



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • MARCH 3, 2022

Workshop

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Meeting Called to Order

II. Statement of Compliance with Open Public Meetings Act:

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

III. Flag Salute

IV. Roll Call

V. Bill List Resolution

1. Resolution authorizing payment of BILL LIST

VI. Administrator's Report

VII. Clerk's Report

1. Request from Comcast to Waive Road Opening Moratorium on Blackberry Drive
2. Request from Pulte Construction for Waiver of Noise Ordinance for development at Somerset/Lodging Parcel

Regular Meeting Items

3. Resolution authorizing Tax Sale Redemption #21-00007
4. Resolution authorizing Tax Sale Redemption #21-00008
5. Resolution authorizing letter to NJDOT for Monmouth Park heliport
6. Resolution authorizing aerial mosquito control operations 2022
7. Resolution authorizing option for 1-year extension of solid waste & recycling contract
8. Approval of Fire Membership Application, Sandoz, Ryan A.
9. Minutes of Feb. 3, 2022 7:00 PM
10. Regular Meeting Minutes, February 17, 2022

VIII. Discussion Items

1. Resolution adopting additional cyber security best practices for JIF compliance
2. Resolution urging the Legislature to restore Energy Tax Receipts
3. Ordinance for Electrical Vehicles
4. Neptune Township Request to Join Them in Opposing Extension of Governor's Executive Powers
Resolution opposing extension of Governor's Executive Orders beyond Public Health Emergency
5. Old Wharf House Improvements Update
6. Check Valve Replacement Project
7. Proposed Shared Service with Monmouth Beach for Fire Bureau Vehicle
8. Police Promotion Protocols

IX. Mayor's Report

1. Statement of OEM Appointments

Mayor Coffey states for the record that the following are currently serving in the **OFFICE OF EMERGENCY MANAGEMENT**:

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

2. Comcast Franchise Renewal Ordinance

X. Petitions from the Public**XI. Adjournment**

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING PAYMENT OF BILL LIST
FOR MAY 20, 2021**

Bill List Resolution

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of March 3, 2022.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated May 20, 2021 totaling \$890110.21.

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

List of Bills - (All Funds)

5.1.a

Vendor	Description	Payment	Check Total
Current Fund			
1009 - ADP, INC	PO 10485 PAYROLL SERVICES - PERIOD ENDING 01/06/	602.60	602.60
1767 - ADT SECURITY CORPORATION	PO 10416 FIRE MONITORING - 02/01-26/22	62.50	62.50
1658 - AMAZON CAPITAL SERVICES, INC	PO 10437 Computer equipment upgrades	34.99	34.99
1023 - ATLANTIC PRINTING&GRAPHICS LLC	PO 10493 2021 OCEANPORT NEWSLETTER - BULLETIN -	1,295.00	1,295.00
1029 - BEATRIZ C CRANEY	PO 10364 INTERPRETING - 01/24/22 (3)	410.00	410.00
1516 - CANON FINANCIAL SERVICES, INC	PO 10366 01/01-31/22 - PD COPIER SERVICE	57.00	57.00
1920 - CENTER FOR GOVT SERVICES	PO 10183 Continuing Education	226.00	226.00
1047 - CENTRAL JERSEY HEALTH INSURANC	PO 10512 HEALTH/DENTAL INSURANCE - FEB 2022	70,884.00	70,884.00
1807 - COLLIERS ENGINEERING & DESIGN	PO 10500 GENERAL ENGINEERING - JAN 22	5,400.00	5,400.00
1084 - DYNAMIC TESTING SERVICE LLC	PO 10405 TESTING - 01/13/22	160.00	160.00
1927 - EXTRA SPACE STORAGE	PO 10474 BLANKET - Records Storage Feb. - April	142.00	142.00
1124 - GEORGE WALL	PO 10382 Service to Unit 3	97.75	97.75
1889 - GREAT AMERICA FINANCIAL SERVICES	PO 10492 FEB 2022 - MONTHLY RENTAL	159.00	159.00
1136 - GROFF TRACTOR MID ATLANTIC	PO 10361 PINS FOR TINK	182.00	182.00
1649 - INTRON TECHNOLOGY, LLC	PO 9939 New computer part for Chiefs computer	90.00	
	PO 10464 IT MANAGED SERVICES; FEB 2022	3,529.25	
	PO 10510 MANAGED PHONE SERVICE - FEB 22	1,106.66	4,725.91
1153 - JERSEY CENTRAL POWER & LIGHT	PO 10417 12/31-01/31/22 - 200-000-957-015	305.30	
	PO 10418 01/04-02/01/22 - 200-000-956-009	546.80	852.10
1480 - JOHN GUIRE SUPPLY	PO 10322 TRK 120 WARRENTED TANK REPLACEMENT	639.63	639.63
1159 - JOSEPH FAZZIO - WALL LLC	PO 10430 DPW SUPPLIES	1,504.49	
	PO 10441 PLATES FOR LARGE PLOW SYSYM	944.80	2,449.29
1499 - KEVIN E KENNEDY, ESQ	PO 10479 PB - 2022 MEETINGS	500.00	500.00
1182 - LAURA McCRAE	PO 10511 BULLETIN - FEB/MAR 22	425.00	425.00
1814 - LEAF	PO 10499 COPIERS - MARCH 2022	223.01	223.01
1724 - LogMEIN USA, inc.	PO 10451 Go-To-Webinar Services 2/21-3/20/22	199.00	199.00
1216 - MONMOUTH COUNTY CLERK	PO 10407 Document Recording	28.00	28.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 9832 HEAVY TRUCK REPAIRS	1,871.79	
	PO 10335 DPW- GASOLINE - DEC 2021	2,983.90	
	PO 10336 FA GASOLINE- DEC 2021	174.07	
	PO 10337 OEM GASOLINE - DEC 2021	65.70	
	PO 10338 FD GASOLINE - DEC 2021	363.75	
	PO 10339 GASOLINE DEC 2021 PD	2,000.09	7,459.30
1538 - MONMOUTH COUNTY TREASURER	PO 10398 BULK PICK UP -DECEMBER	999.98	999.98
1245 - NJ AMERICAN WATER CO	PO 10452 BLACKBERRY BAY - 01/12-02/10/22	52.37	
	PO 10453 OLD WHARF #2- 01/12-02/10/22	20.94	
	PO 10454 LIBRARY - 01/12-02/10/22	57.49	
	PO 10455 CHARLES PARK - 01/12-02/10/22	20.94	
	PO 10456 OLD WHARF- 01/12-02/10/22	52.37	
	PO 10457 PORT AU PECK FIRE HOUSE - 01/12-02/10/22	182.16	
	PO 10458 OLD WHARF #1 - 01/12-02/10/22	167.54	
	PO 10459 MUNICIPAL COMPLEX #1 -01/12-02/10/22	189.48	743.29
1245 - NJ AMERICAN WATER CO	PO 10460 MUNICIPAL COMPLEX #2 - 01/12-02/09/22	182.16	
	PO 10461 FIRE - 01/12-02/10/22	185.70	367.86
1280 - POLICE/FIREMEN RETIREMENT SYS	PO 10472 2022 PFRS PAYMENT	519,118.00	519,118.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 10424 CLEANING SERVICE - JAN 22	2,450.00	2,450.00
1288 - PUBLIC EMPLOYEES RETIREMENT	PO 10471 2022 PERS PAYMENT	119,136.00	119,136.00
1879 - RESERVE ACCOUNT - POSTAGE METER	PO 10426 POSTAGE REFILL	1,000.00	1,000.00
1406 - SAFE-T	PO 9510 FIRE BUREAU EQUIPMENT	799.70	799.70
1314 - SEABOARD FIRE & SAFETY	PO 10235 FIRE EXTINGUISHER MAINTENANCE - PORT AU	127.00	127.00
1315 - SEABOARD WELDING SUPPLY, INC.	PO 10365 DPW SUPPLIES	180.08	
	PO 10374 DWP OXYGEN - JAN 2022	20.75	200.83
1318 - SEMCORE RENTAL CENTER II	PO 10373 CLEAR OUT SEWER LINE AT COMMUNITY CENTER	50.00	50.00
1320 - SHORE BUSINESS SOLUTIONS,INC	PO 10399 Maintenance Agreement	295.00	295.00
1326 - SIPS PAINT & HARDWARE	PO 10377 B&G SUPPLIES	29.67	29.67
1842 - STEVEN BRISKEY	PO 10467 TOLLS FOR GARBAGE TRUCK REPAIR	36.75	36.75
1346 - THE ARNETTE LAW FIRM LLC	PO 10494 BOROUGH ATTORNEY - JAN 22	2,867.50	2,867.50
1348 - THE HOME DEPOT	PO 10443 COMMUNITY CENTER/LIB REPAIRS	97.37	
	PO 10475 SUPPLIES - SPREADERS	149.94	247.31
1580 - THE TWO RIVER TIMES	PO 10359 LEGAL NOTICES - Meetings	31.62	31.62

