** Introduction of Ordinance Establishing a CAP Bank for CY2022

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR 2022 CALENDAR YEAR (N.J.S.A. 40A:4-45.14)**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of May 19, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien

RESULT: **APPROVED OF FIRST READING [UNANIMOUS]** **Next: 5/19/2022 7:00 PM**
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

- #1053** Introduction of BOND Ordinance for Various 2022 Capital Improvements

Councilman Tvrdik called for the introduction of "**BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$212,800) AND AUTHORIZING THE ISSUANCE OF \$2,414,342 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed

ordinance at the Council meeting of May 19, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien

RESULT: APPROVED OF FIRST READING [UNANIMOUS] Next: 5/19/2022 7:00 PM
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

#1054 Introduction of BOND Ordinance for Maria Gatta Park Improvements Phase II (Turf Fields)

Councilman Tvrdik called for the introduction of "BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND RELATED RECREATIONAL IMPROVEMENTS AT MARIA GATTA COMMUNITY PARK BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,809,523 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF)" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of May 19, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien.

RESULT: APPROVED OF FIRST READING [UNANIMOUS] Next: 5/19/2022 7:00 PM
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

XII. Second Reading & Public Hearing Ordinances:

#1051 Ordinance for Electrical Vehicles

Mayor Coffey requested a motion to reschedule the public hearing for May 19, 2022 meeting in order for the ordinance to be reviewed by the Planning Board which was moved by Councilman Tvrdik and seconded by Councilman O'Brien.

RESULT: TABLED [UNANIMOUS] Next: 5/19/2022 7:00 PM
MOVER: Thomas Tvrdik, Councilman
SECONDER: Michael O'Brien, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

XIII. Resolutions:

#2022-95 Resolution authorizing Mayor to sign "Letter of Intent" for Maria Gatta Park Project

RESULT: ADOPTED [UNANIMOUS]
MOVER: Michael O'Brien, Councilman
SECONDER: William Deerin, Councilman
AYES: Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT: Keeshen

XIV. Committee Reports:

1. Councilman Deerin, Parks & Recreation

2. Councilman Gallo, Public Works & Engineering
3. Councilman Keeshen, Public Safety
4. Councilman O'Brien, Finance & Administration
5. Councilman Tvrdik, Planning & Development
6. Councilwoman Walker, Health & Human Services

XV. Mayor Coffey's Report:

1. Road Program

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

As no one else from the public appeared, Mayor Coffey closed that portion of the meeting.

XVII. EXECUTIVE SESSION:

#2022-96 Resolution authorizing an Executive Session

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael O'Brien, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Deerin, Gallo, O'Brien, Tvrdik, Walker
ABSENT:	Keeshen

XVIII. Adjournment: As there was no further business, the meeting was adjourned at 8:09 PM on a motion by Councilman Deerin, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

ORDINANCE #1052**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS FOR 2022 CALENDAR YEAR (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Borough Council of the Borough of Oceanport in the County of Monmouth finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$73,955.86 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Oceanport shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$258,845.51 and that the CY 2022 municipal budget for the Borough of Oceanport be approved and adopted in accordance with this ordinance; and,

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

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

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 19, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ADOPTION OF MUNICIPAL BUDGET 2022**

**Resolution #2022-108
05/19/22**

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 \$7,263,439.11 for municipal purpose levy, and \$303,379.00 for the open space trust fund levy.

SUMMARY OF CURRENT FUND REVENUES

1. General Revenues	
Surplus Anticipated	\$1,674,000.00
Miscellaneous Revenues Anticipated	3,811,621.70
Receipts from Delinquent Taxes	220,000.00
2. Amount to be Raised by Taxation for Municipal Purposes	7,263,439.11
TOTAL CURRENT FUND REVENUES	\$12,969,060.81

SUMMARY OF CURRENT FUND APPROPRIATIONS

5. General Appropriations:	
Within "CAPS"	
Operations Including Contingent	\$7,042,685.69
Deferred Charges and Statutory Expenditures - Municipal	785,118.00
Excluded from "CAPS"	
Operations - Total Operations Excluded from "CAPS"	297,530.13
Capital Improvements	933,456.73
Municipal Debt Service	3,461,893.95
Deferred Charges	3,376.31
Reserve for Uncollected Taxes	445,000.00
TOTAL CURRENT FUND APPROPRIATIONS	\$12,969,060.81

SUMMARY OF OPEN SPACE FUND REVENUES

1. Amount to be Raised by Taxation for Open Space Purposes	\$303,379.00
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TOTAL OPEN SPACE FUND REVENUES	\$303,379.00
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SUMMARY OF OPEN SPACE FUND APPROPRIATIONS

1. Downpayments on Improvements	\$140,477.00
2. Debt Service	54,500.00
3. Reserve for Future Use	108,402.00
TOTAL OPEN SPACE FUND APPROPRIATIONS	\$303,379.00

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 19th day of May, 2022. 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 2022 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

JEANNE SMITH, RMC
BOROUGH CLERK

ORDINANCE #1051**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE BOROUGH'S LAND DEVELOPMENT ORDINANCE TO AUTHORIZE AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES**

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the BOROUGH OF OCEANPORT IN THE COUNTY OF MONMOUTH.

WHEREAS, supporting the transition to electric vehicles contributes to the Borough of Oceanport's commitment to sustainability and is in the best interest of public welfare; and

WHEREAS, installation of EVSE and Make-Ready parking spaces encourages electric vehicle adoption; and

WHEREAS, the Borough of Oceanport encourages increased installation of EVSE and Make Ready parking spaces; and

WHEREAS, adoption of this ordinance supports the State of New Jersey's goals to reduce air pollutants and greenhouse gas emissions from the transportation sector as outlined and supported by various programs related to NJ's 2019 Energy Master Plan, Global Warming Response Act (P.L.2007, c.112 (C.26:2C-37 et al.)), and EV Law (P.L. 2019, c. 362); and

WHEREAS, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements; and

WHEREAS, adoption of this ordinance will support the Master Plan of the Borough of Oceanport adopted in concurrence with P.L. 1975 c. 291, s. 1 eff. Aug. 1, 1976, and is consistent with goals of the Master Plan as well as the land use, circulation, and other elements of the Master Plan; and

WHEREAS, in order to comply with the EV Law (P.L. 2019, c. 362) the Borough of Oceanport is amending the Borough's Land Development Ordinance to establish standards and regulations for the safe and efficient installation of EVSE and Make-Ready parking spaces at appropriate locations.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Oceanport, County of Monmouth, State of New Jersey as follows:

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**A. Purpose**

The purpose of this ordinance is to promote and encourage the use of electric vehicles by requiring the safe and efficient installation of EVSE and Make-Ready parking spaces through municipal parking regulations and other standards. EVSE and Make-Ready parking spaces will support the State's transition to an electric transportation sector, reducing automobile air pollution, greenhouse gas emissions, and storm water runoff contaminants. The goals are to:

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.
2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.

