

**REGULAR MEETING AGENDA - AMENDED**  
**MAYOR AND COUNCIL**  
**March 17, 2016**

**Call to Order.**

**Statement of Compliance with Open Public Meetings Act:** *This meeting complies with the Open Public Meeting Act by notification on January 4, 2016 of this location, date and time to the Asbury Park Press and the LINK News, publication on January 7, 2016 and by the posting of same on the municipal bulletin board and Borough Web Site.*

**Flag Salute**

**Invocation**

**Roll Call**

**Engineer's Report:**

**EXECUTIVE SESSION:**

**Resolution #2016-084 authorizing the Governing Body to enter into Executive Session**

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

Borough Administrator Position

**Administrator's Report:**

**Clerk's Report:**

1. Consent Agenda:

- |                  |      |                                                                                       |
|------------------|------|---------------------------------------------------------------------------------------|
| <b>#2016-068</b> | 1.1  | Resolution authorizing the payment of bills.                                          |
| <b>#2016-069</b> | 1.2  | Resolution authorizing redemption of Tax Sale Certificate #14-00003                   |
| <b>#2016-070</b> | 1.3  | Resolution authorizing redemption of Tax Sale Certificate #15-00002                   |
| <b>#2016-071</b> | 1.4  | Resolution authorizing redemption of Tax Sale Certificate #15-00008                   |
| <b>#2016-072</b> | 1.5  | Resolution authorizing redemption of Tax Sale Certificate #15-00005                   |
| <b>#2016-073</b> | 1.6  | Resolution approving Certified LOSAP list(s) for 2015                                 |
| <b>#2016-074</b> | 1.7  | Resolution accepting the Tax Collector's Annual Report for 2015                       |
| <b>#2016-075</b> | 1.8  | Resolution appointing a Contract for Special Accountant for IRS Appeal                |
| <b>#2016-076</b> | 1.9  | Resolution authorizing Change Order #1 for ADA project at Community Center            |
| <b>#2016-077</b> | 1.10 | Resolution authorizing a Request for Proposals for Health Insurance Broker            |
| <b>#2016-078</b> | 1.11 | Resolution approving field use permit applications                                    |
| <b>#2016-079</b> | 1.12 | Resolution authorizing redemption of Tax Sale Certificate #14-00023                   |
| <b>#2016-080</b> | 1.13 | Resolution authorizing emergency temporary appropriations                             |
| <b>#2017-081</b> | 1.14 | Resolution authorizing a shared service with Borough of Eatontown for Hot Box Machine |
| <b>#2016-082</b> | 1.15 | Resolution authorizing Monmouth County Mosquito Commission to conduct spraying        |
| <b>#2016-085</b> | 1.16 | Resolution authorizing additional lines of coverage with CJHIF                        |

2. Minutes      Approval of the Reorganization Minutes of January 1, 2015  
                         Approval of the Regular Minutes of January 7, 2016  
                         Approval of the Executive Sessions 1 and 2 Minutes of January 7, 2016  
                         Approval of the Regular Minutes of January 21, 2016

3. Fort Monmouth Plan Amendment #5

**REGULAR MEETING AGENDA - AMENDED**  
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4. Ordinances:

- #963** Introduction of an Amendment to Zoning Ordinance – VC-AH Overlay  
**#964** Introduction of the 2016 CAP Ordinance

**COMMITTEE REPORTS:**

- Public Safety, Councilman Briskey, Chair
- Finance & Administration, Council President Irace, Chair  
2016 Municipal Budget

**#2016-083** Resolution introducing the 2016 Municipal Budget

- Planning & Development, Councilwoman Cooper, Chair
- Public Works & Engineering, Councilman Gallo, Chair
- Health & Human Services, Councilwoman Kahle, Chair
- Parks & Recreation, Councilman Patti, Chair

**MAYOR COFFEY'S REPORT:**

1. Appointment of OEM Director

**Petitions from the public.**

**Adjournment.**

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Borough Administrator Position

**Administrator's Report:**

**Clerk's Report:**

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- |                  |      |                                                                                         |
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- Parks & Recreation, Councilman Patti, Chair

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1. Appointment of OEM Director

**Petitions from the public.**

**Adjournment.**

## REGULAR MEETING MINUTES

Oceanport, New Jersey  
March 17, 2016

The Regular Meeting of the Oceanport Mayor and Council was called to order on March 17, 2016 at 7:00 PM with the Statement of Compliance with the Open Public Meetings Act given by Mayor Coffey.

**Statement of Compliance with Open Public Meetings Act:** *This meeting complies with the Open Public Meeting Act by notification on January 4, 2016 of this location, date and time to the Asbury Park Press and the LINK News, publication on January 7, 2016 and by the posting of same on the municipal bulletin board and Borough Web Site.*

**PLEDGE OF ALLEGIANCE:** Mayor Coffey led the audience and members of the Council in the flag salute.

**INVOCATION:** Borough Chaplain Stacy Deerin gave the invocation.

**MEMBERS PRESENT:** Councilpersons Briskey, Cooper, Gallo, Irace, Kahle, Patti and Mayor Coffey

**OFFICIALS PRESENT:** Borough Administrator, John Bennett, Borough Clerk, Jeanne Smith, and Borough Attorney, Scott Arnette, Borough Engineer William White,

**Engineer's Report:** Mr. White advised the Road Program from last year is being completed on Pemberton Avenue, Whitehall Road, a portion of Itaska Avenue and Riverside. Mr. White received a request from a resident to install a crosswalk across Oceanport Avenue to connect the two sections of Pemberton. He requested the Council's permission to seek the County's approval and get it installed to which there were no objections. Mayor Coffey asked when the paving would be complete. Mr. White advised it should be completed within a week and a half, and it would be subsequent to that, probably two to three weeks.

Plan specifications for the demolition of Borough Hall, DPW and the Police trailers are completed. Millennium Strategies advised Mr. White that bids cannot go out for bid until there is a concept plan for the replacement of Borough Hall as well as a cost estimate, which is basically the bid that is out right now. March 31<sup>st</sup> is the deadline. Mayor Coffey asked how many bids have been requested. The Borough Clerk advised that 8 firms have responded. Six have toured or are scheduled to tour the property, with additional tours scheduled for next week.

**Resolution #2016-084** authorizing the Governing Body to enter into Executive Session

At 7:05 p.m. the Mayor asked for a motion on **Resolution #2016-066** authorizing the meeting to enter Executive Session for the purposes of Personnel Matters related to filling the Borough Administrator position which was moved by Councilman Gallo and seconded by Councilman Patti and approved by Council.

At 7:33 p.m. Council returned from Executive Session and the regular meeting was reopened on a motion by Council President Irace, seconded by Councilman Patti and approved by Council.

Mayor Coffey put forth **Resolution #2016-086** to appoint Raymond T. Poirio as Borough Administrator, read the resolution in full for the record which was moved by Council President Irace and seconded by Councilman Patti.

The Clerk called roll:

AYES: Briskey, Irace, Kahle, Patti

NAYES: Cooper, Gallo

ABSTAIN: None

ABSENT: None

The Clerk state the motion carried.

**Administrator's Report:** Borough Administrator Mr. Bennett reported that the budget was brought in within the Committee's guidelines; extended special thanks to CFO Katie LaPorta for a great job gathering the figures and assisting with preparing the budget.

This is the 100<sup>th</sup> anniversary of the Port-Au-Peck firehouse. Clean up continues in the area behind the firehouse. Mr. Bennett extended best wishes to the volunteers on their anniversary. Mr. Bennett expressed his thanks for the firefighters and first aid volunteers who always go the extra mile for the community.

Mr. Bennett reported on the installation of water at the DPW garage and building. He stated that he lease for the Police Department has been extended until September of 2016 and that the OEM/fire chief building has been completed and is ready for occupation.

Conrail has not responded positively to the Borough's requests. It has denied any responsibility for the drainage problem. Conrail stated it will provide access to the Borough or the Borough's contractor to make corrections.

