BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA ● MAY 3, 2018

Workshop | **Maple Place School** | **7:00 PM**

2 Maple Place, Oceanport, NJ 07757

I. Meeting Called to Order

II. Statement of Compliance with Open Public Meeting Act:

This meeting complies with the Open Public Meetings Act by notification on January 2, 2018 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute

IV. Invocation

V. Roll Call

VI. Resolutions

#2018-79 Resolution authorizing payment of BILL LIST 05-03-2018

#2018-80 Resolution authorizing solicitation of bids for court improvements

VII. Administrator's Report

1. Resolution authorizing waiver of Budget Reading in Full
2. Resolution Authorizing Refund for Overpayment, Block 8, Lot 13.01
3. Resolution Setting the Fees for 2018 Summer Action Camp
4. Resolution Appointments to Board & Committees
5. Resolution Authorizing a Reduction in Performance Guarantees for RPM Development Group
6. Resolution authorizing a contract with Shore BOE for Student Transportation
7. Amendment to Flood Damage Prevention Ordinance
8. Mayor & Council - Workshop - Apr 5, 2018 7:00 PM
9. Mayor & Council - Regular Meeting - Apr 19, 2018 7:00 PM

VIII. Discussion Items

1. Transportation of High School Students for 2018-2019 School Year
2. Use of Vehicles Policy, Councilman Solan
3. Budget Preparation Policy, Council President Irace
4. Personnel Policy & Employee Handbook, Council President Irace
5. Borough Administrator Job Description, Council President Irace

IX. Mayor's Report

X. Petitions from the Public

XI. Executive Session

#2018-81 Resolution authorizing an Executive Session

Litigation, Negotiations and the Attorney Client Privilege N.J.S.A. 10:4-12(b)(7)
Utility Repairs & Service Contracts
FMERA/Status of transactions for Oceanport parcels

XII. Adjournment

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING PAYMENT OF BILL LIST FOR MAY 3, 2018

Resolution #2018-79
05/3/18

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of May 3, 2018.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated May 3, 2018 totaling $2,134,942.12 .

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

I certify that the foregoing Resolution #2018-79 was adopted by the Oceanport Governing Body at the Regular Meeting held May 3, 2018

JEANNE SMITH, RMC
BOROUGH CLERK

BOROUGH OF OCEANPORT
BILL LIST

3-May-18

PAYEE	AMOUNT
PAYROLL ACCOUNT	$116,832.00 8TH PAY $231.42 DCRP
CAPITAL TRUST TOTAL	$23,333.00
DOG REGISTRY TOTAL	$0.00
TRUST OTHER TOTAL	$500.00
ESCROW TRUST TOTAL	$1,225.25
OPEN SPACE TRUST TOTAL	$1,841.20
SUI	$0.00
2017 VOUCHERS PAID THIS MEETING	$5,204.99
2018 VOUCHERS PAID THIS MEETING	$1,985,774.26
TOTAL	**$2,134,942.12**

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

Report Printed *2018-04-27 10:39:08* **BOROUGH OF OCEANPORT**

List of Bills - (All Funds)

Vendor		Description	Payment	Check Total
		Current Fund		
1009 - **ADP, INC**	PO 882	PAYROLL ENDING - 04/04/2018	288.94	**288.94**
1017 - **AMERICAN WEAR, INC**	PO 844	MARCH UNIFORM RENTAL	222.60	**222.60**
1024 - **ATLANTIC TACTICAL**	PO 564	OLD PO#17-01590; UNIFORM PURCHASE F	340.88	**340.88**
1034 - **BORO PRINTING, INC**	PO 835	Office Supplies	106.00	**106.00**
1472 - **BOROUGH OF EATONTOWN**	PO 806	BRUSH COMPOST SERVICES - INTERLOCAL	342.00	**342.00**
1042 - **C&S ELECTRICAL CONTRACTOR, INC**	PO 839	FUTURE BORO HALL/POLICE DEPT BUILDI	3,563.00	
	PO 838	Electrical Services, 282 Hildreth A	129.00	**3,692.00**
1047 - **CENTRAL JERSEY HEALTH INSURANC**	PO 875	HEALTH INSURANCE - MAY 2018	68,595.00	**68,595.00**
1054 - **CITY OF LONG BRANCH**	PO 675	FUEL - FEBRUARY 2018	3,817.56	**3,817.56**
1055 - **CLARKE CATON HINTZ CORP**	PO 848	OLD PO #17-01175; Land Use Ordinanc	739.29	
	PO 847	OLD PO #17-01175; Land Use Ordinanc	258.70	
	PO 821	OLD PO #17-01175; Land Use Ordinanc	107.12	**1,105.11**
1059 - **COMCAST BUSINESS**	PO 862	POLICE - PHONE & INTERNET	688.77	**688.77**
1060 - **COMCAST BUSINESS COMMUNICATION**	PO 855	BORO HALL - INTERNET & PHONE	551.77	**551.77**
1446 - **DIRECT ENERGY BUSINES**	PO 853	PAP - 433 MYRTLE	283.31	**283.31**
1081 - **DRAGER SAFETY DIAGNOSTICS INC**	PO 576	ALCOTEST EQUIPMENT - ANNUAL CERTIFI	179.00	
	PO 763	ALCOTEST REPLACEMENT JARS	39.50	**218.50**
1091 - **ELIZABETH C. McKENZIE,PP,PA**	PO 879	MOUNT LAUREL LITIGATION	315.79	**315.79**
1127 - **GLUCK WALRATH LLP**	PO 797	AFFORDABLE HOUSING/COAH	1,044.04	**1,044.04**
1136 - **GROFF TRACTOR OF NJ LLC**	PO 833	FAN BELT/TRANSMISSION FLUID - LOADE	230.36	**230.36**
1153 - **JERSEY CENTRAL POWER & LIGHT**	PO 857	TRAFFIC LIGHTING	422.82	
	PO 856	STREET LIGHTING	996.21	**1,419.03**
1154 - **JOANNE HUNT**	PO 886	Reimbursement for Easter Egg Hunt s	67.00	**67.00**
1158 - **JOHN'S AUTO & TRUCK REPAIR LLC**	PO 842	REPAIRS TO GARBAGE TRUCK	5,980.32	**5,980.32**
1195 - **MASER CONSULTING, P.A.**	PO 914	GENERAL ENGINEERING - MARCH 2018	4,750.00	**4,750.00**
1210 - **MID-MON MUTUAL AID ASSOCIATION**	PO 390	Midmonmouth Mutual aid Dues	205.00	**205.00**
1211 - **MILLENNIUM STRATEGIES LLC**	PO 825	GRANT WRITING SERVICES FOR MARCH	1,500.00	**1,500.00**
1222 - **MONMOUTH COUNTY TREASURER**	PO 894	2ND QUARTER 2018 COUNTY TAXES	761,548.41	
	PO 893	2ND QUARTER 2018 LIBRARY TAXES	53,357.73	
	PO 892	2ND QUARTER 2018 HEALTH TAXES	15,363.85	
	PO 891	2ND QUARTER 2018 OPEN SPACE TAXES	44,735.24	**875,005.23**
1241 - **NAPA AUTO PARTS (#15456)**	PO 831	DPW SUPPLIES	240.85	**240.85**
1245 - **NJ AMERICAN WATER CO**	PO 863	WATER SERVICE - PARKS/BLDGS	225.58	**225.58**
1251 - **NJ NATURAL GAS CO**	PO 873	TOHICON - LIBRARY	150.27	**150.27**
1261 - **OCEANPORT BOARD OF EDUCATION**	PO 889	MAY TAX REMITTANCE	761,284.75	**761,284.75**
1310 - **RYSER'S LANDSCAPE SUPPLY INC**	PO 827	LEAF RAKES	156.00	**156.00**
1323 - **SHORE REGIONAL HIGH SCHOOL**	PO 890	MAY TAX REMITTANCE	248,688.00	**248,688.00**
1334 - **STAVOLA ASPHALT COMPANY, INC**	PO 850	COLD PATCH	211.50	**211.50**
1400 - **STREET COP TRAINING**	PO 364	Pro-Active Patrol tactics	398.00	**398.00**
1339 - **SUPPLIES MASTER, INC**	PO 826	PLUNGER	4.39	**4.39**
1341 - **TARGETED TECHNOLOGIES LLC**	PO 900	MAINTENANCE FOR MAY	2,469.00	
	PO 899	MAIL ARCHIVING - MAY	216.00	**2,685.00**
1348 - **THE HOME DEPOT**	PO 869	GARDEN HOSES	119.96	**119.96**
1349 - **THE LINK NEWS, INC**	PO 808	ADVERSTISING - PENDING ORD 986 & AD	27.36	**27.36**
1447 - **TREASURER STATE OF NJ**	PO 907	1ST QUARTER 2018 MARRIAGE/CIVIL UNI	150.00	**150.00**
1361 - **TREASURER: STATE OF NJ**	PO 871	1ST QUARTER 2018 CONSTRUCTION FEES	4,330.20	**4,330.20**
1369 - **TRIUS, INC**	PO 767	BLADE, STEEL, SHP	384.00	**384.00**
1373 - **TWO RIVER WATER RECLAMATION**	PO 861	SEWER BILLS FOR DIFFERENT LOCATIONS	360.00	**360.00**
1384 - **V.E. RALPH, INC**	PO 786	OXYGEN MASKS/GLOVES	331.50	**331.50**
1387 - **VERIZON**	PO 864	LIBRARY - FIRE ALARM MONITORING	268.65	**268.65**
1392 - **W.B. MASON CO, INC**	PO 840	SUPPLIES FOR VARIOUS DEPARTMENTS	194.03	**194.03**
		Capital Fund		
1347 - **THE GOLDSTEIN PARTNERSHIP**	PO 915	OLD PO#17-01280; ARCHITECTURAL SERV	23,333.00	**23,333.00**
		OPEN SPACE TRUST		
1129 - **GOOSE CONTROL TECHNOLOGY**	PO 789	CONTROL CONTROL SERVICES 2018	1,500.00	**1,500.00**
1477 - **JASON HIMICH**	PO 819	REFUND OF FIELD USE PERMIT FEES - G	50.00	**50.00**
1157 - **JOHNNY ON THE SPOT INC**	PO 724	MARIA GATTA PARK - RESTROOMS - MAR	291.20	**291.20**
		OTHER TRUST		
1234 - **MONMOUTH WIRE & COMPUTER**	PO 807	MARCH RECYCLING	500.00	**500.00**
		DEVELOPERS ESCROW TRUST		
1195 - **MASER CONSULTING, P.A.**	PO 913	159 MONMOUTH BLVD - PLOT PLAN - CAT	125.00	
	PO 912	523 PORT AU PECK AVENUE; CATALOG #7	81.50	
	PO 911	43 WERAH PLACE; CATALOG #7764520077	163.00	
	PO 910	FAMILY PROMISE; CATALOG #7764520233	489.00	
	PO 909	FT MONMOUTH FITNESS CENTER; CATALOG	285.25	

List of Bills - (All Funds)

Vendor	Description	Payment	Check Total
	PO 908 ITHACA AVE; CATALOG #7764520259	81.50	**1,225.25**
TOTAL			**2,017,878.70**