4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station." **{Note: Definition is directly from legislation and cannot be changed.}**

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.). **{Note: Definition is directly from legislation and cannot be changed.}**

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

C. Approvals and Permits

{Note: Section C. of the model ordinance is mandatory and may not be altered.}

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.

2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer and Borough Engineer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Oceanport's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces

{Note: Section D of the model ordinance is mandatory and may not be altered.}

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
 - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
 - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and

- c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
 - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
 - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
- a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
 - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
 - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
 - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities, if there will be 101 to 150 off-street parking spaces.
 - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
 - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.
 - g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above
 - h. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

E. Minimum Parking Requirements

{Note: Section E of the model ordinance is mandatory and may not be altered. }

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant to ***{Section number for Parking Requirements}*** _____.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces

{Note: Municipalities may deviate from the reasonable standards set forth in Section F to address installation, sightline, and setback requirements or other health- and safety-related specifications for EVSE and Make-Ready parking spaces. Nothing in this section of the ordinance shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of EVSE or Make-Ready parking spaces.}

- 1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional

service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.

2. Installation:

- a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
- b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
- c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.

3. EVSE Parking:

- a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. **{Note: The use of time limits is optional and shall be determined by the owner.}**
- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Borough's Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

{Note: Municipalities may establish alternative penalties than those listed above by ordinance.}

{Note: Municipality may put the locations of the publicly-accessible, municipally-owned EVSE parking spaces in this ordinance and the fees associated with charging/parking at those spaces. See Section 6. below for Usage Fees.}

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

4. Safety

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Borough of Oceanport's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.

- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Oceanport shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitting at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
 - 1) Hour of operations and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
 - 2) Usage fees and parking fees, if applicable; and
 - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

6. Usage Fees

- a. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

THIRD: REPEAL OF PRIOR ORDINANCES

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

FOURTH: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 19, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

ORDINANCE #1053

BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$212,800) AND AUTHORIZING THE ISSUANCE OF \$2,414,342 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

APPROVED ON FIRST READING

DATED: April 21, 2022

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 19, 2022

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor

**BOROUGH OF OCEANPORT
ORDINANCE NUMBER _____**

**BOND ORDINANCE PROVIDING FOR VARIOUS 2022
GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE
BOROUGH OF OCEANPORT, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION IN
THE AMOUNT OF \$212,800) AND AUTHORIZING THE
ISSUANCE OF \$2,414,342 BONDS OR NOTES TO
FINANCE PART OF THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF
THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF
NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively
concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, State of New Jersey (the "Borough") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,740,500, which appropriation is inclusive of a grant from the New Jersey Department of Transportation in the amount of \$212,800 (the "Grant") and \$113,358 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes. No down payment is being provided on the \$360,000 appropriation for the Comanche Drive portion of the project set forth in Section 3(a)(i) as

such portion of the project is being partially funded by the Grant, and is thereby exempt from the down payment requirements pursuant to N.J.S.A. 40A:2-11(c).

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,740,500 appropriation not provided for by application hereunder of said down payment or the Grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,414,342 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,414,342 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) <u>Road Improvements</u> - Various Road And Drainage Improvements Throughout The Borough, Including, But Not Limited To, Improvements To Comanche Drive, Belmar Avenue, Manito Place, Horseneck Point, Tohican Place, Seneca Place, Myrtle Avenue/Gooseneck Point, Sagamore Avenue, Port Au Peck Fire House Parking Lot, Oceanport Avenue and Old Wharf House Parking Lot, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated	\$2,624,500 (inclusive of the Grant)	\$2,303,866	\$107,834 (No Down Payment Is Being Provided On \$360,000 Appropriation For The Comanche Drive Portion Of The Project As Such Portion Of The Project Is Being Funded By The Grant)	20 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
Repairing And/Or Installation Of Curb, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Grates; Check Valve And Associated Drainage Improvements; Roadway Painting, Landscaping And Other Aesthetic Improvements; And				
(ii) <u>Recreational Improvements</u> – Construction Of A Pickle Ball Court At Blackberry Bay Park Including, But Not Limited To, Demolition Of Existing Pavement, Paving And Surfacing Of New Court, And The Acquisition And Installation, As Applicable, Of All Related Capital Equipment Including, But Not Limited To, Nets, Posts And Chain Link Fences.	\$116,000	\$110,476	\$5,524	15 years
TOTALS	<u>\$2,740,500</u>	<u>\$2,414,342</u>	<u>\$113,358</u>	

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,414,342.

(d) The aggregate estimated cost of said improvements or purposes is \$2,740,500, the excess thereof over the said estimated maximum amount of bonds or

notes to be issued therefor is (i) the Grant, and (ii) the down payment available for said purposes in the aggregate amount of \$113,358.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from

time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 19.77 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,414,342 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$550,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this

bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: April 21, 2022

JEANNE SMITH,
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING
DATED: May 19, 2022

JEANNE SMITH,
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2022.

JOHN F. COFFEY, II,
Mayor

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Catherine D. LaPorta, the Chief Financial Officer of the Borough as of April 21, 2022, that such Supplemental Debt Statement was filed in my office on April 21, 2022 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs prior to May 19, 2022.

JEANNE SMITH,
Clerk of the Borough of Oceanport

**BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Borough of Oceanport, in the County of Monmouth, State of New Jersey conducted through virtual means due to the COVID-19 pandemic on April 21, 2022 in accordance with New Jersey law. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held either at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport or through virtual means on May 19, 2022 at 7:00 p.m. (instructions to attend or join and commenting at the Borough's meeting on that date are located at the Borough's website at <https://www.oceanportboro.com>). During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$212,800) AND AUTHORIZING THE ISSUANCE OF \$2,414,342 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various Road And Drainage Improvements Throughout The Borough, Including, But Not Limited To, Improvements To Comanche Drive, Belmar Avenue, Manito Place, Horseneck Point, Tohican Place, Seneca Place, Myrtle Avenue/Gooseneck Point, Sagamore Avenue, Port Au Peck Fire House Parking Lot, Oceanport Avenue and Old Wharf House Parking Lot, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated Repairing And/Or Installation Of Curb, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Grates; Check Valve And Associated Drainage Improvements; Roadway Painting, Landscaping And Other Aesthetic Improvements; Construction Of A Pickle Ball Court At Blackberry Bay Park Including, But Not Limited To, Demolition Of Existing Pavement, Paving And Surfacing Of New Court, And The Acquisition And Installation, As Applicable, Of All Related Capital Equipment Including, But Not Limited To, Nets, Posts And Chain Link Fences.