The New Jersey Sports Authority has allowed a temporary location for vegetative debris at the end of Gatta Park resulting from a storm. Mr. Bennett thanked "Buzz" Baldanza for his dedication to the Borough and his efforts to obtain grants and/or equipment. Recently, he received a donation of a 2009 forklift from the Army. Mr. Bennett provided updates on the RPM building and homeless assistance building. The change to the new health benefits package is scheduled for May 1<sup>st</sup>. He also reported that the PBA agreement has been executed.

Mr. Bennett expressed his thanks for being able to represent the Borough of Oceanport for many years as a legislator, the borough attorney and borough administrator. It was a pleasure being able to serve the residents and the community as a whole.

#### **CLERK'S REPORT:**

##### **1. Consent Agenda:**

- |                  |      |                                                                                       |
|------------------|------|---------------------------------------------------------------------------------------|
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| <b>#2016-085</b> | 1.16 | Resolution authorizing additional lines of coverage with CJHIF                        |

The Clerk advised there were 16 items for approval. Councilman Gallo requested that 2016-075 be taken separately. Councilman Briskey requested that 2016-073 be taken separately. The Clerk asked for a motion to approve which was made by Councilman President Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES: Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Clerk stated motion carried.

**#2016-073 1.6 Resolution approving Certified LOSAP list(s) for 2015**

The Clerk asked for a motion approving Resolution # 2016-073 which was moved by Council President Irace and seconded by Councilwoman Kahle.

AYES: Irace, Cooper, Kahle, Patti  
NAYS: None  
ABSTAIN: Briskey, Gallo  
ABSENT: None

The Clerk stated motion carried.

**#2016-075 1.8 Resolution appointing a contract for Special Accountant for IRS Appeal**

The Clerk asked for a motion approving #2016-075 which was moved by Council President Irace and seconded by Councilwoman Kahle. Councilman Briskey explained his reasons for abstaining

AYES: Irace, Cooper, Kahle, Patti  
NAYS: None.  
ABSTAIN: Briskey, Gallo  
ABSENT: None

The Clerk stated motion carried.

- 2. Minutes    Approval of the Reorganization Minutes of January 1, 2016
- Approval of the Regular Minutes of January 7, 2016
- Approval of the Executive Sessions 1 and 2 Minutes of January 7, 2016
- Approval of the Regular Minutes of January 21, 2016

The Clerk asked for a motion approving the Reorganization Minutes of January 1, 2016 which was moved by Council President Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES:            Briskey, Irace, Cooper, Gallo, Patti  
NAYS:            None  
ABSTAIN:        Kahle  
ABSENT:        None

The Clerk stated motion carried.

The Clerk asked for a motion approving the Regular Minutes of January 7, 2016 and Executive Sessions 1 and 2 of January 7, 2016, which was made by Council President Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES:            Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS:            None  
ABSTAIN:        None  
ABSENT:        None

The Clerk stated motion carried.

The Clerk asked for a motion approving the Regular Minutes of January 21, 2016, which was moved by Council President Irace and seconded by Councilman Gallo.

The Clerk called roll:

AYES:           Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS:           None  
ABSTAIN:       None  
ABSENT:        None

The Clerk stated the motion carried.

3. Fort Monmouth Plan Amendment #5 was distributed and discussed at the last meeting. Responses are due April 12, 2016 so the Council can review it and have discussion on April 21, 2016. The Clerk advised the Amendment will be posted on the Borough's website, and that it affects the pistol range in Tinton Falls. There is no impact on Oceanport.
4. Ordinances: Ms. Smith advised that the next items were the 2 ordinances and deferred to Councilwoman Cooper.

**#963**           Introduction of An Amendment to Zoning Ordinance – VC-AH Overlay

Councilwoman Cooper called for the introduction of "**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO ESTABLISH THE VC-AH OVERLAY ZONE DISTRICT**" and then asked the Clerk to read the proposed Ordinance by title only, after which Councilwoman Cooper moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of April 21, 2016 and to advertise same in accordance with the law and was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES:           Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS:           None  
ABSTAIN:       None  
ABSENT:        None

The Clerk stated that the motion carried.

Councilwoman Cooper explained the reason for the amendment for the overlay zone was to include a commercial component and add opportunity to meet the Borough's COAH requirements.

**#964**           Introduction of the 2016 CAP Ordinance

Councilwoman Cooper called for the introduction of "**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AND ESTABLISH A CAP BANK**" and then asked the Clerk to read the proposed Ordinance by title only, after which Councilwoman Cooper moved to approve the Ordinance upon first reading and to hold the public hearing on the proposed ordinance at the Council meeting of April 21, 2016 and to advertise same in accordance with the law and was seconded by Councilwoman Kahle.

The Clerk called roll:

AYES:           Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS:           None  
ABSTAIN:       None  
ABSENT:        None

The Clerk stated that the motion carried.

#### **COMMITTEE REPORTS:**

**COUNCILMAN BRISKEY:** Councilman Briskey reported that he attended two Finance Committee meetings to prepare the budget. At the Public Safety meeting, Councilman Briskey reviewed the capital expense and miscellaneous requests with Council President Irace and Councilman Gallo. There was discussion regarding execution of the PBA contract.

**COUNCIL PRESIDENT IRACE:** Council President Irace briefly explained the work put into the 2016 draft budget, the draft recommends a one cent increase. Based on an average assessment of \$440,000, that results in a \$44 annual increase in the Municipal tax payment.

Council President Irace made a motion to approve a Resolution introducing the 2016 Municipal Budget, Councilwoman Kahle seconded.

The Clerk called roll:

AYES: Briskey, Irace, Cooper, Gallo, Kahle, Patti  
NAYS: None  
ABSTAIN: None  
ABSENT: None

The Clerk stated the motion carried.

A public hearing on the budget will be held on April 21<sup>st</sup>, 2016 meeting of the Council at which an outline will be distributed for the public hearing portion.

Council President Irace also expressed his thanks to Borough Administrator John Bennett for his years of service to the Borough.

**COUNCILWOMAN COOPER:** Councilwoman Cooper stated the Planning Board meeting on March 7<sup>th</sup> was cancelled. She attended her first FMERA meeting. The relocation for the homeless shelter was approved. They thanked the Borough for their assistance. She reported that the Borough has been advised by Shrewsbury that they will not be renewing our lease for the courthouse, effective in October. She reported that FMERA discussed two parcels on the Fort property which have a contaminant called PAH, an emission from the combustion of organic material. FMERA is working determining where it is and on remediation.

During the Planning Committee meeting, there was discussion regarding the Borough's COAH obligation and Verizon Wireless' proposal to install antennae to expand cell phone coverage. Councilwoman Cooper read a letter from Verizon Wireless which requested up to 12 of the Outdoor Distributed Antenna System (ODAS). She believes the Council needs to entertain more discussion on the proposal. Borough Attorney Arnette indicated that he will obtain the original easement language, review it and report to the Council.

The Planning Committee also discussed a proposal for the change order at Community Park. The Borough had a grant to install handicap restrooms. Since installation, it was reported that the sidewalks were in poor condition. There were unused funds from the grant, so the funds were transferred in order to repair the sidewalk.

Regarding audio/visual transmission of the Council and Planning Board meetings, Councilwoman Cooper will investigate options at Shore Regional High School and Maple Place School. She noted that Mayor Coffey had been in contact with Verizon and Comcast regarding publicly broadcasting the meetings.

With regard to the streetscape project, Councilwoman Cooper reported that bids went out, but the bids received were over the Borough's estimate. The project will go back out to bid. Borough Administrator recommended the Committee and Borough Engineer review it and make recommendation to reject the bids or alternatively, the Committee could make a recommendation that the Borough pay the difference between the grant and the accepted bid.

**COUNCILMAN GALLO:** Councilman Gallo reported that the Road Committee met and discussed the proposed roads for this year's program. The Committee determined which roads should be reviewed by the Borough Engineer to determine costs and repair and total length. The roads were placed over a three year capital program. After the estimates are received, the Committee will present the full list to the Council. He also expressed his thanks to Borough Administrator Bennett for his service to the Borough.