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	1,990,979.25
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,967.54			
01-201-20-130-200	FINANCIAL ADMINISTRATION OE	869.48			
01-201-20-155-200	LEGAL SERVICES OE	1,359.83			
01-201-20-165-200	BOROUGH ENGINEER OE	4,750.00			
01-201-22-195-200	CONSTRUCTION CODE OE	9.02			
01-201-23-210-202	HEALTH	64,754.00			
01-201-23-210-203	DENTAL	3,841.00			
01-201-25-240-200	POLICE OE	398.00			
01-201-25-260-200	FIRST AID ORGANIZATION OE	331.50			
01-201-25-265-200	FIRE DEPARTMENT OE	205.00			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	342.00			
01-201-26-300-271	REPAIRS	5,980.32			
01-201-26-300-273	SUPPLIES	1,135.56			
01-201-26-300-277	BITUMINOUS CONCRETE	211.50			
01-201-26-300-281	UNIFORM RENTAL	222.60			
01-201-27-331-200	SUPERSTORM SANDY	1,500.00			
01-201-31-430-200	UTILITES	3,817.56			
01-201-31-430-203	TELEPHONE	935.74			
01-201-31-430-204	New Jersey American Water	225.58			
01-201-31-430-205	NATURAL GAS	433.58			
01-201-31-430-206	UTILITIES-SEWER	360.00			
01-201-31-430-207	STREET LIGHTING	1,419.03			
01-201-43-490-200	MUNICIPAL COURT OE	28.74			
01-203-21-180-300	(2017) MRT & BORO PROP PLAN FEES OE		1,105.11		
01-203-25-240-200	(2017) POLICE OE		340.88		
01-203-26-310-200	(2017) PUBLIC BUILDINGS & GROUNDS OE		3,692.00		
01-203-28-371-200	(2017) PARKS AND PLAYGROUNDS OE		67.00		
01-206-55-000-046	REGIONAL SCHOOL TAX			248,688.00	
01-207-55-000-045	LOCAL SCHOOL TAX			761,284.75	
01-208-55-000-039	COUNTY TAX PAYABLE			761,548.41	
01-208-55-000-041	COUNTY OPEN SPACE TAX			44,735.24	
01-208-55-000-042	COUNTY HEALTH TAX			15,363.85	
01-208-55-000-043	COUNTY LIBRARY TAX			53,357.73	
01-218-55-000-028	DUE STATE-MARRIAGE LICENSES			150.00	
01-218-55-000-030	DUE TO STATE - CONSTRUCTION FEES			4,330.20	
01-500-70-100-010	APPROP.RES-DDEF			218.50	
TOTALS FOR	**Current Fund**	**96,097.58**	**5,204.99**	**1,889,676.68**	**1,990,979.25**
04-101-01-100-011	CAPITAL CASH - TD			0.00	23,333.00
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970			23,333.00	
TOTALS FOR	**Capital Fund**	**0.00**	**0.00**	**23,333.00**	**23,333.00**
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	1,841.20
06-270-00-500-020	RESERVE FOR OPEN SPACE			1,841.20	
TOTALS FOR	**OPEN SPACE TRUST**	**0.00**	**0.00**	**1,841.20**	**1,841.20**
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	500.00
60-270-55-600-206	RES FOR RECYCLING			500.00	
TOTALS FOR	**OTHER TRUST**	**0.00**	**0.00**	**500.00**	**500.00**

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	1,225.25
61-270-55-600-205	RES.FOR DEV.ESCROW			1,225.25	
TOTALS FOR	**DEVELOPERS ESCROW TRUST**	**0.00**	**0.00**	**1,225.25**	**1,225.25**

Total to be paid from Fund 01 Current Fund	1,990,979.25
Total to be paid from Fund 04 Capital Fund	23,333.00
Total to be paid from Fund 06 OPEN SPACE TRUST	1,841.20
Total to be paid from Fund 60 OTHER TRUST	500.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	1,225.25
	2,017,878.70

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING THE BOROUGH'S SPECIAL PROJECT ENGINEER MOTT MCDONALD TO PROCEED WITH THE BIDDING PROCESS FOR THE IMPROVEMENTS AT BLACKBERRY BAY AND COMMUNITY CENTER PARKS

Resolution #2018-80
05/3/18

WHEREAS there are funds appropriated through the Open Space Trust to provide for improvements to the tennis and basketball courts at Blackberry Bay Park and Community Center Park as well as a fence for Community Center Park.

WHEREAS, the Borough's Special Project Engineer has been retained to provide the specifications and provide bidding services for said project.

NOW THEREFORE BE IT RESOLVED that Mott McDonald be authorized to prepare bid specifications and go out to bid for the improvements to the tennis and basketball courts at Blackberry Bay Park and Community Center Park as well as a fence for Community Center Park.

I certify that the foregoing Resolution #2018-80 was adopted by the Oceanport Governing Body at the Regular Meeting held May 3, 2018

_____
JEANNE SMITH, RMC
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING A WAIVER OF READING IN FULL THE 2018 MUNICIPAL BUDGET

Resolution

WHEREAS, the public hearing for 2018 Municipal Budget is scheduled for May 17, 2018; and

WHEREAS, the Governing Body of the Borough of Oceanport desires to read the 2018 Municipal Budget by title only at the time of the public hearing and adoption of said budget; and

WHEREAS, the Governing Body of the Borough of Oceanport has caused the 2018 Municipal Budget to be posted in a public place in the Borough Hall of the Borough of Oceanport and in the Free County Library at least seven (7) days prior to the date of the public hearing; and

WHEREAS, said budget was made available to any person requesting to review same at least seven (7) days prior to the public hearing scheduled for the 2018 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 2018 Municipal Budget by its title only at the public hearing at the time of the adoption of the budget and hereby declares that the conditions set forth in N.J.S.A. 40A:4-8, Subsection 1.a and 1.b have been met therewith.

Exhibit A

CERTIFICATION

I, Jeanne Smith, Borough Clerk of the Borough of Oceanport do hereby certify that I have caused to be posted in the Borough Hall and delivered to the Free County Library a copy of the 2018 Municipal Budget at least seven days prior to the public hearing of May 17, 2018. I further certify that I have made the 2018 Municipal Budget available to any person requesting same at least seven days prior to the public hearing of May 17, 2018.

_____

JEANNE SMITH
BOROUGH CLERK

RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING REFUND FOR OVERPAYMENT OF
PROPERTY TAXES
BLOCK 8, LOT 13.01 ALSO KNOWN AS 88 IROQUOIS AVENUE

Resolution

WHEREAS, the following property is due a refund due to an overpayment from the property owner; 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 due to a double payment from the property owner as follows:

Block 8 Lot 13.01	Robert & Lisa Sussman	2018	$3,334.73

RESOLUTION OF THE BOROUGH OF OCEANPORT
SETTING THE FEES FOR 2018 SUMMER ACTION CAMP

Resolution

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

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

WHEREAS, the Parks and Recreation Committee has made a recommendation for the setting of fees for the 2018 session:

NOW THEREFORE BE IT RESOLVED, that the Borough Council hereby sets the fees for the 2018 Summer Action Camp as follows:

EARLY REGISTRATION May 1 - June 15	
Resident	$190.00
Resident Sibling	$175.00
Non-Resident	$225.00
REGISTRATION AFTER June 15th	
Resident	$215.00
Resident Sibling	$200.00
Non-Resident	$250.00

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

From: Oceanport Recreation
To: Jeanne Smith
Cc: Raymond Poerio
Subject: Action Camp
Date: Monday, April 2, 2018 1:33:38 PM

Jeanne-
per the minutes of the February 2018 meeting. Here is our recommendation to Council for 12018 Action camp fees:

5/1/ to 6/15 $190.00 per camper "early fee"
After 6/15 $215 is regular price.

Joanne

Joanne G. Hunt

Recreation Coordinator

Borough of Oceanport

315 East Main Street

Oceanport, NJ 07757

Tel: 732.222.8221

Cell: 732.539.4226

Fax: 732.222.0904

RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENTS TO BOARDS AND COMMITTEES

Resolution

BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, that the following recommended appointments be made by the Mayor with advice and consent of Council:

HISTORICAL COMMITTEE

Debra Sharkey	One-year unexpired term ending 12/31/2018

**RESOLUTION OF THE BOROUGH OF OCEANPORT
MONMOUTH COUNTY, STATE OF NEW JERSEY
AUTHORIZING REDUCTION TO THE PERFORMANCE GUARANTEES
POSTED BY RPM DEVELOPMENT GROUP FOR BLOCK 110.02, LOT
1 ALSO KNOWN AS THE NORTH POST OFFICER'S HOUSING**

Resolution

WHEREAS, RPM Development Group has requested a Reduction of the Performance Guarantee posted for RPM Development - North Post Officer's Housing located on Block 110.02, Lot 1, Borough of Oceanport; and

WHEREAS, the following Performance Guarantee is currently in place:

1. Cash Guarantee in the amount of $79,356.54.
2. Surety Performance Bond in the amount of $714,208.86

WHEREAS, Robert R. Keady, Jr., Conflict Engineer, T&M Associates, has reviewed and approved the reduction of the Performance Guarantee in a letter report dated April 23, 2018 in the following amount:

1. Reduction of the Performance Bond to not less than $425,213.28
2. Reduction of the Cash Guarantee to not less than $47,245.92

WHEREAS, the Borough Council of the Borough of Oceanport has considered the application and the report of the Borough's Conflict Engineer for this project;

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 Guarantee is hereby reduced from $714,208.86 to not less than $425,213.28 in the form of a performance bond and the Cash Guarantee to not less than $47,245.92.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign or issue any appropriate documentation to give effect to the within resolution.

YOUR GOALS. OUR MISSION.

OPRT-R0210

April 23, 2018
Via Email (jsmith@oceanportboro.com)

Jeanne Smith, Planning Board Secretary
Borough of Oceanport
315 E. Main Street
Oceanport, NJ 07757

RE: Application #PB 2015-11
RPM Development – North Post
Block 110.02, Lot 1
Preliminary & Final Major Site Plan & Subdivision
Performance Bond Estimate – 2ND REVISED

Dear Ms. Smith:

Attached is a copy of the Performance Guarantee Estimate – REVISED PER MLUL for the above referenced site plan and subdivision based on plans prepared by MidAtlantic Engineering Partners, consisting of thirty-two (32) sheets, dated March 6, 2015, last revised April 27, 2016.

Bonds are required to be posted as follows:

	Cash	90% Surety	Inspection Fee
• Performance Guarantee	$47,245.92	$425,213.28	$34,092.33

Please note that the water and sanitary sewer work has not been included as they will not be Borough owned utilities.

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

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, JR., P.E., C.M.E.
OCEANPORT BOROUGH SPECIAL PROJECTS ENGINEER

_____
CLAIRE K. PETRUZZELLA, P.E., P.P., C.M.E.
PRINCIPAL ENGINEER

CKP:EST
c: Raymond T. Poerio, Borough Administrator (via email: rpoerio@oceanportboro.com)
Rick J. DeNoia, Esq., Board Attorney (via email: DeNoiaLaw@aol.com)
Brendan McBride, RPM Development, LLC, Applicant (via email: bmcbride@rpmdev.com)
James E. Berube, Jr., Applicant's Attorney (via email: jeb@jamesberubelaw.com)
Louis L. Zuegner IV, P.E., Applicant's Engineer (via email: llz@midlanticeng.com)

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11 TINDALL ROAD
MIDDLETOWN, NJ 07748

PERFORMANCE GUARANTEE AND INSPECTION ESCROW ESTIMATE
REVISED PER MLUL

TITLE:	**RPM DEVELOPMENT NORTH POST** BLOCK 110.02 LOT 1		
JOB NUMBER:	OPRT-I0210	**AMOUNT:**	$288,130.50
BY:	EST	**APPLICANT:**	RPM DEVELOPMENT, LLC
DATE:	5/12/2016 ***REV 4/23/18***		77 PARK STREET
MUNICIPALITY:	BOROUGH OF OCEANPORT		MONTCLAIR, NJ 07042

PRIVATE SITE IMPROVEMENTS (NOT BONDED)