Appropriation: \$2,740,500

Bonds/Notes Authorized: \$2,414,342

Grant(s) Appropriated: A New Jersey Department of Transportation Grant In The Amount Of \$212,800

Section 20 Costs: \$550,000

Useful Life: 19.77 years

JEANNE SMITH,
Clerk of the Borough of Oceanport

**BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT
PUBLIC NOTICE
BOND ORDINANCE STATEMENTS AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, has been finally adopted by Borough Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey on May 19, 2022 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$212,800) AND AUTHORIZING THE ISSUANCE OF \$2,414,342 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Purpose(s): Various Road And Drainage Improvements Throughout The Borough, Including, But Not Limited To, Improvements To Comanche Drive, Belmar Avenue, Manito Place, Horseneck Point, Tohican Place, Seneca Place, Myrtle Avenue/Gooseneck Point, Sagamore Avenue, Port Au Peck Fire House Parking Lot, Oceanport Avenue and Old Wharf House Parking Lot, Which Improvements Shall Include, But Not Be Limited To, As Applicable, Excavation, Milling, Paving, Reconstruction And Boxing Out And Resurfacing Or Full Depth Pavement Replacement, And Where Necessary, The Sealing Of Pavement Cracks, And Associated Repairing And/Or Installation Of Curb, Curb Ramps, Sidewalks, Driveway Aprons, Resetting Of Utility Castings And Drainage Grates; Check Valve And Associated Drainage Improvements; Roadway Painting, Landscaping And Other Aesthetic Improvements; Construction Of A Pickle Ball Court At Blackberry Bay Park Including, But Not Limited To, Demolition Of Existing Pavement, Paving And Surfacing Of New Court, And The Acquisition And Installation, As Applicable, Of All Related Capital Equipment Including, But Not Limited To, Nets, Posts And Chain Link Fences.

Appropriation: \$2,740,500

Bonds/Notes Authorized: \$2,414,342

Grant(s) Appropriated: A New Jersey Department of Transportation Grant In The Amount Of \$212,800

Section 20 Costs: \$550,000

Useful Life: 19.77 years

JEANNE SMITH,
Clerk of the Borough of Oceanport

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on April 21, 2022 at 7:00 p.m. at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
Clerk of the Borough of Oceanport

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on May 19, 2022 at 7:00 p.m. at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
 Clerk of the Borough of Oceanport

CLERK'S CERTIFICATE

I, JEANNE SMITH, DO HEREBY CERTIFY that I am the Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on April 21, 2022 and finally adopted on May 19, 2022 and approved by the Mayor on _____, 2022.

2. After introduction, the bond ordinance was published as required by law on _____, 2022 in the _____ (the name of the newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor of the Borough and published as required by law on _____, 2022 in the

_____ (the name of the newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered, or repealed and said ordinance is now in full force and effect.

6. A certified copy of the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
Clerk of the Borough of Oceanport

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

“BOND ORDINANCE PROVIDING FOR VARIOUS 2022 GENERAL CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,740,500 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$212,800) AND AUTHORIZING THE ISSUANCE OF \$2,414,342 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF”,

there was available as a down payment for the improvements or purposes authorized by said bond ordinance \$113,358 from the capital improvement fund, which was available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of _____, 2022.

CATHERINE D. LAPORTA,
Chief Financial Officer

ORDINANCE #1054

BBOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND RELATED RECREATIONAL IMPROVEMENTS AT MARIA GATTA COMMUNITY PARK BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,809,523 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

APPROVED ON FIRST READING

DATED: April 21, 2022

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 19, 2022

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II

Mayor

**BOROUGH OF OCEANPORT
ORDINANCE NUMBER _____**

**BOND ORDINANCE PROVIDING FOR THE
CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND
RELATED RECREATIONAL IMPROVEMENTS AT MARIA
GATTA COMMUNITY PARK BY AND IN THE BOROUGH
OF OCEANPORT, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY; APPROPRIATING \$2,950,000
THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$2,809,523 BONDS OR NOTES TO FINANCE PART OF
THE COST THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF
THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF
NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively
concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Oceanport, in the County of Monmouth, State of New Jersey (the "Borough") as general capital improvements. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$2,950,000, which appropriation is inclusive of \$140,477 as the aggregate amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,950,000 appropriation not provided for

by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,809,523 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,809,523 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued, include, but are not limited to, the construction of turf fields at the Maria Gatta Community Park in and for the Borough and the acquisition and installation, as applicable, of all related capital equipment and the completion of all related recreational improvements.

(b) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto and all in accordance with the plans and specifications therefor on file in the Office of the Clerk of the Borough and available for public inspection and hereby approved.

(c) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$2,809,523.

(d) The aggregate estimated cost of said improvements or purposes is \$2,950,000, the excess thereof over the said estimated maximum amount of bonds or

notes to be issued therefor is the down payment available for said purposes in the aggregate amount of \$140,477.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth, and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from

time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Borough is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20.00 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,809,523 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, the full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. Unless paid from other sources, the obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this

bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: April 21, 2022

JEANNE SMITH,
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING
DATED: May 19, 2022

JEANNE SMITH,
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2022.

JOHN F. COFFEY, II,
Mayor

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY, that the attached Supplemental Debt Statement was prepared, executed and sworn to by Catherine D. LaPorta, the Chief Financial Officer of the Borough as of April 21, 2022, that such Supplemental Debt Statement was filed in my office on April 21, 2022 and with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs prior to May 19, 2022.

JEANNE SMITH,
Clerk of the Borough of Oceanport

**BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT
PUBLIC NOTICE
NOTICE OF PENDING BOND ORDINANCE AND SUMMARY**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a regular meeting of the governing body of the Borough of Oceanport, in the County of Monmouth, State of New Jersey conducted through virtual means due to the COVID-19 pandemic on April 21, 2022 in accordance with New Jersey law. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held either at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport or through virtual means on May 19, 2022 at 7:00 p.m. (instructions to attend or join and commenting at the Borough's meeting on that date are located at the Borough's website at <https://www.oceanportboro.com>). During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND RELATED RECREATIONAL IMPROVEMENTS AT MARIA GATTA COMMUNITY PARK BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,809,523 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Purpose(s): Construction Of Multi-Purpose Turf Fields At Maria Gatta Community Park And The Acquisition And Installation, As Applicable, Of All Related Capital Equipment And The Completion Of All Related Recreational Improvements

Appropriation: \$2,950,000

Bonds/Notes Authorized: \$2,809,523

Grant(s) Appropriated: N/A

Section 20 Costs: \$600,000

Useful Life: 20.00 years

JEANNE SMITH,
Clerk of the Borough of Oceanport

BOROUGH COUNCIL OF THE BOROUGH OF OCEANPORT
PUBLIC NOTICE
BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by Borough Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey on May 19, 2022 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND RELATED RECREATIONAL IMPROVEMENTS AT MARIA GATTA COMMUNITY PARK BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,809,523 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF

Purpose(s): Construction Of Multi-Purpose Turf Fields At Maria Gatta Community Park And The Acquisition And Installation, As Applicable, Of All Related Capital Equipment And The Completion Of All Related Recreational Improvements

Appropriation: \$2,950,000

Bonds/Notes Authorized: \$2,809,523

Grant(s) Appropriated: N/A

Section 20 Costs: \$600,000

Useful Life: 20.00 years

JEANNE SMITH,
Clerk of the Borough of Oceanport

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on April 21, 2022 at 7:00 p.m. at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
Clerk of the Borough of Oceanport

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the Borough Council of the Borough duly called and held on May 19, 2022 at 7:00 p.m. at the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the Borough Council and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
 Clerk of the Borough of Oceanport

CLERK'S CERTIFICATE

I, JEANNE SMITH, DO HEREBY CERTIFY that I am the Clerk of the Borough of Oceanport, in the County of Monmouth, State of New Jersey (the "Borough"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Borough. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Borough and the records relative to all resolutions and ordinances of the Borough. The representations made herein are based upon the records of the Borough. I DO HEREBY FURTHER CERTIFY THAT:

1. Attached hereto is the bond ordinance introduced on April 21, 2022 and finally adopted on May 19, 2022 and approved by the Mayor on _____, 2022.