**COUNCILWOMAN KAHLE:** The Community Garden will be continued this year at the old Borough Hall. Next year's Community Garden will hopefully be on Fort Monmouth property. Councilwoman Kahle attended the Monmouth County Board of Health meeting, where Lyme disease prevention and mosquito spraying were discussed. The Mosquito Commission requested an increase in spraying. She spoke with the Commission, who explained that it would be spot specific for standing waters. Monmouth County Board of Health will be offering free workshops for such OEM, first aiders, school groups or anyone interested.

There is a significant geese problem in the Borough. The Borough has contracted with a goose company who will collect the eggs in the spring. Residents should contact Borough Hall or Councilwoman Kahle to report any geese nests. She requested that there be a link on the Borough's website to the Monmouth County Board of Health newsletter.

Councilwoman Kahle reported that FMERA provided the Environmental Commission with the proposed 5<sup>th</sup> Amendment to the Fort Monmouth Reuse Plan to review. The Amendment impacts Tinton Falls, but the Commission will review it for residual side effects that may affect the Borough. The Commission is also discussing dock standardization throughout the Borough. A tree ordinance is being investigated also to protect trees. Mike Sikand prepared and presented a report to the County and State on how to alleviate flooding. Councilwoman Kahle shared that with the Committee to review.

Councilwoman Kahle reported on the PAH levels at Fort Monmouth. The Army and DEP differ on where the contaminants come from. They will continue to investigate. There was discussion regarding combining all of the contaminated soil and creating a new landfill on Fort Monmouth Property.

The Committee previously discussed the idea of a water walk around all of Fort Monmouth. There seems to be interest from property owners or future buyers who want to purchase all the way up to the water. FMERA should be advised that the Borough's plan is for a water walk.

The Environmental Commission discussed the Sandy Hook Bay National Marine Sanctuary. Fishermen were particularly concerned about the establishment of a sanctuary. Mayor Coffey advised that he attended a Two Rivers Mayors meeting, where a presentation was made. His understanding was that there may be a benefit from a sanctuary, but cautioned that it needs to be examined closely. Councilwoman Kahle thanked Robert Gruskos and Frank Baricell for keeping the Borough informed on the RAB.

**COUNCILMAN PATTI:** Councilman Patti reported that the Egg Scramble will be Saturday, March 19<sup>th</sup>. Park tours will resume April 24<sup>th</sup>. An Eagle Scout presented a beautification project to the Recreation Committee. The Borough Administrator provided three years of expenses and income for the Open Space fund, which the Recreation Committee will review to determine what the Committee and Borough can do as opposed to relying on assistance from the County or grants. Councilman Patti reported on the twinning project. In France, there is a town that is shaped like Oceanport and faces similar issues, such as flooding.

**MAYOR COFFEY:** Mayor Coffey appointed Mauro “Buzz” Baldanza as OEM Director for a three year term, expiring February, 21<sup>st</sup>, 2019. The PBA contract was executed. The proposed budget is available to the public at Borough Hall for review. Mayor Coffey also reported that the fitness center at Fort Monmouth was discussed.

**PUBLIC:**

Mayor Coffey then opened the meeting to anyone from the public who wished to be heard.

Mark Patterson, Oceanport Hook and Ladder Fire Company, announced the company’s annual ham dinner and invited the governing body and public to join them for their biggest fundraiser.

Robyn Kelly, 45 Cayuga Avenue, discussed the sale of a property on Ithaca Avenue. She was advised that one home was going to be built. She expressed concern over flooding that will result. The Borough Clerk reported that the governing body and Planning Board denied the application, but was taken to Court and the applicant was successful. There are very restrictive requirements in the resolution.

As there were no more petitions from the public, the Mayor closed the public portion of the meeting.

As there was no further business, the meeting was adjourned at 8:50 p.m. on a motion by Council President Irace, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

JEANNE SMITH  
BOROUGH CLERK

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

**Resolution #2016-084  
03-17-16**

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

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

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

**Personnel Matters – N.J.S.A. 10:4-12(b)(8)**  
Borough Administrator Position

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

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-084 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
APPOINTMENT OF BOROUGH ADMINISTRATOR**

**Resolution #2016-086  
03-17-16**

**WHEREAS**, pursuant to §5-2 of the Ordinances of the Borough of Oceanport, the Municipal Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council; and

**WHEREAS**, it is the desire of the Mayor to appoint Raymond Poerio of Edison, New Jersey to serve as Borough Administrator; and

**WHEREAS**, an agreement outlining the terms of employment between the Mayor and Council of the Borough of Oceanport and Raymond Poerio has been prepared.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Oceanport that Raymond Poerio is hereby appointed Borough Administrator of the Borough of Oceanport in accordance with the specific terms and conditions set forth in the Employment Agreement attached hereto.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following: Borough Auditor, Borough Attorney, and Raymond Poerio.

Motion:

Second:

I certify this to be a true copy of Resolution #2016-086 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

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JEANNE SMITH, RMC  
BOROUGH CLERK

EMPLOYMENT AGREEMENT BETWEEN  
THE BOROUGH OF OCEANPORT  
AND  
RAYMOND POERIO, EMPLOYEE

PREAMBLE

THIS AGREEMENT, entered into this **4th** day of **April, 2016**, by and between the **Borough of Oceanport** in the County of Monmouth, New Jersey (hereinafter referred to as the "Borough"), having and office at **315 East Main Street, Oceanport, New Jersey** and **Raymond Poerio** (hereinafter referred to as "Employee"), having an address at **19 Bradford Road, Edison, New Jersey 08820** hereby establishes certain terms and conditions of the employment of Employee that are different than those set forth in the Employee Hand Book. This Agreement, combined with the terms and conditions contained within the Employee Hand Book, represents the understanding between the Borough and the Employee for his employment as the Borough Administrator.

## ARTICLE I

### MANAGEMENT RIGHTS

The Borough hereby retains and reserves unto itself all powers, rights, authority, duties, and responsibilities conferred upon and vested in it prior to the signing of this agreement by the laws and Constitution of the State of New Jersey and of the United States, except those limited by the specific and express terms of this agreement, and then only to the extent that such specific and express terms hereof are in conformance with the Constitution and the laws of New Jersey and of the United States. The Administrator shall be subject to all terms included in the Borough of Oceanport Employee Hand Book and any Employee Policy Manual, except as otherwise provided in this Agreement.

## ARTICLE II

### APPOINTMENT & RESPONSIBILITIES OF THE BOROUGH ADMINISTRATOR

1. Employee is being appointed as Borough Administrator in accordance with N.J.S.A. 40A:9-136 and Section 5-1, et. seq., of the Code of Ordinances of the Borough of Oceanport.
2. Employee, as the Borough Administrator, shall conduct all necessary duties of the Administrator as provided by the applicable laws and regulations of the State of New Jersey, the Ordinances of the Borough of Oceanport and the regulations and policies established by the Borough of Oceanport.
3. Employee shall be responsible for the day to day operations of the Borough of Oceanport consistent with the applicable laws and regulations of the State of New Jersey, the Ordinances of the Borough of Oceanport and the regulations and policies established by the Borough of Oceanport, shall perform any and all other duties legally assigned to him by the Mayor and Council and shall report to the Mayor and Council on the needs and functions of the Borough.
5. Employee will be permitted the time off and reimbursement of expenses for professional development and/or attendance at conferences and training seminars necessary to the functions of the job of the Borough Administrator, conducted by ICMA, NJMMA and the New Jersey State League of Municipalities and other professional organizations. The Borough of Oceanport agrees to provide adequate provision for dues to these organizations and for attendance at these conferences and training programs in the annual budget of the Borough of Oceanport.
6. Employee will be able to attend other seminars and conferences not deemed "necessary" to the functions of the job of the Borough Administrator on municipal time and expense with reimbursement only upon written **prior approval** by the Finance Committee.
7. Employee's regular schedule will be 8:30 a.m. to 4:30 p.m., Monday through Friday, for a forty (40) hour work week, as well as attendance at official events of the Borough of Oceanport where his presence is appropriate for his duties and responsibilities.