List of Bills - (All Funds)

5.1.a

Vendor	Description	Payment	Check Total
1362 - TREASURER: STATE OF NJ	PO 10490 VEHICLE REGISTRATION	178.00	178.00
1369 - TRIUS, INC	PO 9759 PLOW PARTS FOR REPLACEMENT OF WORN EQUIPM	360.00	
	PO 10362 SANDER MOTOR REPAIR PARTS	78.78	438.78
1387 - VERIZON	PO 10419 LIBRARY PHONE - 02/07-03/06/22	259.32	
	PO 10420 OLD WHARF HOUSE FIRE MONITORING - 02/08-	88.77	
	PO 10497 02/12-03/11/22 - 910 OCEANPORT WAY FIRE	107.45	
	PO 10498 02/13-03/12/22 - 910 OCEANPORT WAY INTER	139.00	594.54
1558 - Verizon Wireless	PO 10411 FIRE 02/02-03/01/22	114.03	114.03
1388 - VERIZON WIRELESS	PO 10412 FIRE BUREAU - 02/02-03/01/22	28.25	28.25
1559 - Verizon Wireless	PO 10415 UCC/CLER WIRELESS 02/02-03/01/22	24.22	24.22
1389 - VERIZON WIRELESS (OEM)	PO 10414 OEM WIRELESS - 02/02-02/01/22	38.01	38.01
1392 - W.B. MASON CO, INC	PO 10427 DPW SUPPLIES	325.47	
	PO 10434 POLICE SUPPLIES	253.88	
	PO 10436 OFFICE SUPPLIES	284.46	863.81
1397 - WITMER PUBLIC SAFETY GROUP INC	PO 9890 FIRE BUREAU EQUIPMENT	508.75	508.75
Capital Fund			
1807 - COLLIERS ENGINEERING & DESIGN	PO 10507 ENGINEERING 2021 ROAD PROGRAM	4,492.50	
	PO 10509 2020 ROAD PROGRAM	4,220.00	8,712.50
OPEN SPACE TRUST			
1807 - COLLIERS ENGINEERING & DESIGN	PO 10508 COMMUNITY CENTER IMPROVEMENTS	567.50	567.50
1617 - UNITED SITE SERVICES	PO 10334 MARIA GATTA PARK - 01/19-02/15/22	311.20	311.20
1388 - VERIZON WIRELESS	PO 10413 BBB SECURITY MONITORING - 02/02-03/01/22	38.01	38.01
UCC Trust			
1930 - BETH CAMERON	PO 10486 FEE REFUND	449.00	449.00
1814 - LEAF	PO 10499 COPIERS - MARCH 2022	223.00	223.00
1926 - NJAFM	PO 10332 2022 TRAINING	350.00	
	PO 10333 2022 MEMBERSHIP	40.00	390.00
1925 - OMEGA PRODUCTS CORP	PO 10449 REPLACEMENT SHELVES	86.67	86.67
1559 - Verizon Wireless	PO 10415 UCC/CLER WIRELESS 02/02-03/01/22	148.08	148.08
OTHER TRUST			
1681 - ROBIN KELLY	PO 10261 CENTENNIAL CELEBRATION REIMBURSEMENT	695.00	695.00
DEVELOPERS ESCROW TRUST			
1807 - COLLIERS ENGINEERING & DESIGN	PO 10495 PB Engineering - MARTELLI	1,155.00	
	PO 10496 PB Engineering - MARTELLI	892.50	
	PO 10501 CO INSPECTION - CATALOG #7764520001	125.00	
	PO 10502 CO INSPECTION - CATALOG #7764520001	125.00	2,297.50
1579 - ENGenuity Infrastructure, LLC	PO 10409 PB Engineering - Oport Partners LLC - PH	270.00	270.00
1499 - KEVIN E KENNEDY, ESQ	PO 10480 PB Legal - Oport Partners LLC - Phase II	1,275.00	
	PO 10481 PB Legal - Barker's Circle	180.00	
	PO 10491 PB Legal - Villapiano	420.00	1,875.00
1580 - THE TWO RIVER TIMES	PO 10425 Legal Notice - Villapiano	7.75	7.75
TOTAL			764,574.19