2. After introduction, the bond ordinance was published as required by law on _____, 2022 in the _____ (the name of the newspaper).

3. Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Borough at the place where public notices are customarily posted, a copy of said ordinance or a summary thereof and a notice that copies of the ordinance would be made available to the members of the general public of the Borough who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

4. After final passage, the ordinance was duly approved by the Mayor of the Borough and published as required by law on _____, 2022 in the

_____ (the name of the newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

5. The ordinance has not been amended, added to, altered, or repealed and said ordinance is now in full force and effect.

6. A certified copy of the ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, as applicable.

7. The official seal of the Borough is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Borough as of this ____ day of _____, 2022.

(SEAL)

JEANNE SMITH,
Clerk of the Borough of Oceanport

DOWN PAYMENT CERTIFICATE

I, the undersigned Chief Financial Officer of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, DO HEREBY CERTIFY that prior to final adoption of the ordinance entitled,

“BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF MULTI-PURPOSE TURF FIELDS AND RELATED RECREATIONAL IMPROVEMENTS AT MARIA GATTA COMMUNITY PARK BY AND IN THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,950,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,809,523 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF”,

there was available as a down payment for the improvements or purposes authorized by said bond ordinance \$140,477 from the Open Space Trust Fund, which was available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand as of this ____ day of _____, 2022.

CATHERINE D. LAPORTA,
Chief Financial Officer

ORDINANCE

AN ORDINANCE BY THE BOROUGH COUNCIL AMENDING THE BOROUGH OF OCEANPORT CODE OF ORDINANCES TO REPEAL CHAPTER 229 FLOOD DAMAGE PREVENTION IN ITS ENTIRETY; TO ADOPT A NEW CHAPTER 229 FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of **Borough of Oceanport** and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the **Borough of Oceanport** was accepted for participation in the National Flood Insurance Program on **February 16, 1977** and the **Borough Council** desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65, and 70 necessary for such participation; and

WHEREAS, the **Borough of Oceanport** is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the **Borough of Oceanport** is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the **Borough of Oceanport** is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the **Borough Council** of the **Borough of Oceanport** that the following floodplain management regulations are hereby adopted.

SECTION 1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2. These regulations specifically repeal and replace the following ordinance(s) and regulation(s):
CHAPTER 229 FLOOD DAMAGE PREVENTION.**

SECTION 101 SCOPE AND ADMINISTRATION

- 101.1 Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter "Uniform Construction Code," consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter "FHACA"), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of **Borough of Oceanport** (hereinafter "these regulations").
- 101.2 Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.
- 101.3 Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas

through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the **Borough of Oceanport** administer and enforce the State building codes, the **Borough Council of Borough of Oceanport** does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

101.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

101.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

101.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be

afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

101.8.1 Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

101.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 102 APPLICABILITY

102.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

102.2 Establishment of Flood Hazard Areas. The Borough of Oceanport was accepted for participation in the National Flood Insurance Program on February 16, 1977

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Office of the Borough Engineer, Borough of Oceanport, 910 Oceanport Way, Oceanport, NJ 07757

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions) dated June 20, 2018 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective dates are September 25, 2009 revised on June 20, 2018 and June 15, 2022 are hereby adopted by reference.

Table 102.2(1)

Map Panel #	Effective Date	Revision Letter	Map Panel #	Effective Date	Revision Letter
34025C0183	06/20/2018	G	34025C0203	06/20/2018	G
34025C0184	06/15/2022	H			
34025C0191	09/25/2009	F			
34025C0192	09/25/2009	F			

- 2) **Federal Best Available Information. Borough of Oceanport** shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
34025C0183H	01/30/2015	34025C0203G	01/30/2015
34025C0184J	01/31/2014		
34025C0191G	01/30/2015		
34025C0192G	01/31/2014		

- 3) **Other Best Available Data. Borough of Oceanport** shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the **Borough of Oceanport**. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Turtle Mill Brook	SUPPIX 34	31
Turtle Mill Brook	SUPPIX 35	32
Parker's Creek	O0000061	Sheet 44
N Branch Parker's Creek	O0000062	Sheet 53
Parkers Creek	O0000060	Sheet 43
Wampum Brook	O0000065	Sheet 60
Parker's Creek	O0000074p	02p

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102.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus two feet or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus two feet of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus two feet of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.
- 3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus two feet of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 3 feet of freeboard in accordance with ASCE 24.

- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

SECTION 103 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- 103.1 Floodplain Administrator Designation.** The **Borough Engineer** is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.
- 103.2 General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.
- 103.3 Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.
- 103.4 Duties.** The duties of the Floodplain Administrator shall include but are not limited to:
- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
 - (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
 - (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
 - (4) Determine whether additional flood hazard data shall be obtained or developed.
 - (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
 - (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
 - (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
 - (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
 - (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
 - (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
 - (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.

(12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.

(13) Cite violations in accordance with Section 108 of these regulations.

(14) Notify the Federal Emergency Management Agency when the corporate boundaries of **Borough of Oceanport** have been modified.

(15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

103.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

103.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

103.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3 respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

103.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

103.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

103.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

103.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

103.12 Alterations in coastal areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

103.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

103.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.

- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of 5 years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

103.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

103.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 104 PERMITS

104.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 105 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.

(6) Be signed by the applicant or the applicant's authorized agent.

104.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

104.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

104.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 105 SITE PLANS AND CONSTRUCTION DOCUMENTS

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

105.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard

areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

105.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

105.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the

responsibility of the applicant.

SECTION 106 INSPECTIONS

106.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

106.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

106.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

106.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 107 VARIANCES

107.1 General. The **Planning Board** shall hear and decide requests for variances. The **Planning Board** shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The **Planning Board** has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

107.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

107.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and

materials that minimize flood damage during the base flood and create no additional threats to public safety.

107.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

107.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

107.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 VIOLATIONS

108.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that

documentation is provided.

- 108.2 Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.
- 108.3 Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.
- 108.4 Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$2,000.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 DEFINITIONS

- 201.1 General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

201.2 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

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

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

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in

connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

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

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or

supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

COASTAL A ZONE – An Area of Special Flood Hazard starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated similarly to V Zones/Coastal High Hazard Areas except as allowed by ASCE 24.