8. Employee's regular salary shall also include employee's attendance at various evening meetings and occasional weekend meetings without receiving any additional time off or compensation.
9. In the event that extraordinary events dictate that the Employee must devote an inordinate amount of time outside of normal working hours to tend to the business of the municipality, Employee will be permitted to adjust his normal business hours to reflect these other commitments upon notice to and approval by the Mayor.
10. Employee shall not be required to live within the boundaries of the Borough of Oceanport.
11. Employee will be permitted to establish a Deferred Compensation Plan corresponding to the plan Employee currently utilizes.
12. The Borough of Oceanport shall bear the cost of any fidelity bond, position bond or other bond necessary for the fulfillment of Employee's duties as Borough Administrator.
13. Employee shall be reimbursed for all reasonable expenses incurred on behalf of the Borough of Oceanport.
14. The Borough of Oceanport shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action arising out of an alleged act or omission occurring in the performance of Employee's duties, including any action which might commence or continue after Employee's retirement, resignation or termination.
15. Employee hereby certifies that upon acceptance of the position of Borough Administrator for the Borough of Oceanport, Employee shall devote full time and energy to fulfilling the duties and responsibilities of the position. **Employee must seek prior written approval of the Mayor and Council before accepting or assuming any other employment for remuneration during the term of this agreement.**
16. Supplementing and complementing the provisions of the state statutes and local ordinance governing the termination of someone serving in the position of Borough Administrator, Employee will receive notice of any meetings being held concerning his performance and continued employment with the Borough and will be given an opportunity to be heard prior to the adoption of any resolution affecting his tenure with the Borough of Oceanport. Said opportunity, at the discretion of Employee, may be held in public session.
17. In recognition of the financial impact being incurred by Employee in leaving his existing position and in recognition of the time restraints of finding alternate employment should Employee's services as Borough Administrator with the Borough be terminated for any reason other than "just cause" or voluntary resignation, and in recognition that a person serving in the position of Administrator is required to work many hours in excess of the normal "work week" required of other management personnel, it is hereby agreed that in addition to the severance requirement of state law, Employee's notice of termination is hereby supplemented by an additional 2 weeks after each year of tenure with the Borough with a cap of 12 weeks.
18. Employee will not be absent from the Borough of Oceanport for more than two consecutive weeks at any one time without the prior approval of the Mayor and Council.
19. Employee recognizes and understands that a pre-requisite for his employment is maintenance and upkeep of Employee's State of New Jersey Certification as a Public Works Manager and Employee hereby warrants and represents that he is a Certified Public Works Manager.

### ARTICLE III

#### RESPONSIBILITIES AS CERTIFIED PUBLIC WORKS MANAGER

1. Employee, in his capacity as Borough Administrator shall serve as the Borough's Certified Public Works Manager and, as such, shall be deemed the Head of the Department of Public Works. He shall be responsible for overseeing the Department of Public Works and report to the Mayor and Council on the needs and functioning of the Department. Employee shall attend all classes necessary to maintain certification required by the State for a Certified Public Works Manager at the expense of the Borough.

### ARTICLE IV

#### SALARY

Employee shall receive an annual salary as follows:

|                       |                                         |
|-----------------------|-----------------------------------------|
| Borough Administrator | \$121,000.00 (pro rated for first year) |
|-----------------------|-----------------------------------------|

1. Employee's salary is subject to the pay raise provided to all Statutory Borough Employees, annually.
2. Employee's salary shall not be reduced by a governing body without Employee having an opportunity to discuss with the governing body his/her performance and any reasons for any salary reduction.

### ARTICLE V

#### HOURS OF WORK

1. Employee's regular schedule will be 8:30 a.m. to 4:30 p.m., Monday through Friday, for a forty (40) hour work week, as well as attendance at official events of the Borough of Oceanport where his presence is appropriate for his duties and responsibilities.
2. Employee's regular salary shall also include employee's attendance at various evening meetings and occasional weekend meetings without receiving any additional time off or compensation.
3. In the event that extraordinary events dictate that the Employee must devote an inordinate amount of time outside of normal working hours to tend to the business of the municipality, Employee will be permitted to adjust his normal business hours to reflect these other commitments upon notice to the Mayor.
4. Employee shall spend sufficient time at his job to ensure the smooth and responsible operation of the Borough's Administration office and the Department of Public Works, over which Employee has supervisory control.
5. The Employee shall not be entitled to any compensatory time as a consequence of time spent to fulfill his duties and obligations as Borough Administrator.

## ARTICLE VI

### HOLIDAYS

The following days shall be considered legal holidays during the term of this Agreement and compensation and time off shall be in accordance with the Borough Employee Handbook and Policy from year to year:

New Year's Day

Martin Luther King's Birthday (observed)

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving

Day after Thanksgiving

Christmas

## ARTICLE VII

### VACATION

1. The Borough recognizes Employee's 18 plus years of service in municipal government towards the calculation of sick and vacation and any other such benefit that utilizes "time served" to determine benefits.
2. The Employee shall receive twenty five (25) paid vacation days annually.
3. These vacation days will be advanced to Employee effective the first of every year for his use during the year and will be pro-rated for the first year of employment.
4. It is acknowledged that Employee has already scheduled the following vacation dates for the calendar year 2016: May 31 to June 3, July 5 to July 8 and November 18 to November 29.
5. If Employee should be terminated during the year for any reason other than "just cause", Employee will be paid for the full allotment of any vacation days unused for that year.
6. Employee may carry over a maximum of one year's vacation days, but in no event may have available more than twice the annual vacation days allotted.
7. If an official holiday falls during the Employee's vacation period, an additional day of vacation will be granted in lieu of the holiday.

## ARTICLE VIII

### PERSONAL DAYS

The Employee shall be entitled to three (3) paid personal days.

## ARTICLE IX

### SICK LEAVE

1. Sick leave is defined as any authorized absence from duty with full pay because of illness or accident to an employee or an immediate family member (spouse, child, stepchild or foster child) not arising out of an employee's course of employment. The Employee must promptly notify the Clerk of his intended absence from work under this article. Notification shall be made before the Employee's starting time, except in such case where, because of the emergent nature of the illness, notification cannot be made as herein set forth.
2. The Employee shall be granted fifteen (15) paid sick days annually. Sick leave shall accrue for the Employee at the rate of fifteen (15) working days per calendar year of employment, and shall accumulate from year to year, to be used as set forth herein and within the Employee Handbook. A certification from a licensed physician as proof of illness shall be required in any case wherein the time off exceeds three (3) consecutive working days. Unused sick leave shall have no cash value to the Employee and shall be surrendered without payment when his employment terminates.
3. Employee may carry over to future years any unused accrued sick leave being paid to Employee as outlined in the personnel manual of the Borough of Oceanport at the time of the ratification of this contract.
4. These sick days will be advanced to Employee effective the first of every year for his use during the year and will be pro-rated for the first year of employment.

## ARTICLE X

### INSURANCE BENEFITS

1. Employee, at this time, is not entitled to full health insurance benefits, prescription, dental, eyeglass and similar benefits in the same manner as provided to all other management employees. In addition, employee will not receive a payment for refusing to receive same or "Opting Out". This proscription against such entitlements shall expire one year and one day

from the inception date of this contract. Employee may "Opt In" to such entitlements, however, if and only if, Employee demonstrates that he is no longer able to obtain such benefits through his spouse's employer. Should it become necessary for Employee to receive such benefits and it is demonstrated that benefits are not available through employee's spouse's employer, Employee may "Opt In" and would be eligible for benefits to the extent set forth in the Borough's personnel manual.

#### ARTICLE XI

##### RETIREMENT BENEFITS

Employee shall be provided basic Pension coverage under the N.J. PERS, including Life Insurance which is included with the State pension plan.