No.	ITEM DESCRIPTION	QTY	UNIT	PRICE	COST
	DEMOLITION AND SITE PREPARATION				
1	REMOVE CONCRETE SIDEWALK	1,570	LF	$5.00	$7,850.00
2	REMOVE EXISTING PAVEMENT	2,930	SY	$4.00	$11,720.00
3	GEOTEXTILE FABRIC	2,610	SY	$2.00	$5,220.00
	ASPHALT AND CONCRETE WORK				
4	BITUMINOUS CONCRETE SURFACE COURSE, MIX I-2	102	TON	$90.00	$9,180.00
5	BITUMNOUS STAB. BASE COURSE, 4" THK	420	SY	$21.60	$9,072.00
6	DGA OR GRAVEL BASE COURSE, 6" THK.	420	SY	$7.50	$3,150.00
7	DGA OR GRAVEL BASE COURSE, 4" THK.	2460	SY	$5.50	$13,530.00
8	CONCRETE SIDEWALK, 4" THICK	4,170	SF	$7.00	$29,190.00
9	SURFACE CINDERS, 4" THICK	2,460	SY	$5.00	$12,300.00
	STORM DRAINAGE				
10	PIPE, 15" RCP, CL III	65	LF	$45.00	$2,925.00
11	PIPE, 18" RCP, CL III	81	LF	$50.00	$4,050.00
	SITE ITEMS				
12	FENCE, 6' HIGH CEDAR	145	LF	$35.00	$5,075.00
13	BENCH	18	EA	$1,200.00	$21,600.00
14	TRASH CAN	9	EA	$250.00	$2,250.00
	LANDSCAPE AND LIGHTING				
15	SINGLE LIGHT, POLE MNTD.	10	EA	$2,250.00	$22,500.00
16	EASTERN REDBUD	11	EA	$275.00	$3,025.00
17	KOUSA DOGWOOD	27	EA	$275.00	$7,425.00
18	PLUM PUDDING CORAL BELLS	132	EA	$9.00	$1,188.00
19	HIDCOTE LAVENDER	30	EA	$9.00	$270.00
20	BLACK EYED SUSAN	44	EA	$9.00	$396.00
21	COMPACT INKBERRY HOLLY, 18"-24", CONT.	392	EA	$45.00	$17,640.00
22	VIOLET SAGE	15	EA	$9.00	$135.00
23	AUTUMN JOY STONECROP	80	EA	$30.00	$2,400.00
24	BLUE LYME GRASS	32	EA	$9.00	$288.00
25	STELLA D'ORO LILY	296	EA	$10.00	$2,960.00
26	OCTOBER GLORY MAPLE	12	EA	$300.00	$3,600.00
27	WILLOW OAK	2	EA	$320.00	$640.00
28	ARROW WOOD VIBURNUM, 3-4', B&B	22	EA	$65.00	$1,430.00
29	INSHRIACH PINK ASTILBE	116	EA	$15.00	$1,740.00
30	NORTHERN SEA OATS	12	EA	$30.00	$360.00
31	LITTLE BLUE STEM	81	EA	$9.00	$729.00
32	GREEN LIRIOPE	285	EA	$15.00	$4,275.00
33	BLOODGOOD LONDON PLANETREE	58	EA	$250.00	$14,500.00
34	BEARBERRY	56	EA	$15.00	$840.00
35	SWEETGUM	3	EA	$200.00	$600.00
36	NEW JERSEY TEA	24	EA	$10.00	$240.00
37	COMMON WINTERBERRY	8	EA	$50.00	$400.00
38	BLACKGUM	3	EA	$200.00	$600.00
39	ALLEGHENY SERVICEBERRY	28	EA	$275.00	$7,700.00
40	RED OAK	22	EA	$375.00	$8,250.00
41	BLACK WILLOW	2	EA	$275.00	$550.00
42	SUMMERSWEET	6	EA	$40.00	$240.00
43	VIRGINIA SWEETSPIRE	32	EA	$45.00	$1,440.00
44	CHERRY LAUREL	285	EA	$50.00	$14,250.00
	SOIL EROSION CONTROL				
45	PERMANENT - TOPSOILING, 4" THICK	3,145	SY	$4.00	$12,580.00
46	PERMANENT - FERTILIZE AND SEED	3,145	SY	$1.25	$3,931.25
47	PERMANENT - STRAW MULCH, 1.5" THICK	3,145	SY	$0.75	$2,358.75
48	INLET PROTECTION	14	EA	$125.00	$1,750.00
49	SILT FENCE	4,350	LF	$2.25	$9,787.50
			TOTAL PRIVATE SITE IMPROVEMENT COST =		$288,130.50

Notes:

1. EROSION/SLOPE CONTROL MEASURES TO BE OBSERVED BY THE DEVELOPER TO CONTROL SILTATION IN ACCORDANCE WITH THE FREEHOLD SOIL CONSERVATION DISTRICT CERTIFIED PLAN AND PROVISIONS OF THE SOIL EROSION AND SEDIMENT CONTROL ACT, AND/OR AS DIRECTED BY THE MUNICIPAL ENGINEER AT THE TIME OF CONSTRUCTION.

2. ADDITIONAL DRAINAGE MAY BE REQUIRED AT THE TIME OF CONSTRUCTION DUE TO FIELD CONDITIONS OR AS DIRECTED BY THE MUNICIPAL ENGINEER.

3. THIS ESTIMATE IS BASED ON PLANS TITLED "PRELIMINARY/ FINAL MAJOR SITE PLAN & SUBDIVISION FOR FORT MONMOUTH OFFICER'S HOUSING REDEVELOPMENT PLAN" PREPARED BY LOUIS L. ZUEGNER IV, P.E., DATED 3/6/15, LAST REVISED 4/27/16, CONSISTING OF 32 SHEETS.

4. PURSUANT TO ASSEMBLY BILL 1425 (SENATE BILL 3233), PRIVATE SITE IMPROVEMENTS ARE NOT INCLUDED IN THE PERFORMANCE BOND AMOUNT, HOWEVER, THE PRIVATE SITE IMPROVEMENTS ARE ESTIMATED HEREIN FOR THE PURPOSES OF CALCULATING INSPECTION ESCROW.

11 TINDALL ROAD
MIDDLETOWN, NJ 07748

PERFORMANCE GUARANTEE AND INSPECTION ESCROW ESTIMATE
REVISED PER MLUL

TITLE:	**RPM DEVELOPMENT NORTH POST** BLOCK 110 LOT 1		
JOB NUMBER:	OPRT-I0210	**AMOUNT:**	$472,459.20
BY:	EST	**APPLICANT:**	RPM DEVELOPMENT, LLC
DATE:	5/12/2016 ***REV 4/23/18***		77 PARK STREET
MUNICIPALITY:	BOROUGH OF OCEANPORT		MONTCLAIR, NJ 07042

PUBLIC RIGHT-OF-WAY IMPROVEMENTS (BONDED)

No.	ITEM DESCRIPTION	QTY	UNIT	PRICE	COST	COMPLETE	BALANCE	AMOUNT
	DEMOLITION AND SITE PREPARATION							
1	REMOVE CONCRETE SIDEWALK	5900	LF	$5.00	$29,500.00	0%	$29,500.00	$35,400.00
2	REMOVE EXISTING PAVEMENT	40	SY	$4.00	$160.00	0%	$160.00	$192.00
	ASPHALT AND CONCRETE WORK							
3	BITUMINOUS CONCRETE SURFACE COURSE, MIX I-2	8	TON	$90.00	$720.00	0%	$720.00	$864.00
4	BITUMNOUS STAB. BASE COURSE, 4" THK	65	SY	$21.60	$1,404.00	0%	$1,404.00	$1,684.80
5	DGA OR GRAVEL BASE COURSE, 6" THK.	65	SY	$7.50	$487.50	0%	$487.50	$585.00
6	CONCRETE CURB, 6"x8"x18"	22	LF	$20.00	$440.00	0%	$440.00	$528.00
7	CONCRETE SIDEWALK, 4" THICK	13,480	SF	$7.00	$94,360.00	0%	$94,360.00	$113,232.00
8	CONCRETE PAD/APRON, REINFORCED, 6" THICK	2,155	SF	$10.00	$21,550.00	0%	$21,550.00	$25,860.00
	SITE ITEMS							
9	TRAFFIC SIGN	17	EA	$250.00	$4,250.00	0%	$4,250.00	$5,100.00
10	DECTECTABLE WARNING SURFACE	48	SF	$35.00	$1,680.00	0%	$1,680.00	$2,016.00
11	TRAFFIC STRIPING, 4" WIDE	1,365	LF	$1.00	$1,365.00	0%	$1,365.00	$1,638.00
12	TRAFFIC STRIPING, 24" WIDE	210	LF	$4.00	$840.00	0%	$840.00	$1,008.00
13	TRAFFIC MARKINGS	33	EA	$100.00	$3,300.00	0%	$3,300.00	$3,960.00
	SURVEY & MONUMENTATION							
14	MONUMENTS W/ENGINEERING	34	EA	$250.00	$8,500.00	0%	$8,500.00	$10,200.00
	LANDSCAPE AND LIGHTING							
15	SINGLE LIGHT, POLE MNTD.	83	EA	$2,250.00	$186,750.00	0%	$186,750.00	$224,100.00
16	EASTERN REDBUD	2	EA	$275.00	$550.00	0%	$550.00	$660.00
17	COMPACT INKBERRY HOLLY, 18"-24", CONT.	6	EA	$45.00	$270.00	0%	$270.00	$324.00
18	STELLA D'ORO LILY	6	EA	$10.00	$60.00	0%	$60.00	$72.00
	SOIL EROSION CONTROL							
19	PERMANENT - TOPSOILING, 4" THICK	1,950	SY	$4.00	$7,800.00	0%	$7,800.00	$9,360.00
20	PERMANENT - FERTILIZE AND SEED	1,950	SY	$1.25	$2,437.50	0%	$2,437.50	$2,925.00
21	PERMANENT - STRAW MULCH, 1.5" THICK	1,950	SY	$0.75	$1,462.50	0%	$1,462.50	$1,755.00
22	CONSTRUCTION ENTRANCE	360	SY	$30.00	$10,800.00	0%	$10,800.00	$12,960.00
23	INLET PROTECTION	14	EA	$125.00	$1,750.00	0%	$1,750.00	$2,100.00
24	SILT FENCE	550	LF	$2.25	$1,237.50	0%	$1,237.50	$1,485.00
				TOTAL=	$381,674.00			
	SAFETY AND STABILIZATION GUARANTEE							
25	SAFETY AND STABILIZATION	1	LS	$12,042.00	$12,042.00	0%	$12,042.00	$14,450.40
	TOTAL PUBLIC RIGHT-OF-WAY IMPROVEMENTS =				$393,716.00		$393,716.00	$472,459.20

10% CASH PORTION = $47,245.92
90% BOND PORTION = $425,213.28

TOTAL PRIVATE SITE IMPROVEMENT COST = $288,130.50
TOTAL PUBLIC RIGHT-OF-WAY IMPROVEMENT COST= $393,716.00

5% INSPECTION ESCROW* = $34,092.33

*CALCULATION OF INSPECTION ESCROW BASED ON BOTH PRIVATE AND PUBLIC IMPROVEMENT COST

Notes:

1. EROSION/SLOPE CONTROL MEASURES TO BE OBSERVED BY THE DEVELOPER TO CONTROL SILTATION IN ACCORDANCE WITH THE FREEHOLD SOIL CONSERVATION DISTRICT CERTIFIED PLAN AND PROVISIONS OF THE SOIL EROSION AND SEDIMENT CONTROL ACT, AND/OR AS DIRECTED BY THE MUNICIPAL ENGINEER AT THE TIME OF CONSTRUCTION.
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4. PURSUANT TO ASSEMBLY BILL 1425 (SENATE BILL 3233), PRIVATE SITE IMPROVEMENTS ARE NOT INCLUDED IN THE PERFORMANCE BOND AMOUNT, HOWEVER, THE PRIVATE SITE IMPROVEMENTS ARE ESTIMATED HEREIN FOR THE PURPOSES OF CALCULATING INSPECTION ESCROW.

RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING INTER-LOCAL SERVICES CONTRACT WITH SHORE REGIONAL BOARD OF EDUCATION FOR THE TRANSPORTATION OF STUDENTS

Resolution

BE IT RESOLVED, by the Governing Body of the Borough of Oceanport that an Agreement between the Shore Regional Board of Education and the Borough of Oceanport, for transportation of high school students residing in the Borough of Oceanport for the 2017-2018 school year at a cost of $23,336, be and the same is hereby approved and confirmed; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said agreement on behalf of the Borough of Oceanport.