COASTAL HIGH HAZARD AREA – An Area of Special Flood Hazard inclusive of the V Zone extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEEP FOUNDATIONS – Per ASCE 24, deep foundations refer to those foundations constructed on erodible soils in Coastal High Hazard and Coastal A Zones which are founded on piles, drilled shafts, caissons, or other types of deep foundations and are designed to resist erosion and scour and support lateral and vertical loads as described in ASCE 7. Foundations shall extend to 10 feet below Mean Water Level (MWL) unless the design demonstrates that pile penetration will provide sufficient depth and stability as determined by ASCE 24, ASCE 7, and additional geotechnical investigations if any unexpected conditions are encountered during construction.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but not limited to, buildings or

other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

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

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Borough Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a

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

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LIMIT OF MODERATE WAVE ACTION (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the VE Zone and the LiMWA will be similar to, but less severe than those in the VE Zone.

LOCAL DESIGN FLOOD ELEVATION (LDFE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

LOWEST HORIZONTAL STRUCTURAL MEMBER - In an elevated building in a Coastal A or Coastal High Hazard Zone, the lowest beam, joist, or other horizontal member that supports the building is the lowest horizontal structural member. Grade beams installed to support vertical foundation members where they enter the ground are not considered lowest horizontal members.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements

necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – "Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The **Start of Construction is as follows:**

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA),** this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any

work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a five (5) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation includes the first improvement or repair of each structure subsequent to June 15, 2022. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

V ZONE CERTIFICATE - A certificate that contains a certification signed by a licensed design professional certifying that the designs, plans, and specifications and the methods of construction in V Zones and Coastal A Zones are in accordance with accepted standards of practice. This certificate also includes an optional Breakaway Wall Design Certification for enclosures in these zones below the Best Available Flood Hazard Data Elevation. A completed certification is required at permit application.

V ZONES – Areas of Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation in any given year shown on the Flood Insurance Rate Map (FIRM) zones V1-V30 and VE and is referred to as the Coastal High Hazard Area.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required

in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

SECTION 301 SUBDIVISIONS AND OTHER DEVELOPMENTS

301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

301.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 SITE IMPROVEMENT

401.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

401.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

401.2 Coastal High Hazard Areas (V Zones) and Coastal A Zones. In Coastal High Hazard Areas and Coastal A Zones:

- (1) New buildings shall only be authorized landward of the reach of mean high tide.
- (2) The placement of manufactured homes shall be prohibited except in an existing manufactured home park or

subdivision.

(3) Basements or enclosures that are below grade on all sides are prohibited.

(4) The use of fill for structural support of buildings is prohibited.

401.3 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

401.4 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

401.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

401.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

401.7 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

401.8 Limitations on sites in coastal high hazard areas (V Zones) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, alteration of sand dunes shall be permitted only when the engineering analysis required by Section 105.3(4) of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 801.9(3) of these regulations and as permitted under the NJ Coastal Zone Management Rules (N.J.A.C. 7:7).

401.9 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

SECTION 501 MANUFACTURED HOMES

501.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on permanent, reinforced foundations that are designed in accordance with Section R322 of the Residential Code.

501.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2.

501.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 RECREATIONAL VEHICLES

601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings.

SECTION 701 TANKS

701.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 801 OTHER DEVELOPMENT AND BUILDING WORK

801.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and

- ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

801.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

2) Construction and Elevation in V Zones and Coastal A Zones.

- a. All new construction and substantial improvements shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4 which are signed by a licensed design professional and certified by that individual in a V Zone Certificate.
- b. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in coastal high hazard areas shall have the lowest horizontal structural member, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
- c. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest horizontal structural member, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE 24 Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 4 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. All breakaway walls shall be constructed according to structural designs, plans and specifications conforming with ASCE 24 Chapter 4, signed by a licensed design professional, and certified by that individual in a Breakaway Wall Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
 - i. Be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited.
 - ii. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.2(c)ii are met;
 - iii. Be constructed to meet the requirements of ASCE 24 Chapter 4;
 - iv. Have openings documented on an Elevation Certificate and have breakaway wall construction documented on a Breakaway Wall Certificate unless the requirements of 801.2.2(c)ii are met for a

non-residential structure; and

- v. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:

1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

801.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

801.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

801.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

801.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

801.8 Other development in coastal high hazard areas (Zone V) and Coastal A Zones. In Coastal High Hazard Areas (V Zones) and Coastal A Zones, development activities other than buildings and structures shall be permitted only when also authorized by the appropriate Federal, State or local authority; when located outside the footprint of, and not structurally attached to, buildings and structures; and when analyses prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

- (2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the base flood or otherwise function to avoid obstruction of floodwater; and
- (3) On-site filled or mound sewage systems.

801.9 Nonstructural fill in coastal high hazard areas (Zone V) and Coastal A Zones. In coastal high hazard areas and Coastal A Zones:

- (1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
- (2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only when an analysis prepared by a licensed professional engineer demonstrates no harmful diversion of floodwater or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
- (3) Sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection where the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 901 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

901.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

901.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

901.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 UTILITY AND MISCELLANEOUS GROUP U

1001.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

1001.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 102.3.

1001.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

1001.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been

determined to be a substantial improvement by the Floodplain Administrator.

1001.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

1001.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 3. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 4. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and as otherwise provided for by law.

APPROVED ON FIRST READING

DATED: May 19, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: May 19, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING THE
RELEASE OF PERFORMANCE GUARANTEES TO AFFORDABLE HOUSING ALLIANCE
FOR THE PROJECT KNOWN AS OCEANPORT MANOR, 25 MAIN STREET**

Resolution #2022-109
05/19/22

WHEREAS, the Affordable Housing Alliance (Developer) posted Performance Guarantees for improvements of their facility at 25 Main Street located on Block 110, Lot 18.01, Borough of Oceanport; and

WHEREAS, the Developer has requested release of the Performance Guarantees now that the project has been completed; and

WHEREAS, William White, Borough Engineer, Colliers Engineering & Design, has reviewed and does not object to the release of the Performance Guaranty in the amount of \$99,992.40 entailing a bond amount of \$89,993.16 and \$9,999.24 posted in the form of a cash guarantee in a letter report dated May 5, 2022 supporting the waiver of a maintenance bond subject to the payment of all outstanding invoices from the Borough's professionals; and

WHEREAS, the Borough Council of the Borough of Oceanport has considered the request and the report of the Borough's Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that the Performance Guarantees plus any accumulated interest posted by the Developer is hereby authorized for release subject to the developer's satisfaction of the following conditions:

1. Satisfaction and payment of all outstanding escrow and inspection charges attributable to this project;
2. Developer's continued conformance with all requirements of the approvals governing the project and the directives of the Borough Engineer;

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to forward a certified copy of this Resolution accompanying correspondence from the Borough Engineer to the Affordable Housing Alliance, the Borough's Chief Financial Officer and Borough Engineer.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to issue a check to Affordable Housing Alliance for the total of cash performance guarantees posted for the project less any amounts necessary to satisfy outstanding escrow and inspection charges.