#### ARTICLE XII

##### DURATION AND TERMINATION

**This agreement shall be in effect as of April 4, 2016 and runs through December 31, 2018.** In event the Employee desires to terminate this contract, he shall give the Borough sixty (60) days' notice. Employee recognizes that he is an at will employee of the Borough. In the event the Borough desires to terminate this contract without cause, the Borough shall notify the Employee in writing and the termination shall be immediate. The employee will receive the statutory three (3) month severance at the time of termination plus any additional severance set forth within the body of this contract based upon length of service. If the Employee is terminated for cause, no such payment shall be made.

#### ARTICLE XIII

##### SEVERABILITY AND SAVINGS CLAUSE

In the event that any provisions of this Agreement between the parties shall be held by operation of law or by Court or Administrative Agency of competent and final jurisdiction to be invalid or enforceable, the remainder of provisions of such agreement shall not be affected thereby but shall be continued in full force and effect.

ARTICLE XIV

ENTIRE AGREEMENT

It is expressly agreed that this written agreement embodies the entire agreement of the parties in relation to the subject matter, and that no understandings or agreements, verbal or otherwise, in relation thereto, exists between the parties except as herein expressly set forth.

ARTICLE XV

MODIFICATIONS

No change or modification of this contract shall be valid unless it shall be in writing, approved by the governing body and signed by all parties.

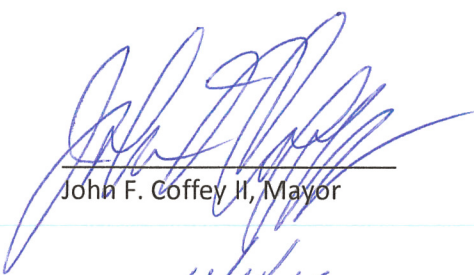
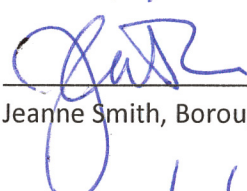
ARTICLE XVI

VALIDITY GOVERNED BY LAW OF NEW JERSEY

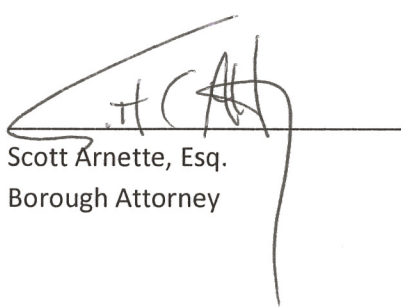
This agreement shall be subject to the provisions of the charter and revised municipal code of the Borough of Oceanport. Additionally, the validity of this contract shall be governed by the Laws of the State of New Jersey and any legal action arising out of this contract shall be commenced in the courts of the State of New Jersey. Furthermore, all parties to this agreement consent to the jurisdiction of the Superior Court of New Jersey, County of Monmouth.

IN WITNESS WHEREOF, the Employee hereby signs this Contract the day and year first above written, and the Borough of Oceanport has caused this agreement to be executed in its corporate name by the Mayor, attested by the Borough Clerk, approved by legal counsel (as to form only), and its corporate seal to be hereunto affixed the day and year first above written.

BOROUGH OF OCEANPORT

  
\_\_\_\_\_  
John F. Coffey II, MayorDATED: 4/4/16  
\_\_\_\_\_  
Jeanne Smith, Borough ClerkDATED: 4/4/16

Approved as to form:

  
\_\_\_\_\_  
Scott Arnette, Esq.  
Borough Attorney  
\_\_\_\_\_  
Raymond PoerioDATED: 4/4/2016

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING PAYMENT OF BILL LIST FOR MARCH 17, 2016**

**RESOLUTION #2016-068  
03-17-16**

**WHEREAS**, the Governing Body of the Borough of Oceanport has reviewed the vouchers submitted in support of the bill list dated March 17, 2016; and

**WHEREAS**, the Governing Body has determined that the bill list as prepared comports with the vouchers submitted by various vendors; and

**WHEREAS**, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of March 17, 2016.

**NOW THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Oceanport hereby authorizes payment of all bills on the bill lists dated March 17, 2016 subject to the Borough's Chief Financial Officer certifying there is sufficient funds for the payment of same.

**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

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-068 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #14-00003  
FOR BLOCK 7, LOT 2.01 KNOWN AS 26 TECUMSEH AVENUE**

**Resolution #2016-069  
03-17-16**

**WHEREAS**, at the Borough Tax Sale held on September 26, 2014, a lien was sold on Block 7 Lot 2.01, otherwise known as 26 Tecumseh Ave; and

**WHEREAS**, this lien, known as Tax Sale Certificate 14-00003 was sold to US Bank cust PC 4 Firsttrust Bank at an interest rate of 0% and a premium of \$1,000; and

**WHEREAS**, the mortgage company for the owner has redeemed certificate 14-00003 in the amount of \$ 1,819.46.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$1,819.46 payable to US Bank cust PC 4 Firsttrust Bank, 50 S 16<sup>th</sup> St Suite 2050, Philadelphia PA 19102-2513 for the redemption of Tax Sale Certificate 14-00003.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,000 (Premium) to the aforementioned lienholder.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-69 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00002  
FOR BLOCK 26, LOT 15 KNOWN AS 51 MOHICAN AVENUE**

**Resolution #2016-070  
03-17-16**

**WHEREAS**, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 26 Lot 15, otherwise known as 51 Mohican Ave; and

**WHEREAS**, this lien, known as Tax Sale Certificate 15-00002 was sold to US Bank cust for PC6 LLC Sterling at an interest rate of 0% and a premium of \$1,200; and

**WHEREAS**, the mortgage company for the owner has redeemed certificate 15-00002 in the amount of \$ 493.42.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$493.42 payable to to US Bank cust for PC6 LLC Sterling, Tax Lien Services Group, 50 S 16<sup>th</sup> St Suite 2050, Philadelphia PA 19102-2513 for the redemption of Tax Sale Certificate 15-00002.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,200 (Premium) to the aforementioned lienholder.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-70 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00008  
FOR BLOCK 58, LOT 7 KNOWN AS 42 COMANCHE DRIVE**

**Resolution #2016-071  
03-17-16**

**WHEREAS**, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 58 Lot 7, otherwise known as 42 Comanche Dr; and

**WHEREAS**, this lien, known as Tax Sale Certificate 15-00008 was sold to Tower as Cust for Ebury Fund 2 NJ LLC at an interest rate of 0% and a premium of \$1,300; and

**WHEREAS**, the mortgage company for the owner has redeemed certificate 15-00008 in the amount of \$ 514.16.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$514.16 payable to to Tower as Cust for Ebury Fund 2 NJ LLC, POBox 54908, New Orleans LA 70154 for the redemption of Tax Sale Certificate 15-00008.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,300 (Premium) to the aforementioned lienholder.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-071 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #15-00005  
FOR BLOCK 44, LOT 8 KNOWN AS 23 MONMOUTH BOULEVARD**

**Resolution #2016-072  
03-17-16**

**WHEREAS**, at the Borough Tax Sale held on November 16, 2015, a lien was sold on Block 44 Lot 8, otherwise known as 23 Monmouth Blvd; and

**WHEREAS**, this lien, known as Tax Sale Certificate 15-00005 was sold to Public Tax Investments LLC at an interest rate of 0% and a premium of \$1,300; and

**WHEREAS**, the mortgage company for the owner has redeemed certificate 15-00005 in the amount of \$ 511.51.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$511.51 payable to to Public Tax Investments LLC, POBox 1030, Brick NJ 08723 for the redemption of Tax Sale Certificate 15-00005.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,300 (Premium) to the aforementioned lienholder.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-072 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
APPROVING CERTIFIED LIST(S) FOR THE  
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) FOR CY 2015**

**Resolution #2016-073  
03-17-16**

**WHEREAS**, Ordinance #780 created a Length of Service Award Program (LOSAP) to reward the members of the Oceanport Volunteer Fire Department, the Oceanport Fire Police and the Oceanport Volunteer First Aid Squad for their loyal, diligent and devoted service to the residents of the Borough of Oceanport; and

**WHEREAS**, the program shall provide for funding of a fixed contribution annually by the Borough to a deferred income account for each volunteer member that meets the criteria set forth in Ordinance #780; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191, the Local Plan Administrator is in receipt of the certified LOSAP lists for 2015 from:

**Oceanport Port Au Peck Chemical Hose Co.**

**WHEREAS**, the Governing Body has reviewed the certified lists for accuracy as per N.J.A.C. 5:30-14.10 and approves the lists presented; and

**WHEREAS**, after Borough Council approval, the certified list will be posted for a period of 30 days for membership review at the office of the Borough Clerk and the squad facility; and

**WHEREAS**, following the 30-day period for filing an appeal, and subject to holding the payment of any members being appealed, payment shall be made by the Borough of Oceanport to the approved contractor for deposit in the LOSAP account in the deferred income program.