CERTIFICATION OF FUNDS

As required by N.J.A.C. 5:34-5.1 et. seq., I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, hereby certify sufficient funds are available in Account #01-201-29-405-201 for the stated purpose subject to adoption of the 2018 budget

Catherine D. LaPorta, CFO

Shore Regional High School District

Monmouth Beach – Oceanport – Sea Bright – West Long Branch

Corey J. Lowell, SFO
School Business Administrator

132 Monmouth Park Highway
West Long Branch, New Jersey 07764-1396

August 31, 2017

RECEIVED

SEP 18 2017

BOROUGH OF OCEANPORT
By:_____

Katie LaPorta, CMFO
Borough of Oceanport
315 E. Main St.
Oceanport, New Jersey 07757

Re: Courtesy busing transportation contract 2017-2018 school year

Dear Ms. LaPorta:

Enclosed please find the contract and listing of students for the transportation of non-remote students to Shore Regional High School for the 2017-2018 school year.

Please sign both copies of the contract and return one copy to Shore Regional.

Sincerely,

Corey J. Lowell, SFO
Business Administrator/Board Secretary

Enclosures

The Board of Education of Shore Regional High School District in the county of Monmouth (hereinafter "Shore"), and the Borough of Oceanport, in the county of Monmouth (hereinafter "Oceanport"), hereby agree that:

1. Shore will transport pupils who reside in Oceanport, New Jersey and attend Shore Regional High School along or adjacent to routes hereinafter described to and from places hereinafter specified, every school day from September 1, 2017 to June 30, 2018, said dates comprising the 2017-2018 school year.

2. Shore shall be paid by Oceanport the sum herein described for three (3) routes as shown on Exhibit O-1, annexed hereto and made a part hereof. All buses will complete the morning run and transport the students to SHore Regional at or before 7:30 a.m.. All buses will return the students to their homes at the end of each school day upon dismissal at 2:25 p.m.

3. Oceanport agrees that if Shore fully performs the services required herein, it will pay to Shore on an annual contract the sum of $23,336 payable in four (4) installments as follows: $5,834 payable on or before December 1, 2017; $5,834 payable on or before February 1, 2018; $5,834 payable on or before April 1, 2018; and $5,834 payable on or before June 1, 2018.

4. It is understood that the $23,336 Figure in paragraph 3 is the expected and maximum cost to be paid by Oceanport for the time indicated in paragraph 1 herein. It is explicitly understood that the figure of $23,336 may decrease as a result of the lack of need for the number of buses indicated once the school year begins. Should that occur, Shore will recalculate the cost and provide a prorated reduction for the balance of the year, which shall be given in the form of reduced payments for the remaining payment due under this contract. Oceanport understands that there will be no decrease unless there is a cost reduction to Shore.

5. Shore does hereby agree to provide transportation to all Oceanport students covered under this contract attending Shore Regional High School unless the student chooses to provide his/her own method of transportation.

6. Shore will provide the necessary buses during the contract period as well as qualified bus drivers for the designated routes.

7. Shore will be responsible for the maintenance of the buses with no additional cost to Oceanport.

8. There will be no changes in the bus routes without mutual consent of Shore and Oceanport.

9. The individual bus stops will be established by Shore and will be adjusted as needed.

10. The failure of one party to this contract to comply with the provisions hereof shall constitute good cause for its termination by other party to it.

11. Payment from Oceanport to Shore shall be made upon submission of vouchers by Shore in the ordinary course and consistent with the payment terms set forth in paragraph 3 herein.

IN WITNESS WHEREOF, the parties have duly signed this contract this 14th Day of September, 2017.

The Board of Education of Shore Regional High School District in the County of Monmouth.

Corey Lowell,
School Business Administrator/Board Secretary

9/14/17
Date

Elizabeth Garrigal,
President, Board of Education

9/14/17
Date

Jeanne Smith
Borough Clerk

Date

Jay Coffey
Mayor, Oceanport

Date

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 229 OF THE CODE OF THE BOROUGH OF OCEANPORT ENTITLED "FLOOD DAMAGE PREVENTION" OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to amend the ordinance entitled "Flood Damage Prevention" as last revised and passed on August 17, 2017 as follows:

NOTE: Additions are underlined and deletions are marked by strike through.

§ 229-5 DEFINITIONS

Appeal - A request for a review of the ~~Construction Official's~~ Borough Engineer's interpretation of any provision of this ordinance or a request for a variance.

§ 229-7 BASIS FOR ESTABLISHING AREAS OF SPECIAL FLOOD HAZARD

A. The areas of special flood hazard for the Borough of Oceanport, Community No. 340320, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
   1) A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated ~~September 25, 2009~~ June 20, 2018.
   2) Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel(s) ~~34025C0183F~~ 34025C0183G , ~~34025C0184F~~, 34025C0184G, 34025C0191F, 34025C0192F, 34025C0203G whose effective date is ~~September 25, 2009~~ June 20, 2018.
   3) Advisory Base Flood Elevations and Advisory Flood Hazard Maps titled Long Branch East, NW dated December 12, 2012, Long Branch West NE dated December 12, 2012 and Long Branch West SE dated December 12, 2012. These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

B. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at ~~222 Monmouth Boulevard~~ 315 E. Main Street, Oceanport, New Jersey.

§ 229-12 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

§ 229-13 DESIGNATION OF THE LOCAL ADMINISTRATOR

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

§ 229-14 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

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

B. Use of other base flood and floodway data. When base flood elevation and floodway data have not been provided in accordance with § 229.7, Basis for establishing areas of special flood hazard, the ~~Construction Official~~ Borough Engineer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 229-17A, Specific standards, Residential construction, and § 229-17B,
Specific standards, Nonresidential construction.

F. SUBSTANTIAL DAMAGE REVIEW

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

§ 229-15 VARIANCE PROCEDURE.

A. APPEAL BOARD

2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the ~~Construction Official~~ Borough Engineer in the enforcement or administration of this ordinance.
6) The ~~Construction Official~~ Borough Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

BE IT FURTHER ORDAINED that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

APPROVED ON FIRST READING
DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING
DATED: May 3, 2018

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____DAY OF _____.

JOHN F. COFFEY, II
Mayor

BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES ● APRIL 5, 2018

Workshop | **Maple Place School** | **7:00 PM**

2 Maple Place, Oceanport, NJ 07757

I. Meeting Called to Order: Mayor Coffey called the meeting to order at 7:03 p.m.

II. Statement of Compliance with Open Public Meeting Act: Mayor Coffey gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 2, 2018, and by the posting of same on the municipal bulletin board and Borough Web Site."

III. Flag Salute: Mayor Coffey led the audience and members of the Council in the flag salute.

IV. Invocation: Borough Chaplain Stacy Deering gave the invocation

V. Roll Call:

Attendee Name	Title	Status	Exited
Patty Cooper	Councilwoman	Remote	8:29 pm
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Absent	
Joseph A. Irace	Council President	Present	
Robert Proto	Councilman	Present	
Stephen Solan	Councilman	Present	
Jay Coffey	Mayor	Present	
Jeanne Smith	Borough Clerk	Present	
Raymond Poerio	Borough Administrator	Present	
Scott Arnette	Board Attorney	Present	

VI. Executive Session:

#2018-072 Resolution authorizing an Executive Session

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

Interlocal Services/Borough of Shrewsbury

Senate Bill 848 and Two Rivers Water Reclamation Authority *- Added on Late*

Sale of 222 Monmouth Boulevard

At 7:08 PM, the Mayor asked for a motion to approve **Resolution #2018-72**, authorizing Council to enter Executive Session to discuss Interlocal Services/Borough of Shrewsbury and to move the second Executive session items to the first session with no objections.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Stephen Solan, Councilman
SECONDER:	William Deerin, Councilman
AYES:	Cooper, Deerin, Irace, Proto, Solan
ABSENT:	Gallo

At 7:42 PM, Council returned from Executive Session and the regular meeting was reopened on a motion by Councilman Solan, seconded by Councilman Deerin and approved by Council.

VII. Payment of Bills:

1. Resolution Authorizing Payment of Bill List - April 5, 2018

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

VIII. Resolutions:

1. Resolution approving Special Event Permit for Triumphant Life Carnival

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	William Deerin, Councilman
SECONDER:	Stephen Solan, Councilman
AYES:	Cooper, Deerin, Irace, Proto, Solan
ABSENT:	Gallo

IX. Administrator's Report:

1. Tax Collector's Annual Report for 2017
2. Resolution awarding a Contract for Cleaning Services
3. Workshop Minutes 03-01-2018
4. Regular Meeting Minutes 03-15-2018

Mr. Poerio asked if there were any questions on the items for consent. Council President Irace asked if the contract for cleaning services was lower than last year and was told yes, about $2-3,000.

X. Discussion Items:

1. Fort Monmouth Plan Amendment #10 (Eatontown)

Mr. Poerio included FMERA Plan Amendment #10 for discussion and requested guidance regarding submission of plan amendments to Borough professionals for review, thereby incurring fees. If the Amendment does not affect Oceanport, Mr. Poerio asked if that practice should be continued. Council President Irace stated that traditionally, Oceanport has supported the host community's position. Mr. Poerio suggested that internal review by Council, Planning Board, etc. continue for all Amendments. If the Amendment affects Oceanport, the professionals will be consulted.

2. 2018 Capital & Municipal Budgets

Mr. Poerio provided binders with preliminary Capital and Municipal Budgets to Mayor and Council. He explained that he would forward the Finance Committee's budget to the auditor for a final draft, prepare a final bond ordinance and be ready for introduction at the next meeting. There was a lengthy discussion regarding the preparation of the budget, questions

concerning why the operating budget layout did not show recommendations by Administration and the Finance Committee side by side like the Capital budget had, information provided in the budget binders and the document provided for the public not including that information. There was further discussion regarding the process for budget preparation and providing information on budget surplus and comparisons of the Administration's recommendations and the Finance Committee's recommendations.

Mayor Coffey advised that Council President Irace had requested written procedures for budget preparation. The Mayor explained that the Borough's bylaws do not address the duties and obligations of the Borough Administrator. He explained the past processes and proposals for a new process. Mayor Coffey expressed his opinion and described a process that he would prefer. There was additional discussion regarding preparation by the BA & CFO with and without the Finance Committee. Council President Irace and Mr. Poerio had discussion regarding departmental requests. Councilman Proto suggested the Finance Committee and BA work in conjunction to prepare the budget for presentation. Councilman Proto pointed out the financial challenges facing the Borough from federal and state levels, the proposed new school building, Monmouth Park's tax appeal and Ft. Monmouth. Councilman Proto explained his opinion of the budget and budget preparation process as a member of the Finance Committee. Mayor Coffey commented that the Borough needs to look at the future and plan for the future financially. There was discussion regarding including items in the capital budget vs. the municipal budget and issuance of bonds for items having useful life less than the debt payoff for same. Mayor Coffey suggested memorializing the budget process. There was discussion regarding Monmouth Park's tax appeal and residential tax appeals and whether funds should be included in the budget to account for appeals. Council President Irace and Mr. Poerio discussed the number of Borough employees and cost for each. Mayor Coffey discussed the need to update the Borough's personnel policies and procedures manual, Borough bylaws and ordinances.

3. Resolution urging a change in the classification of marijuana

Councilman Proto discussed his desire to pass the resolution urging Congress to change the classification of marijuana to a Schedule I to a Schedule II drug which would provide for medicinal marijuana to be sold in pharmacies. He supported the sale of medical marijuana in pharmacies and urged Council to approve the resolution at the next meeting to which there were no objections.

XI. Mayor's Report: Mayor Coffey advised he attended a FMERA meeting 2 weeks ago and stated that a lot of items in the Oceanport section are moving toward closing. Barker Circle is becoming more of a reality, and it will not be single room occupancy. The Dance Hall closed, the Fitness Center is under construction and could open in November. Mayor Coffey noted the Triumphant Life Church is hosting a carnival from April 11 through 15.