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



May 5, 2022

VIA EMAIL

Jeanne Smith, RMC, Borough Clerk
Borough of Oceanport
910 Oceanport Way
P. O. Box 370
Oceanport, NJ 07757

Monmouth Housing Alliance
Block 110, Lot 18.01
Performance Bond Release
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPC-109

Dear Ms. Smith,

Our office performed a site inspection of the above-referenced project for release of the Performance Guarantee. Please be advised that the bonded improvements were completed in 2018 and are 100% complete. Typically, the Borough requires a two-year maintenance bond in the amount of \$12,499.05 plus \$500.00 for Maintenance Bond inspection, copy of the estimate is attached. However, the work was completed over four (4) years ago and well beyond a typical maintenance period. Therefore, our office recommends release of the performance guarantees and waiving the Maintenance Bond requirement subject to the payment of all outstanding invoices from the Borough's professionals.

If you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

Colliers Engineering & Design

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

William H.R. White, III, PE, PP, CME, CFM, CPWM
Oceanport Borough Engineer

WHW/dmm
Enclosure

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One River Centre - Building Two
331 Newman Springs Road, Red Bank, NJ 07701
Tel: 732.383.1950 ■ Fax: 732.383.1984
www.maserconsulting.com

OPP-107

11/10/2009

BOND ESTIMATE
Monmouth Housing Alliance
25 Main Street

BLOCK 110, LOT 18.01
BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

Item	Description	Quantity	Unit	Unit Price	Total
	ON-SITE IMPROVEMENTS				
	Site Work				
1	Surface Course, Mix I-5, 1 1/2" Thick	64	TON	\$90.00	\$5,760.00
2	Base Course, Mix I-2, 2" Thick	85	TON	\$90.00	\$7,650.00
3	Dense Graded Aggregate, 6" Thick	710	SY	\$10.00	\$7,100.00
4	Concrete Curb	315	LF	\$15.00	\$4,725.00
5	Concrete Sidewalk	115	SY	\$45.00	\$5,175.00
	Drainage				
6	4" PVC Roof Drain	240	LF	\$12.00	\$2,880.00
	Landscaping & Lighting				
7	Deciduous Trees	10	EACH	\$300.00	\$3,000.00
8	Evergreen Trees	72	EACH	\$300.00	\$21,600.00
9	Deciduous Shrubs	23	EACH	\$50.00	\$1,150.00
10	Evergreen Shrubs	26	EACH	\$50.00	\$1,300.00
11	Perennials	16	EACH	\$2.00	\$32.00
12	Mulch	20	CY	\$32.00	\$640.00
13	Topsoil & Seed	600	SY	\$3.00	\$1,800.00
14	Single Mounted Pole	4	EACH	\$2,000.00	\$8,000.00
15	Wall Mounted Fixture	3	EACH	\$500.00	\$1,500.00
	Soil Erosion and Sediment Control				
16	Silt Fence	710	LF	\$3.00	\$2,130.00
17	Construction Pad Entrance	23	CY	\$30.00	\$690.00
	Miscellaneous				
18	Painted Handicap Symbol	1	EACH	\$125.00	\$125.00
19	Traffic Striping (4" Wide)	570	LF	\$0.50	\$285.00
20	Trash Enclosure	1	EACH	\$3,000.00	\$3,000.00
On-Site Subtotal					\$78,542.00

	OFF-SITE IMPROVEMENTS				
1	Surface Course, Mix I-5, 1 1/2" Thick	3	TON	\$90.00	\$270.00
2	Base Course, Mix I-2, 2" Thick	6	TON	\$90.00	\$540.00
3	Dense Graded Aggregate, 6" Thick	18	SY	\$10.00	\$180.00
4	Concrete Curb	80	LF	\$15.00	\$1,200.00
5	Concrete Sidewalk	35	SY	\$45.00	\$1,575.00
6	Concrete Apron	17	SY	\$60.00	\$1,020.00
Off-Site Subtotal					\$4,785.00

TOTAL: \$83,327.00

120% Performance Guarantee \$99,992.40

10% Cash Portion \$9,999.24

90% Bond Portion \$89,993.16

5% Construction Inspection \$4,166.35

15% Two Year Maintenance Bond \$12,499.05

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF AIDEN SMALLZE AS AN ADMINISTRATIVE ASSISTANT FOR THE
COURT OFFICE**

**Resolution #2022-110
05/19/22**

WHEREAS, there is a need in the Court Office for an administrative assistant to assist the Court Administrator with various duties; and

WHEREAS, Anne Tilly had previously been serving in the position but resigned for personal reasons; and

WHEREAS, the Court Administrator and Borough Administrator have recommended that the position be filled by Aiden Smallze,

NOW, THEREFORE, BE IT RESOLVED by the Oceanport Governing Body that Aiden Smallze is hereby appointed as a permanent part time Administrative Assistant to the Court Office at a salary of \$18 per hour in accordance with the Salary ordinance effective November 19, 2021.

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution to the Borough Administrator, Chief Financial Officer and the Payroll Department.

BE IT FURTHER RESOLVED, that this appointment is subject to compliance with Borough's Personnel Policies including background investigation.

MUNICIPAL COURT
Borough of Oceanport
910 Oceanport Way
Oceanport, New Jersey 07757

John A. Patti, JMC
T: 732-222-8222

Carol A. Smith, CMCA
Fax: 732-222-0904

May 4, 2002

Ref: part-time summer hire

Attn: Donna Phelps
Jeanne Smith

I am hiring Aiden Smallze for a part-time clerical position. He would be working as an Administrative Assistant approximately 5 hours three days a week. With a start date of May 19th at \$18 an hour.

Thank you



Carol Smith

Cf: John Patti, JMC

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING A CONTRACT FOR THE PURCHASE AND INSTALLATION OF TURF
ATHLETIC FIELDS AND ASSOCIATED IMPROVEMENTS IN MARIA GATTA COMMUNITY
PARK THROUGH A NATIONAL COOPERATIVE AGREEMENT WITH THE KEYSTONE
PURCHASING NETWORK**

**Resolution #2022-111
05/19/22**

WHEREAS, the Borough of Oceanport adopted Resolution #2021-213 authorizing participation with the Keystone Purchasing Network (KPN), a cooperative purchasing program organized pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-10, and

WHEREAS, the Local Public Contracts Law authorizes a municipality to acquire goods and services through a duly formed cooperative purchasing system without advertising for bids, and

WHEREAS, the Borough has authorized the project Maria Gatta Park Phase II for the installation of turf fields and associated improvements, and

WHEREAS, KPN has awarded a contract to FieldTurf USA, Inc., 175 N Industrial Blvd NE, Calhoun, GA 30701 (Contract #KPN-201801-01 01/18/2018-02/28/2023) for Outdoor Athletic Surfaces and the Borough desires to purchase Turf System Classic HD FTHD-2" with coolplay and associated services including drainage preparation for Maria Gatta Park in the amount of \$2,950,000.00.