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	748,502.98
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	1,778.60			
01-201-20-120-200	MUNICIPAL CLERK OE	5,986.00			
01-201-20-145-200	COLLECTION OF TAXES OE	5.74			
01-201-20-155-200	LEGAL SERVICES OE	2,867.50			
01-201-20-165-200	BOROUGH ENGINEER OE	5,400.00			
01-201-21-180-200	PLANNING BOARD OE	528.00			
01-201-23-210-202	HEALTH	66,725.00			
01-201-23-210-203	DENTAL	4,159.00			

Packet Pg. 5

5.1.a

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-25-240-200	POLICE OE	351.63			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	38.01			
01-201-25-265-200	FIRE DEPARTMENT OE	114.03			
01-201-25-265-400	FIRE BUREAU OE	28.25			
01-201-26-300-200	STREETS & ROADS OTHER EXPENSES	178.00			
01-201-26-300-271	REPAIRS	2,381.96			
01-201-26-300-273	SUPPLIES	1,510.04			
01-201-26-310-200	PUBLIC BUILDINGS & GROUNDS OE	2,629.61			
01-201-26-310-252	REPAIRS & EQUIPMENT	336.87			
01-201-31-430-201	ELECTRICITY	114.86			
01-201-31-430-203	TELEPHONE/INTERNET	1,725.42			
01-201-31-430-204	WATER/SEWER	921.67			
01-201-31-430-207	STREET LIGHTING	190.44			
01-201-31-465-200	SANITATION DUMPING FEES	999.98			
01-201-36-471-200	P.E.R.S. OE	119,136.00			
01-201-36-475-200	P & F RETIREMENT SYSTEM OE	519,118.00			
01-201-43-490-200	MUNICIPAL COURT OE	410.00			
01-201-46-870-200	COVID 19	199.00			
01-203-20-130-200	(2021) FINANCIAL ADMINISTRATION OE		602.60		
01-203-25-240-200	(2021) POLICE OE		181.99		
01-203-25-240-300	(2021) POLICE EQUIPMENT		1,308.45		
01-203-26-300-200	(2021) STREETS & ROADS OTHER EXPENSES		20.75		
01-203-26-300-271	(2021) REPAIRS		2,231.79		
01-203-31-430-204	(2021) WATER/SEWER		189.48		
01-203-31-430-207	(2021) STREET LIGHTING		546.80		
01-203-31-430-208	(2021) GASOLINE & OIL		5,587.51		
TOTALS FOR	Current Fund	737,833.61	10,669.37	0.00	748,502.98
04-101-01-100-011	CAPITAL CASH - TD			0.00	8,712.50
04-215-55-990-A00	2020 ROAD PROGRAM - ORD #1026			4,220.00	
04-215-55-992-A00	2021 ROAD PROGRAM - ORD #1038			4,492.50	
TOTALS FOR	Capital Fund	0.00	0.00	8,712.50	8,712.50
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	916.71
06-270-00-500-020	RESERVE FOR OPEN SPACE			916.71	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	916.71	916.71
18-101-01-100-101	CASH UCC TRUST			0.00	1,296.75
18-270-55-600	RESERVE FOR UCC TRUST			1,296.75	
TOTALS FOR	UCC Trust	0.00	0.00	1,296.75	1,296.75
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	695.00
60-270-55-600-136	RES FOR CENTENNIAL CELEBRATION			695.00	
TOTALS FOR	OTHER TRUST	0.00	0.00	695.00	695.00
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	4,450.25
61-270-55-600-205	RES.FOR DEV.ESCROW			4,450.25	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	4,450.25	4,450.25

Total to be paid from Fund 01 Current Fund	748,502.98
Total to be paid from Fund 04 Capital Fund	8,712.50
Total to be paid from Fund 06 OPEN SPACE TRUST	916.71
Total to be paid from Fund 18 UCC Trust	1,296.75
Total to be paid from Fund 60 OTHER TRUST	695.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	4,450.25

764,574.19

Packet Pg. 6

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
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5.1.b

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

From 02/01/2022 to 02/28/2022 With a Line Amount > 10000.00

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
2/24/2022	10472			01-201-36-475-201	POLICE & FIREMEN'S RETIREMENT SYSTEM POLICE/FIREMEN RETIREMENT SYS	519,118.00	519,118.00	01-101-01-000-011
2/24/2022	10471			01-201-36-471-202	PUBLIC EMPLOYEE'S RETIREMENT SYSTEM PUBLIC EMPLOYEES RETIREMENT	119,136.00	119,136.00	01-101-01-000-011
2/24/2022	10512			01-201-23-210-202 01-201-23-210-203	HEALTH DENTAL CENTRAL JERSEY HEALTH INSURANC	66,725.00 4,159.00	70,884.00	01-101-01-000-011

FEBRUARY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
01-101-01-000-011	CASH OPERATING				709,138.00
01-201-23-210-202	HEALTH		66,725.00		
01-201-23-210-203	DENTAL		4,159.00		
01-201-36-471-202	PERS		119,136.00		
01-201-36-475-201	P & F RETIREMENT SYSTEM		519,118.00		
FEBRUARY TOTALS (FOR RANGE):			709,138.00		709,138.00

SUMMARY BY ACCOUNT FOR RANGE:

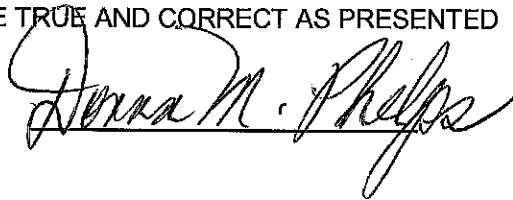
ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				709,138.00
01-201-23-210-202	HEALTH		66,725.00		
01-201-23-210-203	DENTAL		4,159.00		
01-201-36-471-202	PERS		119,136.00		
01-201-36-475-201	P & F RETIREMENT SYSTEM		519,118.00		
TOTALS (FOR RANGE):			709,138.00		709,138.00

**BOROUGH OF OCEANPORT
BILL LIST**

3-Mar-22

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$123,591.02 PR #4
EXTRA SPACE STORAGE	
MONMOUTH COUNTY TREASURER - PILOT PAYMENT	\$1,300.00
US BANK OPERATIONS - DEBT SERVICE	\$645.00
CAPITAL TRUST TOTAL	\$8,712.50
DOG REGISTRY TOTAL	
OPEN SPACE TRUST TOTAL	\$916.71
SUI	
UCC TRUST	\$1,296.75
TRUST OTHER TOTAL	\$695.00
ESCROW TRUST TOTAL	\$4,450.25
NON BUDGETARY	
2021 VOUCHERS PAID THIS MEETING	\$10,669.37
2022 VOUCHERS PAID THIS MEETING	\$737,833.61
TOTAL	\$890,110.21

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



From: [Tim Morris](#)
To: [Jeanne Smith](#)
Cc: [Willy Pac](#)
Subject: [External] Road opening Blackberry Bay Drive
Date: Thursday, February 24, 2022 9:23:33 AM

Good morning Jeanne,

As requested below please find the information required.