XII. Petitions from the Public: Mayor Coffey then opened the meeting to anyone from the public who wished to be heard.

Jeff Oakes, 60 Pemberton Ave., stated his opinion that the resolution to move marijuana from Schedule I to Schedule II was insufficient. He described the benefits of marijuana as a naturally grown plant. He stated that the proposed resolution, if approved, in effect recognizes the medical value of cannabis. He discussed the change in the State's position regarding legislation about marijuana, grow facilities and dispensaries. Mr. Oakes suggested the Borough needs to change its thinking to address a new industry that will bring jobs,

stabilize real estate investments and help sick people. He encouraged compassion and learning more about the benefits of cannabis. He suggested following the lead of Fair Haven and other municipalities, where they have accepted medical marijuana into their community.

Ron Sickler, 45 Morris Pl., noted the budget discussion was a little bit puzzling. He stated the capital budget seemed to deceive residents into thinking their taxes are being kept down. Increased taxes are a fact of life in New Jersey. He encouraged Council to provide real numbers. Mayor Coffey explained that municipal accounting is a whole other animal than private accounting. He thanked the Council for their attentiveness and ability to remain calm in discussions about marijuana and the budget.

Susan Vienna, 19 Burnt Mill Circle, discussed the ordinance proposal to ban sale the sale of marijuana in the Borough. She talked about the slow societal change toward acceptance and access of medical marijuana. She compared a dispensary to a pharmacy that specifically sells medical marijuana. Ms. Vienna asked Council not to approve the ordinance.

Hugh Sharkey, asked if the Borough had received financial statements with respect to Monmouth Park as part of their lease agreement. Mayor Coffey replied the lease agreement is with the State, not the Borough. He stated as part of the discovery process for their tax appeal, the Borough will request those financial statements. Mr. Sharkey asked if the budget included a reserve for the potential reduction of Monmouth Park's tax appeal. Mayor Coffey advised that would not be included this year and probably not next year. He stated in maybe 3 years, the Borough would have to budget for the appeal because it will be a protracted process. Mr. Sharkey asked if there was only one bidder for the old Borough Hall. Mayor Coffey explained it was a request for proposals, and only one submission was received. Mr. Sharkey asked who prepared the RFOTP and was advised it was done by McManimon Scotland. There was discussion regarding re-writing the specifications, entertaining the submission and the need for competition in the proposal process. Mayor Coffey stated the bid received was in excess of the appraised amount and was in conformity with the 12 to 18 single family homes.

As no one else from the public wished to be hear, Mayor Coffey closed that portion of the meeting.

XIII. Adjournment: As there was no further business, the meeting was adjourned at 9:17 PM on a motion by Council President Irace, seconded by Councilman Proto and approved by the Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

BOROUGH OF OCEANPORT

MAYOR & COUNCIL

MINUTES ● APRIL 19, 2018

Regular Meeting **Maple Place School** **7:00 PM**

2 Maple Place, Oceanport, NJ 07757

1. **Call to Order:** Mayor Coffey called the meeting to order at 7:02 PM.

2. **Statement of Compliance with Open Public Meetings Act:** Mayor Coffey gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 2, 2018, and by the posting of same on the municipal bulletin board and Borough Web Site."

3. **Flag Salute:** Mayor Coffey led the audience and members of the Council in the flag salute

4. **Invocation:** Borough Chaplain Stacy Deerin gave the invocation.

5. **Roll Call:**

Attendee Name	Title	Status	Arrived
Jay Coffey	Mayor	Present	
Patty Cooper	Councilwoman	Late	7:45 PM
William Deerin	Councilman	Present	
Richard Gallo	Councilman	Present	
Joseph A. Irace	Council President	Present	
Robert Proto	Councilman	Present	
Stephen Solan	Councilman	Present	
Raymond Poerio	Borough Administrator	Present	
Jeanne Smith	Borough Clerk	Present	
Scott Arnette	Board Attorney	Present	

6. **Administrators Report:**

1. 2018 Capital Budget

Mr. Poerio stated the 2018 Municipal Budget had 4 changes: O&E, First Aid, and courtesy busing increases and one adjustment to debt service for a total addition of $32,804.67. He advised there were no changes to the Capital Budget. The engineering contractor for tennis and basketball courts took measurements at Blackberry Bay and Community Center parks to finalize cost estimates and bid documents. Hopefully bids will go out next week.

Mr. Poerio thanked the DPW, TRWRA and others for their work in repairing a sewer line break at Borough Hall.

7. **Consent Agenda:**

#2018-74 1. Resolution authorizing payment of BILL LIST 04-19-2018

#2018-75 2. Resolution authorizing permits for Facility Use - Spring 2018

#2018-76 3. Resolution urging a change in the classification of marijuana

#2018-77 4. Resolution awarding a Contract for Cleaning Services

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Robert Proto, Councilman
SECONDE	Joseph A. Irace, Council
R: AYES:	President Deerin, Gallo, Irace,
ABSENT:	Proto, Solan

8. Minutes:

1. Workshop Minutes of March 1, 2018

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

2. Regular Meeting Minutes of March 15, 2018

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph A. Irace, Council President
SECONDER:	Robert Proto, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	Cooper

9. 2018 Municipal Budget:

#987 Introduction of an Ordinance Establishing a CAP Bank for CY2018

Council President Irace called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY TO ESTABLISH A CAP BANK FOR CY 2018"** and then asked the Clerk to read the proposed Ordinance by title only, after which Council President Irace moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of May 17, 2018 and to advertise same in accordance with the law which was seconded by Councilman Proto.

RESULT:	**APPROVED OF FIRST READING [UNANIMOUS]** **Next: 5/17/2018 7:00 PM**
MOVER:	Joseph A. Irace, Council President
SECONDER:	Robert Proto, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	Cooper

#2018-78 Resolution Approving Introduction of the 2018 Municipal Budget

Council President Irace made a motion to approve Resolution #2018-78 approving the introduction of the 2018 Municipal Budget which was seconded by Councilman Proto.

Ms. Smith advised the public that the 2018 Municipal Budget has been introduced and approved by the Council. A public hearing on the budget will be held at the May 17, 2018 meeting. It will be published in the Link News on April 26, 2018, after which a copy of the budget will be available for no cost at the Clerk's Office and posted on the Borough's website.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph A. Irace, Council President
SECONDER:	Robert Proto, Councilman
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	Cooper

#988 2018 Capital Bond Ordinance

Council President Irace called for the introduction of a "**BOND ORDINANCE PROVIDING FOR VARIOUS 2018 GENERAL CAPITAL IMPROVEMENTS BY THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY APPROPRIATING $2,730,000 THEREFORE, INCLUDING GRANTS RECEIVED OR EXPECTED TO BE RECEIVED IN THE AGGREGATE AMOUNT OF $1,335,500 AND AUTHORIZING THE ISSUANCE OF $2,600,000 BONDS OR NOTES TO FINANCE THE COSTS THEREOF"** and then asked the Clerk to read the proposed Ordinance by title only, after which Council President Irace moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of May 17, 2018 and to advertise same in accordance with the law, which was seconded by Councilman Proto.

RESULT:	**APPROVED ON FIRST READING [4 TO 1]**	**Next: 5/17/2018 7:00 PM**
MOVER:	Joseph A. Irace, Council President	
SECONDER:	Robert Proto, Councilman	
AYES:	Deerin, Irace, Proto, Solan	
NAYS:	Gallo	
ABSENT:	Cooper	

10. Second Reading Ordinances:

#986 PUBLIC HEARING: Zoning Ordinance Amendment - Marijuana Uses

Councilman Proto called for the 2nd Reading and Public Hearing providing for an amendment to the zoning ordinance and asked the Clerk to read the affidavit of publication of the proposed ordinance by title only. "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ZONING", BY CREATING A SECTION PROHIBITING BUSINESSES ENGAGED IN BROKER OR SALE OF MEDICINAL AND RECREATIONAL MARIJUANA OR PARAPHERNALIA IN ANY ZONING DISTRICT"** was published in the LINK News on March 22, 2018.

PUBLIC HEARING: The Mayor opened the meeting for public comment on this ordinance only.

Susan Vienna, 19 Burnt Mill Circle, stated she has appeared several times before the Council and requested eliminating the prohibition against medical marijuana. She asked Council to reconsider tabling the ordinance since the State has not yet legalized cannabis. She asked that the ordinance be tabled, and the Council have compassion and understand cannabis before making a decision. She invited Council members to her home to watch the process she uses to make her son's medication.

Vincent Digioia-Laird, Middletown, recounted his history as a heroin addict and his recovery. He insisted that a medical program in the State of New Jersey that is reliable, affordable and nearby. He suggested separating medical and recreational marijuana in the ordinance. He asked Council to table the ordinance and get educated about marijuana and dispensaries.

Jeff Oakes, 60 Pemberton Ave., provided a recap of his appearances to support marijuana reform. He described participants in the medical marijuana program and expressed the need for compassion and education. He stated the Council is interfering with his medicine. He disagreed

with the resolution to change marijuana from Schedule I to Schedule II. He stated the opioid crisis is gobbling up our children. Mr. Oakes discussed a video made by the Honorable James P. Gray (retired) regarding marijuana. He suggested regulating marijuana rather than banning it was a solution. He stated that a growth facility would fit well on Fort property. He also stated that host towns to dispensaries would see tax relief.

As no one else from the public wished to be heard, the Mayor closed the public hearing on a motion by Councilman Solan, which was seconded by Council President Irace and unopposed by Council. Councilman Proto made a motion to adopt the ordinance and advertise in accordance with the law, which was seconded by Council President Irace.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Robert Proto, Councilman
SECONDER:	Joseph A. Irace, Council President
AYES:	Deerin, Gallo, Irace, Proto, Solan
ABSENT:	Cooper

11. Committee Reports:

1. Councilman Proto, Planning and Development Liaison

Councilman Proto, Planning & Development Liaison: Councilman Proto reported that the Planning Board engaged Kevin Kennedy to replace the late Rick DeNoia as Board Attorney. The Land Use Development Committee is working on updates and modifications to the Land Use Development ordinance.

2. Council President Irace, Finance and Administration Liaison

Council President Irace, Finance & Administration Liaison: Council President Irace reported that he attended the FMERA meeting on behalf of the Mayor. FMERA had listed an item approval of a lodging area on the agenda, where a developer had submitted a bid and is in negotiations to add 185 residential units (145 market level townhomes and the remainder will be affordable housing apartments). The Borough was unaware of the development plan. He expressed a need for the Borough's input before a plan is approved by FMERA.

Mayor Coffey suggested the Borough's interaction with FMERA needs to change. He encouraged residents to attend FMERA meetings, despite the fact that there is little public interaction. Mayor Coffey suggested re-instituting the Ft. Monmouth Ad-Hoc Committee. Council President Irace advised there were about 4 other projects in the works. Mayor Coffey advised he met with owners of former Fort property, which is now Oceanport, without including FMERA. He and FMERA exchanged robust correspondence regarding the meeting.

Lastly, Council President Irace advised that Monmouth Park opens May 5th, Kentucky Derby Day, and encouraged residents to attend.

3. Councilman Gallo, Public Works and Engineering Liaison

Councilman Gallo, Public Works and Engineering Liaison: Councilman Gallo reminded residents that leaf pick up is scheduled for the month of April. The recent storm generated 534 cubic yards of material which was disposed of.

4. Councilwoman Cooper, Health and Human Services Liaison

Councilwoman Cooper, Health & Human Services Liaison entered the meeting at 7:45pm and had no report.

5. Councilman Solan, Public Safety Liaison

Councilman Solan, Public Safety Liaison: Councilman Solan announced that Sat., April 28th is National Drug Take Back Day. The Oceanport Police Department will accept expired and unused medication from 10 am to 2 pm. On Sunday April 29th the Borough will host the NJ Marathon, road closures in the Port Au Peck Avenue areas and that all roads are expected to be reopened by 9:30 a.m. with advisories on the website and a CodeRed message to go out as well. Councilman Solan also reported that this Sunday, 4/22, the Maple Place School would be holding its Color Run fundraiser for the 8th Grade class.