WHEREAS, the Borough advertised a Notice of Intent to Award a Contract Under a National Cooperative Purchasing Agreement to FieldTurf USA, Inc. through the aforesaid Keystone Purchasing Network (KPN) (the "Notice"); and

WHEREAS, said Notice provides for a ten (10) day comment period ending June 1, 2022; and

WHEREAS, FieldTurf USA Inc has completed and submitted a Business Entity Disclosure Certification which certifies that FieldTurf USA Inc has not made any reportable contributions to a political or candidate committee in the Borough of Oceanport in the previous one year, and that the contract will prohibit FieldTurf USA Inc from making any reportable contributions through the term of the contract; and

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

1. The Purchasing Agent is hereby authorized to take any and all actions and execute any and all documents necessary to effectuate the procurement of the Turf System Classic HD FTHD-2" with coolplay and associated services through the Keystone Purchasing Network (KPN) (Contract #KPN-201801-01 01/18/2018-02/28/2023 to FieldTurf USA Inc.) for a total amount not to exceed \$2,950,000.00 at the expiration of the aforesaid comment period provided that no negative comments and/or objections have been filed with the Borough Clerk by the end of said comment period.
2. The within Resolution shall be subject to the Borough Chief Financial Officer's certification that funds are available for the stated purpose.
3. That the Borough Clerk has advertised a notice of intent to award a contract under a national cooperative purchasing agreement pursuant with N.J.S.A. 52:34-6.2(b)(3) and a comment period through June 1, 2022.
4. That the Purchasing Agent shall provide notification to the Office of the State Comptroller pursuant with N.J.S.A. 52:15C-10.
5. Pursuant with N.J.A.C. 17:44-2.2, the **contract and purchase order** to the vendor shall include the language "The vendor shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request".

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 there are sufficient funds available not to exceed \$2,950,000.00 for the stated purpose subject to the effective date and estoppel period of Bond Ordinance #1054

Catherine D. LaPorta, CFO

PRICING PROPOSAL

MARIA GATTA SYNTHETIC TURF FIELDS

March 9, 2022

FieldTurf is pleased to offer to supply and install the following high performance artificial infilled turf system. Pricing is based on The Keystone Purchasing Network (KPN) contract. KPN provides predetermined preferential pricing through approved vendors. Since the products have already been bid at the national level, individual schools do not have to duplicate the bidding process per KPN Contract # 201801-01.

Click on the following KPN hyperlink for contract due diligence documentation: [KPN Contract # 201801-01.](#)

BASE BID

FIELD NAME	Maria Gatta Soccer Fields #1, #2 and #3
TURF SYSTEM	FieldTurf Classic HD FTHD-2" with Coolplay
SQUARE FOOTAGE	262,200 SF (each field at 87,400 SF)
FIELD MARKINGS	Soccer
TOTAL PRICE	\$2,950,000

ALTERNATE PRICE

ADD Alternate No. 1:	LUMP SUM
Performance & Payment Bonds	ADD 1.5% to Contract Total

ADD Alternate No. 2: Genius	LUMP SUM
FieldTurf's price for the supply and installation of FieldTurf Genius which includes: - Two (2) Genius Sensors - Installation of the Genius Sensors - Training - Ten (10) Year Warranty on the Genius Sensors - Ten (10) Years Monitoring Included* - Annual Field Data	Add \$38,000

PRICING PROPOSAL

ADDITIONAL GENIUS INFORMATION:

The Genius system and its software dashboard will provide the following features:

- Live, accurate participation tracking of both areas.
- Alerts on maintenance requirements based on live usage data.
- Live report of maintenance performed (areas covered & time spent)
- Heat maps showing usage of the facility, updated automatically in line with maintenance.
- Graphs to map participation and identify trends in usage.
- Alerts to usage out of hours/ intruders

PRICE INCLUDES:

- a) Installation of the artificial in-filled grass surface upon a suitable base.
- b) (3) X Inlaid Soccer Markings;
- c) An 8 year 3rd party pre-paid insured warranty on the FieldTurf artificial grass surface.
- d) Furnish all labor, tools, materials and equipment required for the construction of Maria Gatta Synthetic Turf Field as per drawings 17751.001 MARIA GATTA SYNTHETIC TURF FIELDS revised 2022-02-28 drawings provided by French & Parrello Associates, sheets: 1-10, specifically limited too:

General Conditions			
	Mobilization	1	LS
	Demobilization	1	LS
	Bonds & Insurance	1	LS
	As-Built Drawings	1	LS
	Closeout Documents	1	LS
	O&M Manuals	1	LS
	Punchlist	1	LS
Survey			
	GPS Model	1	LS
	Site Stakeout	1	LS
	Final As-Built	1	LS
Soil Erosion Controls			
	Silt Fence	6,500	LF
	Construction Entrance	620	SY
	Inlet Filters (Bags)	20	U
Site Demolition			LS
	Remove Existing Concrete Sidewalks	15	SY

PRICING PROPOSAL

	Remove Existing Asphalt Pathway	320	SY
	Excavate & Remove Existing Broken Asphalt Pad	715	SY
	Milling, Existing HMA Driveway, Various Thickness	3,200	SY
	Remove Existing Gravel Driveway	525	SY
	Remove Signs	8	U
	Remove Gates	1	U
	Remove Train Tracks, 30 Feet worth of Track	1	LS
	Remove Bushes	1	LS
	Relocate Portable Soccer Goals	10	U
Earthwork & Grading Total LOD = 60,300 SY			
	Strip Topsoil from entire site	56,955	SY
	Rough Grading	1	LS
	Fine Grade Three (3) Fields	29,340	SY
	Detention Basin Grading (4,300 SY)	1	LS
Retaining Walls, Fencing & Netting System			
	Modular Block Retaining Wall (incl. 4" HDPE pipe behind wall)	320	SF
	Modular Block Wall PE Design	1	LS
	Split Rail Fence, 4' High w Chain Link Mesh	1,320	LF
	Split Rail Fence Gate, 4' High x 10' Wide w/ Chain Link Mesh	1	Unit
	Sleeve-It Fence Foundations	11	U
	Chain Link Fence, 4' High Black Vinyl - OMITTED		
	15' High Netting System, 20' Pole Spacing with Ground Sleeves	460	LF
Storm Drainage			
	8" Perforated HDPE Pipe (include stone trench)	1,096	LF
	12" Perforated HDPE Pipe (include stone trench)	493	LF

PRICING PROPOSAL

	15" Perforated HDPE Pipe (include stone trench in field)	3,540	LF
	15" Solid HDPE Pipe	463	LF
	18" Solid HDPE Pipe	68	LF
	18" HDPE Flared End Section	3	U
	1"x12" ADS Flat Panel Drain	11,800	LF
	15" HDPE 90's	9	U
	15" HDPE Tees	3	U
	15" HDPE 45's	1	U
	Inlet, 2'x2' Yard Drain (Precast with square top)	12	U
	Inlet, Type E	2	U
	Storm Manhole (w/open grate) (Under 5' deep)	4	U
	Outlet Control Structure	2	U
	Preformed Scour Hole, d50=4", 8" Thick (2 holes)	19	SY
	Concrete Low Flow Channel IN Basin, 4" Thick x 48" Wide	255	SY
	Stormtank System - OMITTED		
Synthetic Turf Fields			
	6"x12" Concrete Vertical Curb w/ Two (2) #4's at 8" OC top and bottom	3,672	LF
	2"x4" Pressure Treated Turf Nailer	3,672	LF
	Geotextile Fabric (Mirafi 140N) Added 15% for overlap and drainage trench in field	33,750	SY
	4" Thick Aggregate Base Course, NJDOT #57 Stone	29,350	SY
	2" Thick Finish Stone, NJDOT #8	29,350	SY
	Portable Soccer Goals - OMITTED		
	Corner Flags - OMITTED		
Flatwork			
	HMA Walkway, I-5 Surface Course, 2" Thick	680	SY
	HMA Walkway, DGA Subbase Course, 4" Thick	765	SY
	Concrete Wheelstops - OMITTED		