We, Telecable, are a subcontractor for Comcast. The Comcast coaxial distribution cable in front of #5 Blackberry Bay Drive failed due to a crack that was repaired by a Comcast Technician. This repair is temporary however because due to the high water table here water is getting into the cable and the cable will eventually fail. With so many people working from home now and homeowners also using the cable service for phones etc. Comcast is trying to avoid this from happening. Normally we would work in the grass area of the utility right of way and bore under the driveway but the gas service to # 5 runs underneath the driveway and would have to be exposed to cross safely. The homeowner informed us that the driveway was just installed at a cost of \$100,000 and does not want it disturbed.

The work entailed is as follows:

- 1.) Insure all other utilities are marked out,
- 2.) Saw cut asphalt from the right side of #5 to the left side of #5,
- 3.) Dig to a depth of 24" placing spoils on tarps
- 4.) Install new cable in conduit,
- 5.) Return spoils into trench, mechanical tamping every 4",
- 6.) Install 2" asphalt top coat,
- 7.) No holes will be left open and there will be total same day restoration.

Comcast investigated other alternatives and informed us that this is the way we need to proceed.

If you have any other questions please feel free to contact us.

--

Tim Morris
Telecable
908-531-4339

From: [Tom Ruggeri](#)
To: [Jeanne Smith](#)
Subject: [External] Formal Time waiver request
Date: Friday, February 25, 2022 12:24:25 PM

Good Morning Jeanne,

I am writing to you to formally request a 7am start time at the Pulte Parkers Creek project site. See below for some of the reasons that it will not only help the project move safer and more seamlessly.

- It will improve the logistics of crews being on site and not interfering with the local residents in the community as they start to commute to work.
- Production will increase on a daily basis netting a shorter duration of overall construction disturbance.
- Typical material delivery vendors work 7am to 5pm so if we aren't requesting first deliveries then most building products won't be guaranteed until afternoon causing an unpredictable daily schedule for crews.

If you should have any questions or concerns please feel free to contact me.

Thank you,



Tom Ruggeri

Land Development Manger – Northeast Corridor Division

Cell (973) 229-1651 : : Fax (908) 766-5282

Truggeri@Pulte.com

150 Allen Rd, Ste. 303
Basking Ridge, NJ 07920

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**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REDEMPTION OF TAX
SALE CERTIFICATE #21-00007 FOR BLOCK 117 LOT 27.141 KNOWN AS 67 HORSESHOE CT**

Resolution

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 117 Lot 27.141 otherwise known as 67 Horseshoe Court; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00007 was sold to US Bank Cust/PC8Firsttrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed certificate 21-00007 in the amount of \$956.07.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$956.07 payable to US Bank Cust/PC8Firsttrust Bank, 50 South 16th St. Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate 21-00007.

**RESOLUTION OF THE BOROUGH OF OCEANPORT AUTHORIZING REDEMPTION OF TAX
SALE CERTIFICATE #21-00008 FOR BLOCK 126 LOT 6 KNOWN AS 24 FAIRFIELD AVE**

Resolution

WHEREAS, at the Borough Tax Sale held on October 1, 2021, a lien was sold on Block 126 Lot 6 otherwise known as 24 Fairfield Ave; and

WHEREAS, this lien, known as Tax Sale Certificate 21-00008 was sold to US Bank Cust/PC8Firsttrust Bank at an interest rate of 18%; and

WHEREAS, the owner has redeemed certificate 21-00008 in the amount of \$827.24.

NOW, THEREFORE, BE IT RESOLVED that the CFO be authorized to issue a check in the amount of \$827.24 payable to US Bank Cust/PC8Firsttrust Bank, 50 South 16th St. Suite 2050, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate 21-00008.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE EXECUTION OF THE 2022 ANNUAL LETTER TO THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION, DIVISION OF AVIATION, FOR THE ENDORSEMENT
OF THE MONMOUTH PARK HELIPORT LOCATION SUBJECT TO CERTAIN CONDITIONS**

Resolution

WHEREAS, the New Jersey Department of Transportation, Division of Aviation, has oversight of the Monmouth Park Racetrack heliport located in the parking lot on the southwest corner of the intersection of Port Au Peck Avenue and Oceanport Avenue; and

WHEREAS, Monmouth Park Racetrack is required to obtain an annual license granting authorization for use of the heliport; and

WHEREAS, the heliport site was selected and made subject to various conditions by then Commissioner Haley in a letter dated July 31, 1998 which are as follows:

1. Operation is restricted to the hours between official sunrise and sunset. Operations are to be conducted under VFR conditions.
2. Adequate policing shall be furnished to keep the public at a safe distance from the landing area.
3. No more than 10 flights will be utilized at this location on an annual basis. If the traffic increases beyond 10 flights per year, the endorsement will be withdrawn, and the Borough will seek the appropriate relief.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport that the Borough Administrator is hereby authorized to provide endorsement of the continued use of the heliport site subject to the conditions stipulated and agreed to by representatives of Monmouth Park Racetrack.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE MONMOUTH COUNTY MOSQUITO COMMISSION TO CONDUCT AERIAL
MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF OCEANPORT FOR CY2022**

Resolution

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 of Monmouth; 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.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING OPTION FOR FIRST (1)-YEAR EXTENSION OF THE SOLID WASTE
CONTRACT & RECYCLING COLLECTION CONTRACT WITH SUBURBAN DISPOSAL**

Resolution

WHEREAS, sealed public bids for the collection and disposal of solid waste and recycling were received by the Borough of Oceanport in 2020 which resulted in a contract by and between the Borough of Oceanport and Suburban Disposal, dated June 1, 2020; and

WHEREAS, the said bid solicitation was for a two-year contract with the option to exercise three additional one (1) year extensions at least 60 days prior to each anniversary starting with June 1, 2022, June 1, 2023 and June 1, 2024; and

WHEREAS, the Borough Council does not believe that there is any current benefit to be derived from re-bidding the collection of solid waste contract and the collection of recycles contract in accordance with applicable state regulation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Oceanport that the Borough of Oceanport does hereby exercise its right under Section 5.1 of the aforementioned Contracts stipulating that the Governing Body has 60 days to notify Contractor of intent to exercise its option to extend the Contracts for the First (1) year extension commencing June 1, 2022 through May 31, 2023, the third (3rd year of said contract for the amount of \$314,000.00 (solid waste) and \$82,000 (recycling) pursuant to Resolution #2020-122 certifying same.