6. Councilman Deerin, Parks and Recreation Liaison

Councilman Deerin reported that Parks and Recreation did a phenomenal job on the Easter Egg Hunt, including a great job by the Easter Bunny, 2-300 people attended and thanked Paul Hester for taking all the photos and upcoming Miniature Golf Tournament being sponsored by the Borough on April 28, 2018 and urged residents to come out for this free event.

12. Mayor Coffey's Report:

1. Proclamation Declaring the Month of May Brain Tumor Awareness Month in the Borough of Oceanport, Monmouth County, State of New Jersey

Mayor Coffey read the proclamation declaring the month of May 2018 as Brain Tumor Awareness Month and commented that this particular cause was meaningful to him as a survivor of a brain tumor.

Mayor Coffey commented he wanted to keep his report brief but looking forward to the Color Run which was a lot of fun and the NJ Marathon which was sure to keep our emergency services busy.

Mayor Coffey then opened the meeting for Petitions from the public.

13. Petitions from the public:

Michael Dale, 44 Shore Road, appeared before the Council urging timely action on a neighbor's property which remains in violation for about two years related to grading of the property resulting in standing water on his own property. There was discussion on the status of the matter after which Mr. Arnette assured Mr. Dale that the Borough was actively pursuing compliance on the matter albeit there are several factors and jurisdictions, i.e., NJDEP, that are also involved in the complaint.

14. Adjournment: As there was no further business, the meeting was adjourned at 7:59 PM on a motion by Councilman Proto, seconded by Council President Irace and approved by the Council.

Respectfully submitted,

JEANNE SMITH
BOROUGH CLERK

BOROUGH OF OCEANPORT

PERSONNEL POLICIES

AND

PROCEDURES MANUAL

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BOROUGH OF OCEANPORT

INTRODUCTION:

The Borough of Oceanport plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Borough employee, you have certain rights and obligations. Federal and State law as well as Borough policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage "to the victors belong the spoils" in governmental hiring is now against the law and the old fashion (patrol room,) garage or office "give and take" can no longer be condoned. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Borough has a "no tolerance" policy towards workplace wrongdoing.

This Employee Handbook adopted by the Mayor and Council discusses these issues and many other Borough personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Borough personnel policy, contact your supervisor, or if you prefer, your Department Head, or the Borough Clerk.

All employees receiving this handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

Deleted: Neither this handbook nor any Borough document, confers any contractual right, either express or implied, to remain in the Borough's employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council ¶

THE CONTENTS OF THIS PERSONNEL POLICIES AND PROCEDURES MANUAL ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE BOROUGH HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME AT THE SOLE DISCRETION OF THE MAYOR AND COUNCIL.

NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY THE MAYOR. EMPLOYMENT WITH BOROUGH IS AT-WILL AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR THE BOROUGH.

THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

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Last revised: 9-2-2015

GENERAL PERSONNEL POLICY:

It is the policy of the Borough to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters the approved Police Rules and Regulations, the Police Department Guidelines, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Council. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Mayor and Council as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough Administrator shall also have access to the Labor Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Oceanport has a "no tolerance" policy towards workplace wrongdoing. Borough of Oceanport officials, employees and independent contractors are to report anything perceived to be improper. The Borough of Oceanport believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Borough Administrator or the Labor Attorney concerning any problem

To the maximum extent permitted by law, the employment practices of the Borough of Oceanport shall operate under the legal doctrine known, as "employment at will." Within Federal and State law, (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the Borough of Oceanport shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough of Oceanport shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

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Deleted: The Personnel Policies and Procedures Manual adopted by the Mayor and Council is intended to provide guidelines covering public service by Borough of Oceanport employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Borough of Oceanport personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Oceanport.

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SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the (Borough of Oceanport) discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender idenity and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Administrator, or the Labor Attorney.

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Americans with Disabilities Act Policy:

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Borough does not discriminate based on disability. The Borough will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undo hardship on the Borough.

The Borough Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Mayor and

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Council. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Contagious or Life Threatening Illnesses Policy:

The Borough encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Borough shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.
The Borough will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.

Managers and other employees have a responsibility to maintain the confidentially of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Safety Policy:

The Borough will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. The Department Head shall then report same to the Borough Administrator. Any on-the-job accident or accident involving Borough facilities, equipment or motor vehicles must also be immediately reported to the supervisor or

Department Head. The Department Head shall then report same to the Borough Administrator.

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The Borough has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Drugs and Alcohol Policy:

The Borough recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Borough Administrator.

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An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxification, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation whether or not the violation occurred In the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. In Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should

be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Workplace Violence Policy:

The Borough will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Borough will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. While it is not easy to define precisely what

harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

If an employee is witnesses to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

Anti-Sexual Harassment Policy:

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Borough prohibits sexual harassment from occurring in the workplace or at any other location at which Borough sponsored activity takes place. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering,

making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy.

Harassment of Borough employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

"Whistle Blower" Policy:

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read and understood this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator or other official or to a public body, as defined in the

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Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the Borough. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. See Employee Complaint Policy. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy:

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing are requested to immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Borough Administrator or the Labor Attorney. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

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No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Borough Administrator. The supervisor or Department Head will communicate the decision to the employee within two working days.

- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five days working days of the step one decision. After consulting the Labor Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

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Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Borough Clerk. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Borough Clerk upon reasonable notice.

Conflict of Interest Policy:

Employees including Borough officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough. Violations of this policy will result in appropriate discipline including termination.

The Borough recognizes the right of employees to engage in outside activities that are private nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Borough Clerk a state mandated disclosure form. The Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including a Borough official is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Borough may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator to obtain clarification.

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Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. All outside employment shall be reported to the Borough Administrator. Any new or proposed outside employment shall be reviewed and approved by the Department Head of the employee seeking outside employment. Once approved by the Department Head, the nature of the outside employment shall be reported to the Borough Administrator for final approval. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough

Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

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Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. Meals and other entertainment valued in excess of $50.00 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

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Political Activity Policy:

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using (Borough of Oceanport) time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Borough Administrator or the Borough Attorney.

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Employee Evaluation Policy:

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be forwarded to the Borough Clerk for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

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Employee Discipline Policy:

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.

- Failure to report absence.
- Harassment of co-workers and/or volunteers and visitors.
- Theft or attempted theft of property belonging to the Borough fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Borough property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.

- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on Borough premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Borough rules or policies.
- Conduct unbecoming a public employee.
- Violation of Borough policies, procedures and regulations.
- Violation of Federal, State or Borough laws, rules or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employees discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the Borough believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Borough Administrator review; written reprimand; suspension; fines, and, dismissal. At the discretion of the Mayor and

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Council action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Neither this manual, nor any other Borough guidelines, policies or practices create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or the Borough.

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Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys, equipment and employee identification card/badge. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file with the Borough Clerk.

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Work Force Reduction Policy:

The Borough may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees will be determined by the Borough Administrator.

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Driver's License Policy:

Any employee whose work requires that the operation of Borough vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Borough vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division

Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a (Borough of Oceanport) vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to possible termination.

Any information obtained by the Borough) in accordance with this section shall be used by the Borough only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.)

SECTION TWO

Workplace Policies:

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Mayor and Council. The Borough Clerk will make copies available upon request.

Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 AM to 4:30 PM. The regular workweek for those employees in the Pubic Works Department is Monday through Friday between the hours of 7:00 a.m. and 3:00 p.m. Work hours for police are scheduled on rotating shifts as established by the Police Chief and controlled by the collective bargaining agreement.

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Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Borough Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Borough Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, Paid Time Off (PTO) will be charged. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works, Police, or any personnel who may be required to assist in an emergency.

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Breaks:

Administrative personnel are entitled to a one hour lunch that is to be arranged by the supervisor so that offices continue to function. Public Works are entitled to a Forty Five minute lunch break, which will be scheduled by the supervisor, and are entitled to a fifteen minute break in the morning.

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Deleted: Dispatchers are entitled to one half hour lunch.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Mayor and Council the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay. The Borough has adopted a casual Friday policy which does not include blue denim jeans as casual.

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No Smoking Policy:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

Borough owned vehicles shall be used only on official business and all passengers must be on Borough business. (An employee who is also employed by another

governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough and the other jurisdiction.

Vehicles may be taken home only with the advance approval of the Mayor and Council except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action. Certain contractual employees may have vehicles assigned as a result of their employment contract. They shall be bound by the terms of that contract.

Telephone Usage Policy:

Borough telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime or emergencies. Charges for all other personal calls must be reimbursed to the Borough. The use of hand-held cell phones while driving Borough vehicles or while driving on Borough business is prohibited.

E-Mail, Voice Mail, Computer and Internet Usage Policy:

Borough E-mail, voice mail and the Internet are for official business and use for non-business purposes is prohibited. All E-Mail, voice mail and Internet messages are official documents subject to the provisions of the Access to Public Records Act.

The Borough reserves the right to monitor, obtain, review and disclose all E-Mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Borough as deemed necessary and appropriate. By using Borough E-Mail, computer systems, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information. E-Mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Bulletin Board Policy:

The bulletin boards located in the Borough administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Clerk may post, remove, or alter any notice.

SECTION THREE

Paid and Unpaid Time Off Policies:

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Paid Holiday Policy:

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

Office, public works and police employees required to work on any of the recognized Borough holidays shall be paid time and a half (1 1/2) times their current hourly salary rate for the day.

Deleted: An employee required to work on Easter Sunday shall be paid at two (2) times their current hourly salary rate for that day. ¶

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Paid Time Off Policy:

All permanent full-time employees shall be entitled to Personal Time Off (PTO). The term "Paid Time Off" encompasses all paid absences be they sick, vacation or personal days.

PTO shall be an accrued benefit annually and shall be based on the following schedule:

Calendar Years of Service	Amount of PTO Days
< 1	15
2 – 5	22
6 or more*	32

*Full time permanent employees hired prior to January 1, 2000 shall be entitled to 37 PTO days annually.

-

Part time employees shall not be entitled to PTO.

Prior Notice Requirements for PTO:

As it relates to benefit (PTO) time requests; all requests must be submitted with proper notice on the approved form.

Please note that the requested time off is not approved until reviewed by the appropriate department head or Borough Administrator. The department head and/or administrator may consider the overall absences through benefit time usage and any other work related absences; to ensure adequate staff is available for operational needs.

1. Limit five (5) individual days with no prior notice except no later than fifteen (15) minutes prior to the start of the scheduled shift. Documentation of an illness or emergency is required. Failure to provide documentation will classify the absence as unexcused and without pay.
2. Limit five (5) individual days with five (5) days prior notice. Approval shall not be unreasonably withheld but may be denied to ensure adequate staff is available for operational needs.
3. Limit two (2) consecutive full weeks submitted one (1) month in advance. Nothing herein shall prohibit the employee from taking less than two weeks; or more than two weeks when a holiday is included in the two week period.
4. All other time taken as individual days, or less than a full week are subject to one (1) month prior notice and approval by the department head and/or Borough Administrator.

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<#>One half day for each full month of service during the first calendar year;¶
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<#>Ten days for the second through the fifth calendar year; ¶
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<#>Fifteen days from the sixth through the tenth calendar years of service.¶
¶
<#>Twenty days form the eleventh through the fifteenth calendar year of service.¶
¶
Twenty five days from the sixteenth calendar year of service and thereafter

Deleted: After completing one continuous full year of permanent part-time employment, permanent part-time employees shall receive paid vacation (on a pro-rated basis, as defined herein). Specifically, permanent part-time employees shall receive paid vacation days based upon a percentage basis of hours worked, weighed against a forty (40) hour week.¶

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If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted in lieu of the holiday.¶
¶
Employees must request vacations in writing at least 14 days in advance of the desired starting date. Alls vacations must be scheduled and approved by the department head. Vacation requests of more than two consecutive weeks must be approved by the Mayor and Council or their designee and only granted for extra ordinary reasons.¶

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5. Absences of less than a full day shall be considered an individual day and limited as per #1 above.