PRICING PROPOSAL

	Concrete Bleacher Pads, Reinforced, 6" Thick	222	SY
Standard Asphalt Pavement Driveway	OMITTED		
	HMA 9.5M64 Surface Course, 2" Thick		
	Tack Coat		
	HMA 19M64 Base Course, 4" Thick		
	Dense Graded Aggregate Subbase Course, 6" Thick		
Topsoil, Fertilizing, Seeding & Matting			
	Respread Existing Topsoil	3,100	SY
	Hydroseed Lawn	3,100	SY
	Shrubs - Plantings: - OMITTED		
Traffic Striping & Signage	OMITTED		
	ADA Parking Signs		
	4" Wide Parking Lines, 18' Long Lines Plus ADA Crosshatch in 1 stall		
	ADA Parking Symbols		

PRICE DOES NOT INCLUDE:

- a) Design Related Services
- b) Any costs associated with necessary charges relating to the delineation of the field.
- c) Unless otherwise specified, the price does not include any G-max testing.
- d) Any alteration or deviation from specifications involving extra costs, which alteration or deviation will be provided only upon executed change orders, and will become an extra charge over and above the offered price.
- e) Site security.
- f) Grow-in, maintenance of restored areas
- g) Permit fees, Inspection fees.
- h) Excavation or removal of contaminated/ impacted soils
- i) Testing or inspection fees if required
- j) Delays due to Covid-19 shutdowns or supply chain disruptions
- k) A vehicle to tow FieldTurf maintenance equipment.
- l) Performance and Payment Bond fees.

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- m) All applicable union labor and other labor law levies.
- n) Owner to provide Tax Exempt Certification.
- o) Taxes
- p) Any additional markings and/or logos not listed in the inclusions
- q) Chain Link Fencing
- r) Portable Soccer Goals
- s) Corner Flags
- t) Asphalt Pavement Driveway
- u) Concrete Wheelstops
- v) Traffic Striping or Signage
- w) Plantings, Shrubs or any other landscaping
- x) Athletic field lighting, fixtures and/or foundations
- y) Topsoil stabilization matting
- z) Any work not listed in the inclusions

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The price is valid for a period of 90 days. The price is subject to increase if affected by an increase in raw materials, freight, or other manufacturing costs, a tax increase, new taxes, levies or any new legally binding imposition affecting the transaction. The parties recognize that the impacts of the COVID-19 pandemic are currently unpredictable and could lead to limitations in labor availability and delays in the supply and delivery of materials, equipment or products. In addition, as these contingencies have not been factored into this proposal; materials, equipment and/or products to be used in performing the work may become subject to a price increase. Accordingly, it is acknowledged that the seller/FieldTurf shall (a) not be subject to any damages for any delay due to events beyond its control and, (b) be allowed an equitable adjustment of the time and/or of the price of this proposal or any contractual document resulting therefrom. Please note that the seller/FieldTurf shall use its best efforts to ensure that it fulfills its commitments and will strive to minimize any negative impacts as they may arise. Thank you for your kind understanding.

Please feel free to reach out to any member of our project team with questions about our offer:

Kamala Kanhoye
Project Manager
1 (514) 375-5612

Kamala.Kanhoye@fieldturf.com

Perry DiPiazza
Regional Sales Manager
1 (201)776-7767

Perry.DiPiazza@external.fieldturf.com

Thank you again for your interest in FieldTurf, we look forward to working with you.

Per:



Marie-Christine Raymond, Director of Operations
FieldTurf USA, Inc.

**FieldTurf USA, Inc. holds the Cooperative Purchase contract, any PO for Contract must be made out to FieldTurf USA, Inc.
175 N Industrial Blvd NE. Calhoun, GA 30701**

If you have questions regarding the FieldTurf and Beynon SmartBuy Cooperative Purchasing Program, please contact Eric Fisher
at: Eric.Fisher@smartbuycooperative.com.



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CONDITIONS

Notwithstanding any other document or agreement entered into by FieldTurf in connection with the supply and installation only of its product pursuant to the present bid proposal, the following shall apply:

- a) This bid proposal and its acceptance is subject to strikes, accidents, delays beyond our control and *force majeure*.
- b) FieldTurf's preferred payment terms are as follows: (i) 50% of the Price upon Customer's execution of contract; (ii) 40% of the Price upon shipment of materials from FieldTurf's manufacturing facility; and (iii) Remaining balance of ten percent (10%) upon substantial completion of the field, which shall be achieved when Customer is able to use the field for its intended purpose, even if punchlist items remain and the Certificate of Completion has not been executed by Customer.
- c) Accounts overdue beyond 30 days of invoice date will be charged at an interest rate of 10% per annum.
- d) FieldTurf requires a minimum of 21 days after receiving a fully executed contract or purchase order and final approvals on shop drawings to manufacture, coordinate delivery and schedule arrival of installation crew. Under typical field size and scenario, FieldTurf further requires a minimum of 28 days per field to install the Product subject to weather and force majeure
- e) FieldTurf requires a suitable staging area. Staging area must be square footage of field x 0.12, have a minimum access of 15 feet wide by 15 feet high, and, no more than 100 ft from the site. A 25 foot wide by 25 foot long hard or paved clean surface area located within 50 feet of the playing surface shall be provided for purposes of proper mixing of infill material. Access to any field will include suitable bridging over curbs from the staging area to permit suitable access to the field by low clearance vehicles. Staging area surface shall be suitable for passage with motor vehicles used to transport materials to the site and/or staging area. FieldTurf shall not be liable for any damages to the staging area or its surface unless such damages are caused by FieldTurf's intentional misconduct or negligence.
- f) This proposal is based on a single mobilization. If the site is not ready and additional mobilizations are necessary, additional charges will apply.
- g) Upon substantial completion of FieldTurf's obligations, the Customer shall sign FieldTurf's Certificate of Completion in the form currently in force; to accomplish this purpose, the Customer will ensure that an authorized representative is present at the walk-through to determine substantial completion and acceptance of the field, which may include a list of punch list items.
- h) FieldTurf shall not be a party to any penalty clauses and/or liquidated damages provisions.
- i) FieldTurf shall be entitled to recover all costs and expenses, including attorney fees, associated with collection procedures in the event that FieldTurf pursues collection of payment of any past due invoice.
- j) All colors are to be chosen from FieldTurf's standard colors.

THE TARKETT SPORTS FAMILY - LEADERS IN SPORTS SURFACING



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

**Resolution #2022-112
05/19/22**

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:

Personnel Matters - N.J.S.A. 10:4-12(b)(8)
Construction Department

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