**NOW THEREFORE BE IT RESOLVED**, be it resolved by the Mayor and Council of the Borough of Oceanport that said certified lists are hereby approved and will be posted for thirty days in the Borough Hall and their respective houses.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-073 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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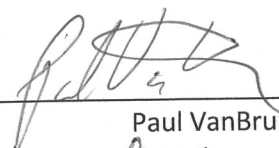
JEANNE SMITH, RMC  
BOROUGH CLERK

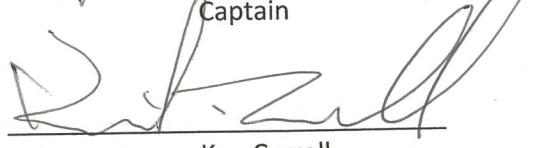
Port-au-Peck Chemical Hose Fire Company  
433 Myrtle Avenue  
Oceanport, NJ 07757  
732-229-9771

To: Oceanport LOSAP Coordinator  
From: Port-au-Peck Chemical Hose  
RE: LOSAP Eligibility for 2015

The following Port-au-Peck Chemical Hose Firefighters are eligible for the receipt of LOSAP for calendar year 2015:

1. Steve Briskey
2. Stu Briskey
3. Clarence Brocklebank
4. Matt Brown
5. Paul Brown
6. Dale Burd
7. John Carroll Jr
8. Ken Carroll
9. Bob D'Agostino
10. Al DeSantis
11. Fred Fillipone
12. James Gallo Jr
13. John Gallo
14. Richard Gallo
15. Richard Gallo III
16. Tom Gallo
17. William McNish
18. Bob Morley III
19. Wes Sherman
20. Paul Terwilliger
21. Paul VanBrunt

  
\_\_\_\_\_  
Paul VanBrunt  
Captain

  
\_\_\_\_\_  
Ken Carroll  
President







**RESOLUTION OF THE BOROUGH OF OCEANPORT  
ACCEPTING THE TAX COLLECTOR'S ANNUAL UNAUDITED REPORT**

**RESOLUTION #2016-074  
03-17-16**

**WHEREAS**, N.J.S.A. 54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Oceanport that the following Collector's Annual Report of Receipts for the Year Ending December 31, 2015, be hereby acknowledged and accepted as submitted.

**TAX COLLECTION OFFICE  
FOR THE YEAR ENDING DECEMBER 31, 2015**

|                                           |                        |
|-------------------------------------------|------------------------|
| Monmouth Alliance – In Lieu of Taxes      | \$3,566.00             |
| Oceanport Assoc – In Lieu of Taxes        | \$55,789.69            |
| Return Check Fee                          | \$40.00                |
| Interest                                  | \$61,845.60            |
| 2016 Taxes Prepaid                        | \$326,765.95           |
| 2015 Taxes                                | \$20,433,342.25        |
| 2014 Taxes                                | \$261,522.95           |
| Cost of Advertising                       | \$1,230.01             |
| Outside Liens Redeemed                    | \$324,652.15           |
| Premium Collected from Tax Sale           | \$34,300.00            |
| 6% Penalty                                | \$3,755.21             |
| Due to TRWRA                              | <u>\$5,797.15</u>      |
| <b>TOTAL FOR THE YEAR ENDING 12-31-15</b> | <b>\$21,512,606.96</b> |

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-074 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AWARDING A NON-FAIR AND OPEN CONTRACT BETWEEN MICHAEL RESCINIO, CPA  
AND THE BOROUGH OF OCEANPORT FOR BOROUGH SPECIAL ACCOUNTANT  
FOR THE APPEAL TO THE INTERNAL REVENUE SERVICES CONCERNING  
SOCIAL SECURITY EXCESS PAYMENTS**

**RESOLUTION #2016-075  
03-17-16**

**WHEREAS**, the Borough of Oceanport's special accountant made application to the Internal Revenue Service concerning the return of excess Social Security payments that were made for certain exempt employees which application was denied by the Internal Revenue Service (IRS); and

**WHEREAS**, it is in the best interests of the Borough to file an appeal of this determination as per the advice of the special accountant who was advising the Borough in this matter and has recommended the retention of Michael Rescinio, CPA, as Special Accountant for the purposes of the appeal, and

**WHEREAS**, the Borough of Oceanport has a need to retain Michael Rescinio, CPA for the purpose of representing the Borough of Oceanport for the appeal by means of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.B; and

**WHEREAS**, a letter of engagement has been received by Michael Rescinio, CPA, and he is willing to accept the appointment and file said appeal.

**WHEREAS**, the anticipated term of this contract is one (1) year as approved by this governing body; and

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

**WHEREAS**, the Borough having considered the matter, now wishes to award the contract for said services to Michael Rescinio, CPA.

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that:

1. The Mayor and the Borough Clerk are hereby authorized and directed to execute an agreement with **Michael Rescinio, CPA of Lawson, Rescinio, Schibell & Associates P.C., 1806 Route 35, Oakhurst, New Jersey 07755** to provide special accountant professional services to the Borough of Oceanport as Borough Special Accountant, in accordance with proposal dated March 8, 2016 for a maximum contract amount not to exceed \$10,000.00 for a term of one year.
2. Michael Rescinio, CPA is prohibited from making any contribution to a political or candidate committee during the term of this appointment.
3. That the Clerk shall publish a Notice of Award in an official newspaper of the Borough.
4. That the within Resolution shall be subject to the Borough CFO confirming that funds are available for the stated purpose.

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and Political Contribution Disclosure Form be placed on file with said contract.

**BE IT FURTHER RESOLVED** that a summary of the above shall be published in The Link News as required by law within 10 days of its passage.

| Motion:   | YES | Second: | NO  | ABSTAIN | ABSENT |
|-----------|-----|---------|-----|---------|--------|
| ROLL CALL |     |         |     |         |        |
| Briskey   | ( ) | ( )     | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( )     | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( )     | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( )     | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( )     | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( )     | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( )     | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-075 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**CERTIFICATION OF FUNDS**

As required by N.J.A.C. 5:34-5.1 et. seq., and any other applicable requirement, I, Catherine D. LaPorta, Chief Financial Officer of the Borough of Oceanport, have ascertained that there are sufficient uncommitted funds in the General Fund not to exceed \$10,000.00 for the above referenced professional services contract pending adoption of the CY2016 budget.

\_\_\_\_\_  
CATHERINE D. LAPORTA, CFO

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING CHANGE ORDER #1 FOR  
COMMUNITY CENTER ADA RESTROOM PROJECT**

**RESOLUTION#2016-076  
03-17-16**

**WHEREAS**, change orders are regulated by Local Finance Board Regulations (N.J.A.C. 5:30-14.4); and

**WHEREAS**, there is a need to amend the contract with All Phase Consulting Services Corp as stated in a transmittal from the Architect dated February 18, 2016; and

**WHEREAS**, the original contract of \$76,200.00 will be increased by \$746.76 to reflect adjustments for the removal and replacement of concrete sidewalk; and

**WHEREAS**, the Borough Council is satisfied that the requested change is necessary and that it will actually be carried out.