The prior notice time frame does not include the day requested. Any exception to the prior notice requirement must be an emergency with documentation submitted and attached to the request form. **The exceptions are Emergency PTO Days which may only be granted by the department head and/or Borough Administrator; and only upon written request by the employee. Pending approval as noted above, the absence shall be charged as "Absent No Pay" time.**

It's important that these procedures are followed as any failure to adhere to these requirements will result in the denial of the requested benefit time and the day taken as "ANP" time.

All PTO must be taken during the year accrued unless an employee's duties prevent him from taking the PTO within that time. A maximum of 5 days may be carried over to the next year and must be used within the first 3 months of the new year. All carry over PTO is subject to the prior approval of the Borough Administrator.

All personnel responsible for the removal of snow shall be entitled to PTO but must be available for snow removal from December 1st to March 31st. Exceptions to this rule must be submitted in writing and approved by the Mayor and Council or their designee.

Sick Leave Policy:

Sick leave is the absence from work of any employee because of illness, accident or the employee's need to care for a member of the immediate family who is seriously ill.

A sick bank shall be established for each employee eligible for PTO. Each employee may transfer up to a maximum of 5 PTO days to their sick bank on an annual basis for a maximum accumulation of 45 PTO days. PTO days are not eligible for payout or any compensation at the termination of employment nor upon retirement. This shall be in addition to any accumulated sick time prior to January 1, 2016 eligible for compensation per the compensation for unused sick leave policy set forth hereafter.

Employees that exhaust all accrued PTO time for the current year that require use of accumulated sick leave time shall be required to first utilize sick leave time accumulated prior to January 1, 2016.

Only full time permanent employees are eligible for sick leave.

Sick Leave Procedure:

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Under such exceptions, the employee will be allowed to take only three consecutive weeks at any one time.¶
¶
Whenever an employee's duties have prevented him/her from taking his/her accrued vacation time, such employee may, at the sole discretion of the Mayor and Council, be paid for such accrued vacation for a maximum of two weeks per year at the employee's current salary.¶

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Personal Leave Policy:¶
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Employees hired prior to January 1, 2011 are entitled to 5 personal days per year and employees hired after January 1, 2011 are entitled to 3 personal days per year. Any unused days are forfeited at the end of each calendar year. ¶

Deleted: Full-time Borough employees are entitled to sick leave benefits as follows:¶
¶
<#>New employees will accrue ½ day per month during this first calendar year of employment.¶
<#>After the First calendar year and through the Fifth calendar year, 12 days of sick leave will b accrued each year.¶
<#>After the Sixth calendar year and thereafter, sick leave is accrued at 15 days per year. ¶
<#>After completing one continues full year of permanent part-time employment, permanent part-time employees shall receive sick days on a prorated basis as defined in vacation leave. ¶

Deleted: Unused sick leave can be accumulated from year to year.¶

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1. Employees wishing to utilize accumulated sick leave shall first exhaust all PTO for the current year and must notify their department head as soon as possible but not later than 30 minutes after their scheduled work starting time each day of the required absence.
2. A medical certificate shall be required of the employee stating illness or of the need for the employee's attendance upon a member of his/her immediate family or civil union partner. A medical certificate is required for any use of accumulated sick leave. Medical certificates will be given to the department head who will in turn forward it to the Borough Clerk for inclusion into the employee's personnel file.

Bereavement Leave Policy:

Employees are entitled to 5 consecutive calendar days leave of absence for each death of an employee's immediate relative, i.e., child, parent, spouse/partner, or parent of spouse/partner. Employees are entitled to 3 consecutive calendar days leave of absence for each death of a sibling, a spouse/partner sibling, grandparent or grandchild. Additional leave may be granted when necessary with the approval of the Borough Administrator. Employees are paid for all working days during the Bereavement Leave.

Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary.

Leave of Absence Policy:

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Mayor and Council if the leave does not cause undue operational disruption. The leave must include the use of any accrued PTO and any accumulated sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of PTO and accumulated sick leave will be without pay. In exceptional circumstances, the Mayor and Council may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Borough.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue PTO for that month. Health benefits may also be impacted. Refer to the Borough Health Benefits Policy. A personal leave is granted with the understanding

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Deleted: "Immediate relative" includes ¶ spouse or significant other, child, parent, stepparent, father-in-law, mother-in-law stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, civil union partner or any person related by blood or marriage residing in an employee's household.

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that the employee intends to return to work for the Borough If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Family and Medical Leave Act Policy:

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Borough. Eligible employees may receive up to twelve (12) weeks of leave per year.

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue PTO for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

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Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, civil union partner or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available PTO during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

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The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Borough reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Borough Clerk.

Military Leave Policy:

When a full-time employee (either permanent or temporary)who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first Thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall

receive full pay for the first ninety (90) day. (Thereafter, the employee shall be paid the difference between the military salary and the employee's regular salary). The paid leave will not be counted against any available time off including but not limited to vacation, sick, or personal time. A full time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus additional thirty calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Oceanport group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee release from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater then one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

SECTION FOUR

Compensation & Employee Benefits Policies:

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Payroll Policy:

A. Biweekly payroll: all full-time employees, all members of the Police Department and school crossing guards, Plumbing Inspector, Building Inspector, Building Sub-Code Official, Control Person in the Construction Department, Construction Official, Court Administrator and Recreation Coordinator.
B. Monthly payroll: Tax Assessor, Housing Inspector, Prosecutor and all other employees.

C. Quarterly payroll: Municipal Court Judge, Emergency Management Coordinator, Community Center/Old Wharf Scheduler, Mayor and Council.

The Borough of Oceanport will not accept responsibility for any employee's personal finances. The Municipality will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors.

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds $100,000 per year depending upon their job duties with the exception of the Public Works supervisor who shall be eligible for overtime compensation. The Borough Administrator shall notify all Exempt employees of their status under the Act. The Borough, however, recognizing the professional nature of the exempt employee's position and their requirement to perform services beyond the normal working hours, shall allow exempt employees to accrue flex time for meetings (before or after normal working hours) in excess of 3 hours per week for use during the workday on an hour for-hour basis for their attendance at scheduled Borough meetings, or declared emergencies. Exempt employees who are required to work beyond their normal hours for other then scheduled Borough meetings, or declared emergencies shall not be afforded flex time for this purpose. Exceptions to this rule will be the Court Administrator, who shall receive a minimum of 3 hours for after hours call outs. At no time shall flex time be converted to overtime pay.

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Nonexempt Employees: A non supervisory employee is not expected to provide service for the Borough beyond the normal working hours without additional compensation. Nonexempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period at a rate of 1 ½ times their salary. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is **80 hours.** Once this maximum has been accumulated, all additional hours will be compensated by overtime pay at the rate of pay at the time earned. This rate shall be calculated annually. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

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Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Scheduled PTO time is considered time worked for purposes of determining overtime compensation.

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In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours. Non-Exempt employees may be compensated for overtime in the form of compensatory time or compensation pay at the rate of 1 ½ their hourly rate.

Health Insurance Policy:

(1) All full-time permanent employees shall become eligible for single enrollment in the Borough's hospitalization, medical and major medical and major medical group insurance plan, effective 60 days after the date of employment. Additionally, after 36 (THIRTY SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents including civil union partners shall become eligible for enrollment in the Borough's hospitalization, medical and major medical, and major medical group insurance plan. Any participant shall have the right to upgrade their plan coverage at his or her own cost.

(2) The Borough shall pay premium for such medical plan for the employee (and, after 36 (THIRTY SIX) months of continuous uninterrupted employment, for the employee and his/her dependents) during the term of employment. All non contracted employees shall during the term of their employment contribute to their health insurance in accordance with Chapter 78. Employees who have completed not less than 25 years of public employment shall continue on the Borough medical plan throughout the term of such employee's retirement. Such enrollment period shall consist of not less than 20 years of employment by the Borough, as well as employment by any other public employer qualifying for participation in the public employee's retirement system, provided that the total length of all such public employment shall be not less than 25 years. A retired employee may elect to continue such coverage; provided, however, that the employee remains insurable and agrees to pay for the cost of continued participation in such plan. In addition to the medical benefits provided for the employees retiring with 25 years of service or more, the Borough shall provide medical benefits (hospitalization and major medical insurance) for surviving spouses of retired employees who die, until the surviving spouse is eligible for Medicare. In the event the surviving spouse shall remarry while receiving medical benefits as herein provided, all such benefits shall terminate upon such marriage. Employees who retire after January 1, 2016 who shall be entitled to receive medical benefits due to 25 years of service shall be entitled to have their surviving spouse/partner receive medical benefits for a period of one (1) year after the death of the employee.

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Deleted: works on Sunday or a paid holiday, the employee will receive overtime compensation of **2** hour(s) for each hour worked less the number of hours of overtime compensation received under any other provision of the policy.) (If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation of the greater of (1) **3** hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.) ¶

Deleted: as follows: 1% of base salary for all employees with a base salary of $50,000.00 or less and 1.5% for all employees with a base salary above $50,000.00".

Deleted: If an employee has completed less than 25 years of public employment but at least 10 years of employment by the Borough by the date upon which the retirement of any such employee shall become effective, the Borough shall pay the full premium for such medical plan for the employee and his/her dependents for a period of one year following the date such retirement becomes effective, provided that such employee remains insurable. Thereafter, the

Deleted: attains the age of 65.

(3) Any participant shall be entitled to refuse coverage or “Opt Out’ of the plan at his/her election. In the event a participant, so elects, he/she is entitled to the sum of Three Thousand Five Hundred ($3,500.00) dollars per annum or so pro-rated during the coverage year, subject to the appropriate Federal and State taxes. The Borough shall make the appropriate “Opt Out’ payment to the participant at the conclusion of the premium year. The participant choosing to “Opt-Out” has the right to “Opt” back in to the heath insurance plan without penalty to said member.

B. Dental Plan.

(1) All full-time permanent employees are eligible for single enrollment in the Borough's dental plan. Additionally, after 36 (THIRTY SIX) months of continuous uninterrupted employment, all full-time permanent employees and their dependents shall become eligible for enrollment in the Borough's dental plan. New full time employees shall become eligible for enrollment in this plan 60 days after the date of employment.

(2) The Borough shall pay the full premium of this plan.

C. Leave of absence. The Borough shall not be required to furnish either health benefits or dental coverage for any employee during an approved leave of absence from Borough employment unrelated to health issues or military service. However, such employee on an approved leave of absence unrelated to health issues shall have the option of continuing any such coverage by paying the cost thereof.

Deferred Compensation Policy:

A deferred compensation plan is a payroll deduction savings plan that provides the employee with a federal tax-deferred rate of return that is derived from a predetermined percentage of the investment applied to their annual salary. This is an elected benefit that the employee may choose to participate in as a supplemental retirement resource. Forms for enrollment shall be available at the CFO’s office. All Borough employees may choose to join this plan.

Retirement Policy:

Retirement Policy:

Under State law, all eligible employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Borough Administrator in writing prior to the start of that year and within six months of the actual retirement. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Supervisor will prepare an Employee Action form showing any pay or other money owed the employee. The Borough Administrator will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

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Compensation for unused sick leave.

A. Upon retirement for Borough employment of any employee, such employee shall have the right to be compensated by the Borough for accumulated sick leave at such employee's current rate of compensation in accordance with the following schedule:

1. A maximum of 33 days or $5,000, whichever is less, provided that the employee is at least 60 years old and has been employed by the Borough of a minimum of 10 years.
2. A maximum of 66 days or $10,000, whichever is less, provided that the employees is a lease 60 years old and has been employed by the Borough for a minimum of 15 years.
3. A maximum of 100 days or $15,000, whichever is less, provided that the employee is at least 55 years old and has been employed by the Borough for a minimum of 30 years or is at least 60 years old and has been employed by the Borough of a minimum of 20 years.
4. All non-contract employees hired after January 1, 2009 shall have accumulated sick leave capped at 100 days or $10,000.000 whichever is less.
5. All non-contract employees hired prior to January 1, 2009 that have exhausted the balance of their cumulated sick leave will be subject to the 100/day$10,000.00 cap upon retirement.
6. All non-contract employees hired after January 1, 2016 shall not be eligible for compensation for unused sick leave.