BE IT FURTHER RESOLVED, that the Borough Clerk shall provide a certified copy of this Resolution to Suburban Disposal notifying of the Borough's decision.

BOROUGH OF OCEANPORT



Michael P. Kelly
Chief of Police

Michael S. Chenoweth
Captain

POLICE DEPARTMENT

P.O. BOX 370, OCEANPORT, NEW JERSEY 07757

732.222.6300

Main

732.222.6301 ext 1015

Records

732.222.0945

Fax

Thursday, February 10, 2022

To: Francis Lippolis, Oceanport Fire Chief
Donna Phelps, Oceanport Borough Administrator

Reference: Ryan A. Sandoz, Fire Department Applicant

Please be advised that the record check of the above applicant for membership in a volunteer organization is complete. Our investigation has led to the following finding:

 X

The applicant is suitable for membership.

 The applicant is **NOT** suitable for membership.

If there are any further questions regarding this applicant, please contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Kelly", written over a horizontal line.

Michael P. Kelly
Chief of Police

Cc: file copy

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

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

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

- V. **GUEST: FMERA Staff Monthly Update:** Mayor Coffey gave a brief update on the status of remaining parcels in Oceanport section of Fort Monmouth redevelopment including the expected closing date for the sale of Allison Hall parcel in early March; the Lodging parcel closed a couple months ago and they have begun to demolish the buildings not going to be utilized, Barker's Circle which will be converted to 75 condo units for sale, 15 of which will be for affordable housing; currently published "mega-parcel" RFOTF for all parcels remaining unsold and the Nurse's Quarters. The bridge at Oceanport Ave and Main Street was closed a couple of days, put in a Jersey barrier and limited the weight and will be doing work in April with traffic being re-routed through the fort area.
- VI. **Administrators Report:** Ms. Phelps sought guidance on whether to go back out to bid on the solid waste and recycling contracts or take the option to extend the contract for 1 year. There was discussion after which it was decided that based on the current expenses it was best to continue with the current contract and act on a resolution at the next meeting extending both contracts. Ms. Phelps next reported on meetings with the Recreation Coordinator concerning this year's action camp and the logistics to be worked out including relocating to Blackberry Bay Park while Community Center park is under construction, and establishing a code of conduct for workers and background checks for regulation compliance. Ms. Phelps reported that she is working with DPW Superintendent setting up policies and procedures, office files, training, maintenance records that need to be put together and advised that this department is need of an administrative assistant. Borough Engineer Bill White has begun the process of putting together the bid documents for the 10 title check valves to be installed using the American Recovery Act funding, the CFO has confirmed that funding is still encumbered for the work; she requested input on selection of 10 locations before the next meeting.
- VII. **Consent Agenda:**
- #2022-46 1. Resolution authorizing payment of BILL LIST 02-17-2022
- #2022-47 2. Resolution authorizing a contract with Shore BOE for Student Transportation 2021-2022
- #2022-49 3. Resolution authorizing an Agreement with MCSPCA for Animal Control Services 2022

- #2022-50 4. Resolution accepting grant and amended terms for the 2021 MC Open Space Grant Program
- #2022-51 5. Resolution authorizing renewed agreement 2022-2023 with Sea Bright for Court Facilities
- #2022-52 6. Resolution awarding contract to Sodon Electric for 2022 electrician services
- #2022-53 7. Resolution appointing Acacia Financial Group as Financial Advisor for 2022
- #2022-54 8. Resolution amending appointments for Special Projects Engineers
- #2022-55 9. Resolution appointing CGP&H for Affordable Housing Adm Agent Services
- #2022-56 10. Resolution accepting the Tax Collector's Annual Report for 2021
- #2022-57 11. Resolution approving Special Event Permit for NJCU Vendorpalooza
12. Receipt of 2021 Annual Report - Fire Prevention Bureau
13. Approval of Fire Membership Application, Cigalia, Michael, Jr.

Mayor Coffey stated there were 14 items on the Consent Agenda. Ms. Smith requested that #3 be taken separately to discuss an amendment. Councilman O'Brien made a motion to approve the remaining 13 items which was seconded by Councilman Gallo.

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

VIII. Minutes:

1. Mayor & Council - Regular Meeting - Jan 20, 2022 7:00 PM

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

IX. Resolutions:

- #2022-48 Resolution approving Special Event permit for Girl Scouts.

Ms. Smith advised the Council that due to a supply chain delay, the Girl Scouts had requested to move the requested dates to March 12-13 and March 19-20th. Councilman Keeshen made a motion to approve the amendment to the resolution which was seconded by Councilman Tvrdik and unanimously approved by Council. Councilman Keeshen then made a motion to approve the Resolution as amended which was seconded by Councilman Tvrdik.

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

- #2022-58 Resolution authorizing Change Order #1 to Intron Technology Contract

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

#2022-59 Resolution authorizing Change Order #1 to Main Street Phase II & Oceanport Ave Contract

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

#2022-60 Resolution for Reduction in Guarantees for FM Partners LLC (Fort Athletic Club)

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

#2022-61 Resolution authorizing the public sale of a plenary retail consumption license

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

#2022-62 Resolution Setting the Fees for 2022 Summer Action Camp

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

#2022-64 Resolution approving certified LOSAP lists for 2021 – Ms. Smith advised that the First Aid List had not been submitted and requested a motion to amend the resolution and a motion to adopt it as amended.