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

1. Change Order #1 to the contract between the Borough of Oceanport and All Phase Consulting Services Corp is hereby approved.
2. The Administrator or Borough Clerk are hereby authorized to sign the change order on behalf of the Borough.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-076 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING THE PURCHASING AGENT TO ADVERTISE  
REQUESTS FOR QUALIFICATIONS/PROPOSALS  
FOR HEALTH INSURANCE BROKER SERVICES**

**Resolution #2016-077  
03-17-16**

**WHEREAS**, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et. seq. commonly known as the "State Pay to Play" Law, enacted by the New Jersey State Legislature shall become effective; and

**WHEREAS**, pursuant to N.J.S.A. 19:44A-20. et.seq., a municipality may not award a contract with a value in excess of \$17,500 to a business entity that has made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under P.L. 1973, c.83 (C.19.44A-1 et seq.) to a municipal political party committee in that municipality if a member of that party is serving in an elective public office when such a contract is awarded or to any candidate committee of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et. seq.; and

**WHEREAS**, the Borough of Oceanport has need to engage health insurance broker services and desires to do so through a fair and open process.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey that RFQ/RFPs for competitive contracting for professional health insurance broker services is hereby authorized:

**BE IT FURTHER RESOLVED**, that the Purchasing Agent is directed to advertise for RFQ/RFPs in accordance with Borough Code Chapter 35-8 and pursuant to N.J.S.A. 19:44A-20.4, et.seq.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-077 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

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

**Resolution #2016-078  
03-17-16**

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

Maple Place Baseball & Softball  
Rumson AM softball  
Peninsula  
Spanish Soccer  
Oceanport Baseball & Softball  
Two Rivers Men's Softball

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

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council that field usage by the aforementioned groups is hereby approved on the dates, fields and times so indicated on the applications submitted.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-078 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE #14-00023  
FOR BLOCK 140, LOT 9.02 KNOWN AS 15 HEDGE DRIVE**

**Resolution #2016-079  
03-17-16**

**WHEREAS**, at the Borough Tax Sale held on September 26, 2014, a lien was sold on Block 140 Lot 9.02, otherwise known as 15 Hedge Dr; and

**WHEREAS**, this lien, known as Tax Sale Certificate 14-00023 was sold to US Bank cust for PC4 Firstrust Bank at an interest rate of 0% and a premium of \$1,200; and

**WHEREAS**, the mortgage company for the owner has redeemed certificate 15-00014 in the amount of \$ 8,515.98.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO be authorized to issue a check in the amount of \$2,094.53 payable to US Bank cust for PC4 Firstrust Bank, US Bank Global Corp Trust Serv, 50 S 16 St Suite 2050, Philadelphia PA 19102 for the redemption of Tax Sale Certificate 14-00023.

**BE IT FURTHER RESOLVED**, that the CFO be authorized to issue a check in the amount of \$1,200 (Premium) to the aforementioned lienholder.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-079 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION**

**RESOLUTION #2016-080  
03-17-16**

**WHEREAS**, an emergent condition has arisen wherein the appropriations set forth in the 2016 temporary budget are insufficient to meet the financial obligations as set forth below; and

**WHEREAS**, the permanent budget for the year 2016 has not yet been adopted; and

**WHEREAS**, the total emergency temporary appropriations adopted in the year 2016 pursuant to the provisions of N.J.S. A. 40A:4-20 included in this resolution total \$1,700,017.00.

**NOW, THEREFORE, BE IT RESOLVED**, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the aforementioned statute the 2016 temporary fiscal budget be and the same is hereby amended to provide for an emergency temporary appropriation in the amount of \$1,700,017.00, said appropriations are as follows:

| <b>APPROPRIATIONS</b>           | <b>SALARIES<br/>&amp; WAGES</b> | <b>OTHER<br/>EXPENSES</b> |
|---------------------------------|---------------------------------|---------------------------|
| Admin. & Executive              | \$ 45,000.00                    | \$ 20,000.00              |
| Financial Administration        | \$ 15,000.00                    | \$ 10,000.00              |
| Assessment of Taxes             | \$ 4,000.00                     | \$ 2,000.00               |
| Collection of Taxes             | \$ 10,000.00                    | \$ 500.00                 |
| Legal Services                  | \$                              | \$ 25,000.00              |
| Municipal Court                 | \$ 37,200.00                    | \$ 5,000.00               |
| Public Defender                 | \$                              | \$ 800.00                 |
| Prosecutor's Office             | \$ 3,000.00                     | \$ 0.00                   |
| Engineering Services            | \$                              | \$ 15,000.00              |
| Buildings & Grounds             | \$                              | \$ 10,000.00              |
| Planning Board                  | \$ 1,500.00                     | \$ 1,500.00               |
| Health Insurance                | \$                              | \$ 180,000.00             |
| Dental Insurance                | \$                              | \$ 10,000.00              |
| Liability Insurance             | \$                              | \$ 60,000.00              |
| Worker's Compensation Insurance | \$                              | \$ 49,000.00              |
| Fire                            | \$                              | \$ 12,500.00              |
| Fire Hydrant Services           | \$                              | \$ 16,000.00              |
| First Aid                       | \$                              | \$ 5,000.00               |
| Police Department               | \$ 240,000.00                   | \$ 30,000.00              |
| Emergency Management            | \$ 1,000.00                     | \$ 3,000.00               |
| OSHA/Pathogens                  | \$                              | \$ 125.00                 |
| Public Works                    | \$ 95,000.00                    | \$ 50,000.00              |
| Senior Citizens                 | \$                              | \$ 1,000.00               |
| Shade Tree                      | \$                              | \$ 1,000.00               |
| Planner Fees                    | \$                              | \$ 5,000.00               |
| Transp.of High School Students  | \$                              | \$ 3,200.00               |
| Street Lighting                 | \$                              | \$ 15,000.00              |
| Sanitation                      | \$                              | \$ 32,000.00              |
| Dumping Fees                    | \$                              | \$ 50,000.00              |
| Parks & Recreation              | \$ 3,100.00                     | \$ 4,000.00               |
| County Library                  | \$ 500.00                       | \$ 0.00                   |

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING AN EMERGENCY TEMPORARY APPROPRIATION**

**RESOLUTION #2016-080  
03-17-16**

| <b>APPROPRIATIONS</b>                 | <b>SALARIES<br/>&amp; WAGES</b> | <b>OTHER<br/>EXPENSES</b> |
|---------------------------------------|---------------------------------|---------------------------|
| Social Security System                | \$                              | \$ 20,000.00              |
| Construction Code Enforcement         | \$ 35,000.00                    | \$ 1,500.00               |
| Code Enforcement                      | \$ 1,500.00                     | \$ 200.00                 |
| Recycling                             | \$                              | \$ 6,500.00               |
| Board of Health                       | \$ 700.00                       | \$ 0.00                   |
| Environmental Commission              | \$                              | \$ 100.00                 |
| Electricity                           | \$                              | \$ 12,000.00              |
| Water/Sewer                           | \$                              | \$ 2,400.00               |
| Gasoline                              | \$                              | \$ 15,000.00              |
| Natural Gas                           | \$                              | \$ 5,000.00               |
| Interlocal Agreement; Dispatch Svcs.  | \$                              | \$ 110,000.00             |
| Telephone                             | \$                              | \$ 4,000.00               |
| Deferred Compensation Retirement Plan | \$                              | \$ 2,000.00               |
| Public Employees Retirement System    | \$                              | \$ 100,213.00             |
| Police & Fire Retirement System       | \$                              | \$ 217,879.00             |
| Celebration of Public Events          | \$                              | \$ 100.00                 |
| Waterwatch Committee                  | \$                              | \$ 1,000.00               |
| Superstorm Sandy                      | \$                              | \$ 33,000.00              |
| Debt Service; Bond Interest           | \$                              | \$ 60,000.00              |
|                                       | \$ 492,500.00                   | \$ 1,207,517.00           |

Motion:

Second:

I certify this to be a true copy of Resolution #2016-080 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

|           |     |     |         |        |
|-----------|-----|-----|---------|--------|
| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING INTERLOCAL SERVICE AGREEMENT FOR USE OF SPECIFIC EQUIPMENT  
WITH THE BOROUGH OF EATONTOWN**

**Resolution #2016-081  
03-17-16**

**WHEREAS**, the Oceanport Governing Body desires to enter into an Inter-local Services Agreement with the Borough of Eatontown for the use of a specific piece of equipment (also known as hot box) for the purposes of repairing potholes and other repairs using asphalt materials by the Borough of Oceanport; and

**WHEREAS**, the Borough of Eatontown will charge the Borough of Oceanport \$350.00 per day equipment is used as well as proof of insurance for its utilization.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Oceanport enter into an agreement with the Borough of Eatontown for the disposal of brush for a period effective the date of Agreement being signed to December 31, 2017.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized to sign an Inter-local Services Agreement between the Borough of Oceanport and the Borough of Eatontown for shared use said equipment.