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B. Upon receipt of a notice of retirement from any employee eligible for compensation for unused sick leave, the Borough shall have the option of paying such compensation pursuant to either of the flowing schedules:

1. A lump-sum payment not later then March 1 of the calendar year following the year of retirement.
2. At the rate of 50% of such compensation not later then March 1 of the calendar year flowing the year of retirement and the remainder not later than March 1 of the second calendar year following the year of retirement.

C. Notwithstanding the foregoing, no provision of this section shall be construed to restrict the right of the Borough to make payment of the full amount during the year of retirement if it so elects.

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Deleted: D. All non-contract employees with six(6) or more years of service and at least 100 accumulated sick days may elect to cash in no more then ten (10 unused sick days annually, payable in January of the following year. The employee will notify the Borough in writing when electing this option no later then December 15th of each year. Rate of reimbursement will be the hourly rate and longevity of the year in which the reimbursement was requested.¶

Workers Compensation Policy:

An employee suffering a work related injury or illness and being unable to perform their prescribed job due to said injury or illness, will receive Worker's Compensations loss income at one hundred percent (100%) of their salary for a six month period from the date of the occurrence. If the employee has not been released to return to work due to this occurrence after the six month period has expired, loss income will be replaced as prescribed by Law. The Borough in accordance with the law will continue to report and submit al required pension payments during such time. The employee will be responsible for his/her required health benefits premium contribution. (amended 10-4-12 per resolution R-12-137).

Educational Assistance and Training Policy:

Subject to sufficient funds in the budget and upon approval of the Department Head, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Borough Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

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Conference and Seminar Policy:

Requests to attend a conference or seminar must be approved by the Department Head and the Borough Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the

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Department Head at least thirty days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

The Borough shall not pay the cost of registration for any conference or seminar for part time employees.

Receipt for Employee Handbook

I acknowledge that I have received a copy of Borough of Oceanport's Personnel Policies Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the Manual that I do not understand, I will seek clarification from my supervisor, Department Head, or Borough Administrator. I understand that Borough of Oceanport is an "at will" employer and consistent with applicable Federal and State law as well as applicable bargaining unit agreements, employment with the Borough of Oceanport is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough of Oceanport has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Manual states Borough of Oceanport's personnel policies in effect on the date of publication. I understand that nothing contained in the Manual may be construed as creating a promise of future benefits or a binding contract with Borough of Oceanport for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Borough Clerk.

Date: _____

Signature: _____

Print Name: _____

Department: _____

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From: Joseph A. Irace
To: Jeanne Smith
Cc: Robert Proto; Steve Solan
Subject: Borough Administrator Job Description
Date: Wednesday, April 25, 2018 11:15:58 AM

Jeanne-

The Finance Committee would like to add this to the workshop agenda for discussion at the May 3rd meeting.

Thanks!
Joe

> The Borough Administrator shall be the chief administrative officer of the Borough.
>
> However, the Borough Administrator shall serve under the direction of the Mayor and Council, but may receive instructions from the Mayor; Council President, or Council Committees, between regularly scheduled meetings or when the Council cannot be convened. Members of the Borough Council, assigned to the coordination, liaison, committees and special responsibility for areas of borough government shall exercise such functions through and in conjunction with the Administrator. The Administrator will work directly with the Council Committees who will make recommendations to the Governing Body including but not limited to hiring, producing of the operating and capital budget and any items that will be recommended to the full Governing Body for consideration.
>
> EQUIPMENT/JOB LOCATION:
> Work area is in Borough Hall. Uses personal computers and general office equipment such as photocopiers, fax machine, typewriter, and calculator.
>
> ESSENTIAL FUNCTIONS OF THE JOB:
> • Duties. The Borough Administrator, for the purpose of carrying out the responsibilities of the position, shall develop, promulgate and implement with the approval of Mayor and Borough Council, sound administrative and personnel practices and procedures for all departments, offices, boards, commissions, authorities, employees, agencies and any other entity of the borough (except for police members that are personally subject to the provisions of the P.B.A. contract) and shall to that end:
>
> • Attend all executive and public meetings of the Borough Council and any other meetings when so requested by the Mayor and Council. Provide a Monthly Summary report to Mayor and Borough Council summarizing all departmental activities/concerns and their accomplishments and concerns.
>
> • Be responsible for the operation of all departments and offices within the borough; and all department heads and offices of the borough shall report to him/her; shall receive complaints against all departments, boards and commissions, except the Court. Shall investigate or dispose of such complaints and, if deemed necessary, consult with the Mayor and/or Council and/or Council Committees for direction. A written record shall be kept of such complaints.
>
> • Study, recommend, implement and enforce personnel organization and policy of the borough and its departments. Shall serve as personnel officer and maintain sound personnel practices and appropriate records of all employees. Will be responsible for the process of communicating changes in personnel policies and specifying annual performance objectives for borough employees. He/She shall have the authority to hire and terminate all borough employees in conjunction with Council Committees, with the advice and consent of Mayor and Council.
>
> • Be responsible for assuring that the Borough and each of its Departments and all of its employees are in compliance with all applicable state and federal employment and work place laws such as EEO, FLSA, ADA, ADEA, FMLA, OSHA, etc. In addition, the Administrator will appear for and be the responsible borough representative in all statutory employment law related situations such as unemployment compensation hearings,

work place safety inspections, EEO audits and/or hearings, and he/she will respond to related inquiries. This responsibility includes all communications and training needed (as considered in a legal determination of compliance).
>
> • Study, recommend, implement and enforce administrative procedures and policies of the borough and its departments. Assign responsibility for department action and coordinate interdepartmental operations as authorized by the Mayor and Borough Council. Shall be authorized to require prompt receipt of copies from the Borough Clerk of any general and official correspondence addressed to the borough, clerk or the Mayor and Borough Council.
>
> • Conduct as may be appropriate, a continuous study of all activities and operations of the borough government and recommend changes for the purpose of increasing efficiency and effectiveness; prescribe such office procedures as they shall deem necessary for the conduct of administrative procedures and revoke, suspend or amend any such office procedures.
>
> • Require the various departments to affect an adequate inventory of all equipment, materials and supplies in stock and to recommend sale of any surplus, obsolete or unused equipment when authorized to do so by the Mayor and Borough Council.
>
> • Provide liaison between the Mayor and Borough Council or Council Committees and the various municipal departments, offices, boards, commissions, authorities, employees, agencies and other municipal entities and their professional advisors.
>
> • Study, recommend, implement and enforce procedures and policies of the borough and departments for receipts, dissemination, and collation of and responses to communications and information and shall be further responsible for continually improving communications between all departments' personnel, Mayor, Borough Council, and the residents of Oceanport.
>
> • Study, recommend, implement and enforce procedures and policies of the borough and departments for the coordination, compiling, editing and prompt dissemination and release of public information, including the borough newsletter, upon the recommendation and authorization of the Mayor and Borough Council.
>
> • See that all terms and conditions imposed in favor of the borough or its inhabitants in any statute, ordinance, approval or contract are faithfully kept and performed and upon knowledge of any violation, call the same to the attention of the appropriate borough officer.
>
> • Study, recommend, implement and enforce the financial procedures and policy of the borough and its departments. Be responsible for the preparation of the annual capital and operating budgets in conjunction with the Finance and Administration Committee and submit them to the Mayor and Borough Council for approval and specifically make recommendations as to salaries to be paid to Borough employees, after consultation with department heads and review of performance appraisals. Shall be responsible to see that each department; office, board or other agency adheres to the budget approved by the Mayor and Council.
>
> • Continually review and supervise the borough's insurance program. He/She shall be the Boroughs representative to the Joint Insurance Fund (JIF).
>
> • Act as the Borough contracting agent, conferring with the Borough attorney and engineer regarding the preparations of bidding documents for contracts requiring public sealed bidding and submitting recommendations to the appropriate Council Committee and the Mayor and Borough Council with respect to the award of the contracts following the receipt of bids.
>
> • Maintain liaison with the officials of the Borough School District and also the Shore Regional High School Board of Education as well as any private or charter school within the Borough.
>
> • Make studies and surveys of such municipal problems of the Borough as shall be assigned from time to time by the Mayor and Borough Council, and prepare and submit written reports and the findings and determinations to the Mayor and Borough Council for its consideration and action. Shall be responsible for seeing that any complaints concerning the functions and obligations of the Borough made by any of its residents, citizens or taxpayers are

promptly attended to and a written record kept of such complaints when made, and when and what action has been taken in response thereto.
>
> • Shall serve as Borough Purchasing Agent and shall supervise and direct all activities of purchasing. Shall be in charge of all purchasing for or on behalf of the borough or any departments or agencies therein (excluding school districts) and shall receive requisitions from said departments and agencies, establish classifications and standards for the purchase of supplies and materials for the use of all municipal buildings, departments and agencies. Shall, subject to directions of the Mayor and Borough Council, make purchases, execute contracts and perform such functions and duties as may be required and necessary for the proper operation of the department. The Borough Administrator shall review and approve all payment vouchers prior to payment being made thereon. The Borough Administrator may spend or commit to a maximum dollar amount of $1500.00 for the purchases of goods or services within the budget without securing authorization from Mayor or Borough Council.
>
> • Make such inspections and review as may be necessary to insure full compliance by all persons and corporations having contractual obligations to perform services for or sell goods to the Borough.
>
> • Inform the Mayor and Borough Council of Federal aid projects, State aid projects and any other aid programs for which the Borough may qualify, and on all matters assigned to their them or otherwise within their jurisdiction. Securing federal and state grants on an annual basis is considered a minimal job performance requirement.
>
> • Devote their entire effort to the performance of their duties and functions and shall not engage in any other occupation or employment while employed by the borough except that they may perform the duties of any other position in government with the approval of the Mayor and Borough Council.
>
> ADDITIONAL FUNCTIONS OF THE JOB:
> Restrictions of authority, No political activity, Conflicts of interest
>
> • Nothing in these sections shall derogate from, authorize the Borough Administrator to exercise the powers and duties of the elected and appointed officials or employees, as provided by law.
>
> • At no time will the Borough Administrator engage in any organized political campaigns within the Borough of Oceanport, or publicly offer any opinion with regard to a candidate in the Borough.
>
> • The Borough Administrator shall not have any interest, direct or indirect in any contract, subcontract or job for work, materials or services or the profit thereof to be furnished to or performed for the borough. The Borough Administrator shall comply with the local governments ethics law NJSA 40A: 9-22.1, et. seq.
> REQUIRED KNOWLEDGE AND SKILLS:
>
> The Borough Administrator shall be appointed on the basis of executive and administrative abilities and qualifications with special regard to education, training and experience in governmental affairs.
>
> MINIMUM QUALIFICATIONS:
> Bachelor’s degree required, Masters degree in Public Administration preferred. Five years related experience preferred. Individual should have knowledge of municipal operations, labor negotiations, grant proposal writing, contract administration, budget and personnel management.
>
> ALTERNATIVE QUALIFICATIONS:
> Residency requirement. The Borough Administrator must be a resident of the State of New Jersey.
>
> CONDITIONS OF EMPLOYMENT:
> Must have a valid Class "D" New Jersey Driver's License, or equivalent. Appointed by the Mayor with advice and consent of the Council.
>
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> Sent from my iPhone

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

Resolution #2018-81
05/3/18

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

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

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

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

Utility Repairs & Service Contracts

FMERA/Status of transactions for Oceanport parcels

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

I certify that the foregoing Resolution #2018-81 was adopted by the Oceanport Governing Body at the Regular Meeting held May 3, 2018

_____
JEANNE SMITH, RMC
BOROUGH CLERK