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

X. First Reading Ordinances:

#1048 Introduction of An Ordinance to Increase Fees for Liquor Licenses

Councilman Tvrdek called for the introduction of "AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AMENDING CHAPTER 115 OF THE CODE OF THE BOROUGH OF OCEANPORT, ENTITLED "ALCOHOLIC BEVERAGES" FOR THE INCREASE IN FEES FOR LIQUOR LICENSES" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdek moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of March 17, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 3/17/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Deerin, Walker	

#1049 Introduction of Amendment to Chapter 64 "Vehicles and Traffic"

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 64 "VEHICLES AND TRAFFIC" PROHIBITING PARKING ON THE UNIMPROVED EASTERN TERMINUS OF WERAH PLACE**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of March 17, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien.

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 3/17/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Deerin, Walker	

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

Councilman Tvrdik called for the introduction of "**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 204-17, "DEVELOPMENT APPLICATION FEE SCHEDULE" MORE SPECIFICALLY THE FEE CHARGED FOR INFORMAL APPLICATIONS**" and then asked the Clerk to read the proposed ordinance by title only, after which Councilman Tvrdik moved to approve the Ordinance upon first reading and to hold the PUBLIC HEARING on the proposed ordinance at the Council meeting of March 17, 2022 and to advertise same in accordance with the law, which was seconded by Councilman O'Brien

RESULT:	APPROVED OF FIRST READING [UNANIMOUS]	Next: 3/17/2022 7:00 PM
MOVER:	Thomas Tvrdik, Councilman	
SECONDER:	Michael O'Brien, Councilman	
AYES:	Gallo, Keeshen, O'Brien, Tvrdik	
ABSENT:	Deerin, Walker	

XI. Committee Reports:

1. Councilman Deerin, Parks & Recreation - Absent
2. Councilman Gallo, Public Works & Engineering – Councilman Gallo thanked Public Works under the direction of Superintendent Steve Briskey for the great job on the last snow storm; as well as the ice this past weekend; training classes are being taken advantage of.
3. Councilman Keeshen, Public Safety – Urged residents to keep their vehicles and homes locked; First Aid and Fire are in the process of yearly updates and annual training and continue to respond to calls.
4. Councilman O'Brien, Finance & Administration – They are in the midst of the budget process with more to come over the next couple of months.
5. Councilman Tvrdik, Planning & Development – Reported on items including Planning Board's approval for Barker's Circle redevelopment, residential units will no longer be rentals but for-sale; first meeting of the Planning Board's Development Review Committee for the Informal Application for RPM Development regarding the Nurse's Quarters; coordinating communication between East Gate and Pulte Homes for the construction of the lodging parcel units and traffic flow patterns and demolition removals.
6. Councilwoman Walker, Health & Human Services – Unable to attend being away on business but provided report through Mayor Coffey including attendance of the Eagle Scout Aidan Weiss ceremony; library will now be open 2 days per week and thanked the Administrator and DPW for the assistance with COVID related requirements imposed by the County; met with library staff to discuss the need for installation of new sewage pipe and removal of old oil tank both initiatives are underway; both Water Watch and

Environmental Commission met for the first time this year – she was unable to attend due to a funeral out of town but great to see them back up and running; the next wave of referendum related to construction projects underway for conversion of the Wolf Hill cafeteria to classrooms, new Board offices, installation of new fire alarms and sprinklers, nurse's office, main office, staff bathrooms, new STEM lab and more; as of March 7th masks will be optional for all students; and the school district is seeking substitute teachers – apply on the district website.

- XII. Mayor Coffey's Report:** Mayor Coffey advised that the Fort Athletic Club would be repainting the water tower and asked Council if they were supportive of placing the name Oceanport on the tower with no objections.
- XIII. Petitions from the public:** Mayor Coffey opened the meeting to petitions from the public.

Cub Scout Thomas George McDermott, asked questions of the Mayor and Council including age requirement to be a councilman, what are their terms, and is there a limit to their terms. He also asked if Action Camp would be returning this summer and was told yes.

Tom Cox, 18 Hunters Run, requested that the Council address concerns related to the Blackberry Bay Pavilion and safety concerns due to lack of lighting and possible solutions. Ms. Phelps advised that she had visited the site with DPW and they are looking into the lighting. There was additional discussion on a solution to stop persons from walking out the door don't walk straight out and down over the retaining wall. Ms. Phelps will continue to look into solutions including a railing or sign or landscaping such as boxwoods. Councilman Tvrdik requested that DPW also address the tripping issue near the men's bathroom.

Barbara Scerbo, Senior Citizens Club Representative, 3 Whitehall Circle, appeared on behalf of the Seniors and advised that they would be appearing before them every month. They are very upset that the library is only open 1 day a week. There was discussion concerning the library hours, the amount of funding paid to the County for the library resources. She also asked what was the financial decision that involved not cleaning the library additional times so that the County would open the library additional days. The Borough evaluated the cost of additional cleaning days with DPW being able to do the work. Ms. Phelps advised though that they needed to replace the sewage pipe so they were limiting the open days to 2 until the pipe was repaired to minimize the demand on the old pipe. She asked why the opportunity was missed to have a library in the new building. Mayor Coffey explained the decisions of the previous Council back in 2019 that the library could stay where it was in order to keep the municipal complex budget of \$11 million and not go above it.

Ms. Scerbo also discussed the perception by the seniors that they have been forgotten and that nobody cares about what happens. She revisited the history of the senior center, the Borough's conversion of it for offices and that 10 years later they still do not have their building back. The Blackberry Bay Pavilion does not work for them because the handicap ramp is troublesome. There is a card playing group that has moved several places and the last place is at the Port Au Peck firehouse but heating recently went out and its too cold. There is one player who is extremely handicapped and is too difficult to get into the Pavilion. Discussion towards the clean up at the Old Wharf House so they could get their building back – the project went out to bid but came back much higher than expected - \$240,000 to redo bathrooms, flooring, paint, ceiling tiles, front door when budgeted was \$50,000 and there was only 1 bid. Ms. Phelps advised that steps being taken to get some of the work to be done including relocating files to storage unit, DPW can replace ceiling tiles, paint walls. It was discussed whether to go back out to bid, what items could be done by DPW. The process is started.

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

- XIV. Adjournment:** As there was no further business, the meeting was adjourned at 7:54 PM on a motion by Councilman Deerin, seconded by Councilman Gallo and approved by Council.