Motion:

Second:

I certify this to be a true copy of Resolution #2016-081 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

\_\_\_\_\_  
JEANNE SMITH, RMC  
BOROUGH CLERK

## **SHARED SERVICES AGREEMENT**

### **AGREEMENT BETWEEN THE BOROUGH OF EATONTOWN AND THE BOROUGH OF OCEANPORT FOR THE SHARED USE OF SPECIFIC EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS**

**THIS AGREEMENT** made the 17<sup>th</sup> day of March 2016, by and between:

**THE BOROUGH OF EATONTOWN**, a municipal corporation of the State of New Jersey, (hereinafter referred to as "Provider"), and

**THE BOROUGH OF OCEANPORT**, a municipal corporation of the State of New Jersey, (hereinafter referred to as "Recipient"), and

The Provider and Recipient (hereinafter shall be referred to collectively as "the Parties").

### **RECITALS**

**WHEREAS**, the Parties hereto desire to enter into this Agreement in order to share the use of a specific piece of equipment for the purposes of repairing potholes and other repairs using asphalt materials; and

**WHEREAS**, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65A-1, et seq. authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote Shared Services agreements; and

**WHEREAS**, the Parties believe that sharing usage of the specific equipment will be beneficial to both the Provider and Recipient, their respective taxpayers and the environment; and

**NOW THEREFORE**, in consideration of the mutual promises and covenants herein contained, the Parties hereto agree as follows:

1. **Scope of services.** The Provider shall grant Recipient the use of the hot box equipment from the Eatontown DPW for use by the Oceanport DPW providing the Oceanport DPW individuals have been trained for the utilization of the equipment to the satisfaction of the Eatontown DPW Foreman. Arrangements shall be made through the Eatontown DPW for availability and priority shall be given to Eatontown for their purposes. The Borough of Oceanport shall provide proof of insurance for the utilization of the equipment.

2. **Fees.** The Recipient agrees to pay the Provider Three Hundred Fifty dollars (\$350.00) per day to the Provider.

The Recipient agrees to utilize their own materials and fuel and will return equipment to the Provider with at least as much material and fuel as when received.

3. **Duration.** This Agreement shall become effective as of the date it is signed through December 31, 2017, and shall automatically extend for a two (2) year period beginning on January 1, 2018 and terminating on December 31, 2020, unless terminated sooner pursuant to paragraph 4 below.

4. **Termination.** This Agreement may be terminated at any time upon mutual agreement of the Parties.

5. **Amendment.** This Agreement may be amended at any time by mutual agreement of the Provider and Recipient, provided that such amendment is reduced to writing, executed by the chief administrative official of each municipality or his/her designated representative, and specifies the date the provisions of such amendment shall be effective.

6. **Interpretation.** Any questions regarding proper interpretation of the terms of the Agreement shall be submitted by the Municipal Administrator of the Provider, to the Municipal Attorney of the Provider.

7. **Indemnification.** The Parties agree to hold each other, including officers, employees and agents harmless from any and all claims of whatever nature or type arising from the provision of the services conducted pursuant to this Agreement.

8. **Choice of Law.** Any dispute under this Agreement or related to this Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

9. **Entire Agreement.** This Agreement represents the entire agreement between the Parties and cannot be changed or modified orally. This Agreement may be supplemented, amended or revised only by a writing which is signed by all of the parties hereto.

10. **Severability.** If any part of this Agreement shall be held to be unenforceable, the rest of this Agreement shall nevertheless remain in full force and effect.

11. **Enactment Procedures:** The Parties hereby acknowledge that prior to execution of this Agreement, the respective municipal bodies shall authorize the same through and by the procedures and standards for adoption of ordinances and/or resolutions set forth more fully under the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40A:65A-1.

**IN WITNESSETH WHEREOF**, the Parties hereto have executed this Agreement, the day and year first above written.

Attest:

**Borough of Eatontown**

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Julie Martin, RMC  
Borough Clerk

---

Dennis J. Connelly  
Mayor

Attest:

**Borough of Oceanport**

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Jeanne Smith  
Borough Clerk

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John F. Coffey, II  
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
AUTHORIZING THE MONMOUTH COUNTY MOSQUITO COMMISSION TO CONDUCT  
AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF OCEANPORT**

**Resolution #2016-082**

**03-17-16**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et. seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated "congested area", the County is required, pursuant to Federal Aviation Administration Regulations (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Borough of Oceanport is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed serial dispensing operations.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- 1.** The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquito constituting either a nuisance, a health hazard, or both with the understanding that:
  - a.** The County shall utilize pesticides, application equipment and aircraft that are approved by the applicable Federal (USEPA) and State (NJDEP) agencies; and
  - b.** Such operations will be performed in compliance with applicable Federal and State regulations, and
  - c.** The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operation.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-082 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
INTRODUCING THE MUNICIPAL BUDGET FOR THE YEAR 2016**

**Resolution #2016-083  
03-17-2016**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the municipal budget for the year 2016.

**BE IT FURTHER RESOLVED** that a summary of said budget be published in The Link News in the issue of March 24, 2016, and that a public hearing on the Budget will be held on April 21, 2016 at 7:00pm in the Maple Place School, 2 Maple Place, Oceanport, New Jersey.

**BE IT FURTHER RESOLVED**, that the governing body does hereby approve the following as the Budget for the Year 2016.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-083 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

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

**Resolution #2016-084  
03-17-16**

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

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

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

**Personnel Matters – N.J.S.A. 10:4-12(b)(8)**  
Borough Administrator Position

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

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-084 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT  
TO INCLUDE ADDITIONAL LINES OF COVERAGE WITH  
CENTRAL JERSEY HEALTH INSURANCE FUND**

**Resolution #2016-085  
03-17-16**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the CENTRAL JERSEY HEALTH INSURANCE FUND, hereafter referred to as "the FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

**WHEREAS**, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint health insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such the FUND;

**WHEREAS**, the governing body of Oceanport is a member of the FUND for its dental coverage.

**WHEREAS**, hereinafter referred to as "LOCAL UNIT" has determined that membership of its medical and prescription coverage in the FUND is in the best interest of the LOCAL UNIT.

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Continue membership in the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
  - a.) Medical Coverage, Prescription Coverage and/or Dental Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Motion:

Second:

| ROLL CALL | YES | NO  | ABSTAIN | ABSENT |
|-----------|-----|-----|---------|--------|
| Briskey   | ( ) | ( ) | ( )     | ( )    |
| Cooper    | ( ) | ( ) | ( )     | ( )    |
| Gallo     | ( ) | ( ) | ( )     | ( )    |
| Irace     | ( ) | ( ) | ( )     | ( )    |
| Kahle     | ( ) | ( ) | ( )     | ( )    |
| Patti     | ( ) | ( ) | ( )     | ( )    |
| Coffey    | ( ) | ( ) | ( )     | ( )    |

I certify this to be a true copy of Resolution #2016-085 approved by the Oceanport Borough Council at the Regular Meeting held March 17, 2016

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JEANNE SMITH, RMC  
BOROUGH CLERK