Respectfully submitted,

Jeanne Smith
BOROUGH CLERK

**RESOLUTION OF THE BOROUGH OF OCEANPORT
ADOPTING TECHNOLOGY RISK MANAGEMENT STANDARDS IN COMPLIANCE WITH THE
NEW JERSEY MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND'S CYBER RISK
MANAGEMENT PLAN'S TIER ONE, TWO AND THREE REQUIREMENTS**

Resolution

WHEREAS, the Borough of Oceanport is a member of the Monmouth Joint Insurance Fund which secures insurance protection through the New Jersey Municipal Excess Liability Joint Insurance Fund (NJ MEL); and

WHEREAS, through its membership in the Monmouth Joint Insurance Fund, the Borough of Oceanport has cyber liability insurance coverage to protect the Borough from the potential devastating costs associated with a cyber related claim; and

WHEREAS, in an attempt to prevent as many cyber related claims as possible, the NJ MEL developed and released to its members the NJ MEL Cyber Risk Management Plan; and

WHEREAS, the NJ MEL Cyber Risk Management Plan outlines a set of best practices and standards broken out into Tier 1, Tier 2, and Tier 3 standards that if adopted and followed will reduce many of the risks associated with the use of technology by the Borough of Oceanport; and

WHEREAS, the Borough of Oceanport adopted an Information Technology Policy and Cyber Incident Response Plan and received approval from the MEL JIF for compliance with Tier 1 and Tier 2 standards; and

WHEREAS, the MEL JIF has updated its requirements for Tier 1, 2 and 3 compliance and the Borough in response has implemented changes to address and comply with the latest Tier 1, 2 and 3 standards which will enable Borough of Oceanport to claim a reimbursement of a paid insurance deductible in the event the member files a claim against the Borough of Oceanport's cyber insurance policy,

NOW THEREFORE BE IT RESOLVED, that the Borough of Oceanport does hereby adopt the following additional best practices and standards in accordance with Tier 2 and 3 of the NJ MEL Cyber Risk Management Plan:

Network Segmentation
Remote Access/Multifactor Authentication for VPN
Password Integrity
System & Event Logging
3rd Party Risk Management

BE IT FURTHER RESOLVED, that a copy of this resolution along with all required checklists and correspondence be provided to the NJ MEL Underwriter for their consideration and approval.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH , STATE OF NEW JERSEY
URGING THE SWIFT PASSAGE OF S-330 WHICH RESTORES ENERGY TAX RECEIPTS**

Resolution

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Oceanport in the County of Monmouth urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

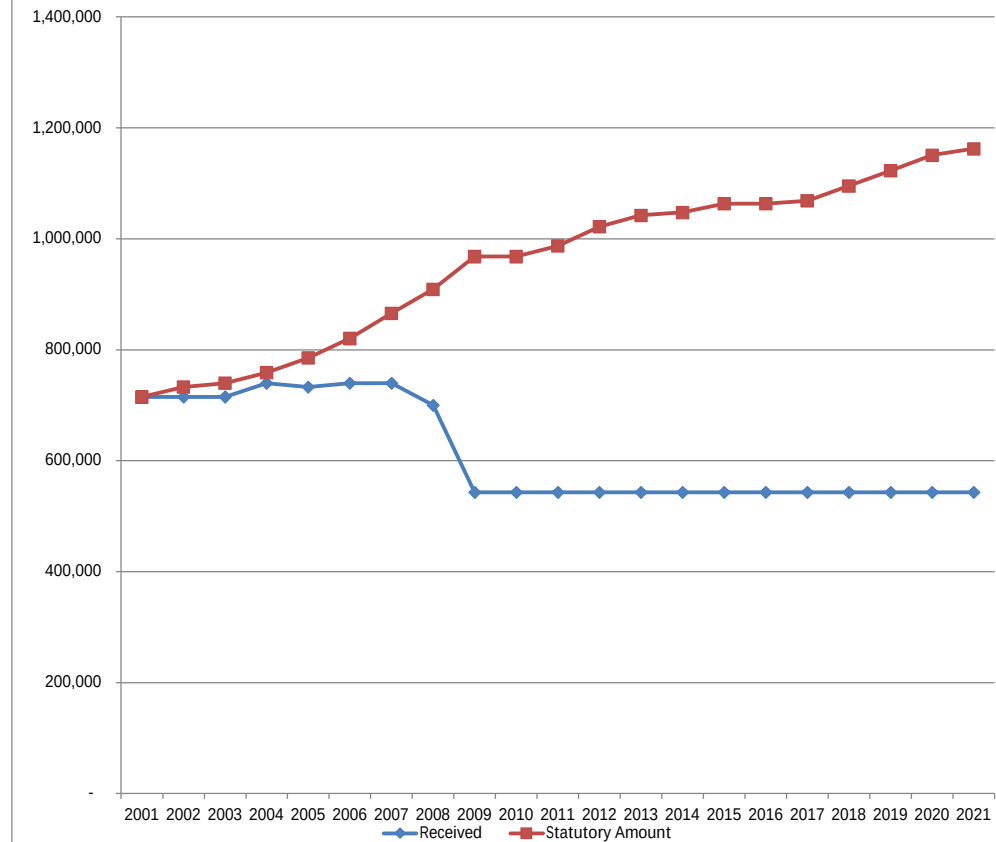
BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Declan O'Scanlon, Assemblywoman Vicky Flynn, Assemblyman Gerry Scharfenberger, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the NJ League of Municipalities.

State Aid Impact Calculation - Individual Municipality

Year	Actual Amount Received	Implicit Price Deflator	State Aid Formula	Excess/ (Deficit)
2001	715,016		715,016	-
2002	715,016	2.50%	732,891	(17,875)
2003	715,016	1.00%	740,220	(25,204)
2004	739,623	2.50%	758,726	(19,103)
2005	732,623	3.50%	785,281	(52,658)
2006	739,623	4.50%	820,619	(80,996)
2007	739,623	5.50%	865,753	(126,130)
2008	699,896	5.00%	909,041	(209,145)
2009	542,848	6.50%	968,128	(425,280)
2010	542,848	0.00%	968,128	(425,280)
2011	542,848	2.00%	987,491	(444,643)
2012	542,848	3.50%	1,022,053	(479,205)
2013	542,848	2.00%	1,042,494	(499,646)
2014	542,848	0.50%	1,047,706	(504,858)
2015	542,848	1.50%	1,063,422	(520,574)
2016	542,848	0.00%	1,063,422	(520,574)
2017	542,848	0.50%	1,068,739	(525,891)
2018	542,848	2.50%	1,095,458	(552,610)
2019	542,848	2.50%	1,122,844	(579,996)
2020	542,848	2.50%	1,150,915	(608,067)
2021	542,848	1.00%	1,162,424	(619,576)
<u>12,853,460</u>			<u>20,090,772</u>	<u>(7,237,312)</u>

Enter ETR and CMPTRA amounts received in cells c7 thru c23.
The rest of the sheet is calculated for you.

Calculation of State Energy Tax Obligation



ORDINANCE

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

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES

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

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

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

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

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

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

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

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

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

FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT

A. Purpose

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

1. Provide adequate and convenient EVSE and Make-Ready parking spaces to serve the needs of the traveling public.

2. Provide opportunities for residents to have safe and efficient personal EVSE located at or near their place of residence.
3. Provide the opportunity for non-residential uses to supply EVSE to their customers and employees.
4. Create standard criteria to encourage and promote safe, efficient, and cost-effective electric vehicle charging opportunities in all zones and settings for convenience of service to those that use electric vehicles.

B. Definitions

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

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

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

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

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

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

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

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

C. Approvals and Permits

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

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer and Borough Engineer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of the Borough of Oceanport's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
 - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
 - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
 - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.
6. An application pursuant to Section 5. above shall be deemed complete if:
 - a. the application, including the permit fee and all necessary documentation, is determined to be complete,
 - b. a notice of incompleteness is not provided within 20 days after the filing of the application, or
 - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

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

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

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:

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

E. Minimum Parking Requirements

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

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

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

{Note: Municipalities may deviate from the reasonable standards set forth in Section F to address installation, sightline, and setback requirements or other health- and safety-related specifications for EVSE and Make-Ready

parking spaces. Nothing in this section of the ordinance shall be deemed to authorize a municipality to require site plan review by a municipal agency solely for the installation of EVSE or Make-Ready parking spaces.

1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
2. Installation:
 - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
 - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
 - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
 - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
3. EVSE Parking:
 - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE. ***{Note: The use of time limits is optional and shall be determined by the owner.}***
 - b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
 - c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE shall be is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of the Borough's Code. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.

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

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

- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.
4. Safety
 - a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
 - b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with the Borough of Oceanport's ordinances and regulations.
 - c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.

- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, the Borough of Oceanport shall require the owners/designee of publicly-accessible EVSE to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

5. Signs

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

6. Usage Fees

- a. For publicly-accessible municipal EVSE **{Optional}**: In addition to any parking fees, the fee to use parking spaces within the municipality identified as EVSE spaces shall be _____ for each hour that the electric vehicle is connected to the EVSE **{or per kWh}**.
- b. This fee may be amended by a resolution adopted by the governing body.
- c. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

SECOND: SEVERABILITY

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

THIRD: REPEAL OF PRIOR ORDINANCES

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

FOURTH: EFFECTIVE DATE

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

APPROVED ON FIRST READING

DATED:

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: March 3, 2022

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
OPPOSING THE EXTENSION OF EXECUTIVE ORDERS BY GOVERNOR MURPHY BEYOND
THE PUBLIC HEALTH EMERGENCY**

Resolution

WHEREAS, on March 9, 2020, Governor Murphy declared a Public Health Emergency relating to the COVID-19 pandemic; and

WHEREAS, the Governor's temporary emergency powers at the outset served the purpose of handling the COVID-19 pandemic at the time when the virus was new to the residents of New Jersey; and

WHEREAS, Governor Murphy renewed this Public Health Emergency every 30 days thereafter until June of 2021; and

WHEREAS, on June 4, 2021, Governor Murphy signed Legislation and an Executive Order ending the Public Health Emergency; and

WHEREAS, at that time, the New Jersey Legislature granted Governor Murphy the authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022; and

WHEREAS, the Legislature allowed Governor Murphy to request an extension of these powers for up to 90 days after January 11, 2022; and

WHEREAS, Governor Murphy made a request to the New Jersey Legislature for the 90-day extension of these emergency power; and

WHEREAS, the New Jersey Legislature refused to extend these emergency powers; and

WHEREAS, Governor Murphy ignored the Legislature's refusal to extend his remaining emergency powers and announced on January 12, 2022, that he was reinstating a statewide Public Health Emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances afforded to New Jersey residents by virtue of the New Jersey Constitution; and

WHEREAS, since January 12, 2022, the New Jersey Legislature has failed to overrule or contest this declaration of emergency power, despite New Jersey's high vaccination rate; and

WHEREAS, after almost two years since Governor Murphy's Public Health Emergency Declaration, local governments, businesses and the public at large have adjusted to the pandemic and have learned how to take appropriate actions to protect themselves and constituents against COVID-19; and

WHEREAS, Governor Murphy promised on January 12, 2022, in declaring a new State of Emergency, that he would not impose any new universal mandates; and

WHEREAS, just days later, Governor Murphy imposed a universal vaccine mandate for health care workers and correctional officers, in contradiction to his promise; and

WHEREAS, Governor Murphy imposed no mandate on inmates in the same facilities; and

WHEREAS, Governor Murphy also imposed the requirement for discipline of employees up to and including termination for failing to comply with his mandates, regardless of personal preference; and

WHEREAS, health decisions are best managed locally, and county and local governments should have the ability to select options which are best suited for the local conditions faced by each jurisdiction, after considering all of the relevant factors; and

WHEREAS, the residents of the Borough of Oceanport and Monmouth County deserve a system of checks and balances as guaranteed by both the United states and New Jersey Constitutions; and

WHEREAS, to date, Governor Murphy has issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, the Mayor and Council of the Borough of Oceanport agrees with the Board of County Commissioners of the County of Monmouth that it is well past time to return to the regular order of government in the State of New Jersey.

NOW, THERERFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Oceanport be and hereby opposes Governor Murphy's declaration of a new Public Health Emergency and his recent imposition of a vaccine mandate for health care workers and correctional officers.

BE IT FURTHER RESOLVED that the Mayor and Council strongly urges the Legislature to act fo1ihwith to repeal the Public Health Emergency and to restore the constitutional balance of power guaranteed by the United States and New Jersey Constitution.

BE IT FURTHER RESOLVED that the Municipal Clerk of the Borough shall forward a certified true copy of this resolution to the Governor of the State of New Jersey; Lieutenant Governor of the State of New Jersey; the New Jersey State Legislature; the members of the Monmouth County Legislative Delegation; New Jersey League of Municipalities; all County Boards of County Commissioners and the Mayor and Council of all towns within the County of Monmouth.